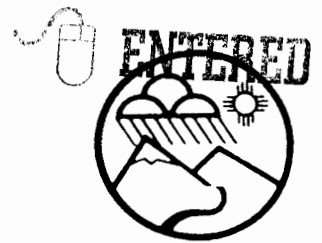




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February 23, 1998

Frank G. Davis II, Captain
Department of the Army
741ST Ordnance Company (EOD)
11000 Sanitary Landfill Road
Fort Bliss (FB), Texas 79916-6803

**RE: Memorandum of Understanding (MOU) for Off-Installation
Emergency Response on Explosives**

Dear Captain Davis:

The New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau (HRMB) has received your January 22, 1998 request to establish a MOU for off-installation explosive emergency response. NMED would be glad cooperate with Fort Bliss by establishing such a MOU. However, because the new Military Munitions Rule (MMR) covers many of the same issues and is pending adoption by the State of New Mexico, it may be premature to enter into an agreement.

The following is a partial list of the MMR explosive emergency response issues that either are not addressed or are contradictory to draft MOUs provided by your office.

- definitions of "explosives or munitions emergency", "explosives or munitions emergency response", and "explosives or munitions response specialists",
- procedures and the regulatory status of munitions that fall both on and off ranges,
- emergency response record keeping requirements,
- requirements for the temporary storage of munitions destined for emergency demolition,
- requirements for the cleanup of any residual health threats after a emergency demolition, and
- requirements for emergency RCRA permits.

Frank G. Davis II
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The MOU could be finalized after state adoption of the MMR scheduled for June of this year.

In the interim, progress toward creating a MOU could be made if FB would resubmit a draft MOU that is consistent with the MMR. I also suggest that Fort Bliss continue to handle explosive emergency response as it has happened in the past.

Thank you for your efforts.

Sincerely,



Stephen Pullen
FB RCRA Permit Manager

xc: Benito Garcia, Chief, HRMB
John Tymkowych, Manager, HRMB
SFC Fancher, FB