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**Certified Mail - Return Receipt Requested**

December 14, 2021

Colonel Terence G. Taylor  
Commander, 27th Special Operations Wing  
100 Air Commando Way, Suite 100  
Cannon Air Force Base  
New Mexico 88103-5214

**RE: DISAPPROVAL  
GROUNDWATER MONITORING FIELD SAMPLING PLAN-REVISION 2  
MELROSE AIR FORCE RANGE  
EPA ID# NM5572124456  
HWB-MELR-19-002**

Dear Colonel Taylor:

The New Mexico Environment Department (NMED) has received the United States Air Force (Permittee) *Groundwater Monitoring Field Sampling Plan-Revision 2 (FSP)*, submitted on behalf of Melrose Air Force Range, dated August 20, 2021. NMED hereby issues this Disapproval. The Permittee must address the following comments.

**COMMENTS**

**1. Section 1.1, Project Background, Footnote No. 1, Page 1-2**

**Permittee Statement:** "The USAF [United States Air Force] prepared the 1996 RFI report and the 2003 addendum pursuant to a Resource Conservation and Recovery Act [RCRA] permit issued on December 30, 1994. Because the reason for the initial permit for the treatment of waste explosives by open detonation that was never installed, the USAF questioned the need for the permit during the permit renewal process in 2020. To date, the question has gone unanswered, and the permit renewal remains pending."

**NMED Comment** Reference to the permit renewal in the FSP is inappropriate and irrelevant to NMED's requirement for submittal of the FSP update. As previously clarified in NMED's April 30, 2021 *Disapproval Groundwater Field Sampling Plan-Revision 1 (Disapproval FSP-Revision 1)*, groundwater monitoring at Melrose Air Force Range (MAFR) is an interim

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measure required by the 1994 *Resource Conservation and Recovery Act Hazardous Waste Permit for Melrose Bombing Range* (Permit) because corrective action at MAFR solid waste management units (SWMUs) and Areas of Concern (AOCs) is still required. The Permit is based on the respective permit application submitted by the Permittee for hazardous waste treatment, and the SWMUs and AOCs requiring corrective action have been identified in the Permit and FSP Sections 1.1 and 1.2; therefore, 40 Code of Federal Regulation 264.101 corrective action requirements for RCRA treatment, storage, and disposal facilities apply.

NMED's May 10, 2007 *Notice of Disapproval Final RCRA Facility Investigation Report Addendum for Melrose Bombing Range* (RFI Addendum Disapproval) and NMED's February 1, 2006 *Notice of Deficiency Final RCRA Facility Investigation Addendum for Melrose Air Force Range* (Notice of Deficiency), which also included NMED's review of the prior Phase I RFI, document that the investigations are deficient and submittal of an investigation work plan is required.

On May 9, 2007, the Permittee submitted a request to NMED for deferral of submittal of the required investigation work plan and stated that "CAFB [Cannon Air Force Base] will maintain and monitor all areas of Solid Waste Management Units and Areas of Concern at the range in accordance with the NMED Hazardous Waste Permit." NMED's June 19, 2007 *Deferment for the Submittal of the Revised RCRA Facility Investigation Work Plan* response to the Permittee's request required submittal of a permit renewal application for a "corrective action only" permit. The Permittee subsequently submitted the December 12, 2007 *Revised Part A Permit Application* with the attached RCRA Part B Application (Permit Renewal Application) that included a description of the SWMUs and AOCs subject to corrective action at MAFR. The Permit Renewal Application and other information required by NMED is the basis for the 2020 *Draft Melrose Air Force Range Resource Conservation and Recovery Act Permit*. As specified by Permit Module I, General Permit Conditions, Section I.E.3, Permit Expiration, the Permit is in effect until the renewal has been finalized by NMED. Therefore, corrective action at MAFR and the interim measure continue as requirements of the Permit.

