



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO ENVIRONMENT DEPARTMENT **ENTERED**

Hazardous Waste Bureau

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DAVE MARTIN
Cabinet Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 12, 2011

Colonel Robert L. Maness
Base Commander
377 ABW/CC
2000 Wyoming Blvd. SE
Kirtland AFB, NM 87117-5606

Mr. John Pike
Director, Environmental Management Section
377 MSG/CEANR
2050 Wyoming Blvd., Suite 116
Kirtland AFB, NM 87117-5270

**RE: CERTIFICATION STATEMENT AND REVIEW FEES FOR CORRECTIVE ACTION DOCUMENTS
KIRTLAND AIR FORCE BASE, EPA ID# NM9570024423
HWB-KAFB-MISC**

Dear Col. Maness and Mr. Pike:

NMED is in receipt of the U. S. Air Force's (Permittee) letter of December 21, 2010, correspondence responding to the New Mexico Environment Department's (NMED's) requirement for certification statements that were missing from certain corrective action documents. The certification statements are required pursuant to Permit Part 6.2.4.11 of the Kirtland Air Force Base (KAFB) Hazardous Waste Treatment Facility Operating Permit for the Open Detonation Unit.

The certification statements for the following documents are acceptable for the documents:

- *Groundwater Travel Time from Bulk Fuels Facility, Kirtland Air Force Base, KAFB, New Mexico*
- *Screening-level Risk Evaluation/or Petroleum Hydrocarbon Fuel Compounds in Subslab Soil Vapor -Bulk Fuels Facility, Kirtland Air Force Base*
- *Submission o/Critical Data, per the NMED Letter Dated August 6, 2010 (Page 26, Items 7. i Through ix)*
- *March 16, 2010 Work Plan Well Completion Report and Data Submittal, Bulk Fuels Facility Spill*

The Permittee did not provide the required certification for the *Draft Site Investigation*

KAFB3549



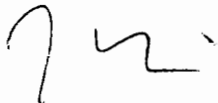
Work Plan, EOD Hill, June 2010. The Permittee asserts that the Air Force has an agreement with the NMED to proceed with the investigation of groundwater contamination at EOD Hill under CERCLA authority, and that submission of a RCRA certification would be deferred until such time that a release was identified from a RCRA solid waste management unit. As stated by the NMED in the second Notice of Disapproval letter, for the EOD Hill Work Plan (October, 28, 2010), the NMED did not agree and does not now agree that the perchlorate investigation to be conducted at EOD Hill will be conducted under CERCLA authority in accordance with the DoD Perchlorate Release Management Policy of April 22, 2009. Furthermore, NMED did not agree and does not now agree that establishment of the legal authority will wait until a source is found. The investigation, remediation and establishment of cleanup goals, if necessary, shall be conducted under the New Mexico Hazardous Waste Act and the Permit. NMED reaffirms and reiterates that the Permittee must submit the required certification statement for the document: *Draft Site Investigation Work Plan, EOD Hill, June 2010.*

Review fees will be assessed for the following reports individually as required under 20.4.2 NMAC.

- *Submission o/Critical Data, per the NMED Letter Dated August 6, 2010 (Page 26, Items 7. i Through ix)*
- *March 16, 2010 Work Plan Well Completion Report and Data Submittal, Bulk Fuels Facility Spill,*

If you have any questions regarding this matter, please contact Mr. William Moats of my staff at (505) 222-9551.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
W. Moats, NMED, HWB
W. McDonald, NMED, HWB
S. Brandwein, NMED, HWB
C. de Saillan, NMED OGC
B. Olson, NMED, GWQB
B. Swanson, NMED, GWQB
L. King, EPA-Region 6 (6PD-N)
File: Reading and KAFB 2011