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RON CURRY
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CERTIFIED MAIL-RETURN RECEIPT REQUESTED

October 13, 2006

Keith Landreth
Director of Environment
Department of the Army
Headquarters, U.S. Army Garrison Command
1773 Pleasonton Road
Fort Bliss, Texas 79916-6812

**RE: COMMENT RESPONSE
CLOSURE CERTIFICATION REPORT
MCGREGOR RANGE OPEN, OPEN DETONATION (OD) UNIT
EPA ID NO. NM4213720101
FB-06-002**

Dear Keith Landreth:

The New Mexico Environment Department (NMED) has completed its review of Fort Bliss (The Permittee) 2005 *Closure Certification Report, McGregor Range Open Detonation (OD) Unit*, dated September 20, 2006. NMED has determined that Fort Bliss must address the following comments in order to achieve clean closure of the OD Unit.

COMMENT 1

In compliance with 40 CFR 264.16, a Survey Plat providing the location of the unit must be submitted to NMED. The Permittee must submit a Survey Plat with the Closure Certification Report.

COMMENT 2

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

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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 is not required. The changed pages incorporate the 1989 reference.

COMMENT 3

As noted in the original Specific Comment No. 1 in the letter dated August 16, 2006 from NMED to the Permittee, 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 in the August 16, 2006 letter, 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 the Permittee 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, the Permittee 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 appears 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>).

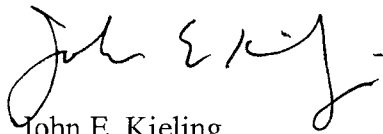
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The Permittee must revise Section 5.2 by inclusion of a defensible UCL for arsenic to demonstrate site closure, or remove the UCL comparison and use the maximum detection comparison with the appropriate lines of evidence.

The Permittee must respond to these comments no later than 60 days of receipt of this letter. Upon NMED's review of the Permittee's response to the comments established in this letter, NMED will determine the status of this site.

If you have any questions concerning this letter, please contact me at 505-428-2552.

Sincerely,



John E. Kieling
Manager
Permits Management Program

JEK:td

cc: D. Cobrain, NMED HWB
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