



CONFIRMATION NOTICE NO. 1



TO: U.S. Army Engineer District
ATTN: CEMRO-ED-EA (Ron Stirling)
215 North 17th Street
Omaha, Nebraska 68102-4978

CONTRACTOR: Radian Corporation

CONTRACT NUMBER: DACA45-93-D-0027

DELIVERY ORDER NUMBER: USACE DO# To be determined

TITLE: Sewage Lagoons and Lakes Closure
Holloman AFB, NM

DATE OF THIS REPORT: 25 February 1994

SUBJECT: **22 February 1994 Conference Call with NMED--
Regulatory Status/Closure Concerns**

PARTICIPATING PERSONNEL: Stephanie Kruse, NMED 505/827-4308
Barbara Hoditschek, NMED 505/827-4308
Steve Alexander, NMED 505/827-4313
Fred Fisher, Holloman AFB 505/475-3931
Tim O'Donnell, Holloman AFB 505/475-3931
Craig Olson, USACE Omaha 402/221-7711
Sandy Frye, USACE Omaha 402/221-7684
Wally Hise, Radian 801/261-2187
Kathleen Alsup, Radian 512/454-4797

*Red File
HAFB*

A conference call was held with representatives from NMED, Holloman AFB, USACE and Radian to discuss the sewage lagoons and lakes closure project at Holloman AFB. Agenda items included resolution of the regulatory status, closure concerns, and project schedule. Pertinent issues discussed and action items are listed below.

1. Regulatory Status of the Sewage Lagoons and Lakes

Stephanie Kruse: The lagoons have lost interim status and, therefore, will require closure/post-closure plans to be prepared under Part 264. Lakes Holloman and Stinky and the ditch are HSWA units under EPA Region VI authority; NMED will request that EPA "release" the ditch and lakes to their (state) authority. NMED is considering classifying the sewage lagoons, ditch, and lakes as one "regulated unit". This would require that the entire system ("regulated unit") be closed under 40 CFR Part 264.

Handwritten notes: HSWA

Confirmation Notice No. 1
25 February 1994
Page 2

Until now, the lagoons were considered RCRA regulated units being closed in accordance with provisions of the Federal Facilities Compliance Agreement (FFCA). The ditch and lakes were considered solid waste management units (SWMUs) being investigated under the HSWA portion of Holloman AFB's RCRA permit.

Fred Fisher: There could be some problems classifying the lakes as HWMUs since they are also waters of the U.S. and an ecological habitat for wildlife and endangered species. If clean closure cannot be met under 40 CFR Part 264, the lakes would have to be closed by backfilling and capping. This would conflict with the intended use of the lakes by the Fish and Wildlife Service (FWS). Fred would like the lakes to stay under HSWA to allow more flexibility in closure.

Barbara
~~Stephanie~~ Kruse: Regulatory compliance does not always let you "take the easiest option," and the final judgement of the regulatory status of the lakes ultimately lies with NMED. Steve Alexander stated that the reason for NMED considering the lakes as part of the "regulated unit" was that if listed waste was introduced to the wastewater treatment system, then the downstream lagoons and lakes also received hazardous waste since they are all hydraulically connected. Additionally, the interpretation of "regulated unit" is dependent of the date of last receipt of hazardous waste.

The definition of "closure" was briefly discussed; closure can be of the administrative form which would not require taking the impoundments out of service. Regarding closure of the lakes, Steve thinks that there may be some exceptions to capping if clean closure cannot be achieved under 40 CFR Part 264.

NMED agreed to discuss the lakes issue with the EPA (Barry Feldman, Lowell Seaton) and consider their input prior to making a final determination on regulatory status.

2. Closure Approach (conceptual)

Barbara Hoditschek: What is Holloman's proposed approach to closure? Holloman has stated their intention to remediate Ponds A and B, but what are the plans for the remaining lagoons and lakes.

Fred Fisher: Ponds ~~A~~ through F will be backfilled. The Base is awaiting a determination from the Corps of Engineers to decide if Pond G is considered a wetland. If it is, the Base would prefer to leave Pond G open to contain nonhazardous water. The ditch will remain open since it is part of the Base's storm water management system. The lakes are intended to remain open as part of the new NPDES-regulated wastewater treatment plant. "Hot spot" removal will be performed as necessary to achieve health-

Confirmation Notice No. 1
25 February 1994
Page 3

based cleanup levels.

