



REPLY TO
ATTENTION OF:

F1302

DEPARTMENT OF THE ARMY
HEADQUARTERS, U. S. ARMY GARRISON COMMAND
2 SHERIDAN ROAD
FORT BLISS, TEXAS 79916-6816

ENTERED

30 September 2002

ATZC-DOE (200 - D)


Mr. James Bearzi, Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Bldg. 1
Santa Fe, New Mexico 875055-63032

SUBJECT: Request for Decision on the Fort Bliss's Corrective Action Document: No Further Action Petition for Six New Mexico Sites, U. S. Army Air Defense Artillery Center and Fort Bliss, EPA ID No. NM4213720101-01

1. The above referenced Corrective Action Document was submitted for review on September 14, 2000. It was subsequently reviewed by you staff and found to be administratively complete, March 22, 2001, the \$7,500 review fee paid on May 22, 2001. On September 6, 2001, the Hazardous Waste Bureau made a Request for Supplemental Information, which was answered a few weeks later in October 24 2001.
2. In accordance with 20 NMAC 4.2.200, A. (7), reads in part as follows: "*...NMED shall review and approve or disapprove a corrective action document within one-hundred eighty (180) days after the document is accepted for review by NMED and the applicable fees has been assessed and paid. The Secretary may allow an additional sixty (60) days for review upon a determination that good cause exists for the additional review time. The review period set by this subsection shall be tolled during all periods in which NMED is awaiting a response by the facility to a Request for Supplemental Information or a Notice of Deficiency and during all time periods in which further action cannot be taken due to public hearing requirements.*
3. In as much as:
 - a. More than one-hundred eighty days or even two-hundred forty days have passed since the Response to Request for Supplemental Information has been received by NMED HWB, and
 - b. By letter to Major General Green, dated January 14, 2002, lead off by stating: "The New Mexico Environment department (NMED) has reviewed Fort Bliss's No Further Action (NFA) Petition For Six New Mexico Sites of September 14, 2000 and has determined that all six sites qualify for a NFA determination.We request that such a favorable determination be officially made at this time.
4. We are very much aware that the rest of the January 14, 2002 letter to MG Green went on to state that a NFA decision was being withheld because of difference of opinion between

the Post and the NMED Ground Water Quality Bureau (GWQB). However, we responded in good faith, to the concerns of the GWQB in our letter of February __, 2002. To date we have received neither a response from NMED from the position set forth in that February 2002 letter, nor further correspondence from the GWQB or HWB on this subject, leading us to believe, that is no longer an issue.

5. Further, in reading the Permit between our organizations, which forms the legal basis for requiring investigation of these six sites and submission of our findings thereof, we do not feel the regulations support delaying action under the permit because of an ongoing dialogue between the Post and another separate bureau in NMED. We therefore again respectfully request an official favorable determination on our Corrective Action Document.
6. If there are any questions please contact me at 915-568-3782 or David Dodge our project manager at (915) 568-7979 or dodged@bliss.army.mil. Thank you for your assistance in this matter



Keith Landreth
Director of Environment
US Army Garrison, Fort Bliss

KL:dd

Attch: as

cc: John E. Kieling, NMED
Glenn vonGonton, NMED
David Neleigh, EPA Region 6
James Harris, EPA Region 6