

From: [Ho, Nancy](#)
To: [Thomas, Leigh W](#); tspisak@blm.gov
Cc: [Tafoya, Jeffrey J](#); [Ogden, Sarah, NMENV](#)
Bcc: [Baier-Anderson, Caroline](#); [McEaddy, Monica](#); [Tzhone, Stephen](#); [Malone, George](#); [Atkins, Blake](#); [Purcell, Mark](#)
Subject: EPA Response - Third Five Year Review Report: Lee Acres Landfill
Date: Monday, April 06, 2020 1:30:00 PM
Attachments: [Lee Acres Five Year Review Addendum by BLM SIGNED Apr 6 2020.pdf](#)

Dear Mr. Spisak and Ms. Thomas:

Thank you for providing BLM's Addendum to the Third Five Year Review Report for the Lee Acres Landfill site. Please see attached EPA concurrence sheet and memorandum documenting the approval. Due to the current shelter-in-place health order effective for Dallas county through May 20, 2020 where the EPA Region 6 office is located, the hardcopy version of the letter will be mailed when it becomes permissible to be in-person at the EPA office.

Thank you,

Nancy Ho

Nancy Ho
EPA Region 6
Mailing Address: USEPA Region 6 Mail Code SEDRL, 1201 Elm Street, Dallas, Texas 75270-2102,
Tel: 214-665-3179 || Email: ho.nancy@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

via Email to tspisak@blm.gov and First-Class Mail

Timothy R. Spisak
Bureau of Land Management
301 Dinosaur Trail
Santa Fe, NM 87508

Re: Addendum to Third Five-Year Review Report
Lee Acres Landfill Superfund Site, San Juan, New Mexico
EPA ID# NMD980750020

Dear Mr. Spisak:

The U.S. Environmental Protection Agency (EPA) has completed its review of the Bureau of Land Management's (BLM's) Addendum to the Third Five-Year Review Report ("Addendum") for the Lee Acres Landfill Superfund Site (Site), dated January 27, 2020. Based on this review, EPA has determined that the Addendum adequately addresses the EPA comments on the Third Five-Year Review Report (FYR Report), which were submitted to BLM in a letter dated December 30, 2019. Therefore, the FYR Report, as amended by the January 27, 2020 Addendum, is approved. Enclosed are a signed EPA concurrence sheet and memorandum documenting the approval.

With the approval of the amended FYR Report, EPA is reaffirming its independent finding of protectiveness for the Site remedy, which is stated in EPA's December 30, 2019, letter as follows:

"[t]he remedial actions at the site are protective of human health and the environment in the short-term because the manganese is not impacting current drinking water sources. Because manganese levels are not decreasing, the long-term protectiveness of human health and the environment will be achieved when manganese levels decrease, and satisfy the cleanup level established in the ROD."

This finding of short-term protectiveness for the selected remedial action is reported to Congress. With regards to the long-term protectiveness determination, we thank you for providing the draft pre-proposal prepared by the U.S. Geological Survey (USGS) for investigating the source of elevated manganese concentrations in groundwater. The FYR Report specifies that taking such an action is necessary to ensure that the remedy will be protective in the long-term. EPA will continue to coordinate with BLM and USGS as EPA reviews the draft pre-proposal.

EPA will track the status of BLM's recommended actions (from the Addendum) and the completion of the manganese groundwater study in its Superfund Enterprise Management System (SEMS). The purpose of the groundwater study is to examine the occurrence and distribution of elevated manganese concentrations and their relation to land surface-soil-aquifer connections and other potential local factors controlling manganese mobilization. BLM stated to EPA on March 02, 2020, that it estimates completing this groundwater study before May 01, 2023. Therefore, the date of May 01, 2023, will be entered into SEMS as the anticipated deadline for completing the groundwater study.

In addition, EPA is advancing the deadline for BLM to complete the first draft of the Fourth Five-Year Review Report in order to allow an adequate amount of time to meet the statutory deadline for completing the review. The Comprehensive Environmental Response, Compensation & Liability Act (CERCLA), 42 U.S.C. §9621(c), requires that a periodic review be conducted no less often than every five years after the initiation of remedial action at sites where hazardous substances, pollutants or contaminants will remain onsite above levels that allow for unlimited use and unrestricted exposure. Since the initiation of the remedial action at the Site began on October 25, 2004, the Fourth Five-Year Review Report must be completed by October 25, 2024. Therefore, EPA requests BLM to submit the first draft of the report to EPA by July 25, 2024. This should allow an adequate amount of time for EPA to review and comment on the draft report and for BLM to make any revisions, if necessary, and resubmit the final report for EPA concurrence, in advance of the October 25, 2024 deadline.

If you have any questions, please do not hesitate to contact me or Nancy Ho of my staff at (214) 665-3179.

