



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY X

REGION VI
1201 ELM STREET
DALLAS, TEXAS 75270

Confidential

*HWSH part B
original in supplement*

June 16, 1986

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Mr. Peter Pache, Manager
Hazardous Waste Section
Groundwater and Hazardous Waste Bureau
Environmental Improvement Division
New Mexico Health and Environment Department
P.O. Box 968
Santa Fe, New Mexico 87504-0968

CIAFB
XI

Re: Notice of Noncompliance, Compliance Schedule
and Necessity for Hearing, Cannon Air Force Base
RCRA Docket No. VI-627-H

Dear Mr. Pache:

I have enclosed a draft Notice of Noncompliance, Compliance Schedule
and Necessity for Hearing for Cannon Air Force Base, Cannon AFB, NM.
Please review and provide comments to me within five (5) days of your
receipt of this letter.

If you have any questions please contact me at (214) 767-9731 or have a
member of your staff contact David Maiefski (214) 767-9736.

Sincerely yours,

Sam Becker
Sam Becker, P.E.
Chief

Hazardous Waste Compliance Branch

Enclosure

RECEIVED

JUN 18 1986

HAZARDOUS WASTE SECTION

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Colonel Mary M. Turner
Commander
Cannon Air Force Base
27CSG/DE
Cannon Air Force Base, New Mexico 88103

Re: Notice of Noncompliance, Compliance Schedule, and
Notice of Necessity for Conference
Docket No. RCRA VI-627-H
EPA I.D. No. NM7572124454

Dear Colonel Turner:

Enclosed herein is a Notice of Noncompliance, Compliance Schedule, and Notice of Necessity for Conference (hereinafter referred to as "Notice") filed against Cannon Air Force Base, pursuant to the Resource Conservation and Recovery Act of 1976, as amended (hereinafter referred to as "RCRA") and further amended by the Hazardous and Solid Waste Amendments of 1984 (hereinafter referred to as "HSWA"). It is alleged in the Notice that Cannon Air Force Base failed to implement the requirements of 40 CFR Section 270 as is more specifically set out in the Notice.

We call your attention to that part of the Notice entitled "Requirement for Conference." Should you request such a Conference, your written request must be filed with the Regional Hearing Clerk within ten (10) days of your receipt of this Notice.

You have the right to be represented by your attorney at any stage of these proceedings. Please be advised that the Rules of Practice at 40 CFR §22.08 prohibit unilateral discussion of the merits of the case with the Regional Administrator or the Regional Judicial Officer after the issuance of the Notice.

6H-CE:Banks :X9883:06-13-86

6AW-HE	6C-H	6ORC	6C-H	6H-C
Taylor		Stokes	Seals	Becker

If you have any questions regarding this matter, please contact William H. Taylor, Jr., Chief, Enforcement Section, Hazardous Materials Branch, U.S. Environmental Protection Agency, Region VI, 1201 Elm Street, Renaissance Tower, Dallas, Texas 75270 or telephone (214) 767-9730. The attorney assigned to the case is _____, and he can be reached at (214) 767-_____.

We urge your prompt attention to this matter.

Sincerely yours,

Allyn M. Davis
Director
Hazardous Waste Management Division

Enclosure

cc: Mr. Peter Pache
New Mexico Environmental Improvement Division

Commander, HDQTR Tactical Air Command
Department of the Air Force
Landley AFB, Virginia 23665

bcc: James T. Highland (6E-FF)
A. Banks (6H-CE)
D. Maiefski (6H-CE)

and Section 3005 of RCRA, 42 U.S.C. §6925, by violating the requirements of the HSWA and regulations promulgated thereunder.

FINDINGS AND CONCLUSIONS

1. Respondent is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. §6903 and 40 CFR §260.10.

2. Respondent is a "Federal agency" as that term is defined in Section 1004(4) of RCRA, 42 U.S.C. §6903 and 40 CFR §260.10.

