



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



DAVE MARTIN
Secretary

RAJ SOLOMON, P.E.
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 10, 2011

Thomas A. Ladd, Director
Environment and Safety Directorate
U.S. Army White Sands Missile Range
White Sands Missile Range,
New Mexico 88002-5000

**RE: SECOND NOTICE OF DISAPPROVAL
RFI REPORT FOR THE MAIN POST POL
AST RELEASE SITE (SWMU 219)
WHITE SANDS MISSILE RANGE, NEW MEXICO
EPA ID # NM 2750211235
HWB-WSMR-10-003**

Dear Mr. Ladd:

The New Mexico Environment Department (NMED) has received the U.S. Army White Sands Missile Range (Permittee) *Revised RCRA Facility Investigation Report for the Main Post POL AST Release Site (SWMU 219)* (Report) dated May 2011. NMED has reviewed the Report and hereby issues this Second Notice of Disapproval (Second NOD) with the following comments.

Comment 1

In the Permittee's response letter for the February 21, 2011 NOD (February 2011 NOD) for the Report regarding Comment 1, the Permittee states that they "respectfully [disagree] with [Comment 1]. The requirements of both NODs, with the exception of expanding the investigation to areas outside the AST Release Site, were incorporated into the RFI Report. [The] Permittee does not agree with the extent of the SWMU identified by NMED and contends the AST Release Site constitutes SWMU 219, not the entire POL Area. This is reflected in the Comment section of Table 4-1 in Appendix 4 of the Permit. There have been no other

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documented releases in the Main Post POL Area. The POL area is an active fueling station, and routine inspections and leak tests are conducted. Based on this information, the RFI performed is appropriate. It should also be noted that the initial NOD to the work plan dated November 6, 2009 did not comment on the proposed scope, which focused only on the AST area. WSMR does not understand why the second NOD dated May 23, 2010 contained separate unrelated comments to the first NOD.”

The main premise of all of the NOD comments is that the Permittee did not provide enough information to adequately demonstrate that the contaminant history of the entire SWMU was completely characterized by the investigation. Section VI.H.1.b (Investigation Work Plan Requirements) of the December 2009 RCRA Permit (Permit) states that the Permittee must adequately “[complete] specific actions necessary to determine the nature and extent of contamination and the potential pathways of contaminant releases to the air, soil, surface water, and ground water. The Permittee shall provide sufficient justification and associated documentation that a release is not probable or has already been characterized if a unit or a media/pathway associated with a unit (ground water, surface water, soil, subsurface gas, or air) is not included in an Investigation Work Plan. Such deletions of a unit, medium, or pathway from the work plan(s) are subject to the approval of NMED.” It is not uncommon that review of revised documents reveals the need for additional changes. Therefore, the Permittee may find added requirements in NODs or Approvals with Modifications. The August 12, 2009 version of the Work Plan was deficient and did not provide any figures to physically define the SWMU boundary. NMED did not make comments about the scope of work because the Permittee did not provide sufficient information to support the proposed investigation or define the SWMU boundary.

Significantly, the investigation was conducted at risk without an approved work plan. The May 12, 2010 NOD (May 2010 NOD) directed the Permittee to submit a revised work plan on July 30, 2010. Instead, the Permittee submitted a *Request for time extension for submittal of Main Post POL (SWMU 219), RCRA Facility Investigation Report* dated July 29, 2010. NMED approved the extension on August 17, 2010 with the stipulation that the investigation was conducted at risk without an approved work plan and that the Permittee must adhere to the requirements established in the the November 6, 2009 (November 2009 NOD) and May 2010 NODs while conducting the investigation activities and preparing the investigation report. The Permittee did not complete an investigation of all of SWMU 219 and has not complied with NMED’s requirements.

In addition, as stated in NMED’s Comment 2 of the February 2011 NOD for the Report, “the Permittee’s Hazardous Waste Facility Permit (Permit) does not identify the ‘AST Release Site’ as SWMU 219; it is merely a ‘Comment’ from the table. The ‘Unit Description’ provides the clear definition of the SWMU, which is the Main Post POL.” The Comment section only defines a notation of an occurrence within SWMU 219 and does not limit the SWMU to only one portion of the site. Table 8-2 (SWMUs & AOCs Requiring Corrective Action), lists SWMU 219 under

appropriate sampling suite capable of determining the extent of all potential types of contamination released during the entire operating history of the Main Post POL.