The following issues must be addressed as follows in the revised FSP:

- a. The Section 1.1 footnote and any reference to the permit renewal must be removed from the FSP. The FSP must be revised accordingly.
- b. The Permit must be cited as the regulatory basis for required corrective action at MAFR and Permittee submittal of the September 1995 *Work Plan RCRA Facility Investigation Phase I* and the subsequent 1996 Phase I RFI and 2003 RFI Addendum as previously included in FSP-Revision 1 and as documented in the NMED-Approved April 2015 *Groundwater Monitoring Field Sampling Plan*. The FSP must be revised accordingly.

- c. The revised FSP must also clarify that the Phase I RFI and the RFI Addendum have not been approved by NMED and additional investigation is still required at MAFR SWMUs and AOCs. The FSP must be revised accordingly.
- d. Remove Section 1.1.1, Phase I RFI Findings, from the revised FSP. The discussion is redundant as the Phase I RFI and RFI Addendum are discussed in Section 1.2, Site Description and History. Furthermore, the Notice of Deficiency and the RFI Addendum Disapproval have determined that the RFIs are incomplete, and the listed findings are not acceptable for use as lines of evidence. The FSP must be revised accordingly.

Failure to revise the FSP as required by NMED is considered noncompliance with the Permit and may result in an enforcement action.

## 2. Section 1.7, Applicable Regulations/Standards, Pages 1-9 and 1-10

**NMED Comment:** The following issues must be addressed as follows:

- a. Delete the Permittee statement "MAFR is an operational range, so use of munitions at the range do not generate waste until the range is closed or transferred. Additionally, as noted in Section 1.1.1, NMED has concurred to defer additional work associated with the RFI for MAFR until the Range is deactivated. For munitions-related discharges and releases that become waste, the applicable screening levels for evaluation of chemicals of concern (COCs) in groundwater will be identified." The statement is unnecessary and not entirely accurate. The FSP must be revised accordingly.
- b. Section 1.7 must be revised to only discuss and propose the use of regulations and standards and the cleanup and screening level criteria applicable to all COCs identified in Section 1.6, Potential Site Contaminants of Concern and, as necessary, any newly identified COCs. The FSP must be revised accordingly.
- c. As previously explained in NMED's July 2, 2020 *Disapproval Groundwater Field Sampling Plan 2019* and April 30, 2021 *Disapproval Groundwater Field Sampling Plan Revision 1* responses, the applicable regulatory cleanup and screening level standards for evaluation of all COCs in groundwater at Melrose Air Force Range shall be the New Mexico Water Quality Control Commission (WQCC) groundwater quality standards, 20.6.2.3103 New Mexico Administrative Code (NMAC), the cleanup levels calculated for toxic pollutants listed in 20.6.2.7.T(2) NMAC, and the drinking water maximum contaminant levels (MCLs) adopted by United States Environmental Protection Agency (USEPA) under the federal Safe Drinking Water Act (42 U.S.C. 300f to 300j-26). If both a WQCC groundwater quality standard and an

MCL have been established for an individual COC, then the lower of the levels shall be the cleanup level for that substance. The most recent version of the NMED's Tap Water Screening Levels listed in Table A-1 or as specified in other sections of NMED's 2019 *Risk Assessment Guidance for Site Investigation and Remediation* (RA Guidance) (as updated) shall be used to establish the cleanup level, if neither a WQCC standard or an MCL has been established for a specific COC. In the absence of an NMED tap water screening level or other cleanup level listed in the RA Guidance, the USEPA Regional Screening Levels for Chemical Contaminants at Superfund Sites (RSLs, as updated) for tap water shall be used as the cleanup level. As an exception, hexavalent chromium concentrations must be evaluated using the WQCC groundwater quality standard for dissolved chromium. Evaluation of all COCs identified in Section 1.6, as well as any newly identified COCs with the cleanup and screening level criteria specified by NMED, is a requirement for protection of human health and the environment and must be proposed clearly and concisely in the revised FSP without exception or limitation. The FSP must be revised accordingly.

