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GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
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Received
10-13-98



PETER MAGGIORE
SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 7, 1998

Larry D. Fisher
Environmental Engineer
Tooele Army Depot
SDSTE-IRE
Tooele, Utah 84074-5000

**RE: FWDA NO FURTHER ACTION PROPOSAL- FORMER MISSILE TEST SITES
EPA ID NO. NMD002208627**

Dear Mr. Fisher:

The New Mexico Environment Department (**NMED**) RCRA Permits Management Program (**RPMP**) received the Fort Wingate Depot Activity (**FWDA**) *FWDA NO FURTHER ACTION PROPOSAL- FORMER MISSILE TEST SITES*, dated July 13, 1998. The RPMP has completed its review of the "No Further Action" (**NFA**) Proposal, and has determined the document to be technically complete and in accordance with the guidelines specified in the *HRMB STANDARD OPERATING PROCEDURES MANUAL*, dated March 4, 1998, Section II.B.4.a.(4).(a). *HSWA/CA-Related Permit Modification Requests - No Further Action Proposals*:

NFA Criterion 2: The SWMU/AOC has never been used for the management (i.e., generation, treatment, storage and/or disposal) of Resource Conservation and Recovery Act (**RCRA**) solid waste or hazardous wastes and/or constituents or other Comprehensive Environmental Response, Conservation and Liability Act (**CERCLA**) hazardous substances; and,

NFA Criterion 3: No release to the environment has occurred or is likely to occur in the future from the SWMU/AOC.

Furthermore, upon review of the previous site assessments conducted at the three former missile test sites as reported in the *FWDA FINAL REMEDIAL INVESTIGATION/FEASIBILITY STUDY REPORT & RCRA CORRECTIVE ACTION PROGRAM DOCUMENT*, dated November 15, 1997; and upon review of the analytical sampling results generated from the supplemental characterization completed at the direction and participation of NMED (i.e., sample splits) on May 11, 1998, the NMED hereby concurs that **these three former missile test sites are not and never have been used for the treatment, storage, or disposal of hazardous wastes, and that a release of hazardous waste and/or hazardous constituents as listed in 20 NMAC 4.1.200 incorporating 40 CFR Part 261, Appendix VIII has not occurred.** Therefore, these three former missile test sites do not fall within the Resource Conservation and Recovery Act universe and should not be included on the facility inventory as potential release sites.

NON-RCRA CONCERN:

Nitrate/nitrite levels found in one sediment sample and one surface water sample taken from a borrow pit located south of the Ballistic Missile Testing Site were above background concentrations. The Surface Water Quality Bureau (**SWQB**) has determined that a potential exists for nitrate to be released from the site during storm-water events. In a formal letter to the facility dated September 25, 1998, the SWQB recommended that additional nitrate/nitrite sampling occur outside the borrow pit location to further determine whether or not nitrate/nitrite could be transported by storm-water from the borrow pit and/or the surrounding area.

To further expedite the NFA proposal for the Southern Properties, the property occupied by the three former missile test sites, NMED recommends that FWDA incorporate public participation into the NFA process:

- through the submittal of a notice of the NFA proposal to all persons on the facility mailing list maintained by NMED (enclosed) and, to the appropriate units of state and local government; and,
- through the publication of this notice in a major local newspaper of general circulation.

The notice should include:

- Announcement of a 60-day comment period, and a name and address of a facility contact to whom comments must be sent;
- Announcement of a date, time, and place for a public meeting on the NFA request;
- Name and telephone number of the permittee's contact person;
- Location where copies of the NFA request and any supporting documents can be viewed and copied.

FWDA should place a copy of the NFA request and supporting documents in a location accessible to the public in the vicinity of the permitted facility. FWDA should hold a public meeting no earlier than 15 days after the publication of the notice and no later than 15 days before the close of the 60-day comment period. The meeting should be held to the extent practicable in the vicinity of the facility. The public should be provided at least 60 days to comment on the NFA request. The comment period should begin on the date the facility publishes the notice in the local newspaper. Comments should be submitted to the facility contact identified in the notice. The facility should consider and respond to all significant written comments received during the 60-day comment period.

In conclusion, having completed our review of, and having found technically adequate:


- the analytical sampling results generated from the supplemental characterization completed at the direction and participation of NMED (i.e., sample splits) on May 11, 1998; and,
- the *FWDA NO FURTHER ACTION PROPOSAL- FORMER MISSILE TEST SITES*, dated July 13, 1998;

the NMED RPMP hereby concurs with the *FWDA NO FURTHER ACTION PROPOSAL- FORMER MISSILE TEST SITES*, dated July 13, 1998. The criterion and basis for this NMED NFA concurrence are the NFA criterion 2 and 3 as cited in the *HRMB STANDARD OPERATING PROCEDURES MANUAL*, dated March 4, 1998, Section II.B.4.a.(4).(a)., *HSWA/CA-Related Permit Modification Requests - No Further Action Proposals Criteria*. Finally, to facilitate the NFA proposal for the Southern Properties at FWDA, NMED strongly

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advises the involvement of the public through the implementation of a 60-day public comment period. Should you have any questions regarding this matter you may contact Ms. Stephanie Kruse of my staff at 505/827-1561.

Sincerely,



Benito J. Garcia
Chief, Hazardous and Radioactive Materials Bureau

Enclosures (1)

cc (w/o encls.): Benito Garcia, Chief HRMB

Dr. Robert S. Dinwiddie, RPMP

Ms. Jennifer Parker, GWQB

Ms. Barbara Hoditschek, SWQB

Mr. Chuck Hendrickson, EPA BCT (6PD-NB)
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