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**To:** [Stringer, Stephanie, NMENV](#)  
**Cc:** [Kenney, James, NMENV](#)  
**Subject:** KAFB BFFS 2021 remedy selection  
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Stephanie,

The Secretary's commitment to the LFC regarding the KAFB fuel spill final remedy presents an excellent opportunity to pick up where HWB left off in 2015 and accelerate the normal pace of RCRA. There are unusual problems to overcome at the BFFS due to decisions made during the last administration that complicate the remedy selection. With the Secretary's help in getting Base Commander Col. Miller to support one of the approaches discussed below, it should be possible to meet the deadline for having a remedy in place, if not having the formal class 3 permit modification for final remedy selection completed by 2021.

In the context of the fee regulations, the Air Force, representing the Department of Defense at the hearing, is protesting the document review times listed in the regulations (most of which are unchanged for 2006). This can be used to our advantage to push the Air Force contacting process, which is a primary obstacle to completing work and is a frequent reason cited in extension requests.

Many of KAFB and AFCEC staff that work on the BFFS have been involved for a long time and may still be resistant to the aggressive approach HWB advocated prior to 2016. It would be helpful if Col. Miller could encourage cooperation or at least consideration from the KAFB staff and contractors involved with the BFFS.

There are major obstacles moving forward. HWB hasn't reviewed any document submitted by the Air Force after 2015. Prior document review comments generated by HWB for submittals were never sent to the Air Force and are not in the administrative record and therefore many documents submitted by the Air Force prior to 2016 were not revised or subsequently approved. Significant data acceptability issues exist. A review of the administrative record indicates that there are very few records of review comments or approvals for documents submitted by the Air Force after 2016 through the first half of 2019 and the comments we've been able to locate were not substantial.

A final remedy that will work on a human time scale needs to include active groundwater extraction and treatment in the source area in conjunction with mobilization of submerged free product (LNAPL) and source area vadose zone remediation of the primary migration pathway. This will not only clean up groundwater but also ultimately eliminate the need for groundwater extraction and treatment beneath the neighborhoods north of the site by eliminating the source of EDB that migrates from the source area.

Previously, the Air Force has advocated bioremediation which is lower cost in the short run but, due to the magnitude of the problem, would likely only be effective over a very long time frame to achieve a usable resource that wouldn't require Albuquerque taxpayer-funded treatment of groundwater in the future. Bioremediation is popular and preferred by many because of lower short run costs but it's only effective under certain circumstances. If the total long term costs of

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monitoring and resource inaccessibility are added in, the costs will be greater than active remediation such as groundwater extraction and treatment and SVE. From a practical standpoint, no implementable remedy will likely achieve cleanup in less than 30 years at this point.

Based on current information the following options are the most obvious to accelerate the process:

1. Follow the standard RCRA approach, review past documents and get past documents revised and approved, complete investigations/pilot tests/phase 2 RFI/CME though approval, public notice a remedy selection subject to a hearing etc. This could require some level of enforcement due to the need for shortened timeframes, which typically results in slowing the process down until the violations are settled. There are ways to speed the process but only with sincere cooperation from the Air Force. Due to the document submittal/review/approval process, the most likely achievable outcome would be to issue a public notice for a remedy selection at the end of 2021. This would mean selection of a final remedy after 2021.
2. To accelerate the process, HWB could bypass formal review of past submittals in the pipeline (e.g., Phase 1 RFI, bioremediation pilot test documents) and issue an order or otherwise compel the air force to provide targeted information to implement a remedy (requiring work plans/reports/pilot test documents subject to review and approval) and implement a IM with the intent to turn it into the final remedy. Previously, HWB has issued draft Orders for public comment at controversial site. Public notices require providing responses to comments and negotiations with the Facility. There is significant stakeholder interest in the BFFS so bypassing public participation for an Order would be very controversial. The end result being that implementation of an IM by 2021 might not be achievable.
3. Review the documents we have in house, record the problems, use only the defensible data to the exclusion of everything else, in combination with implementation of a work plan due this Friday (December 20<sup>th</sup>) to design a HWB-drafted remedy that would have to be an over-designed IM that could turn out to be the final remedy. This will be controversial as well and likely result in significant Air Force opposition. In addition, the State would take on substantial liability for the success of the IM while having to rely on the Air Force and its contractors to implement the remedy.

I may come up with other options when time allows. Regardless, these approaches will ruffle feathers. Technical working groups will slow any accelerated process down. EPA source area groundwater modeling will be difficult to accelerate but there are some options using the GWQB modeler if funding allows but long term funding through the GWQB is uncertain. KAFB staff will likely resist but some staff are open to common sense approaches. If we can get the Air Force to work with us and to produce an administrative record to support final remedy selection, we can resolve problems but the current atmosphere will need to change or it will become an enforcement issue to achieve the objectives by 2021. ABCWUA will likely advocate for extended discussions through the of Technical Working Groups (based on my previous experience prior to 2016) and will become offended if we keep moving forward rather than debate every issue and try to reach consensus. In addition, AF contracting is an obstacle as is the HWB staffing shortfall.

I think one of the options listed above or some modified version of the options listed above has a good prospect of making a 2021 remedy at the BFFS possible but we'll likely have to make adjustments as we go.

This is a request to meet with Secretary Kenney, on a date other than December 20th, to discuss the KAFB BFFS, his preferred approach, and whether he's open to assist HWB through discussions with the KAFB Base Commander to facilitate the process with Air Force staff.

Thanks for accommodating my sense of urgency regarding this project.

Dave

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