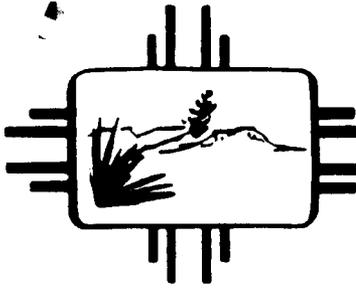


CAFB - Red



New Mexico Health and Environment Department

GARREY CARRUTHERS
Governor

DENNIS BOYD
Secretary

MICHAEL J. BURKHART
Deputy Secretary

RICHARD MITZELFELT
Director

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 1, 1990

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

RE: NM 7572124454
Notice of Violation
Landfill 5, Cell 3 Closure

Dear Colonel Benson:

On October 23, 1989 New Mexico Environmental Improvement Division (NMEID) notified Cannon Air Force Base (CAFB) by letter that the certification of closure submitted on September 22, 1989 for Landfill 5 Cell 3 was incomplete. NMEID requested additional information and this information was submitted by CAFB on January 23, 1990 (Attachment 1). The information submitted in January is inadequate and review of the information by NMEID indicates that closure was not in accordance with the approved closure plan. Consequently, CAFB's certifications of October 23, 1989 and January 22, 1990 that closure of Landfill 5 Cell 3 was in accordance with the approved closure plan appear to be false.

This letter is the NMEID's notice that, based on the review of the information submitted by CAFB in support of the certification of closure of Landfill 5 Cell 3, NMEID has determined that CAFB has violated the New Mexico Hazardous Waste Management Regulations (HWMR-5, as amended 1989), 40 CFR Part VI, section 265 and Part IX, section 270. The purpose of this letter is to delineate in writing the violations and to require CAFB to comply with HWMR-5.

Outlined below are the materials requested, the inadequacies of the materials received and the areas in which closure is not in compliance with the approved closure plan. Lack of compliance with the approved closure plan places CAFB in violation of HWMR-5, Pt. VI, sec. 265.115.

1. Listed below are the materials requested and the inadequacies of the materials received.

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- a. Annotated map with location of test cap.

NMEID requested, per the approved closure plan, an annotated map showing the location of the test cap (page 25). CAFB's January 23 submittal provided the annotated map. Review of the map revealed that the location of the test cell was not in accordance with the approved closure plan.

- b. Copy of QA/QC report.

NMEID requested, per the approved closure plan, a copy of the QA/QC report (page 25). A copy of the Quality Control Program was submitted, however, the report generated from the Program was not submitted.

- c. Written final report.

NMEID requested, per the approved closure plan, a copy of the written report referred to on page 32 of the plan, "Upon completion of the closure, a written report will be prepared and submitted to the Commander and the EID. This report will summarize the QA/QC plan and report fully all observations and accumulated data". A summary of the QA/QC plan and all accumulated data were not submitted. Observations from the daily logs by Bradley Construction Inc. and the daily field activity logs prepared by International Technology Corporation (IT) concerning the health monitoring were submitted. Some accumulated data were submitted in the health monitoring reports prepared by IT.

- d. Certification of closure.

NMEID requested certification of closure per the format required by Pt. IX, sec. 270.11(d). This certification was provided, and in combination with the previous certification of October 23, 1989, would be adequate, except that review of the information provided to EID indicates that this certification by CAFB is false (see 2.)

CAFB must submit the QA/QC report generated from the Quality Control Program, a summary of the QA/QC plan,

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Page 3

documentation of all accumulated data collected during closure and all additional information necessary to support certification of closure in accordance with the approved closure plan and HWMR-5, Pt. VI, sec. 265.115.

2. Listed below are the specific instances where, based upon the information provided by CAFB, NMEID has determined that closure of Landfill 5 Cell 3 was not in accordance with the approved closure plan and, consequently, does not accept certification.

- a. Location of Cell 3 final cover.

NMEID noted in review of the daily logs (Attachments 2 and 3) submitted by CAFB that there was an apparent lack of knowledge of the specific dimensions of Cell 3, the cover was moved 15 feet to cover the approximated area of Cell 3, and the anchor trench was not constructed as designed, but was placed directly on the graded ground surface. This was apparently to avoid a release of gasses from another cell during the excavation of the trench.

- b. Test cap construction.

NMEID noted in review of the daily logs that the test cap was not constructed concurrently with the final cap and placed near the final cap as required by the approved closure plan nor was any information provided on the testing of the test cap for uniformity and effective permeability.

