



MICHELLE LUJAN GRISHAM
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Certified Mail - Return Receipt Requested



March 31, 2023

Colonel Jason F. Vattioni
Base Commander
377 ABW/CC
2000 Wyoming Blvd SE
Kirtland AFB, NM 87117

Ms. Melissa Clark
Civil Engineer Office
377 Civil Engineer Division
2050 Wyoming Blvd SE, Suite 116
Kirtland AFB, NM 87117

**RE: REQUEST FOR TIME EXTENSIONS FOR THE SOIL VAPOR MONITORING WORK PLAN,
THE REVISED GROUNDWATER MONITORING WORK PLAN, AND THE ACTIVE
GROUNDWATER SAMPLING SYSTEM WORK PLAN
BULK FUELS FACILITY SPILL
SOLID WASTE MANAGEMENT UNIT ST-106/SS-111
KIRTLAND AIR FORCE BASE, NEW MEXICO
EPA ID# NM6213820974
HWB-KAFB-23-MISC**

Dear Colonel Vattioni and Ms. Clark:

The New Mexico Environment Department (NMED) Hazardous Waste Bureau (HWB) received the United States Air Force (AF) Kirtland Air Force Base (Permittee) letter requesting time extensions for the submittal of the *Soil Vapor Monitoring Work Plan*, the revised *Groundwater Monitoring Work Plan*, and the *Active Groundwater Sampling System Work Plan* (Request). The Request was not received in a timely manner in that it was dated one day prior to the *Soil Vapor Monitoring Work Plan* being due and less than a week before the submittal date for the *Groundwater Monitoring Work Plan*. NMED is rescinding and replacing NMED's February 27, 2023 letter and directions for a Migration Pathway Work Plan.

The reasons stated for this request are that the AF has questions regarding the work plan. NMED remains available to answer any questions the Permittee may have regarding requirements for the work plans. The Permittee is free to submit their questions to NMED in writing either through email or mail correspondence. NMED will provide responses in writing, as was done for the requests for clarification for both the *Soil Vapor Monitoring Work Plan* and the *Groundwater Monitoring Work Plan*.

Soil Vapor Monitoring Work Plan

Regarding the *Soil Vapor Monitoring Work Plan*, the Permittee has been aware of the required changes to their monitoring protocol since **August 30, 2021**. To date, the Permittee has not

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KAFB5285



made the required changes to monitoring, stating that it will not make changes to the monitoring without an approved work plan. On September 16, 2022, NMED required the submittal of a revised *Soil Vapor Monitoring Work Plan*. On November 3, 2022, the Air Force requested clarification on the requirements for the work plan. On November 30, 2022, NMED provided clarification. Since notification of the required changes, 18 months have passed and at least five more rounds of nonrepresentative data have been collected at the Bulk Fuels Facility Site (BFFS). Also, since notification of the requirement to submit a work plan, five months have passed and three additional months have passed since NMED provided responses to the Permittee's requested clarifications. The Permittee has not provided justification for an extension. Therefore, the extension request for the revised *Soil Vapor Monitoring Work Plan* is hereby denied. You are instructed to submit a workplan as soon as practicable.

Groundwater Monitoring Work Plan

Regarding the revised *Groundwater Monitoring Work Plan*, AF received the disapproval of its initial submittal on November 8, 2022 for the following reasons: After several iterations of clarification requests and NMED responses, the AF has not demonstrated a good-faith effort to submit this work plan in a timely manner. On December 28, 2022, the Air Force requested an extension and clarification regarding the disapproval. On January 19, 2023, NMED provided clarification and a 45-day extension to submit the plan. Since receiving the disapproval, the Permittee has had over three months to revise the work plan. An additional six weeks have passed since NMED provided the requested clarifications to the Permittee and extension which was granted through March 6, 2023. The Permittee has had approximately four months to revise the plan and has not shown just cause for an extension. Therefore, the extension request for the revised *Groundwater Monitoring Work Plan* is hereby denied. You are instructed to submit a workplan as soon as practicable.

Active Groundwater Monitoring System Work Plan

Regarding the *Active Groundwater Monitoring System Work Plan*, NMED notified the Permittee of this requirement in the November 8, 2022 Notice of Disapproval of the Groundwater Monitoring Plan. NMED granted a 45-day extension to submit the plan on January 19, 2023. The Permittee has been provided over five months to develop the work plan, which only involves changing passive sampling methods to active sampling methods already conducted in other wells at the site. The Permittee has not shown just cause for the extension. Therefore, the extension request for the submittal of the *Active Groundwater Monitoring System Work Plan* is hereby denied. You are instructed to submit a workplan as soon as practicable.

Section 6.5 of the KAFB RCRA Permit states, "[t]he methods used to conduct investigation, remediation, and monitoring activities shall be sufficient to fulfill the requirements of this Permit, and to provide accurate and representative data for the evaluation of site conditions, the nature, concentration, rate of migration, and extent of contamination, and for remedy selection and implementation, where necessary." As stated in previous correspondence, NMED has determined that the current sampling methods used at the BFFS site are not providing accurate and representative data, and this data cannot be used for decision-making purposes.

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In summary, all three requests for extensions are hereby denied and the Permittee is required to submit the documents as required. As of today, the Soil Vapor Monitoring Work Plan and the revised Groundwater Monitoring Work Plan have not been submitted in accordance with the current schedule. Failure to submit required documents by their scheduled submittal date constitutes non-compliance and may result in an enforcement action in accordance with Section 1.2 of the KAFB RCRA Permit.

Finally, NMED is rescinding the letter and directions for a Migration Pathway Work Plan issued on February 27, 2023, one day prior to the extension request. In consideration of the Permittee's extension request, NMED will eliminate the need for a Phase II Resource Conservation and Recovery Act Facility Investigation (Ph. II RF) Work Plan and Report. Instead, NMED will require future submittals that address the data gaps the Ph. II RFI was intended to address.

Should you have any questions, please contact Ben Wear of my staff at (505) 690-6662.

Sincerely,

Rick Shean
Digitally signed by
Rick Shean
Date: 2023.03.31
13:10:41 -06'00'

Rick Shean
Acting Chief
Hazardous Waste Bureau

cc:

- B. Wear, NMED HWB
- L. Andress, NMED HWB
- L. King, EPA Region 6 (6LCRRC)
- L. McKinney, EPA Region 6 (6LCRRC)
- S. Kottkamp, KAFB
- R. Wortman, KAFB
- D. Agnew, ABCWUA
- A. Tafoya, VA

File: KAFB 2023 SWMU ST-106/SS-111 Bulk Fuels Facility Spill and Reading