Groundwater monitoring will continue during the "interim closure period." Holloman will submit a proposal for the return to detection monitoring. The monitoring network, sampling frequency, and analytical parameters will be detailed in the forthcoming Groundwater Monitoring Plan.

3. Appendix IX Analyses

Wally Hise: The requirement for testing for Appendix VIII constituents versus Appendix IX constituents for demonstration of clean closure should be re-visited. The regulations indicate Appendix VIII constituents are required for soil and sludges. However, during discussions in previous years (1991) with NMED's technical personnel (e.g., Dr. Bruce Swanton) Appendix IX constituents were agreed upon. This was based on the fact that there are no analytical methods available for several of the Appendix VIII constituents.

*Talk to
Bruce*

It was noted that the "Conceptual Plan for Additional Sampling" submitted to NMED in January 1994 had further narrowed down the list of constituents to organochlorine pesticides and some metals for the next investigation. This is based on the findings of the previous investigations that did not identify any other chemicals of concern. If Holloman now has to go back and look at all Appendix VIII constituents, they would essentially be starting the investigation all over again.

Steve Alexander agreed to research this issue further with the NMED permits group and get back to Holloman with an answer. He pointed out that the rationale for using Appendix IX analyses could also include the "knowledge of process" argument.

4. Cleanup Levels (Use of Health-Based Levels for Clean Closure)

Steve Alexander: The proposed approach to using health-based levels vs. detection limits for listed constituents is similar to that used for another site in New Mexico; EPA concurred with the approach in that instance. The Subpart S corrective action tables have been used as a screen for preparing risk assessments at other sites. Since the action levels in Subpart S are very conservative, if these levels are not exceeded then no further assessment would be required. However, the baseline risk assessment approach which is being used for the sewage lagoons and lakes is more defensible and is probably the better approach for Holloman since the groundwater in the vicinity of Holloman AFB is not potable.

Confirmation Notice No. 1

25 February 1994

Page 4

5. Treatment Alternatives

Kathleen Alsup: What is the practicality of using on-site *ex situ* treatment of the sludges removed from the lagoons and lakes? Would the sludges be considered hazardous waste since listed hazardous waste had been introduced into the system several years ago? It was noted that no hazardous constituents associated with those listed wastes identified to be introduced to the system have ever been detected in the sludges. If the sludges are considered hazardous waste, will the *ex situ* treatment approach have to be permitted under RCRA?

*Radian** NMED does not know the answer to this and requested that a letter with supportive information be sent to NMED requesting a determination be made.

6. Project Schedule

Barbara Hoditschek: The final project schedule should be submitted for the State's planning purposes. A draft project schedule was provided prior to the conference call. NMED should be notified by September 1994 if submittal of the closure plan and post-closure care permit application will be delayed past August and September 1995.

Hoditschek Several other documents/reports will be submitted to NMED for review prior to the closure plan and post-closure care permit application. These include: Groundwater Monitoring Plan, Project Assessment Report, Chemical Data Acquisition Plan, Biological Assessment, Revised Risk Assessment, Site Characterization Report, Treatability Study Work Plan, and Corrective Measures Plan. NMED requested a list of these documents/reports along with an estimated submittal date for each.

7. Future Calls

A monthly conference call should be set up to continue the open lines of communication. The next conference call was set for Tuesday, 22 March 1994 at 10:00 AM Mountain Standard Time/11:00 AM Central Standard Time. Radian will set up the call.

8. Documentation

A confirmation notice will be prepared and submitted to all participating parties for each conference call. Radian will be responsible for this.

Confirmation Notice No. 1

25 February 1994

Page 5

ACTION ITEMS

- Steve Alexander to check with NMED permits section on the use of analyzing for Appendix IX constituents in the sludge/soils instead of Appendix VIII for demonstration of clean closure.
- Steve Alexander to determine point of compliance for applying health-based levels to demonstrate clean closure.
- NMED to convene with EPA Region VI for a final determination of the regulatory status.
- Radian/Holloman to prepare a letter requesting a determination be made regarding the classification of the sludge in the lagoons for *ex situ* treatment on-site. The letter will present information to support NMED's decision.
- Radian/Holloman to provide NMED with a list of documents and deliverable dates that will require NMED's review and comments.
- Radian/Holloman to provide a Timeline schedule of the project to NMED.