



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

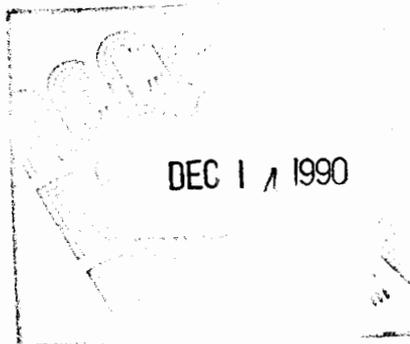
REGION 6

1445 FORTS AVENUE SUITE 1200

DALLAS, TEXAS 75202-2733

DEC 11 1990

HAFB  
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Colonel Ira Hester, USAF  
Commander  
833 Combat Support Group  
Holloman Air Force Base, New Mexico 88330

Dear Colonel Hester:

On July 18, 1990, my office was sent a letter from Lt. Col. John C. Mollison of Holloman Air Force Base (HAFB). This letter was in reference to the closure plan submitted by HAFB for the seven sewage treatment lagoons. These lagoons are the subject of a Federal Facilities Compliance Agreement (FFCA) signed by HAFB, the Environmental Protection Agency (EPA), and the New Mexico Environmental Improvement Division (NMEID) in December of 1988. The FFCA addressed violations by HAFB of the hazardous waste regulations promulgated under the Resource Conservation and Recovery Act (RCRA). One of the requirements of the FFCA was the submittal of a closure plan for the lagoons that met the requirements of closure under Title 40 of the Code of Federal Regulations (40 CFR) for hazardous waste surface impoundments. This was fully explained in my letter of June 14, 1990, to Colonel William W. Koelm.

In Colonel Mollison's letter, he expressed confusion about the lead agency for the review of the closure plan, NMEID or EPA. As stated in the FFCA, EPA will process the plan to an approvable condition and NMEID will approve it, when warranted. When the FFCA was negotiated, NMEID did not have the resources available to review the plan. That is why EPA agreed to review it. After the plan was submitted, for a time NMEID felt sufficient resources were available for the review. As the approving authority, this was a less cumbersome solution. Therefore, NMEID took the lead in the review to the point of issuance of the Notice of Disapproval. As the closure plan process will apparently take significantly more time than NMEID anticipated, they have requested that EPA retake the lead in the review. Therefore, EPA will be the lead agency in the review of the closure plan.

Regarding the two options Colonel Mollison's letter discusses for the closure of the lagoons, neither is acceptable. The delay of closure is not available to HAFB because the sewage lagoons no longer have interim status to operate. Interim status is a temporary authority to operate facilities that were in existence prior to November 1980. This authority to operate exists until the permit is issued or until the status is revoked. In 1984, Congress amended RCRA to include the loss of interim status provisions. To retain interim status, a land disposal facility had to have a ground water monitoring system in place. HAFB did not have a ground water monitoring system in place on November 8, 1985, as required by the statute. The loss of interim status was automatic and nondiscretionary as set out in the statute. To operate the lagoons after November 8, 1985, HAFB must have a permit.

The other option discussed is the modified closure. Modified closure is not an option open to a facility. As was fully discussed in the June 14, 1990, letter to Colonel Koelm, the RCRA regulations only allow two options for closure of hazardous waste land disposal units. Those options are (a) clean closure, or (2) closure in place. Clean closure means all waste is removed. After clean closure, the lagoons could be used again as sewage lagoons. Closure in place means that waste remains in place but a cover is engineered and installed to prevent migration of hazardous constituents from the unit. This is what was meant in the June 14, letter as a plan that accords with Title 40 Part 265, Subparts G and K. A modified closure which would remove some but not all of the hazardous constituents and continue to use the lagoons does not meet the requirements.

Preliminary review of the revised closure plan submitted by HAFB in July 1990, indicates that HAFB is still pursuing modified closure. HAFB is still out of compliance with Section VI, D.1 of the FFCA which requires submittal of a closure plan that accords with 40 CFR Part 265, Subparts G and K. Therefore, by this letter, EPA is requiring submittal, within thirty (30) days of your receipt of this letter, of a closure plan that calls for removal of all hazardous waste constituents from the seven lagoons or dewatering and capping of the seven lagoons.

A copy of this letter will be sent to NMEID and EPA's Federal Facilities Hazardous Waste Compliance Office.

Sincerely yours,

*Allyn M Davis*

Allyn M. Davis  
Director  
Hazardous Waste Management Division (6H)

cc: Ms. Kathleen M. Sisneros, Chief  
Hazardous and Radiation Waste Bureau  
Environmental Improvement Division  
The Health and Environment Department

Gordon M. Davidson  
Director  
Federal Facilities Hazardous Waste  
Compliance Office (OS-530)