CAFB must submit documentation of how Landfill 5 Cell 3 was actually closed including as-built descriptions and diagrams, an explanation of the specific instances and circumstances where actual closure procedures, materials, design, construction, etc. differ from the approved closure plan and an explanation of why these changes occurred or were necessary.

3. Presence of Methylene Chloride at Cell 3

- a. The field activity logs (Attachment 3) prepared by IT Corporation indicated that Aromatics samples were collected on three separate days during the grading operations and the analytical results from

Colonel Benson
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these samples indicated the presence of low levels of methylene chloride in the air space over Cell 3. These samples were analyzed over a two day period by the laboratory and no information was provided indicating possible laboratory contamination. Methylene chloride is not identified as being present in Cell 3.

CAFB must submit information providing an explanation for the presence of methylene chloride in the Aromatics samples taken during closure operations.

In accordance with the New Mexico Hazardous Waste Act NMSA 1978, Section 74-4-10, you have thirty (30) calendar days from the receipt of this notice to provide documentation that the aforementioned violations have been corrected. Within this thirty day period you may request a meeting to discuss the violations, the required corrective actions and/or a settlement agreement. Such a meeting must be held within this thirty day period and will not suspend the thirty day deadline for compliance or settlement.

If you fail to correct the violations cited in this Notice of Violation (NOV) within the specified time frame, you shall be subject to one or more of the following:

1. An order requiring compliance within a specified period, pursuant to Section 74-4-10 NMSA 1978, and/or an order assessing civil penalties of up to \$10,000 per violation for each day of continued noncompliance, pursuant to Sections 74-4-10 and 74-4-12 NMSA 1978.
2. A civil action in district court for appropriate relief, including a temporary or permanent injunction, pursuant to Section 74-4-10 NMSA 1978, and/or the assessment of civil penalties of up to \$10,000 per violation for each day of continued noncompliance, pursuant to Sections 74-4-10 and 74-4-12 NMSA 1978.

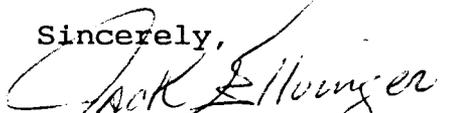
Any settlement reached shall be finalized upon the issuance of a written settlement agreement by the Director of NMEID. This issuance of a settlement agreement shall constitute a waiver on your part to request a hearing pursuant to this NOV.

Colonel Benson
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Compliance with the requirements of this notice does not relieve CAFB of its obligation to comply with HWMR-5 in other activities which it carries on, nor does it relieve CAFB of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this notice, please contact Suzanne Moore-Mayne at (505) 827-0170 or at the above address.

Sincerely,


Jack Ellvinger, Chief
Hazardous Waste Bureau

JE/SMM/smm

cc: Felicia L. Orth, General Counsel, EID
Lynn Prince, U.S. EPA Region VI (6H-HS)
Jim Richards, Chief, Environmental Contract Planning, CAFB

Attachment 1

CANNON JANUARY 23, 1990 SUBMITTAL DOCUMENTS

1. Quality Control Program Bradley Construction Company, dated June 29, 1989, Revised per review comments July 10, 1989
2. Cover letter from Bradley Construction Company per test cap and enclosure of daily logs, dated September 22, 1989
3. Closure of Cell Number 3, Landfill Area 5, ...Health, Emergency Response, Safety, Fire Protection, Decontamination and Environmental Protection Plan, undated.
4. IT Statement of Qualifications for Analytical Services
5. Closure of Cell No. 3, Landfill Area No. 5...Health and Safety Closeout Report.
6. Analytical Services from IT, analytical results on charcoal samples dated July 25, 1989.
7. Annotated map showing location of test cell.
8. Certification per HWMR-5 270.11(d) signed by Colonel Benson.

SUPERINTENDENT'S DAILY LOG

ATTACHMENT 2

03/02/90

Log Sequence No. 19

Date July 11, 89

Station Land Fill

Project _____

Job No. _____ Temperature: High _____ Low _____

Weather _____

Personnel Working

Contractor or Subcontractor	Foreman	Mechanic	Laborer	Contractor or Subcontractor	Foreman	Mechanic	Laborer

Work Performed

(Include materials delivered, shortages in men or material, official visitors on site, official instructions received and action taken concerning unacceptable material or workmanship)

Met Bylock at Jim Richards office and discussed layout of cell.

Bylock's measurements show cell is way off on measurements and directions.

Kash and Jim both checked it out stopped and went back to Jim's office to determine where fence up is.

