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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 11, 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: ADMINISTRATIVELY INCOMPLETE DETERMINATION
PETITION TO PERFORM CLASS III MODIFICATIONS TO CHANGE
THE STATUS OF SOLID WASTE MANAGEMENT UNITS 19, 47, 48, 63,
64, 108, 157, 158, 159, 164, 167, 168, and 198 FROM CORRECTIVE
ACTION REQUIRED TO CORRECTIVE ACTION COMPLETE OR
CORRECTIVE ACTION COMPLETE WITH CONTROLS
WHITE SANDS MISSILE RANGE
EPA ID# NM2750211235
WSMR-11-015**

Dear Mr. Ladd:

The New Mexico Environment Department (NMED) has completed its review of White Sands Missile Range's (Permittee) *Petition to Perform Class III Modifications to Change the Status of Solid Waste Management Units 19, 47, 48, 63, 64, 108, 157, 158, 159, 164, 167, 168 and 198 from Corrective Action Required to Corrective Action Complete or Corrective Action Complete with Controls* (Permit Modification), dated January 2011. The Permit Modification is administratively incomplete. The Permittee must address the following comments before NMED can process the permit modification request.

Comment 1

The Permittee included risk assessments with the Permit Modification. Risk assessments must be reviewed and approved by NMED prior to submittal of petitions for permit modifications. The Permittee must submit the risk assessments for NMED review as a separate document(s).

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Once the risk assessments have been approved by NMED, revise the Permit Modification to include summaries and references to the risk assessments, but do not provide the risk assessments themselves.

Comment 2

Petitions for corrective action complete determinations generally require the following:

- 1) a summary of the site history and use;
- 2) a summary of site investigations and the results;
- 3) a summary of monitoring results showing trends in contaminant concentrations;
- 4) a summary of any remedial actions and the verification of remedy completion (e.g., remedy completion report or remediation sampling verification reports including summaries of any sampling showing locations and levels of residual contamination; and
- 5) a summary of risk assessment results (if conducted, otherwise use the proper numeric cleanup standards including cumulative risk calculations, as necessary, for comparison).

The summaries must reference the corresponding documents (including page table or figure numbers) that have been submitted, reviewed, and approved by NMED. Revise the Permit Modification to include the information listed above.

Comment 3

If the Permittee submitted documents previously and the documents have been reviewed and approved by NMED, there is no need to include them in the Permit Modification. Additionally, there is no need to include correspondence, laboratory reports, health and safety plans or any other documentation related to historical reports (or the historical reports themselves). These documents must have been previously reviewed and approved by NMED and be part of the NMED's administrative record for WSMR to be considered for use to determine the status of a site. Remove the documents from the Permit Modification, but include references to the specific documents to facilitate NMED's review (*see also* Comment 2).

Comment 4

Both of the binders containing the Permit Modification were broken, because the document is too large for the binders. Additionally, the pdf provided is over 1400 pages long and "secured" so that NMED cannot copy quotes from the document. If, after revising the Permit Modification, it is still oversized, break the document into volumes that fit the binders to avoid damage and provide a pdf version from which access is allowed to copy portions, as necessary. Also, include the figures and tables as separate pdf files.

Comment 5

The 2009 RCRA Permit (Permit) requires release assessments for SWMUs 47, 48, 108, 167, and 168 (*see* Table 8-2 (SWMUs and AOCs Requiring Corrective Action)). Since these SWMUs require additional work, NMED cannot evaluate them for corrective action complete status.

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Revise the Permit Modification to exclude SWMUs 47, 48, 108, 167, and 168. The Permittee may submit permit modification requests once all of the required work is completed and approved by NMED at these sites. See Permit Table 8-2 for the submittal dates for the release assessments.

Comment 6

The Permittee submitted groundwater data for SWMU 164 (AMRAD) as part of the Permit Modification. NMED required submittal of this data in its April 29, 2010 letter *Review of Calendar Year 2007 Groundwater Monitoring at Launch Complex 38 Diesel Spill (SWMU 198)*. The Permittee must submit this data as a separate report for NMED's review and approval. Until NMED reviews the groundwater data, the SWMU cannot be considered for corrective action complete determination. Revise the Permit Modification to remove SWMU 164. Do not include data or information not previously submitted to NMED in any permit modification requests.

Comment 7

Section 7 discusses SWMUs 157, 158, and 159. SWMU 158 (Former Oscura Range Landfill) is listed as "Clean Closure Complete" in Permit Table 4-4 (Hazardous Waste Management Units) and does not require a permit modification. Remove SWMU 158 from the Permit Modification request.

