

New Mexico Health and Environment Department

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Director

February 28, 1990



Colonel David E. Benson
Base Commander
Headquarters 27th Combat Support Group/CC
Cannon Air Force Base, NM 88103

Dear Colonel Benson:

On January 23, 1990, representatives of the Hazardous Waste Program (HWP) met with representatives of Cannon Air Force Base (CAFB) to discuss resolution of the Notice Of Violation (NOV) as issued on August 11, 1989. As a result of this meeting a possible settlement of the violations was negotiated. However, in reviewing the proposed settlement order and discussing the violations as identified within the NOV it became obvious that this settlement as negotiated would not resolve the violations. At the time this settlement agreement was reached, the full extent of the violations was not appreciated; i.e., the fact that the wells are screened at depths ranging from eight to eighty feet below the water table. These wells clearly cannot detect a release to the uppermost part of the aquifer. Because this NOV was issued as a result of an Environmental Protection Agency (EPA) inspection, I contacted the EPA and verbally discussed the proposed settlement conditions and was advised that this settlement would in fact not resolve the violations that they had identified. Because this settlement will not resolve the violations, CAFB must make the necessary arrangements to install an adequate groundwater monitoring system that will detect any possible release to the uppermost part of the aquifer.

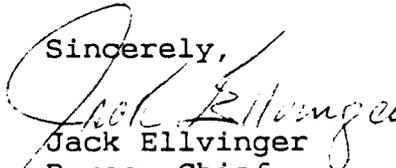
If CAFB is still willing to meet and negotiate resolution of the NOV then I propose a meeting to be held at your convenience within 15 days of receipt of this letter. It must be understood that this meeting will not be to further debate the violations nor to debate the actions of the HWP as a result of the prior settlement meeting. In addition, settlement will require installation of an adequate ground water monitoring system unless CAFB can demonstrate that the system currently installed is screened at the water table.

On November 28, 1989, a draft settlement agreement was provided to CAFB. Your attention is called to page 7, item B.1. and page 8, item B.2. which address resolution of the groundwater monitoring violation. Your attention is also directed to Attachment B provided with the aforementioned letter which outlines the policy for the design and construction of RCRA groundwater monitoring wells. If a meeting is held, or when a meeting is held should CAFB not be willing to accept these requirements then please be prepared to provide an alternative proposal that will accomplish the same result. Pursuant to the other violations, I believe that the agreements reached during the prior settlement meeting are acceptable.

If CAFB does not desire to negotiate resolution of these violations and/or does not call to schedule a meeting then the Environmental Improvement Division will look at the options that are available as noted within the NOV. The Division may in addition to the options look at referring this case to the EPA for resolution.

Should you have any questions pursuant to this letter, please feel free to contact me at (505) 827-2210. Also please feel free to contact me to set up a future meeting.

Sincerely,


Jack Ellvinger
Bureau Chief
Hazardous Waste Bureau

cc: Felicia Orth, General Counsel, EID