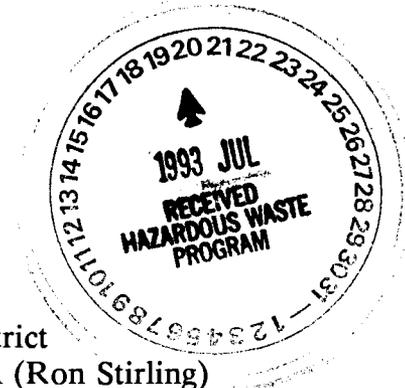


CONFIRMATION NOTICE NO. 13



TO: U.S. Army Engineer District  
ATTN: CEMRO-ED-EA (Ron Stirling)  
215 North 17th Street  
Omaha, Nebraska 68102

CONTRACTOR: Radian Corporation

CONTRACT NUMBER: DACW45-91-D-0018

DELIVERY ORDER NUMBER: USACE DO #0029

TITLE: Sewage Lagoons and Lakes Investigation

DATE OF THIS REPORT: 7/6/93

SUBJECT: 6/29/93 Meeting with New Mexico  
Environment Department

PARTICIPATING PERSONNEL: See Attachment 1



On Tuesday 6/29/93 a meeting was held with representatives from the RCRA Permitting Program of New Mexico Environment Department (NMED) to discuss the sewage lagoons and lakes at Holloman Air Force Base (AFB); Attachment 2 is the agenda for the meeting. Radian Corporation made a presentation summarizing the regulatory history of the lagoons, the closure objectives, the studies in progress and upcoming, and the timeline for submissions. During and following the presentation substantial discussion occurred about various aspects of the regulatory status of the lagoons and the options for closure. The important points of the discussion are summarized below.

1. The current regulatory status of the lagoons is very complicated. The lagoons are Hazardous Waste Management Units (HWMUs) based on alleged past disposal of listed wastes, while the lagoons and lakes are Solid Waste Management Units (SWMUs) listed on the Base's HSWA Permit. However, the lagoons lost interim status in 1988. Thus at present the lagoons fall under neither Part 264 nor Part 265. This makes the approach to closure uncertain due to the lack of regulatory guidance for these units.

The possibility of closing the lagoons as SWMUs under Subpart S (Corrective Action) was discussed. In other instances where this has been suggested the State has required that the units be closed in accordance with HWMU requirements.

2. Regulatory authority for the lagoons has changed several times. Initially NMED was responsible for the lagoons, but authority was transferred to EPA. Although both NMED and EPA recognize that regulatory authority for the lagoons has been transferred back to NMED, there is no documentation of this transfer.

3. The Base prefers to pursue closure options that will allow administrative closure of the lagoons as HWMUs but continued operation of the lagoons to receive nonhazardous wastewater. The Base plans to install a new wastewater treatment plant (WWTP) in 1995-1996. The new WWTP will still require substantial water evaporative capacity. Therefore the Base would like to be able to continue to use as many of the existing lagoons as possible.

The U.S. Fish and Wildlife Service (FWS) has expressed a preference for maintaining Pond G and Lake Holloman as year-round water bodies to provide habitat and drinking water for migratory and nesting birds. There is a possibility for a conflict between the desire of FWS to keep these open versus a potential need for physical closure to protect human health expressed by NMED. NMED stated clearly that in the State's RCRA program a danger to human health would supersede possible impacts of habitat loss on wildlife.

4. A Closure Plan was submitted to the State and EPA, revised in response to comments, and resubmitted in 1990. Substantial additional work has been performed since the Closure Plan was submitted, however, and the Base's approach to closure has changed. It is unlikely the Closure Plan in its current form would be found acceptable.

A Post-Closure Care Permit application was submitted in 1991, was declared administratively complete, but technical comments were never received. The application includes the 1990 Closure Plan. Because the Base's approach to closure has changed, this application is no longer entirely appropriate, and should be revised.

5. NMED prefers that clean-up be accomplished by "clean closure". Their definition of "clean closure" is clean-up to levels that are acceptable from a health risk standpoint rather than to background or nondetect. Thus the approach we have been pursuing will likely be acceptable to the State. The technical reviewers prefer to see a "standard" baseline risk assessment, including domestic use of groundwater and standard default exposure assumptions first. If these risks are unacceptable, which is likely to be the case for some of the lagoons and the groundwater, then a site-specific risk assessment can be performed. This should include all contaminated media, and should include preliminary remediation goals for each contaminant in each medium.

6. The Base has discussed with Headquarters, Air Combat Command (HQ ACC) the possibility of renegotiating the Federal Facility Compliance Agreement (FFCA) for Holloman AFB signed by the Base, NMED, and EPA in 1988. Many of the actions required by the FFCA have been accomplished, but since closure of the lagoons has not occurred the FFCA is still shown as incomplete. The Base would like to renegotiate the FFCA to remove the work completed and reduce the outstanding requirements. It may be advantageous to include a schedule for

compliance in the FFCA to facilitate obtaining funding for the required projects. NMED would like to receive a draft of the proposed FFCA as soon as possible to begin reviewing it.

7. NMED agreed to review the regulatory status of the lagoons and to research whether closure should be pursued under Part 264 or Part 265. They will also review the existing Closure Plan and supplementary data in their possession, provided the Base identifies the information to be reviewed. After the State has identified the approach to closure that should be pursued, the Closure Plan should be revised to reflect this approach and resubmitted.

The following action items and schedule were established:

- The Base will send a letter to Ms. Hoditschek including the following:
  - A list of reports/information already in NMED files to be reviewed with the Closure Plan;
  - A list of upcoming submittals and the schedule for their submission; and
  - A request for review of the Closure Plan, the regulatory status of the lagoons, and guidance for the approach to closure.
- The following submittals were requested by NMED for review prior to the determination of closure:
  - The data collected in the 1992-93 field program;
  - The RFI report for the lakes and the Phase II Groundwater Assessment Monitoring Report; and
  - The risk assessments for each pond and lake.
- All submittals should be received by NMED by 1 October 1993 for a determination to be made in late 1993. Although the Base should request that the determination be made by 31 December 1993, the State may need until February 1994 to make the determination.
- A presentation on the results of the risk assessments was requested by NMED to understand the significance of the data.

**ATTACHMENT 1**

6/29/93

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