3. Pursuant to Sections 6001 and 6004 of RCRA, 42 U.S.C. §§6961 and 6964, each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any solid waste management facility or disposal site, or (2) engaged in any activity resulting, or which may result, in the disposal or management of solid waste or hazardous waste shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirement for permits or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief), respecting control and abatement of solid waste or hazardous waste disposal in the same manner, and to the same extent, as any person is subject to such requirements.

4. Respondent's location is a "facility" which "stores," "treats," or "disposes" of "hazardous waste" as those terms are defined at 40 CFR §§260.10 and 261.3.

5. Pursuant to 40 CFR §270.10(c)(4), EPA Region VI requested Respondent's Part B permit application for its land disposal facilities

on June 8, 1984. The request allowed Respondent until February 15, 1985, to gather and submit to EPA the necessary information required under 40 CFR §270.14.

6. On November 8, 1984, Congress enacted the Hazardous and Solid Waste Amendments of 1984 (HSWA). Section 206 of HSWA, Section 3004(u) of RCRA, 42 U.S.C. §6924, requires corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage, or disposal facility seeking a permit under Subtitle C of RCRA, regardless of the time at which waste was placed in such unit.

7. In order to determine if corrective action is required at Cannon Air Force Base (CAFB), Respondent must provide in their Part B permit application to EPA, information concerning the existence of and potential releases from all solid waste management units at CAFB.

8. On April 23, 1985, pursuant to 40 CFR §270.10(c)(4), Complainant requested Respondent to submit the additional Part B permit application information as required by HSWA and referred to in Paragraph 7. Such information was to be received by Complainant on or before June 14, 1985.

9. On or about July 2, 1985, Respondent submitted information to Complainant in response to the above request; however, after review, the Part B permit application was determined to be incomplete in that it did not adequately contain the information necessary to determine if "corrective action" would be required at CAFB.

10. On or about April 30, 1986, Complainant issued Respondent a Notice of Deficiency (NOD) and a warning letter for the failure to submit

a complete Part B permit application for the HSWA requirements as required by 40 CFR §270.14 and Section 3005 of RCRA (42 U.S.C. §6925). The NOD detailed the HSWA deficiencies existing in Respondent's Part B permit application and required submission of the lacking information within thirty (30) days of receipt of the warning letter.

11. On or about May 23, 1986, Complainant received a letter from Respondent requesting an extension of the due date stated in the warning letter, and requesting answers to approximately four (4) questions.

12. On or about June 10, 1986, Complainant sent a letter to the Respondent that denied the Respondent's request for an extension of time and enclosed list of answers to the Respondent's questions.

13. To date, Respondent has failed to submit the information requested in the warning letter referred to in paragraph 10.

14. Therefore, Respondent has violated 40 CFR §270.10(a) and Section 3005 of RCRA, 42 U.S.C. §6925, by failing to submit a complete Part B permit application for that information required under HSWA.

VIOLATION

The individual violation is:

Paragraph 14 - Failure to submit a complete Part B application.

COMPLIANCE SCHEDULE

Pursuant to Section 3008 of RCRA, 42 U.S.C. §6928 and Executive Order 12088, Respondent is hereby requested to take the following actions within TEN (10) days of receipt of this Order.

1. Respondent shall submit Phase II of the Installation Restoration Project (IRP) and any information resulting from Phase I.

2. Respondent shall submit any information regarding Phases III and IV of the IRP.

3. Respondent shall submit the exposure information as required by 40 CFR §270.10(j).

4. Respondent shall modify and resubmit the topographic map contained in Appendix B-1 of the February 14, 1985, Part B application to include all solid waste management units in that area of Respondent's facility. These units will include but not be limited to the following units:

- A. Landfill No. 1 (Site 1);
- B. blown capacitors site (Site 10);
- C. sanitary sewage lift station overflow (Site B); and
- D. AGE drainage ditch (Site 15).

5. Respondent shall submit a topographic map(s) as required by 40 CFR §270.14(b)(19) for the following units:

- A. Landfill Nos. 2, 3, 4, and 5;
- B. fire department training areas 1, 2, 3, and 4 (Sites 6, 7, 8 and 9);
- C. facility 4028;
- D. engine test cell overflow pit and leaching field (Site 11);
- E. stormwater collection point (Site 12);
- F. sludge weathering pit (Site 14);
- G. solvent disposal site (Site 16);
- H. entomology rinse area (Site 17);
- I. MOGAS spill (Site 19); and
- J. all of the oil/water separators at CAFB (the file review indicated approximately 21 units).