Comment 8

The Permittee references EPA Region 9 preliminary remediation goals (PRGs) in several sections (e.g., Section 2, Section 4, and Section 5). WSMR is located in EPA Region 6 and the Permittee must follow the soil screening guidance as described in Permit Section 3.2 (Soil Cleanup Levels). The EPA region-specific Human Health Media Specific Screening Levels have been replaced by the EPA Regional Screening Levels (RSLs). Revise the Permit Modification text and tables to reference the correct EPA Region and the correct soil and groundwater cleanup levels. Throughout the Permit Modification, the Permittee must use current soil and groundwater screening levels, revise all data tables to reflect the most up-to-date standards (see NMED's guidance documents which are available at <http://www.nmenv.state.nm.us/hwb/guidance.html>). Add the correct soil and groundwater cleanup levels to all summary tables. If a table does not have the levels listed, then add them to the tables. Additionally, add the depths where soils samples and confirmation samples were collected to summary tables if depths are not listed. Also ensure that the laboratory detection limits are not greater than the applicable soil or groundwater screening levels. If the detection limits exceed the corresponding clean-up levels, those occurrences must be discussed in the Permit Modification. Revise the Permit Modification as necessary.

Comment 9

The Permit Modification contains repetitive information. For example, in Sections 5.4.5.1 (Non-sampling Data Collection) and 5.4.5.2 (Sampling Data Collection) – both regarding SWMU 64 (Main Post Landfill 2A) – the Permittee discusses a geophysical survey conducted in 1998 to

identify and delineate waste and the advancement of soil borings in both sections using the same language. Throughout the Permit Modification, revise the text to remove repetitive information.

Comment 10

The Permittee collected "background" soil samples for several SWMUs (for example SWMUs 47 and 48 (Former North Oscura Peak Landfills) and SWMUs 157 and 159 (Former Oscura Range Center Landfills A and C)). The soil samples cannot be considered "background" samples, because a work plan for background soil sampling was not approved by NMED and the "background studies" did not conform to EPA protocol. The samples may indicate a background range for constituents, but cannot be considered as representative of true background and cannot be used for comparison. Revise the Permit Modification accordingly.

Comment 11

The Permittee asserts that SWMU 19 (Steam Wash Pad and Oil/Water Separator) qualifies for a corrective action complete determination; however, the SWMU is an active unit. If NMED determines that corrective action is complete, monitoring of the SWMU will likely be necessary and, in the future, the Permittee may be required to conduct further corrective action at the SWMU when it is no longer in service. No revision is necessary.

Comment 12

The current Oil/Water Separator (OWS) replaced an older, smaller OWS at SWMU 19. From the text, it is not clear where the old OWS was located and whether or not the current OWS is in the same location as the old OWS. Discuss the location of the old OWS in relation to the current OWS. Indicate the location of the old OWS on a figure. If the old OWS is in a location that has not been investigated, the Permittee must propose to conduct additional sampling in a separate work plan and the site cannot be considered for corrective action complete status.

Comment 13

Figure 2-2 depicts SWMU 19 (Steam Wash Pad and Oil/Water Separator), the location of the pipes between the drain in the wash pad to the oil/water separator are not shown. Revise the figure to show the location of the piping and drains.

Comment 14

SWMU 47 (Former North Oscura Peak Landfill) contained septage from activities associated with Oscura Peak. It appears that soil samples were not analyzed for constituents such as nitrate or chlorides which are associated with septic waste and are constituents of potential concern (COPCs) for the site. Since the Permit requires a release assessment for this SWMU, discuss information regarding nitrate and chlorides in the release assessment (*see* Permit Section VI.F and Comment 5).

Comment 15

Table 4-1 (Groundwater Analytical Results from SWMU 63 (Landfill 1) Phase I RFI) contains

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numbers that are offset from their columns. The same issue occurs in Table 4-4. Revise the tables to place the numbers are in the proper columns. See also Comment 8 regarding tables.

Comment 16

At SWMUs 63 and 64 (Former Main Post Landfills 1A and 1B), samples were collected near the buildings (1648 and 1747 respectively), but not beneath the buildings to determine if the they were built directly over the former landfills. Additional sampling may be warranted if and when the main post is decommissioned. If possible, include the aerial photographs that were used to determine the potential locations of the landfills and the geophysical survey results or reference the report in which they were presented.

Comment 17

SWMU 159 (Former Oscura Range Center Landfill-C) contained spent rocket parts; however, it is not clear from the text and tables whether or not soils were sampled for propellants and hydrazine. Discuss the reasons why propellants and fuels were not included as COPCs for this SWMU. Further characterization may be necessary. Additionally, include the depth of confirmation samples to the summary tables.

Comment 18

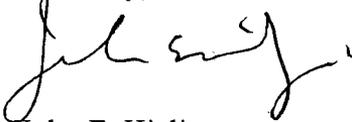
If the dates of use for SWMUs 157 and 159 are known, add that data to the revised Permit Modification.

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The Permittee must address all comments in this NOD and submit a revised Permit Modification. The revised Permit Modification must be accompanied with a response letter that details where all revisions have been made, cross-referencing NMED's numbered comments. In addition, an electronic version of the revised Permit Modification must be submitted identifying where all changes were made to the Permit Modification in red-line strike-out format. The revised Permit Modification must be submitted to NMED no later than February 13, 2012.

If you have any questions regarding this letter, please contact Kristen Van Horn at (505) 476-6046.

Sincerely,



John E. Kieling
Acting Chief
Hazardous Waste Bureau

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

File: WSMR 2011 and Reading
WSMR-11-015