

4,13,93

KIRTLAND AFB FACSIMILE READER SHEET			DATE
SEND TO	NAME <i>Stephanie Stoddard</i>	OFFICE/LOCATION	ENTERED
	OFFICE PHONE	FACSIMILE PHONE (AUTOVON)	
FROM	NAME <i>John Gould</i>	OFFICE	
	OFFICE PHONE	DATE/TIME SENT OUT	
NUMBER OF PAGES INCLUDING THIS HEADER		OPERATOR	CLASSIFICATION
SUBJECT			
REMARKS			



AW
Memo for Record

13 April 1993

Subject: Probable Notice of Violation

To: Harry Davidson
Maj Kurtz
Lt Col Pratt
Col Norris

1. By the end of September 1992 only two steps were required to complete closure of the sewage lagoon system - sample and confirm that the groundwater was not contaminated and perform a soil gas survey to demonstrate that the vadose zone was also clean. The state closure deadline extension required that closure be completed by 20 November 1992.

2. AFCEE's problems with the soil gas survey approved by the state resulted in the need to substitute the survey with soil borings. This meant that we would be unable to meet the deadline for closure. "Fortunately" the monitor well sampling detected MEK in the groundwater effectively postponing the deadline until we could show that the MEK was a lab contaminant. This gave us time to complete the soil borings and be ready to certify closure once the new groundwater results were available.

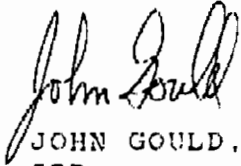
3. The analytical results showing no MEK in the groundwater were available and submitted to the state in March 1993. However, due to the contractor's inability to meet AFCEE's requirements, the soil borings still have not been done. This puts us in violation of the closure regulations by failing to meet the deadline for closure. The soil boring data should have been available and submitted before the groundwater results, and the data demonstrating that the MEK was a lab contaminant should have been attached to closure certifications for the units.

4. We can expect a letter from the state giving us a specific period of time to certify closure (probably 30 days from receipt of the letter), or submit a schedule for completing closure within a slightly longer period (probably within 60 days from receipt of the letter). Since the field work will not begin for at least 60 days (and it should take an additional 60 or more days for sample analysis & report writing), there is probably no way we will be able to present a schedule to the state with a proposed date for closure that will be acceptable to them.

5. After reviewing our proposed schedule, the state will most likely issue the base a compliance order (CO). This CO can include our proposed schedule, with a potential fine for failing to comply, or it can include a state-developed schedule with the same penalty provision. The CO itself may come with a money

penalty included. Since we have the right to negotiate a compliance agreement following the issuance of a CO (and the negotiation process is generally time-consuming), the field work can probably be completed during the period of negotiation. If the samples are clean, closure could be certified at the time of data submittal making any further negotiation pointless.

6. Although this problem can ultimately be resolved by simply boring 13 holes to 35 feet and collecting samples, it is extremely unfortunate that these delays, regulatory problems, and possible fines have resulted from our inability to get a contractor into the field to perform a relatively simple task.



JOHN GOULD, Supervisor
IRP