



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 49TH WING (ACC)
HOLLOMAN AIR FORCE BASE NEW MEXICO



6 November 2017

ADAM M. KUSMAK, GS-13, USAF
Chief, Installation Management Flight (49 CES/CEI)
49th Civil Engineer Squadron (49 CES)
Holloman Air Force Base, NM

Mr. John E. Kieling
Chief, Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East Bldg. 1
Santa Fe NM 87505-6063



SUBJECT: Response to Revised Draft-Final Non-Time Critical Removal Action Work Plan Area of Concern (AOC)-851 Former Skeet Range, Holloman Air Force Base, NM

Dear Mr. Kieling,

Holloman (hereinafter, either Air Force, Holloman or collectively We) received NMED's letter dated July 21, 2017 directing the Air Force to submit a revised NTCRA WP, or submit a separate work plan, that proposes further investigation and/or remedial actions for the entirety of AOC-851 that addresses your comments concerning site TS851 not later than November 15, 2017. In order to respond appropriately, Holloman requires further clarification of NMED's direction and its regulatory basis.

The Air Force contends that it has adequately assessed the need for clean-up of lead using the NMED residential site screening level (400ppm) on this site at Holloman per EPA's Small Arms Range Office of Solid Waste and Emergency Response (OSWER) Guidance.

The Air Force has submitted a great deal of information to NMED on the legal and regulatory basis supporting our investigation and response to military munitions at "other than operational" ranges, both with respect to these sites under review and with respect to sites at other installations in the past. Holloman acknowledges that the Air Force and NMED, respectfully, may not agree on this point. That said, the Holloman position continues to be that AOC -851 (Former Skeet Range, hereinafter, "The Range") is "No Further Action" because actions taken by the Air Force IAW the Defense Environmental Restoration Program (DERP), which directs the DoD to investigate, prioritize and respond to unexploded ordnance and other military munitions (10 USC §§ 2701 (b)(2) and 2710) is the functional equivalent in terms of the risk based assessment NMED has adopted from CERCLA for implementation via the RCRA corrective action process. EPA has clearly accepted the CERCLA documentation with respect to the Range, including the determination that the site at issue has attained UU/UE status.

Nevertheless, Holloman acknowledges in principle that states are allowed under RCRA to exercise state solid and hazardous waste authority to adopt requirements for waste, and military munitions, that are more stringent and broader in scope than federal requirements. However, our understanding is that New Mexico has adopted the federal military munitions rule without modification. If we are incorrect in that regard, please direct us to those state requirements that we have overlooked.

Consistent with the Holloman position that the Range is NFA under currently promulgated NMED standards; please direct the Air Force to any promulgated and applicable standards addressing human or ecologic risk receptors. Further, please direct the Air Force to any risk assessment data prepared or adopted by NMED that document "potential risks to human health and ecological receptors presented by the actual presence of lead shot and target debris". If possible, also provide the Air Force what regulatory authority or promulgated guidance was used in making the noted risk assessment. As I am sure you will appreciate, development of work plans requires a clear understanding of the applicable standards, including the underpinning scientific and regulatory basis for the promulgated standard or standards. Again, our current understanding is that no data exists justifying further work on the Range under applicable CERCLA/IRIS standards as adopted by the State of New Mexico.

Please provide Holloman the requested information at your earliest opportunity so Holloman may provide an appropriate response to NMED.

If you have any questions regarding this submittal, please contact me at (575) 572-6675.

Sincerely,

**KUSMAK.ADAM
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**ADAM M. KUSMAK, GS-13, USAF
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cc:

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