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March 1, 1993

Col. Ira Hester, USAF
Commander, 49 Support Group
Holloman Air Force Base, New Mexico 88330

Re: Reply to 11/18/92 Proposal: Spill Response Procedures and Facilities

Dear Colonel Hester:

Holloman AFB environmental personnel attending the November 18, 1993 Air Force/New Mexico Environment Department quarterly meeting proposed the enclosed protocol for Spill Response Procedures. Following is a discussion of the regulatory matters surrounding the applicability and issuance of Emergency Permits under HWMR-7, Part IX, 40 CFR §270.61 and how such permits apply to the proposed protocol.

Applicability

Under 40 CFR §264.1 and §265.1, persons engaged in immediate response activities (such as containment and treatment) to a discharge of a material which when discharged becomes a hazardous waste are exempt from 264 standards with the exception of Subparts C and D: Preparedness and Prevention and Contingency Plan and Emergency Procedures respectively. The Hazardous and Radioactive Materials Bureau (HRMB) will define the activities and timeframes allowable under immediate response on a case-by-case basis.

The Office of Solid Waste and Emergency Response (OSWER) Policy directive 9471.1986(01) states: "Treatment and containment activities conducted after the initial response period are subject to interim status and permitting standards. A facility may qualify for an emergency permit under §270.61 for such treatment and containment activities occurring after the immediate response period."

Under 40 CFR §270.61, an emergency permit can be issued to a non-permitted facility in the event that the Director finds an imminent and substantial endangerment to human health and the environment to allow treatment, storage, or disposal of hazardous waste or to

a permitted facility to allow treatment, storage, or disposal of waste not covered by an effective permit.

Factors such as the following may be considered by HRMB in determining imminent and substantial endangerment to human health and the environment:

- Actual or potential exposure of nearby human populations or animals to hazardous wastes or constituents;
- Actual or potential contamination of drinking water supplies or sensitive ecosystems;
- Presence of hazardous wastes or constituents in drums, barrels, tanks, or other bulk storage containers that may pose a threat of release;
- Presence of high concentrations of hazardous wastes or constituents in soils largely at or near the surface that may migrate readily to receptors; or to which the public may be inadvertently or unknowingly exposed;
- Weather conditions that may cause hazardous wastes or constituents to migrate or be released;
- Threat of fire or explosion; and
- Other situations or factors that may pose actual or imminent threats to human health or the environment.

Issuance of Emergency Permits

In the event of an emergency release of hazardous constituents to the environment, the following sequence of events will occur:

1. Holloman Air Force Base shall implement the contingency plan found in Attachment E of the Hazardous Waste Operating Permit and follow its requirements for any release at the facility.
2. At the end of the immediate response period, Holloman Air Force Base will provide HRMB with information (as described above) upon which to determine the applicability of an emergency permit. Sampling and treatment activities conducted after the immediate response period and involving verification that an emergency situation no longer poses an imminent and substantial threat to human health and the environment are endeavors which may qualify for an emergency permit.
3. If applicable, HAFB will be required to submit an emergency permit application. The application will incorporate to the extent

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possible and not inconsistent with the emergency situation the applicable requirements of RCRA 40 CFR Parts 264, 266, and 270 [see 40 CFR §270.61(a)(6), §270.1(c), §270.2, §270.10(a), and §270.10(d)].

4. After approval of the application, HRMB will issue an emergency permit in accordance with 40 CFR §270.61(b)(5). Every effort will be made to issue emergency permits in a timeframe consistent with their intent. Duration of the permit will be 90 days from the date of issuance [40 CFR 270.61 (b)(2)].

NMED Response to Holloman's Proposed Protocol

Interim measures: NMED considers the "interim measures" portion as proposed 11/18/93 allowable under RCRA regulation when they are conducted in accordance with the contingency plan of an operating permit, which includes notification of State agencies. A minor modification to the implementation section of HAFB's contingency plan will be required to address spills not associated with the permitted unit.

Sampling and response plan: NMED requires that the sampling and response plan will be submitted as part of the emergency permit application. Sampling and final cleanup will be conducted in accordance with the permit conditions.

Proposed Soil Remediation Facility

Permanent land farming areas cannot be permitted through temporary treatment permits. However, Holloman Air Force Base may request modifications to their operating permit to add treatment units allowed under regulation.

The previous discussion is intended to clarify specifically the regulatory nature of Emergency Permits, and aide in effecting a prompt and appropriate response to any emergency releases should they occur in the future. If there are any questions regarding Emergency Permits or the described protocol, please contact Ms. Stephanie Stoddard of my staff at (505)827-4308.

Sincerely,



Barbara Hoditschek, RCRA Permits Program Manager
Hazardous and Radioactive Materials Bureau

xc: Benito Garcia, Chief HRMB
Edward L. Horst, Program Manager HRMB
Steve Alexander, Technical Supervisor HRMB

Spill Response Procedures and Facilities
Holloman AFB - AF/NMED Meeting - 18 Nov 92

- **Current Procedure**
 - Interim measures
 - Containment
 - Removal of free product
 - Call NMED
 - Ed Horst available 24 hours/day
 - Approval of temporary treatment permit
 - Submit sampling and response plan
 - Determine horizontal and vertical extent of contamination
 - Remove contaminated soil
 - Remediate contaminated soil
 - Plan approval
 - Sampling and final cleanup

- **Proposed Procedure** (underlined text indicates changed procedures)
 - Interim measures
 - Containment
 - Removal of free product
 - Removal of heavily contaminated soil
 - Call NMED
 - Call during work hours or on weekend, if necessary
 - Approval of temporary treatment permit
 - Submit sampling and response plan
 - Determine horizontal and vertical extent of remaining contamination
 - Remove remaining contaminated soil
 - Remediate contaminated soil
 - Plan approval
 - Sampling and final cleanup
 - Advantages
 - Faster response minimizes harm to environment
 - More convenient for NMED
 - No late-night phone calls
 - Plan approval is less time sensitive

- **Proposed Soil Remediation Facility**
 - Three land farming areas
 - JP-4
 - Diesel
 - Gasoline
 - Each area will consist of:
 - Sand
 - Concrete liner
 - Plastic secondary liner
 - Treated soil used for fill
 - Permits
 - Temporary treatment permit
 - Air emission permit
 - Closure plan