Sincerely,

**WREN
STENGER**

Wren Stenger
Director

Superfund and Emergency Management Division

Digitally signed by WREN STENGER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=WREN STENGER,
0.9.2342.19200300.100.1.1=68001003651787
Date: 2020.04.06 06:34:15 -05'00'

Enclosures (2)

cc: Sara Ogden – New Mexico Environment Department (NMED)
Whitney Thomas – Bureau of Land Management (BLM)

**THIRD FIVE-YEAR REVIEW REPORT WITH ADDENDUM
PREPARED BY BUREAU OF LAND MANAGEMENT
LEE ACRES SUPERFUND SITE (EPA ID#: NMD980750020)
FARMINGTON, SAN JUAN COUNTY, NM**

This U.S. Environmental Protection Agency memorandum documents the performance, determinations and approval of the Lee Acres Landfill Superfund Site (Site) Third Five Year Review with Addendum under Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S. Code Section 9621(c), as prepared by the Bureau of Land Management (BLM) in the attached Third Five-Year Review Report with Addendum.

The Third Five-Year Review is required by Section 121(c) of the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA), 42 U.S.C. §9621(c), which requires that a periodic review be conducted no less often than every five years after the initiation of remedial action at sites where hazardous substances, pollutants or contaminants will remain onsite above levels that allow for unlimited use and unrestricted exposure. The triggering action for the statutory First Five-Year Review is the initiation of the remedial action on October 25, 2004. BLM finalized the First Five-Year Review Report which was concurred by EPA on October 23, 2009. The statutory Second Five-Year review was initially completed by BLM in September 19, 2014 with EPA independent determination of protectiveness made on November 26, 2014 and with a subsequent final revision and EPA concurrence made on August 14, 2015. The statutory Third Five-Year Review was completed by BLM in November 2019 with EPA independent determination of protectiveness along with EPA request to BLM to revise its report on December 30, 2019. On January 27, 2020, BLM led the Third Five-Year Review revision effort with an addendum and completed it in close cooperation with EPA. The Fourth Five-Year Review report with EPA's concurrence will be due on October 25, 2024.

Actions Needed

The following actions must be taken during the fourth five year review period for the remedy to be protective in the long term:

- BLM recommends monitoring of the landfill cover should be performed semi-annually until 2021, and then annually;
- The groundwater monitoring schedule in the Work Plan requires annual monitoring of eight specified wells. BLM recommends annual monitoring be initiated in 2020 and be performed for a total of 5 years for manganese, nickel, vinyl chloride, trichloroethylene, tetrachloroethylene, 1,2-trans-DCE, and 1, 2-cis-DCE (all seven contaminants of concern as identified in the Record of Decision's Remedial Action Objective for the groundwater pathway);
- Conduct a groundwater study to examine the occurrence and distribution of elevated manganese concentrations and their relation to land surface-soil-aquifer connections and other potential local factors controlling manganese mobilization. BLM recommends conducting a study to investigate the source(s) of high levels of manganese.

Determination

I have determined that the remedy for the Lee Acres Landfill Superfund Site is protective in the short-term of human health and the environment. The remedial actions at the site are protective in the short-term because the manganese is not impacting current drinking water sources. Because manganese levels are not decreasing, the long-term protectiveness of human health and the environment will be achieved when manganese levels decrease, and satisfy the cleanup level established in the ROD.

WREN STENGER

Digitally signed by WREN STENGER
DN: c=US, o=U.S. Government, ou=Environmental Protection Agency,
cn=WREN STENGER, o.9.2342.19200300.100.1.1=68001003651787
Date: 2020.04.06 07:57:10 -0500

Wren Stenger
Director, Superfund and Emergency Management Division
U.S. Environmental Protection Agency Region 6

Date

EPA CONCURRENCES

**THIRD FIVE-YEAR REVIEW REPORT WITH ADDENDUM
PREPARED BY BUREAU OF LAND MANAGEMENT
LEE ACRES SUPERFUND SITE
EPA ID#: NMD980750020
FARMINGTON, SAN JUAN COUNTY, NM**

NANCY HO

Digitally signed by NANCY HO
DN: c=US, o=U.S. Government, ou=Environmental
Protection Agency, cn=NANCY HO,
0.9.2342.19200300.100.1.1=68001003655648
Date: 2020.03.19 12:35:28 -05'00'

Nancy Ho
Remedial Project Manager

Date

BLAKE ATKINS

Digitally signed by BLAKE ATKINS
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=BLAKE ATKINS,
0.9.2342.19200300.100.1.1=68001003652741
Date: 2020.03.24 12:47:06 -05'00'

Blake Atkins
Chief, Louisiana, New Mexico, Oklahoma Section

Date

JOHN MEYER

Digitally signed by JOHN MEYER
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=JOHN MEYER,
0.9.2342.19200300.100.1.1=68001003655626
Date: 2020.03.24 14:19:46 -05'00'

John C. Meyer
Chief, Superfund Remedial Branch

Date

**GEORGE
MALONE**

Digitally signed by GEORGE MALONE
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=GEORGE MALONE,
0.9.2342.19200300.100.1.1=68001003652747
Date: 2020.03.24 11:04:49 -05'00'

George Malone
Attorney, Office of Regional Counsel

Date

PAMELA TRAVIS

Digitally signed by PAMELA TRAVIS
DN: c=US, o=U.S. Government, ou=Environmental Protection Agency,
cn=PAMELA TRAVIS, 0.9.2342.19200300.100.1.1=68001003655517
Date: 2020.04.03 15:12:05 -05'00'

Pam Travis
Acting Chief, Superfund Branch,
Office of Regional Counsel

Date