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ENVIRONMENT DEPARTMENT



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RON CURRY  
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 3, 2010

Keith Landreth  
Director, Environmental Division  
Attn: ATZC-DOE (Landreth)  
Bldg. 624, 1733 Pleasanton Rd.  
Fort Bliss, Texas 79916-6812

**RE: APPROVAL WITH MODIFICATIONS  
RCRA FACILITY INVESTIGATION REPORT  
ORO GRANDE LANDFILL (SWMU 25/FTBL-14)  
FORT BLISS, NEW MEXICO  
EPA ID# NM 4213720101  
HWB-FB-09-002**

Dear Mr. Landreth:

The New Mexico Environment Department (NMED) has received the United States Department of the Army/Fort Bliss's (Permittee's) *RCRA Facility Investigation Report, Oro Grande Landfill (SWMU25/FTBL-14)*, (Report) dated January 2009. NMED hereby issues this Approval with Modifications.

**General Comments:**

1. During evaluation of the data to identify chemicals of potential concern (COPCs), the Permittee compared the detected concentrations with the NMED residential Soil Screening Levels (SSLs), the United States Environmental Protection Agency's (EPA's) Region 6 residential Soil Screening Levels and the background concentrations. The use of EPA's Region 6 background values to identify COPCs is inappropriate. For example, arsenic was detected at a concentration of 4.01 mg/kg at location F14-SB-5 (28-30 ft)

above the NMED SSL of 3.9 mg/kg. The Permittee used EPA Region 6 background range for arsenic (i.e., 1.1 mg/kg to 16.7 mg/kg) to conclude that detected concentration of 4.01 mg/kg was indicative of naturally occurring background. In the future, the Permittee must use site specific background values to determine if any release has occurred at a site.

2. For risk evaluations, the Permittee shall use the most recent version of NMED SSLs, if an NMED SSL has not been established for a particular chemical, then the Permittee shall use the most recent version of EPA Regional Soil Screening Levels (RSLs). To be consistent with NMED SSLs, for carcinogenic chemicals, EPA RSLs that are based on a risk factor of  $10^{-6}$  should be adjusted to a risk factor of  $10^{-5}$  by multiplying by 10.
3. The Permittee should also note that NMED and EPA Region 6 have not entered into a joint permitting agreement as stated in the Section 1.3 (page 1-1) of the Report. Pursuant to Section 3006 of RCRA, 42 U.S.C § 6926, the NMED was delegated authority by the EPA to enforce the Hazardous Waste Act and implementing regulations, the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) in lieu of RCRA, for permitting on April 16, 1985 and for corrective action on January 2, 1996. The NMED has maintained continuous authority over hazardous and solid waste management in New Mexico and from time to time has amended its state program to conform to statutory or regulatory changes in RCRA.

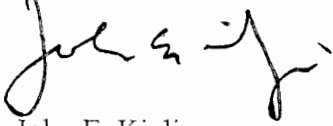
**Modification:**

The Report recommends that NMED move Oro Grande Landfill (SWMU-25/FTBL-14) from Table 2 to Table 3 of the RCRA Permit. Table 2 lists solid waste managements units (SWMUs) and Areas of Concern (AOCs) that require corrective action. Table 3 lists SWMUs and AOCs that do not currently require corrective action. The Permittee contends that it has demonstrated that no release to the environment has occurred and no additional corrective action is required to protect the human health and the environment. NMED concurs with the Permittee that analytical data demonstrates that at this time no release to the environment is indicated. However, the waste is left in place and could pose a threat to human health or the environment in the future. The Permittee must therefore, consider potential closure options and submit a plan to NMED for closure of the site. The Permittee must conduct additional trenching to the center of the landfill as recommended on page E-3 of the Report to determine thickness of the buried waste. The Permittee may close the landfill in accordance with Solid Waste Facility and Composting Facility Closure and post Closure Requirements under the 20.9.6 New Mexico Administrative Code. NMED will not consider removal of the SWMU-25/FTBL-14 from the Table 2 of the Permit until final remedy has been selected and implemented.

Keith Landreth  
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If you have any questions, please contact Neelam Dhawan of my staff at (505) 476-6042.

Sincerely,



John E. Kieling  
Program Manager  
Permits Management Program  
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB  
N. Dhawan, NMED HWB  
R. Baca, Ft. Bliss

File: Reading File and FB 2010, RFI Report for Oro Grande Landfill, SWMU 25  
FB-09-002