6. Respondent shall submit the groundwater monitoring well construction details for the monitoring wells at the Respondent's facility.

The information must include but not be limited to the following information:

- A. The driller's logs;
- B. type of drilling method;
- C. material of construction and joint bonding;
- D. inside diameter of well;
- E. screen length and screen elevation;
- F. details regarding material in the annular space around the well;

- G. completion procedures;
- H. elevation of each well casing;
- I. sampling procedures;
- J. analytical procedures;
- K. groundwater elevation in each well; and
- L. sample analysis results.

7. Respondent shall submit a certification that the monitoring wells are properly constructed. This certification was to have been prepared by a qualified geologist or geotechnical engineer. Each monitoring well certification shall be accompanied by a certification report, including an accurate log of the soil boring, which thoroughly describes and depicts the location, material setting elevation, screen elevation, material specifications, construction details, and soil conditions encountered in the boring of the well.

8. Respondent shall submit, with the sample analysis results, the procedures used for sample collection, preservation, shipment, and analysis, including references from Test Methods for Evaluating Solid Waste (SW-846) and the form used for the chain of custody.

9. Respondent must submit the following in describing the subsurface stratigraphy: type, composition, texture, grain size distribution and gradation, moisture content, permeability, porosity, and discontinuities in each soil strata and the location and type of any weathered bedrock and solution channels.

10. Respondent must submit the following concerning the High Plains Aquifer below Respondent's facility: the permeability of the water-bearing strata, transmissivity, storativity, groundwater flow velocity, effective porosity, and identification of recharge and discharge areas.

11. Respondent must submit documentation to verify that EPA was notified that CAFB had created a RCRA surface impoundment for holding ignitable wastes for emergency purposes; and if Respondent intends to use this overflow impoundment in the future for emergency use.

12. Respondent must submit any information collected as a result of the July 18, 1984, proposed soil sampling effort described in the Phase II task description. This information must include but not be limited to the following:

- A. Vertical and horizontal location of sampling points;
- B. analytical results and quality control (QA/QC) information; and
- C. groundwater sample descriptions and results.

13. Respondent must provide the construction drawings for the entomology rinse area "pit".

14. Respondent must provide the location, QA/QC information, and actual depth of the sample taken that shows an oil and grease concentration of 0.012 gm/kg at the sludge weathering pit (Site 14).

15. Respondent must submit the amount and final disposition of the material removed from Landfill No. 1 during the construction of the golf course.

16. Respondent must submit the estimated depth of each landfill.

17. Respondent must submit any analytical data from samples obtained from the off-site private irrigation well near Landfill No. 5, if one has been obtained, and include any information listed in paragraph 6 which is available.

18. Respondent must submit the manufacturer's information on PD-680, Type II.

19. Respondent must submit a list of the solvents that are used and have been used at the Respondent's facility.

20. Respondent must submit an analysis of the waste oils used for dust suppression and include an estimate of how much and where this oil was placed.

21. Respondent must submit the management procedures, including inspections for structural integrity, which have been used for facility 4028, and state whether or not any releases have occurred from this tank.

22. Respondent shall prepare and submit a boring plan designed to determine how deep the effluent has seeped from Site 11 and if it is effecting the hydraulic conductivity of the surrounding soils.

23. Respondent must submit an analysis of the effluent that exits the engine test cell facility and enters the overflow pit and the leaching field (Site 11).

24. Respondent must submit a plan describing the removal and disposal of the empty TCE drums at the solvent disposal site (Site 16). Analytical results of samples taken from the sand above the liner must be submitted.

25. Respondent must submit the details, including sampling, of the cleanup of the blown capacitors site (Site 10). The details must include but not be limited to information regarding the schedule of events, specific task descriptions, final disposition of materials in and around the site, and any analytical results resulting from the operation.