Comment 4

NMED's February 2011 NOD, page 8, states that "an electronic version of the revised Report [must] be submitted that identifies where all changes have been made in red-line strikeout format." The Permittee provided the red-line strikeout but did not highlight all changes that were made. For example, the page numbers in the Executive Summary and List of Acronyms for the first Report were numbered as Roman numerals and lowercase letters. The revised Report shows the page numbering system for these two sections have been switched but this is not reflected in the red-line strikeout. NMED is concerned that other changes have not been highlighted as directed. Provide red-line strikeout for all changes to the text and formatting of the revised Report. Also provide a separate PDF file for the red-line strikeout version in the revised Report.

In addition, the List of Acronyms provided in the Report does not match the List of Acronyms provided in the red-line strikeout. There are also several changes that were made, for example, Degrees Fahrenheit (°F) was removed and the National Oceanographic and Atmospheric Administration (NOAA) was added but this is not indicated in the red-line strikeout. In future reports, ensure all changes made are highlighted in the red-line strikeout and match the final version of all documents.

Comment 5

In the Executive Summary and Section 1 (Introduction), pages I-II and 1-2, the Permittee provides a brief chronology listing the corrective action activities related to the site; however, three of the bulleted items are out of place and the October 2010 information is not bulleted. Revise the Report to place bullet 3 (August 2009) and bullet 4 (November 2009) before bullet 2 (December 2009), bullet 6 (January through April 2010) before bullet 5 (February 2010), and add a bullet item for the October 2010 information.

Comment 6

The Executive Summary and Section 1 (Introduction), pages I-II and 1-2, bullet 8 states, "WSMR sent a letter to NMED requesting a 60-day extension to respond to the NOD and notifying the NMED that they intended to implement the RFI Work Plan and respond to the May 2010 NOD in the RFI Report rather than submit a second revised RFI Work Plan." NMED approved the extension with the understanding that the investigation was conducted at-risk without an approved Work Plan. No response is necessary.

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the "Unit Description" of "Main Post POL" with a "Work Plan Submittal Date" of May 15, 2010. The Unit description in Appendix 4, Table 4-1 and Appendix 8, Table 8-2 reference the Main Post POL and do not limit the SWMU to the location of a single event. The Permittee has not submitted a work plan for the Main Post POL, but only for a small portion of the site related to an event that occurred within SWMU 219. The investigation of SWMU 219 must be expanded to include all current and historical underground storage tanks (USTs), aboveground storage tanks (ASTs), storage areas, fuel dispensers, aboveground and underground fuel lines, and ancillary equipment within the SWMU boundary. The Permittee must address the entire Main Post POL.

Comment 2

In the Permittee's response letter for the February 2011 NOD, the Permittee states "[a]s discussed in response to Comment 1, the Permittee respectfully disagrees with [Comment 2]. The site boundary was adequately defined in the Work Plan and in the RFI, as confirmed by the analytical data delineating the vertical and horizontal extents of impact." In the previous NOD responses, the Permittee repeatedly ignored NMED's comments about submitting a figure that would clearly define the SWMU 219 boundary. Comments 2 and 3 from the November 2009 NOD for the Work Plan, directed the Permittee to provide figures that clearly depict the site, specific site features including fuel lines, and to clearly mark the boundary of the Main Post POL Storage Site. Comments 1, 2, 3, 4, 15, and 20 from the February 2011 NOD directed the Permittee to investigate the rest of SWMU 219 and also provide figures to define the SWMU boundary. Since the Permittee did not provide a figure that clearly defined the SWMU 219 boundary, NMED defined the Main Post POL based on personal observations and information available in the NMED's Administrative Record.

The Permittee had several opportunities to submit a figure to clearly define SWMU 219 and was repeatedly directed to provide figures depicting site features and utilities (e.g., USTs, ASTs, fueling station, aboveground and underground fuel lines, surrounding SWMUs, buildings). The figure attached to the February 2011 NOD (*see* Comment 1 above) defines the extent of SWMU 219 that the Permittee must investigate.

Comment 3

Comment 4 from NMED's February 2011 NOD restated Comment 8 from the May 2010 NOD for the Work Plan which directed the Permittee to expand the sampling suite to characterize all possible contaminants at SWMU 219. In the response letter, the Permittee states that "[t]he analytical suite used was adequate and appropriate to characterize a release of gasoline, which is the focus of this RFI Report. It should be noted that the November 6, 2009 NOD did not contest the selected analytical suite, or the general scope of the proposed investigation." The work plan with the initial proposed sampling suite was not approved by NMED in accordance with Permit Section I.L (Approval of Work Plans and Other Documents). The Permittee must propose an

Comment 10

Figure 1 (Site Map) depicts the entire Main Post and highlights an area that identifies buildings within the vicinity of the release site. The Permittee failed to depict the SWMU boundary but marked the boundaries for SWMUs 10, 12, and 14. The Permittee also failed to include all of the ASTs within the magnified photo. Revise the figure to include the NMED-defined SWMU 219 boundary and all of the associated site features in the magnified photo in the revised Report.

