



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.env.nm.gov



BUTCH TONGATE
Cabinet Secretary Designate
J. C. BORREGO
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

December 13, 2016

John Romero
Director, Water Rights Division
Office of the State Engineer
Bataan Memorial Building
PO Box 25102
Santa Fe, NM 87504-5102

RE: IMPLEMENTATION OF TEMPORARY WELL DRILLING MORATORIUM ASSOCIATED WITH CORRECTIVE ACTIONS AT THE KIRTLAND AIR FORCE BASE BULK FUELS FACILITY SPILL DISSOLVED-PHASE ETHYLENE DIBROMIDE GROUNDWATER PLUME (EPA ID# NM9570024423)

Dear Mr. Romero:

The New Mexico Environment Department (NMED), with support from the United States Environmental Protection Agency (EPA), is overseeing interim corrective measures at the Kirtland Air Force Base (AFB) Bulk Fuels Facility Spill Site (Site) under the Resource Conservation and Recovery Act (RCRA) Permit No. NM9570024423. The NMED has been granted primacy by the EPA to administer the Safe Drinking Water Act (SWDA) and RCRA. The groundwater at the Site is primarily contaminated with dissolved-phase benzene and ethylene dibromide (EDB) with EDB extending the furthest downgradient from the source area on Kirtland AFB. The Air Force is currently operating a groundwater treatment system to address the downgradient EDB groundwater contamination as approved by NMED's Hazardous Waste Bureau (HWB). The treatment system currently has a treatment capacity of 400 gallons per minute (gpm) and three groundwater extraction wells. System expansion is underway, increasing treatment capacity to 800 gpm and adding a fourth groundwater extraction well.

NMED respectfully requests that the Office of the State Engineer (OSE) issue a temporary order to restrict the permitting of new wells within the area of the Site as delineated in Attachment A, in order to protect human health and prevent interference with the ongoing groundwater remediation. We request that this order apply until the Site has met remedial action goals, to be

KAFB4471



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outlined and approved during the Corrective Measures Evaluation (CME) and Implementation, which are estimated to take as long as 10 years; the time to "corrective action complete" will be formally evaluated and estimated during the CME phase. The proposed 10-year moratorium would be applicable to any proposed water wells (public and private) within the specified area. Please note that the moratorium should exclude permit applications that are submitted by or on behalf of the Air Force for the installation of wells associated with the ongoing site investigation and corrective action at the Site.

The estimated extent of the EDB contaminated groundwater exists within the area delineated on the figure and coordinates provided in Attachment A. Horizontally the EDB plume extends from the Site source area to the north-northeast approximately 6,600 feet. Vertically, the plume extends up to 80 feet below the water table. Plume extent and concentrations are monitored quarterly under the Site groundwater monitoring program, as approved by NMED HWB.

We look forward to a response at your earliest convenience and thank you in advance for your cooperation and assistance with this matter. If you have any questions or require any additional information, please contact me at (505) 827-2855 or via email Kathryn.roberts@state.nm.us or Diane Agnew, Project Technical Lead, at (505) 222-9555 or via email at diane.agnew@state.nm.us.