26. The runoff from the maintenance pad to the AGE drainage ditch is defined as a release of hazardous constituents. Respondent must submit a remedial investigation plan designed to determine the extent

of the release both horizontally and vertically. Respondent must also submit a proposed corrective action designed to clean-up this release and the proposed facility management practices designed to prevent future releases to the ditch.

27. Respondent shall certify by sworn affidavit that all solid waste management units, which may have received hazardous waste at any time since the establishment of Cannon Air Force Base are included in the information submitted as part of the Part B permit application to EPA and as requested in the paragraphs above. If additional units are found, Respondent shall provide the following information for each unit:

- ° The type of unit;
- ° whether or not hazardous wastes or constituents were placed in the unit;
- ° the waste placed in the unit;
- ° the quantity of waste placed in the unit;
- ° the capacity and dimensions of the unit;
- ° the location of the unit;
- ° any information on possible or known releases from these units using the definition of release in item 29 below;
- ° current use or status of the unit; and
- ° management practices at the unit.

28. Respondent shall indicate, positively or negatively, possible or known releases from the listed units. A release is defined as "any spilling, leaking, pumping, or disposing into the environment." Respondent shall submit information on suspected or known releases from all solid waste management units. Information on each release shall include:

- ° The date of release;
- ° the type of waste released;
- ° quantity of waste released;
- ° extent and type of contamination, and
- ° any remedial action taken.

29. Respondent shall submit information on any sample analysis (soil and/or water) which may have previously been taken. The following information shall be included:

- the type of sample (soil, surface water, groundwater);
- location of sample (areal and vertical location, provide map);
- sampling and analysis method; and
- quality assurance, and quality control procedures.

Originals and/or copies of all the documents required by the foregoing Compliance Schedule shall be mailed to:

William H. Taylor, Jr.
Chief, Enforcement Section (6H-CE)
Hazardous Waste Management Division
U.S. Environmental Protection Agency
1201 Elm Street, Renaissance Tower
Dallas, Texas 75270

NECESSITY FOR CONFERENCE

Pursuant to the United States Environmental Protection Agency's Federal Facilities Compliance Program, dated January 4, 1984, and Executive Order 12088, when a Federal facility is found to be out of compliance with substantive pollution control requirements, EPA informs the facility immediately. The facility is notified in writing of the finding of noncompliance and copies of the notification are forwarded to the regional office of the parent agency and to the appropriate State and local pollution control agencies. Each notification defines the noncompliance situation, requests that the facility acknowledge the situation, and requests a meeting within TEN (10) DAYS to discuss the problem. The notification also advises the facility that a remedial plan will have to be submitted to the EPA regional office for approval within 30 days after the meeting.

YOU ARE HEREBY REQUESTED TO CONTACT EPA FOR THE PURPOSE OF
SETTING A MEETING DATE TO ADDRESS THIS NOTICE OF NONCOMPLIANCE. SAID
MEETING IS TO BE CONDUCTED WITHIN TEN (10) DAYS FROM RECEIPT OF THIS
NOTICE. To arrange for this meeting you may contact either William H.
Taylor, Jr. at (FTS) 729-9730 or _____ at (FTS) 729- .

Allyn M. Davis
Director
Hazardous Waste Management Division
U.S. Environmental Protection Agency
Region VI

Dated this _____ day of _____ 1986, at Dallas, Texas.

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing NOTICE OF NONCOMPLIANCE, COMPLIANCE SCHEDULE, and NECESSITY FOR CONFERENCE, RCRA Docket No. VI-627-H, was filed with the Regional Hearing Clerk, EPA, Region VI, and true and correct copies were placed in the United States mail, postage prepaid, Certified Mail, Return Receipt Requested, to the following, on this _____ day _____ 1986.

Colonel Mary M. Turner
Commander
Cannon Air Force Base
27CSG/DE
Cannon Air Force Base, New Mexico 88103

Commander, HDQTR Tactical Air Command
Department of the Air Force
Landley AFB, Virginia 23665

Ann Banks