Comment 11

Figure 2 (Site Layout) shows the layout of some of the features within the Main Post POL. However, there appears to be an error with the location of the underground gasoline line that extends from the southern gasoline ASTs to the dispenser island. It appears that the line connects to the diesel dispensers rather than the first set of gasoline dispensers. This error also appears on Figure 3 (Soil Boring Locations) and Figure 4 (BTEX and GRO Concentrations). Correct the figures in the revised Report.

Comment 12

Appendix A (GPR Report), Figure 4 (Diagram of First Scanning site near Las Cruces), page 7, contains a figure that depicts areas scanned for utilities by Zia Engineering and Environmental. Explain why these areas either are not depicted or do not coincide with the information provided in Figures 2, 3, and 4 in the response letter.

Comment 13

Appendix E (Risk Assessment) must be removed from the revised Report because not all of SWMU 219 site has been assessed. It is not appropriate to submit a risk assessment for a small portion of a site under investigation (*see* Comment 1 from the November 2009 NOD, Comment 3 from the May 2010 NOD, and Comment 23 from the February 2011 NOD).

Comment 7

In the Executive Summary, page II, paragraph 2, the Permittee summarizes the background history of the Main Post POL Storage Area. The Permittee states that “[t]he Main Post POL Storage Area has been in service since the 1960s” and that no other releases have been identified at the Main Post POL. However, the Permittee has not demonstrated that releases have not occurred at this site that were not documented. The Permittee must use historical aerial photos, construction drawings, and utility maps to determine placement of current and historical USTs, ASTs, fuel stations, and aboveground and underground fuel lines to determine where investigation activities must be conducted to demonstrate that releases of contaminants have not occurred. The Permittee must include historical information regarding the removal of any USTs or ASTs, fuel stations, and aboveground or underground fuel lines or indicate if the tanks remain in place in the revised Report. The Permittee must also provide figures depicting the locations of all current and historical USTs, ASTs, fuel dispensers, storage areas, and aboveground and underground fuel lines.

In addition, the Permittee must provide the following information for the Main Post POL which includes: the total number of ASTs and USTs, whether the secondary containment has been in place since the 1960s, whether the entire SWMU has always been paved, and information about the fuel lines (i.e., discuss current and historical underground and aboveground fuel lines) in the revised Report.

Comment 8

Section 2.4 (Geology), page 5, makes a reference to Kelly, 1973 regarding the site geology. This article references the United States Geological Survey (USGS) Open File Report 72-308 in Section 7 (References) on page 21. According to the USGS publications website, USGS Open File Report 72-308 is titled the “Annual compilation and analysis of hydrologic data for Escondido Creek, San Antonio River basin, Texas.” The Kelly, 1973 report was not listed on the USGS publications website. Provide the correct Open File Report number for the Kelly, 1973 reference in the revised Report and discuss the relevance of a site located in Texas to WSMR Facility.

Comment 9

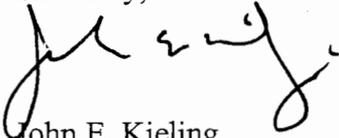
Section 3.1.8 (Waste Handling), page 12, paragraph 3, states, “[a] separate composite sample (MP01-CS-001) of the [Investigation Derived Waste (IDW)] solids was collected during the April 2010 sampling event and [t]he sample was submitted to the laboratory for specific waste characterization analyses.” The Permittee must state the chemical analyses performed on MP01-CS-001 and provide the results in the revised Report.

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The Permittee must address all comments contained in this NOD and submit a work plan that proposes to investigate all of SWMU 219 on or before **October 14, 2011**. The Work Plan is subject to review and approval in accordance with Permit Section I.L. If the Permittee chooses to continue to complete the investigation of the entire SWMU 219 at risk and submit a revised Report, the revised Report must be submitted with a response letter on or before **April 2, 2012**. The Permittee must adhere to all requirements included in the past NODs for the Work Plan or Investigation Report to complete the investigation of the entire SWMU. If only a Report is submitted, the revised Report must detail where all revisions have been made, cross-referencing NMED's numbered comments. In addition, an electronic version of such revised Report must be submitted that identifies where all changes have been made in red-line strikeout format (*see* also Comment 4). The Report also is subject to the review process included in Permit Section I.L.

If you have questions regarding this letter please contact Leona Tsinnajinnie of my staff at 505-476-6057.

Sincerely,



John E. Kieling
Acting Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
K. Van Horn, NMED HWB
L. Tsinnajinnie, NMED HWB
J. Gallegos, WSMR
B. Avalos, WSMR

File: Reading and WSMR 2010 and HWB-WSMR-10-003