



KAFB BFFS  
ST-106/SS-111  
Shallow Soil Vapor  
Investigation

**From:** [Cobrain, Dave, NMENV](#)  
**To:** [Pierard, Kevin, NMENV](#)<[Kevin.Pierard@state.nm.us](mailto:Kevin.Pierard@state.nm.us)>  
**Subject:** RE: KAFB management  
**Date:** Thursday, September 17, 2020 3:58:05 PM

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Since the mid 2010s the bureau lost control of four facilities , one of which we have since regained control of. Each of the facilities, for different reasons, wanted changes that didn't comport well with basic compliance. Here are some signs: final decisions, even for relatively small issues, don't get made within the bureau, decisions are not entirely based on regulatory/technical issues, with one exception technical work submitted by the facility is frequently substandard (to be fair that's not uncommon for federal facilities), meetings are required to be held prior to the issuance of written correspondence, meetings are held and decisions made between senior management and senior facility representatives who are not versed in details, technical documents are reviewed by the general counsel even though legal issues are not discussed within the documents, direction issued to the facility is sometimes in the form of an entreaty, deadlines are not based on technical or even regulatory requirements, deadlines are not imposed on the facility that the facility doesn't generally agree to ahead of time, RCRA decisions are made outside of the bureau by people unfamiliar with RCRA regulatory requirements, facility technical personnel on the ground aren't involved with decision making. These types of things occurred for each of the facilities where we lost control. Two of the four facilities are now in the midst of ongoing lawsuits but those responsible for the decisions leading up to the lawsuits, with an exception here or there, are no longer around. The BFFS has a history that has included these types of issues as well as a more extreme one at one time or another since 2013. When you say "lose any control" I'm not sure what you have in mind.

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**From:** [Pierard, Kevin, NMENV](#) <[Kevin.Pierard@state.nm.us](mailto:Kevin.Pierard@state.nm.us)>  
**Sent:** Thursday, September 17, 2020 2:54 PM  
**To:** [Cobrain, Dave, NMENV](#) <[dave.cobrain@state.nm.us](mailto:dave.cobrain@state.nm.us)>  
**Subject:** RE: KAFB management

This isn't driven by Kate at all. This is a Secretary and Governor issue. We need to explore what options we could undertake to get something selected by the end of 21. I am trying to determine if anything along those lines is possible. Right now I expect major pushback on the schedule we have put together. My concern is that we will lose control of this if we cant make something happen in 21. "Something" could be a CME submitted for X portion of the site; an IM plan approved for X portion of the site, etc. I am very concerned that if we cant do that we may be directed to do something we don't like or, as I said, lose any control.

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**From:** [Cobrain, Dave, NMENV](#) <[dave.cobrain@state.nm.us](mailto:dave.cobrain@state.nm.us)>  
**Sent:** Thursday, September 17, 2020 2:42 PM  
**To:** [Pierard, Kevin, NMENV](#) <[Kevin.Pierard@state.nm.us](mailto:Kevin.Pierard@state.nm.us)>  
**Subject:** RE: KAFB management

If shallow soil vapor intrusion is a complete exposure pathway, it's the most immediate exposure threat. CMEs are for final remedies. Everything else is an interim measure. IMs can proceed

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without full information but CMEs can't and IMs can proceed without public notice, hearings, etc., CMEs can't. At this point, even an IM will take a while, but at least most would not be dependent on any specific document on the schedule Lane sent to you. Get Kate off the CME fixation and onto figuring out practical and effective solutions and we could probably get something useful accomplished.

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**From:** Pierard, Kevin, NMENV <[Kevin.Pierard@state.nm.us](mailto:Kevin.Pierard@state.nm.us)>  
**Sent:** Thursday, September 17, 2020 1:50 PM  
**To:** Cobrain, Dave, NMENV <[dave.cobrain@state.nm.us](mailto:dave.cobrain@state.nm.us)>; Andress, Lane, NMENV <[Lane.Andress@state.nm.us](mailto:Lane.Andress@state.nm.us)>  
**Subject:** RE: KAFB management

Understood but we cant allow the vapor portion of the study to significantly delay movement on remedy selection for source areas or groundwater. So the issue is can we move these to remedy while we continue to study vapor. Right now I don't see why we cant. So no final remedy for soil vapor but move forward on final remedy for groundwater.

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**From:** Cobrain, Dave, NMENV <[dave.cobrain@state.nm.us](mailto:dave.cobrain@state.nm.us)>  
**Sent:** Thursday, September 17, 2020 1:24 PM  
**To:** Pierard, Kevin, NMENV <[Kevin.Pierard@state.nm.us](mailto:Kevin.Pierard@state.nm.us)>; Andress, Lane, NMENV <[Lane.Andress@state.nm.us](mailto:Lane.Andress@state.nm.us)>  
**Subject:** RE: KAFB management

It doesn't affect the schedule any more than any other investigation activity. A closer look at past data is showing problems with detection limits relative to screening levels indicates that there's more than one issue that will delay remedy selection. We're finding out that the Air Force can't demonstrate compliance with vapor intrusion screening levels which also ties into adequately defining the extent of contamination. You can't select final remedies without that information.

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**From:** Pierard, Kevin, NMENV <[Kevin.Pierard@state.nm.us](mailto:Kevin.Pierard@state.nm.us)>  
**Sent:** Tuesday, September 15, 2020 4:41 PM  
**To:** Andress, Lane, NMENV <[Lane.Andress@state.nm.us](mailto:Lane.Andress@state.nm.us)>; Cobrain, Dave, NMENV <[dave.cobrain@state.nm.us](mailto:dave.cobrain@state.nm.us)>  
**Subject:** KAFB management

Based on our discussion today with Stephanie, as I understand it the SSV workplan/investigation/report significantly impacts our date to get to a CME. I would like to explore the possibility of carving the SSV work out. To do so we would first need to understand if this approach is legal, and by that I mean are we specifically prohibited from taking such an approach. From there we need to know would the SSV information be necessary before we could design a system to address source area ground water or LNAPL etc. I suspect approaches such as this have been done before and in the superfund program are likely common. In my experience there is nothing that would prohibit such an approach. Beyond that we would need to determine if this approach is a good idea (pros and cons). There would be some process duplications which would

increase administrative costs. I would rather not delay the major components of a cleanup while we wait for SSV info. if we don't need to. We could always discuss this with EPA as well. Please give that some thought.

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