



GARY E. JOHNSON  
GOVERNOR

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**

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PETER MAGGIORE  
SECRETARY



**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

February 20, 2002

Major General Green  
Commander - USAADACENFB  
Attn: ATZC-CG  
Fort Bliss, TX 79916-6816

**SUBJECT: NOTICE OF DEFICIENCY**  
**U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS**  
**EPA ID No. NM4213720101-01**  
**[FB-00-004]**

Dear General Green:

Based on our review of your January 25, 2002 response to our letter of January 14, 2002 and of conversations between our respective staff, the New Mexico Environment Department (NMED) issues this Notice of Deficiency (NOD) to provide Fort Bliss with additional information and discussion on the Notice of Intent (NOI) issue. As previously discussed, NMED is requiring Fort Bliss to submit NOIs for all wastewater treatment lagoons in New Mexico. NMED will not approve Fort Bliss's No Further Action Petition (NFA) of September 14, 2000 until this action has been completed. NMED's letter of January 14, 2002 served as a formal call-in for Fort Bliss to submit NOIs for all wastewater treatment lagoons. Further delay in the submission of the required NOIs could result in enforcement action by NMED against Fort Bliss.

Fort Bliss has interpreted our January 14, 2002 letter as providing grounds for Fort Bliss to remain out of compliance with Section 20.6.2.1201 NMAC (Notice Of Intent To Discharge) by not submitting the required NOIs and yet still obtain NFAs for the other four SWMUs. This interpretation is incorrect. The two options specified in our January 14, 2002 letter were those that were available to Fort Bliss only after the submittal of the required NOIs.

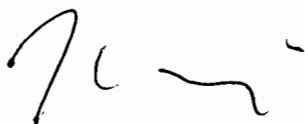
Major General Green  
February 20, 2002  
Page 2

Fort Bliss has also raised two other issues related to the NOI call-in: (1) that this is a "Waters of the United States" issue; and (2) that Fort Bliss might be being treated differently from other federal facilities in New Mexico. In answer to the first issue, we note that we have directly cited Water Quality Control Commission Regulations (WQCC - 20.6.2.1201 NMAC) that specify the requirements for water contaminant discharges that might affect ground water rather than any surface water regulations. NMED is requiring Fort Bliss to submit the NOIs because wastewater treatment lagoons potentially could affect ground water. Surface water is not involved in this issue. To respond to the second issue, we have attached a list of federal facilities that have submitted NOIs and/or obtained discharge permits. Please note that every DoD installation in New Mexico, with the exception of Fort Bliss, has either submitted a NOI or obtained a discharge permit. Further, we note that Fort Bliss has regularly submitted NOIs for temporary discharges related to the Roving Sands annual field exercises.

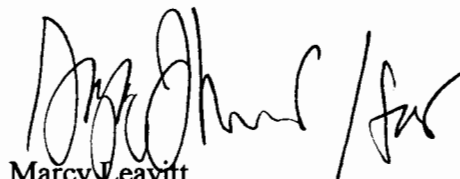
We hope that this letter adequately explains NMED's position with respect to our formal call-in of NOIs for all wastewater treatment lagoons at Fort Bliss. We must also point out the regulatory consequences of Fort Bliss failing to comply with WQCC Regulations. The Federal Facility Compliance Act of 1992 (42 U.S.C. 6961) and Executive Order 12088 require all federal facilities to comply with federal, state, interstate, and local regulations. Fort Bliss is hereby required, pursuant to the above cited authorities and pursuant to the WQCC Regulations, to provide NMED with the NOIs for all wastewater treatment lagoons located on Fort Bliss within thirty (30) calendar days of your receipt of this letter. Failure to satisfactorily address this NOD will result in the issuance of a formal Notice of Violation. Continued non-compliance may be grounds for additional enforcement actions. Because of Fort Bliss' lack of compliance with WQCC regulations, NMED will formally reject your NFA petition of September 14, 2000 if we have not received the required NOIs by the end of the thirty day period. Fort Bliss will then be required to resubmit the NFA petition after the NOIs have been processed.

Please respond in writing within ten (10) business days of your receipt of this letter whether Fort Bliss will comply with NMED's requirements or chooses to remain out of compliance with federal and state statutes and regulations. Please feel free to contact Mr. Glenn von Gonten (505-428-2551) and/or Ms. Maura Hanning (505-827-2945) if you have any questions.

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau



Marcy Leavitt  
Chief  
Ground Water Quality Bureau

Major General Green  
February 20, 2002  
Page 3

ATTACHMENT (1)

JPB/ML:gvg

[FB-00-004]

cc: Keith Landreth, Fort Bliss  
David Dodge, Fort Bliss  
T.A. Ladd, WSMR  
Laurie King, EPA Region 6  
Maura Hanning, NMED-GWQB  
David Cobrain, NMED-HWB  
John Kieling, NMED-HWB  
Glenn von Gonten, NMED-HWB  
Reading File, FB Red File, ~~REDACTED FILE~~

**ATTACHMENT 1**

<b>Facility</b>	<b>Permit No.</b>	<b>Unit</b>
Fort Wingate	Liquid Waste Permit	Imhoff Tank/Lagoons
WSMR	DP-297	HELSTEF WWTP Evaporative Lagoons
WSMR	DP-386	Evaporative Lagoon
WSMR	DP-492	HELSTEF Septic Tank/Leachfield
WSMR	DP-527	Temperature Testing Facility, Evaporative Lagoon
WSMR	DP-596	Building 21547, Septic Tank/Leachfield
WSMR	DP-598	Building 21574, Septic Tank/Leachfield
WSMR	DP-434	Septic Tank/Leachfield
WSMR	DP-976	Main Post WWTP
WSMR	DP-594	DATTS-East Package WWTP/Lagoon
WSMR	Pending	Stallion Range Desal./Sewage Lagoons
Holloman AFB	DP-499	NRTF(RATSCAT), Package WWTP
Holloman AFB	DP-997 (Pending)	T-38 Test Cell, Remediation System
Holloman AFB	DP-1127	Holloman AFB WWTP
Holloman AFB	DP-56	Effluent Irrigation Plan
Cannon AFB	DP-837	SBR-WWTP with Land Application
Kirtland AFB	DP-497	Lagoon/Land Application
Kirtland AFB	DP-654	Domestic Waste
Kirtland AFB	DP-1121	Kirtland AFB Golf Course, Septic Tank/Leachfield

## ATTACHMENT 1

Page 2

Facility	Permit No.	Unit
LANL	DP-1132 Pending	TA-50, RLWTF-WWTP
LANL	DP-857	TA-46, Domestic WWTP
LANL	DP-1052	Sludge Land Application Site
WIPP	DP-831	Evaporative Lagoon
NASA-WSTF	DP-697	300 Area, Cooling Tower Blowdown
NASA-WSTF	DP-392	Sewage Overflow Lagoon
NASA-WSTF	DP-584	STGT Sewage Lagoon
NASA-WSTF	DP-1170	400 Area Cooling Tower Blowdown
NASA-WSTF	DP-1255	Remediation System/Injection Well