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ENVIRONMENT DEPARTMENT

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HAFB 2002



JOHN R. D'ANTONIO, JR.
SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

November 22, 2002

Lt Col Larry E. Ellis
Chief, Fighter Branch
HQ AFIA/FOO
DSN:246-2073
Kirtland AFB, NM 87117-5270

SUBJECT: ERP QUESTIONNAIRE (REGULATORS)

Dear Lt Col Ellis:

I am responding to your email of November 13, 2002 in which you requested that the New Mexico Environment Department (NMED) respond to an ERP Questionnaire. After reviewing the questionnaire, NMED decided that it would be more appropriate to provide you with a written response.

From your questions, it appears that the Air Force may not fully appreciate the way that the four Air Force installations (Cannon AFB, Holloman AFB, Kirtland AFB, and Melrose AFR) in New Mexico are being regulated. All four Air Force installations are RCRA TSD Facilities, have RCRA permits, and are conducting investigations and cleanups in accordance with their RCRA permits and the RCRA Corrective Action Program. RCRA, not the DSMOA is the controlling authority.

Although we are familiar with DoD's IRP, BRAC, and FUDS programs, all active and closing DoD installations in New Mexico must follow the RCRA process, not an IRP CERCLA-like approach. Therefore, many of your questions are not applicable to the Air Force installations in New Mexico. Our focus is not on getting DERA-eligible sites to the "ROD" phase, but in ensuring that all DoD installations comply with their RCRA permits and conduct all investigations and cleanups in accordance with their RCRA permits and the RCRA Corrective Action Program. This means that all sites, whether DERA-eligible or not, are treated the same,

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and that New Mexico requires the installations to investigate all sites in a timely fashion, and not just those for which there is IRP funding.

Although we do have a DSMOA program, as noted above, RCRA is the authority by which installations are regulated in New Mexico. Because of this, we anticipate that in the future, our DSMOA staff will focus exclusively on FUDS.

In reply to your questions dealing with technology transfers, NMED is generally not involved with technology transfer between DoD and industry.

In response to your questions dealing with new or innovative technologies, NMED is generally willing to approve new remediation technologies when appropriate, with the understanding that the installation must demonstrate the success of any new technology within a reasonable timeframe.

Concerning your question dealing with risk, NMED has provided all DoD installations, including the four New Mexico Air Force installations, with detailed guidance on risk assessment - the primary driver is the concentration of the contamination.

With respect to expedited cleanup, New Mexico has regulations that allow facilities to conduct voluntary corrective action using an accelerated cleanup process at relatively small scale sites with obvious remedies.

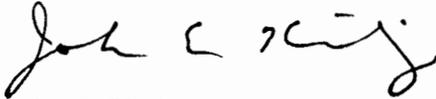
Finally, in reply to your questions dealing with ways that the Air Force can increase their "cost efficiency" and expedite the cleanup process, HWB encourages installations to be proactive and to openly communicate with their NMED Hazardous Waste Bureau project leaders. I suggest that the Air Force gain a better perspective on what is required here in New Mexico. New IRP staff must read their installation's RCRA permits and learn what is required. IRP staff, new to New Mexico, often try to force a CERCLA-like approach on NMED, which we will reject. This can lead to misunderstandings, unnecessary delays, and increased costs.

One problem that NMED wishes to bring to your attention is that some IRP staff inappropriately report that they are further along in the corrective action process than they actually are. This has led to documents being submitted with titles that do not correctly reflect the appropriate corrective action phase. Air Force installations routinely submit workplans for an additional investigation phase that are referred to as a "Corrective Measures Study" when, in fact, the installation has not adequately completed their RCRA Facility Investigation (RFI), has not defined the extent of a release, and the document does not address any corrective measures. Despite their titles, these workplans address additional investigations, not corrective measures studies.

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If you have any questions concerning this response, please contact Mr. Glenn von Gonten, DoD Project Supervisor, of my staff, at (505) 428-2551.

Sincerely,



John E. Kieling
Manager
Permits Management Program

JEK:gvg

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File: Reading and DSMOA files