

New Mexico Health and Environment Department

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Director

January 26, 1990

Mr. Court Fesmire  
U.S. EPA Region VI - 6H-CS  
1445 Ross Avenue  
Dallas, TX 75202

Re: Holloman Air Force Base Sewage Lagoons  
NM6572124422

Dear Mr. Fesmire:

In December of 1988 the Environmental Improvement Division (EID) signed a Federal Facility Compliance Agreement (FFCA) made between Holloman Air Force Base (HAFB), the U.S. Environmental Protection Agency (EPA), and EID. EID recognized it was signing a document with some inherent problems. It is now clear that the FFCA will generate more work than EID originally anticipated and has placed EID in a "no-win" situation with respect to the production of a mutually acceptable closure plan.

EID reviewed HAFB's initial closure plan and believes that an acceptable closure protective of human health and the environment can be obtained; however, 40 CFR section 265.228(a) does not allow continued use of a surface impoundment unless the unit is clean closed. Clean closure of the surface impoundments at HAFB cannot practicably be achieved. During the meeting between EID and HAFB in November of 1989 HAFB stated directly that it would not discontinue the use of its lagoons for sewage treatment under any circumstances. HAFB stated that any attempt to cause HAFB to discontinue this use would be cause for immediate dispute resolution.

If EID drafts a closure plan for HAFB's lagoon system, it will be forced to include the capping and discontinuance of use of the sewage lagoons. Dispute resolution would then be triggered and the time EID had committed to writing the closure plan for HAFB would have been wasted.

EID does not have the time or the resources to pursue dispute resolution, nor does it have the time to write a closure plan that

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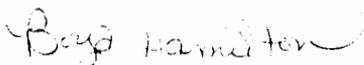
complies with federal and state regulations for a RCRA closure which would only trigger dispute resolution. EID also believes that regulating military sewage lagoons which are identical to exempt POTW's is a questionable practice. Finally, in the event that HAFB were to close its lagoon system, it is unclear how it would then dispose of its sewage effluent.

EID believes that there are two acceptable courses of action for resolution of the problems at HAFB: 1) allow a modified closure, call for a post-closure care plan and permit, and process these documents immediately; or 2) accept a delay of closure pursuant to the August 14, 1989, final rule. The first option may provide the best regulatory control by allowing long-term monitoring and any necessary future corrective action. The second option would require some type of LOIS waiver from EPA.

EID is requesting written approval to proceed with one of the two options discussed above within thirty (30) days of the receipt of this letter. EID recognizes that this is a short time for EPA to establish the precedent which will be required under either option. If EPA cannot authorize either of the two options within this time frame, then this letter serves as a formal referral to EPA of the HAFB closure plan for final processing. Should EPA refuse acceptance of this closure plan then EID will immediately initiate formal dispute resolution.

Should you have any questions regarding this matter please contact me at (505) 827-2926.

Sincerely,



Boyd Hamilton  
Program Manager  
Hazardous Waste Program

BH/bas

cc: Lynn Prince, U.S. EPA  
Tracy Hughes, NMEID Counsel