- d. The Permittee erroneously stated "[a]ny groundwater contaminant listed in the New Mexico Water Quality Control Commission (WQCC) Regulations at 20.6.2.3103 NMAC [New Mexico Administrative Code] that is not listed in 40 CFR Part 261, Appendix VIII or 40 CFR Part 264, Appendix IX will not be included." The Permittee's statement must be deleted from the revised FSP. NMED requires the evaluation of all identified COCs listed in Section 1.6 and any newly identified COCs without exception or limitation for protection of human health and the environment. The FSP must be revised accordingly.
  
- e. The Permittee erroneously stated "[a]ny toxic pollutant in the New Mexico WQCC Regulations at 20.6.2.7.T(2) NMAC that is not listed in 40 CFR Part 261, Appendix VIII or 40 CFR Part 264, Appendix IX is not part of this FSP." The Permittee's statement must be deleted from the revised FSP. As clarification, all toxic pollutants listed in 20.6.2.7.T(2) NMAC that are identified as COCs in the FSP (Section 1.6) and any newly identified COCs must be evaluated with the applicable cleanup and screening level criteria specified by NMED in Comment 2c of this letter. Furthermore, any 20.6.2.7.T(2) NMAC toxic pollutants identified as COCs during groundwater monitoring or by way of other information must be proposed for evaluation in an FSP update as required by NMED's May 7, 2019 *Update to Groundwater Monitoring Field Sampling Plan*. Failure to update the FSP as required by NMED or to report a release of contaminants to the environment at MAFR is a violation of the conditions of the Permit and may result in enforcement action. The FSP must be revised to propose evaluation of all 20.6.2.7.T(2) toxic pollutants identified as COCs at MAFR as required by NMED without exception or limitation. The FSP must be revised accordingly.

Continued failure to update and revise the FSP as required by NMED constitutes noncompliance with the Permit and may result in an enforcement action.

**3. Section 3.3.1, Objectives, Page 3-2**

**Permittee Statement:** "Monitor for the presence or absence of regulated contaminants."

**NMED Comment:** The statement must be revised to state "monitor for the presence or absence of contaminants" as stated by the Permittee in Section 1.4, Project Description Objective. The FSP must be revised accordingly.

**4. Section 3.3.3.4, Comparability, Page 3-5**

**Permittee Statement:** "Comparability of results may be evaluated using the calculations for precision described in Section 3.3.1.2."

**NMED Comment:** The FSP does not include a Section 3.3.1.2. Revise the statement to accurately cite the appropriate section.

**5. Section 3.3.3.6., Sensitivity, Page 3-6**

**NMED Comment:** To ensure that contract sample chemical analytical laboratories meet NMED's quality assurance and control standards for reporting and detection limits, the section must be revised to also specify that the targeted detection and reporting limits for each method shall be less than applicable background, screening, and regulatory cleanup levels. The preferred method reporting (practical quantitation) limits are a maximum of 20 percent of the cleanup, screening, or background levels for each COC. Analyses conducted with detection limits that are greater than applicable background, screening, and regulatory cleanup levels shall be considered data quality exceptions and the reasons for the elevated detection limits shall be reported in the FSP and/or during required annual groundwater monitoring reporting. Revise the FSP accordingly.

The Permittee must submit a revised FSP that addresses all comments contained in this Disapproval. In addition, the Permittee must include a response letter that cross-references where NMED's numbered comments were addressed. The Permittee must also submit an electronic redline-strikeout version of the revised FSP showing all changes made to the FSP. The revised FSP must be submitted to NMED no later than **March 31, 2022**.

Colonel Taylor  
December 14, 2021  
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If you have any questions regarding this letter, please contact Gabriel Acevedo at (505) 690-5760.

Sincerely,

**Rick Shean**

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Chief  
Hazardous Waste Bureau

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