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State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
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November 6, 1996

Mr. Howard E. Moffitt  
Deputy Base Civil Engineer  
49 CES/CEV  
550 Tabosa Avenue  
Holloman Air Force Base, NM 88330-8458

RE: Holloman Air Force Base (HAFB) Decision Documents (DD), dated  
September 1996

Dear Mr. Moffitt:

The New Mexico Environment Department (NMED) appreciates HAFB's efforts to complete the environmental restoration process at sites on its facility, and believes the closure and remedial actions recommended in the DD may be appropriate. However, the DDs do not substantively conform to HAFB's Resource Conservation and Recovery Act (RCRA)\Hazardous and Solid Waste Amendments (HSWA) permit requirements for site closure, nor for selection of a remedial alternative. Therefore NMED cannot approve the DDs until satisfactory RCRA requirements are incorporated into the DDs.

NMED understands that many of HAFB's environmental restoration (ER) sites are in actuality regulated by RCRA, but are being addressed by HAFB pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and that the DDs conform to HAFB's internal CERCLA closure requirements. NMED believes that cleanups under RCRA Corrective Action or CERCLA will generally satisfy the requirements of both programs. However, as an example of an inconsistency in the two regulatory programs, the DDs do not conform to the RCRA closure requirements for public notice and a public comment period. For regulatory concurrence, these requirements must be incorporated into the DDs.

NMED requests that the HAFB's site closure process be altered to include the provisions of HAFB's HSWA permit for "Determination of No Further Action" (Section L.). HAFB should initiate the closure process by petitioning the Hazardous and Radioactive Materials Bureau (HRMB) of this Department for a Class III permit modification to remove the sites from the HAFB's permit. Once this petition has been received, and NMED agrees with the recommendation, a statement of basis (SOB) will be prepared according to the EPA OSWER guidance 9902.6, "Guidance on RCRA

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Corrective Action Decision Documents". The DDs generally satisfy the requirements outlined in the SOB guidance.

For sites needing remedial action due to unacceptable risks or the necessary attainment of regulatory standards, HAFB's RCRA\HSWA permit requires a Corrective Measures Study (CMS) be submitted to the HRMB. However, for sites where a remedial alternative is obvious, CAFB could petition the HRMB to forego the formal CMS and proceed directly to the public notification process through a SOB.

Once again, thank you for your efforts to bring the environmental restoration process at HAFB to closure. We are willing to work with HRMB within the constraints your permit by being as flexible as possible in interpreting the permit requirements. Should you have questions on this issue, please contact Mr. Steve Pullen or Mr. Jerry Bober of my staff at 827-1558.

Sincerely,



Benito J. Garcia, Chief, HRMB

xc: Marcy Leavitt, GWQB  
Jerry Bober, HRMB  
Steve Pullen, HRMB  
David Neleigh, EPA  
Warren Neff, HAFB