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ENTERED

December 20, 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 on the Closure Certification Report, McGregor Range Open Detonation (OD) Unit Fort Bliss Otero County, New Mexico, Task 2 Deliverable.

Dear Mr. Cobrain:

This letter serves as a draft deliverable for the above-referenced work assignment and addresses the review of the response to comments dated October 13, 2006 on the on the "Closure Certification Report, McGregor Range Open Detonation (OD) Unit Fort Bliss Otero County," New Mexico and dated December 2005.

TechLaw reviewed the responses to Specific Comment Nos. 2 and 3 and determined that the responses were adequate as presented.

In addition, the attached output from ProUCL was reviewed and it is agreed that the 95% upper confidence level of the mean (UCL) was appropriately determined. Using the 95% UCL for arsenic in lieu of the maximum detected site concentration results in a risk (9.38E-06) of less than the NMED target risk level of 1E-05 (refer to our deliverable dated July 24, 2006). Therefore, it appears that the site meets the requirements for a risk-based clean closure.

This letter deliverable was emailed to you on December 20, 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) 464-6525 or Ms. Paige Walton at (801) 451-2978.

Sincerely,

June K. Dreith
Program Manager

Enclosure

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



Metal	Minimum	Maximum	95% UCL	NM SSL residential soil	C/NC	Risk (Max)	Risk (95% UCL)	Hazard
cobalt	1.03	48.1		1520	NC			0.031645
copper	2.46	443		3130	NC			0.141534
iron	7920	13900		23500	NC			0.591489
lead	1.58	44.3		400				
mercury	0.02	0.032		23.5	NC			0.001362
potassium	707	5920						
selenium	1	0.638		391	NC			0.001632
silver	0.505	1.35		391	NC			0.003453
strontium	71.8	376		46900	NC			0.008017
zinc	6.86	179		23500	NC			0.007617
					Total	1.63E-05	9.38E-06	0.935413
^a Note that the 2006 NM SSL for barium has changed, the current (2006) value is 1.56E+04 mg/kg. Using the 2006 datum results in a HQ of 8.91E-3.								
^b Note that the 2006 NM SSL for cadmium has changed, the current (2006) datum is 39 mg/kg. Using the 2006 datum results in a HQ of 0.166.								

In conclusion, while the response to the comment was not adequate, as overall risk/hazard were not evaluated, based upon the above assessment, and upon completion of the hot spot removal for arsenic, the cumulative risk and hazard are within the New Mexico target levels of 1E-05 and 1.0, respectively.

Specific Comment Nos. 5 through 7: The original comment for these comments indicated that the calculation of the 95% UCL was not conducted properly, and that the 95% UCLs must 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 is requested that the 95% UCL be removed from the closure report. The use of the 95% UCL results in a less conservative estimation of risk/hazard than the use of the maximum detected concentration. While the responses do not state what concentrations (instead of the 95% UCL) will be used to compare to the SSLs, it was assumed that the maximum detected concentration would be applied. In comparing the maximum detected concentration for mercury, selenium, and silver to the respective SSLs, the resulting HQs are less than 1.0. To clarify the request in the response, the maximum detected concentration may be used in lieu of the 95% UCL.