Sincerely,



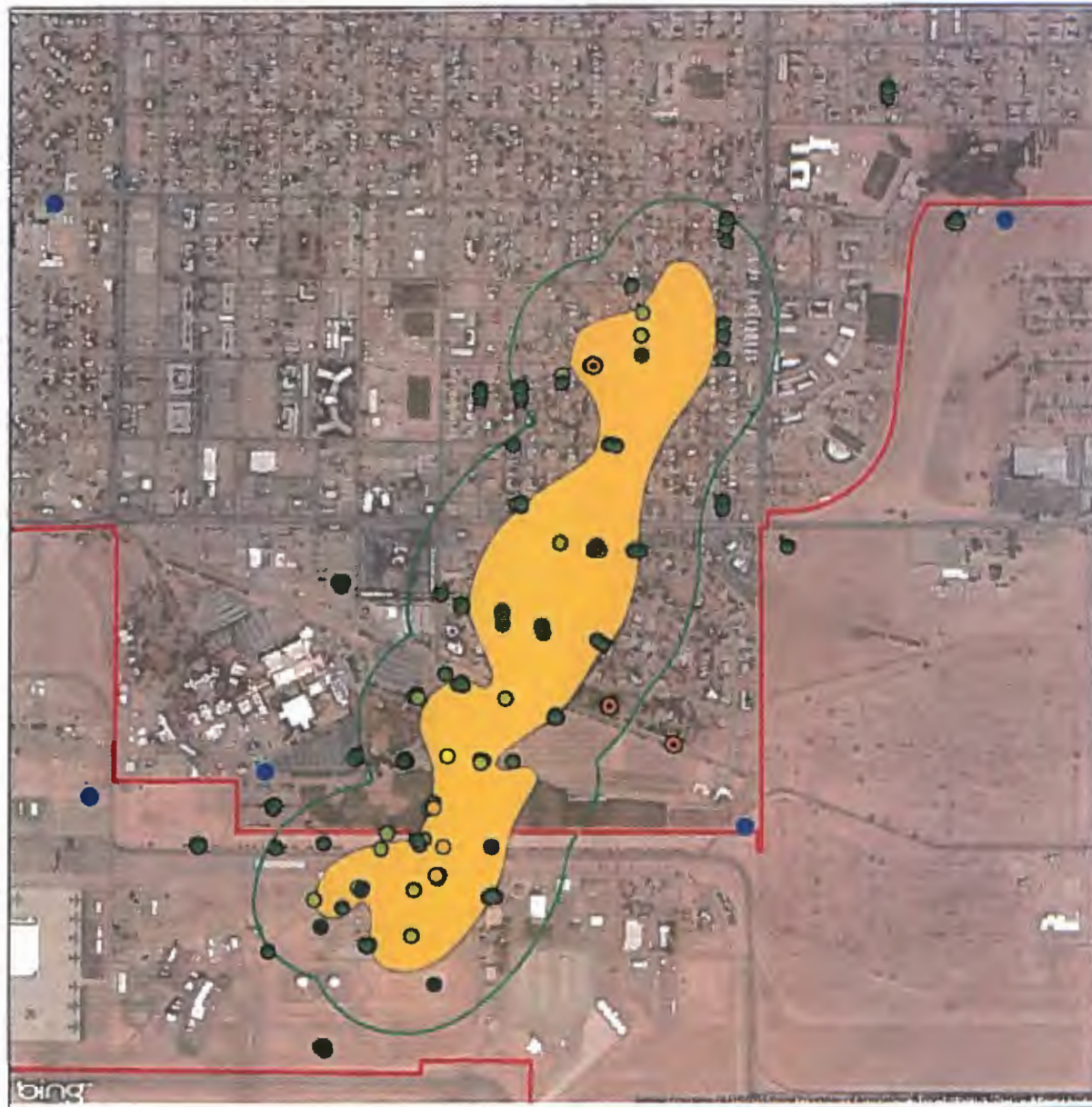
Kathryn Roberts
Resource Protection Division Director

Attachments:

1. Figure 1, Q2 2016 Ethylene Dibromide Concentrations with Area of Restriction, Bulk Fuels Facility, Kirtland Air Force Base, New Mexico

cc: Col. E. Froelich, KAFB
Col. M. Harner, KAFB
K. Lynnes, KAFB
A. Bodour, KAFB-AFCEC
T. Simpler, USACE
M.L. Leonard, AEHD
F. Shean, ABCWUA
L. King, EPA-Region 6 (6PD-N)
K. Kieling, NMED-HWB
D. McQuillan, NMED
D. Agnew, NMED-HWB

File: KAFB 2016 Bulk Fuels Facility Spill



Legend

- Private Wells
 - Water Supply Well
 - Q2 2016 Shallow EDB Plume Footprint
 - 500' Buffer from Q2 2016 Plume Footprint
- 1,2-EDB In Groundwater (ug/L) - Q2 2016**
- Result**
- 0.00 ND
 - 0.01 - 0.05 Regulatory Std
 - 0.06 - 1.00
 - 1.01 - 10.00
 - 10.01 - 100.00
 - 100.01 - 500.00
 - 500.01 - 2570.00 Historic Max Detection

FIGURE 1
Q2 2016 Ethylene Dibromide Concentrations
with Area of Restriction
Bulk Fuels Facility
Kirtland Air Force Base, New Mexico

0 500 1,000 2,000 Feet