Jim took some people from engineering and we all returned to site and took to office to locate dist. they have reached a decision and surveyor for cell fence will establish points for us today.

Original Distribution
 Yellow Bradley Construction, Inc.
 Superintendent

Signature of Superintendent

Flade

SUPERINTENDENT'S DAILY LOG

Log Sequence No. 30

Date July 12, 89

Station Land Fill

Project _____

Job No. _____ Temperature: High _____ Low _____

Weather _____

Personnel Working

Contractor or Subcontractor	Foreman	Mechanic	Laborer	Contractor or Subcontractor	Foreman	Mechanic	Laborer

Work Performed

(Include materials delivered, shortages in men or material, official visitors on site, official instructions received and action taken concerning unacceptable material or workmanship)

Junas office is laying out the site and has established the specific area of work. Jim says this is it to take it and turn with it.

Repsler came out and points were established so we can proceed with establish cuts & fill & catch.

Trailer came today and set it on site. Jim & Kietu recommended.

Have list of materials from Brian as to additional supplies we need and how they need to be arranged.

Mark Hildekorn and Co. out 47 hrs. He helped lay out exclusion zone and is checking out supplies from Industrial Oilfield.

Original Distribution
 Yellow Bradley Construction, Inc.
 Superintendent

Signature of Superintendent

W. Kietu

SUPERINTENDENT'S DAILY LOG

Log Sequence No. 23

Date July 17, 89

Station Lund Fice

Project _____

Job No. _____ Temperature: High _____ Low _____

Weather _____

Personnel Working

Contractor or Subcontractor	Foreman	Mechanic	Laborer	Contractor or Subcontractor	Foreman	Mechanic	Laborer

Work Performed

(Include materials delivered, shortages in men or material, official visitors on site, official instructions received and action taken concerning unacceptable material or workmanship)

Call job - Wade, Curran, Bailey, Casick and Tail gate for Safety Meeting By Mark Brown

Tail gate was on heat stress, signals for help, use of salt on food, and Satir Aid.

The eye wash pump ceased to function so we had to dig, empty until it could be replaced, Brown went and purchased a new pump

Set up down Area as instructed by Mark, and went over regulations again and went to Truck and speed up

Turning off case with blade, Curran operated blade, Curran, and Brown. Alternated going from directions, and I marked the down zone.

Breaks were frequent, because of the heat stress and protective clothing

Wade graded up some medical supplies

Mark still not picking up ~~the~~ grass at Contaminated with his equipment

Original Distribution
Yellow Bradley Construction, Inc.
Superintendent

Signature of Superintendent

Wade

SUPERINTENDENT'S DAILY LOG

Log Sequence No. 25

Date July 19, 89

Station Land Falls

Project _____

Job No. _____ Temperature: High _____ Low _____

Weather _____

Personnel Working

Contractor or Subcontractor	Foreman	Mechanic	Laborer	Contractor or Subcontractor	Foreman	Mechanic	Laborer

Work Performed

(Include materials delivered, shortages in men or material, official visitors on site, official instructions received and action taken concerning unacceptable material or workmanship) Atty Fall gate by Wade attended

by Mark, Calder, & Cutler

From outside excursion zone it appears we are missing the cell from sunken area and firmness of some areas

Mr Richards and Ruth met with us today and are agreeable to parking the footing above ground to eliminate any chance to cause a release of any gas or digging could cause.

Since we are not sure of the site area due to the age of the records, some of which are from memory, and some areas we would be grading the site, Mr Richards agreed to move the site 15 feet west, We all feel this Adequately covers the site

Marker surveys are still finding Nothing
Blade work still continues

Original Distribution
Yellow Bradley Construction, Inc.
Superintendent

Signature of Superintendent

Wade

II
SUPERINTENDENT'S DAILY LOG

Log Sequence No. _____

Date July 19, 1989

Station Cannon Air Force Base

Project _____

Job No. _____ Temperature: High _____ Low _____

Weather _____

Personnel Working

Contractor or Subcontractor	Foreman	Mechanic	Laborer	Contractor or Subcontractor	Foreman	Mechanic	Laborer

Work Performed

(Include materials delivered, shortages in men or material, official visitors on site, official instructions received and action taken concerning unacceptable material or workmanship) 5:00 A.M. Start, Jack - Elton - Mark

Get Bills, Time to send in

Pick up Tim's Submittal from Phil

Send fund, out Mark's Instruments, Adding Replacements Federal Express, Necessary to down office set. All instruments

