



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
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ENTERED



David McCoy, Esq.
Executive Director
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Dear Mr. McCoy:

The United States Environmental Protection Agency (EPA) received your August 28 letter to Administrator Jackson asking for the EPA to take action regarding the Kirtland Air Force Base (KAFB) Bulk Fuel Facility Spill (fuel spill). Administrator Jackson asked the EPA Region 6, having the most familiarity with KAFB and the fuel spill, to respond. As you are aware, KAFB is currently performing Resource Conservation and Recovery Act (RCRA) corrective action on the fuel spill under KAFB's RCRA permit which was renewed by NMED in July 2010.

The EPA Region 6 Multimedia Planning and Permitting Division (6PD) has been closely following the fuel spill at KAFB, particularly since the New Mexico Environment Department (NMED) Ground Water Quality Bureau (GWQB) transferred oversight of fuel spill corrective actions to the Hazardous Waste Bureau (HWB) in April 2010. Since that time the HWB has directed RCRA corrective action of the fuel spill pursuant to the New Mexico Hazardous Waste Act (NMSA 1978, §74-4-1 to 74-4-14) and the Hazardous Waste Management Regulations (20.4.1 NMAC). The Memorandum of Agreement (MOA) between the State of New Mexico and the EPA establishes policies, responsibilities, and procedures pursuant to 40 CFR 271.8 for the State of New Mexico's Hazardous Waste Program authorized under Section 3006 of the RCRA. While the EPA maintains oversight authority, the NMED is authorized to implement the federally authorized RCRA program, including corrective action in accordance with the Hazardous and Solid Waste Amendments of 1984 (HSWA). Per the MOA, the EPA Region 6 is responsible for assuring that the NMED RCRA permitting program is consistent with all applicable federal regulations and laws, EPA policies, guidelines, and requirements agreed upon in the MOA. 6PD staff also performs technical oversight through the review of technical submittals, corrective actions, and NMED directives. Given the importance of this issue, my staff in the Federal Facilities Section is monitoring the fuel spill along with staff from the EPA Region 6 Water Quality Division.

Between November 1999 when the release was first identified and April 2010 when authority was transferred to the HWB, the Air Force's actions did not meet the GWQB's requirements and NMED determined that the progress of KAFB's investigation and abatement efforts was insufficient. Since the



HWB exercised its RCRA authority over the fuel spill in mid-2010, characterization of the release has advanced significantly. Expanded soil, vadose zone, and groundwater investigations provide a far more complete understanding of the magnitude of the fuel spill and the affected environmental media. A February 11, 2011 memorandum to KAFB from Rick Shean of the Albuquerque Bernalillo County Water Utility Authority (ABCWUA), arguably one of the largest stakeholders in this matter, is supportive of a phased investigation and better characterization prior to the design and installation of the proposed interim light non aqueous phase liquid (LNAPL) containment system. This is consistent with NMED's technical direction and approach. To minimize delays, NMED has issued partial approvals of many KAFB submittals, enabling critical characterization efforts to proceed while other items continue to be resolved. During this time period, the HWB has also insisted that the Air Force continue to operate and optimize existing soil vapor extraction (SVE) systems and to evaluate appropriate cleanup alternatives for interim measures and eventually final remedies.

As described above, under the HWB's direction, the collective technical understanding of the fuel spill has improved substantially over the past year. Accordingly, potential remedial technologies and designs continue to be evaluated as new information is developed. Data collected over the past several years show that a rising water table, likely resulting from ABCWUA's commendable water conservation efforts, has submerged much of the phase separated petroleum hydrocarbon plume (LNAPL plume) below the water table. This change in conditions further adds to the complexity of the fuel spill and the evaluation of potential remedies. A LNAPL containment well has been installed but is not yet operational pending the evaluation of additional characterization data and operation of enhanced interim measures. The two new SVE wells installed in the source area earlier this year were designed for multi-purpose applications and are screened across the water table providing an option to adapt the wells for future groundwater extraction. Other potential technologies such as air sparging and skimmer applications are also being evaluated and these new SVE wells have been designed to accommodate these alternatives. In April 2012, after being shut down for a seven month period of vadose zone testing, three of the existing SVE units were repositioned to these new wells and a third nearby well where vadose zone contaminant concentrations are the highest. A new, higher capacity blower and SVE air treatment system is scheduled to begin operating by the end of this calendar year. NMED considers SVE to be only one of several technologies that will be utilized to remediate the fuel spill. As expressed by NMED representatives at the June 12, 2012 ABCWUA meeting, potential remedial technologies must be carefully vetted to ensure that corrective actions do not result in unintended and undesirable consequences. This is a prudent approach supported by the ongoing characterization efforts.

The EPA Region 6 considers the HWB's response to be appropriate and consistent with RCRA. The use of the EPA's RCRA enforcement authority is not warranted at this time. The EPA Region 6 has also given careful consideration to the efficacy of listing KAFB on the National Priorities List (NPL) and implementing response actions under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). 6PD has discussed the fuel spill with our counterparts in the Region 6 Superfund Division and we have determined that placing the fuel spill on the NPL and transitioning the investigation and remediation elements to the CERCLA program is not a beneficial approach at this time.

NMED has informed the EPA that KAFB and ABCWUA have been discussing contingency planning in the event that EDB is detected in public water supply wells at concentrations exceeding the maximum contaminant level (MCL). In an August 21, 2012 letter, KAFB formally requests a meeting with ABCWUA to further these planning discussions. The EPA supports these efforts and encourages continued meaningful dialog and cooperation so that appropriate contingency plans are developed and, if necessary, rapidly implemented to ensure the delivery of safe drinking water.

Thank you for your detailed letter regarding the fuel spill. The EPA continues to actively monitor this situation closely and will continue to work with our counterparts at NMED and provide necessary technical support and oversight so that effective interim and final remedies are implemented as quickly as possible.

Sincerely,



Laurie King, Chief
Federal Facilities Section
Multimedia Planning and Permitting Division

cc: Jim Davis, NMED-RPD
John Kieling, NMED-HWB

