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ENTERED

October 10, 2006

Mr. David Cobrain
State of New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East
Building One
Santa Fe, New Mexico 87505-6303

Reference: Work Assignment No. 06280.150; State of New Mexico Environment Department, Santa Fe, New Mexico; Risk Assessment for Other Facilities; Review of Response to Comments and Change Pages on the Closure Certification Report, McGregor Range Open Detonation (OD) Unit Fort Bliss Otero County, New Mexico, Task 2 Deliverable.

Dear Mr. Cobrain:

Attached please find a draft deliverable for the above-referenced work assignment. The deliverable addresses the review of the response to comments and change pages on the "Closure Certification Report, McGregor Range Open Detonation (OD) Unit Fort Bliss Otero County," New Mexico and dated December 2005.

The attached deliverable addresses both response to comments and the incorporation of the responses into the provided changed pages. The modifications that were incorporated into the changed pages are summarized in the email from Pat McKernan to Ms. Diaz, dated September 26, 2006.

The second part of the deliverable addresses additional comments that were outlined in the NMED letter to Keith Landreth and dated August 16, 2006.

This deliverable was emailed to you on October 10, 2006 at David.Cobrain@state.nm.us to Ms. Tammy Diaz-Martinez at Tammy.Diaz@state.nm.us. A formalized hard (paper) copy of this letter deliverable will be sent via mail. If you have any questions, please call me at (303) 763-7188 or Ms. Paige Walton at (801) 451-2978.

Sincerely,

Paige Walton

June K. Dreith
Program Manager

Enclosure
cc: Tammy Diaz-Martinez, NMED
Ms. Paige Walton, TechLaw
Dallas/TechLaw Files

TASK 2 DELIVERABLE

REVIEW OF THE RESPONSE TO COMMENTS AND CHANGE PAGES ON THE CLOSURE CERTIFICATION REPORT MCGREGOR RANGE OPEN DETONATION (OD) UNIT, FORT BLISS, NEW MEXICO

Risk Assessment of Other Facilities

Submitted by:

TechLaw, Inc.
3920 W. 98th Place
Westminster, CO 80030

Submitted to:

Mr. David Cobrain
State of New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East
Building One
Santa Fe, New Mexico 87505

In response to:

Work Assignment No. 06280.150

October 10, 2006

REVIEW OF THE RESPONSE TO COMMENTS AND CHANGE PAGES ON THE CLOSURE CERTIFICATION REPORT MCGREGOR RANGE OPEN DETONATION (OD) UNIT, FORT BLISS, NEW MEXICO

Part 1: Evaluation of Changed Pages.

The following addresses the changed pages provided by Fort Bliss and follows the bulleted outline in the email from Pat McKernan to Ms. Diaz, dated September 26, 2006

1. A certification statement signed by Keith Landreth was not provided in the materials sent to TechLaw.
2. A certification page, signed by a New Mexico Professional Engineer was provided.
3. A revised list of Tables was provided (page iv).
4. Page 4-1 of the report was revised to delete language about using background values for cleanup standards. This change is consistent with Permit Attachment F (dated June 14, 2006), which indicates that the latest New Mexico Residential Soil Screening Levels (SSLs) will be used as the closure standards.
5. Pages 5-1 through 5-3 have been revised to incorporate the results from the risk/hazard screen. This allows for a better understanding of the conclusions of the risk evaluation and site remediation.
6. Pages 6-1 and 6-2 have been modified to add a reference for dioxins/furans. This is in response to the previous report not providing the reference that was used for the toxicity equivalency factors (TEFs). It should be noted that more recently published TEFs (1997) are available. As outlined in our comments (deliverable dated March 16, 2006), the use of the 1997 TEFs over the 1989 TEFs does not result in a significant impact on risks nor the conclusions of the report. Therefore, a request to revise the TEF calculations to be based on the 1997 data was not requested. The changed pages incorporate the 1989 reference.

Part 2: Evaluation of the Response to Comment in the NMED Letter to Keith Landreth, dated August 16, 2006.

As noted in the original Specific Comment No. 1, it was requested that a table, clearly showing what site data were used to compare to the New Mexico soil screening levels (SSLs) and the corresponding risk/hazard levels, be included in the report. In addition, cumulative risk and hazard were requested to be included in this table. A revised table including this information has been provided (see change page 5-3). The only constituent of concern driving the risk is arsenic. The hazard index is below the target level of one (1.0). When the maximum detected post-remediation datum for arsenic is applied, the risk estimate is 1.63E-05. This is slightly above the New Mexico target risk level of 1E-05. However, if the 95% upper confidence level of the mean (UCL) is applied for arsenic, the risk level drops to 9.38E-06, which is below the target risk level.

There is still an outstanding issue concerning the above analysis using the 95% UCL for determination of risk. As noted in the discussion of Comment Nos. 5 through 7, the calculation of the 95% UCL was not conducted properly, and it was requested that the 95% UCLs be revised to reflect the proper distribution of the data sets. The response to the comments indicated that in lieu of re-calculating the 95% UCLs, it

was requested by Fort Bliss that the 95% UCL be removed from the closure report. To clarify the request in the response, NMED agreed that the maximum detected concentration may be used in lieu of the 95% UCL. As noted in changed page 5-3, Fort Bliss chose to retain the use of the 95% UCL rather than using the maximum detected concentration as a basis for site closure. However, the previously requested information regarding the distributional method upon which the UCLs were based, remains absent from the revised pages.

If the final determination of closure is to rely on the 95% UCL, as it appear in the revised table (page 5-3), then the above comment concerning the derivation of the UCL must be addressed. If the facility wished to remove the UCL and rely on the maximum detected concentration, as outlined in their response, then additional lines of evidence must be provided to demonstrate that post- remediation levels of arsenic will not result in undue risk. The facility is strongly encouraged to consult the United States Environmental Protection Agency's (USEPA) website to obtain a free copy of ProUCL, which is a spreadsheet calculator that automatically tests the distribution of the data set and calculates and recommends the UCL to be used in the risk assessment (http://www.epa.gov/nerlesd1/tsc/form.htm).

Please revise Section 5.2 by inclusion of a defensible UCL for arsenic to demonstrate site closure, or remove the UCL comparison and use the maximum detection comparison with the appropriate lines of evidence.