Jim Richards to project - Agreed to factory changes and dimension changes

Elton's Bills - Solid - Pump - Flag Tape 305.47
Derrick Hook 28.5

Partials for received 9:30

Man on job - Jack, Elton, Mark, Dean

Equip on job - 2 Water Trucks, Blades, 200 gal oil, 800 gal tank

Letter to Carson requesting a weather day

Original Distribution
Yellow Superintendent

Signature of Superintendent

**INTERNATIONAL TECHNOLOGY CORPORATION
FIELD ACTIVITY DAILY LOG**

PROJECT NAME: Cannon AFB

DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:

Date: 7/17/89

The emergency eyewash and shower unit did not work. I did not allow Bradley to proceed with work in the hot zone until it is fixed. They bought a new pump to replace the old one which leaked badly.

I ended up being ahead of schedule this morning despite the fact that I did not arrive on-site until 4:30 a.m. The Bradley people did not arrive until 5:30.

I had all the equipment calibrated and wrapped by 5:40 a.m. I then worked with the Bradley people to establish (tape off) an exclusion zone and corridor to the decon area.

I got them started on the decon area. I then got suited up and went into the exclusion zone to start sampling by 6:20 a.m. I found nothing during this and subsequent surveys I performed today. I went in and just bagged my stuff when I came out.

Bradley was ready at 10:00. I gave a tailgate and helped get the Bradley workers suited up and their respirators on. we hand them in and working by 10:30.

Once they (Darryl and Oran) were in the exclusion zone I suited up and followed them in. I got the OVA working also.

Condition are hot but with a high wind. The widget meter was not working (both 9 volt batteries were dead).

Oran ran the scraper while Darryl worked on the ground.

When I went out to begin my OVA survey at 10:55, they were already planning to take a break in 10 minutes. So I did not worry about doing heat stress monitoring at this time. They did have Darryl break within 10 minutes and Oran within 15 minutes. Darryl out at 10:55, Oran out at 11:10. Both seem to be in good condition although Darryl seems a little more stressed (probably due to his working on the ground, being more active and less shaded). Performed surveys with direct reading instruments by either making four or more passes the long way up and down the cell and/or several criss-crossing the cell (actually the whole exclusion zone).

**INTERNATIONAL TECHNOLOGY CORPORATION
FIELD ACTIVITY DAILY LOG**

PROJECT NAME: Cannon AFB

DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:

Date: 7/19/89

Eldon came in with the idea that having at least part of the day off to settle some things regarding project planning, etc. This included resolving issues having to do with footings.

We will meet with Jim Richards this morning.

I worked on documentation, trying to clean some of the dust from the office and my equipment.

I picked up and threw out the high volume sample that I have pulled the plug on during the dust storm yesterday.

We met with Jim Richard. I helped convince him of the decreased H&S risk with not having to dig footings. Eldon enlisted help because he wanted to be able to pour the footings above ground. Additionally he (Jim Richards) tentatively approved Ken Smith for taking over this job from me. He was satisfied that we had covered the trash we found.

I had set up the tailgate form for Jack to give the tailgate at approximately 11:30 a.m.

I will set up high Vol and pump on Eldon.

Eldon met with Jim Richards and got approval to move the cap over 15 feet to cover where we think the cell is. Additionally, we will move the exclusion zone (expand it) both toward the tree. The trash Eldon unearthed the other clay was apparently part of another cell.

INTERNATIONAL TECHNOLOGY CORPORATION
FIELD ACTIVITY DAILY LOG

PROJECT NAME: Cannon AFB

DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:

Date: 7/25/89

When I arrived it was still lightly raining as it had been for the past few hours. I arrived at 5:30 a.m.

I mentioned to Jack Wade and Eldon that we need gloves; this is in addition to mentioning it to them last Friday and Monday.

Because of the rain I do not know how long we will work.

I did not do air monitoring because we may not work at all if it really rains.

Cold and rainy today, so I am not doing any heat gloves monitoring today.

I physically helped Darryl was the scraper. After today Darryl cannot do any equipment decon until cleared on his physical.

The shower is not working right and the decon is not set up right. I told them to get it together immediately or I will shut them down.

They asked if they could pull the pump off (it is now after 10:00) and do without the eyewash and shower today. Because they are doing no invasive work I said okay. It is rainy and they are driving stakes and surveying on the cap to see where they are.

I talked with Eldon and enlisted his support of a write up policy. He agreed and supported the idea.

It rained more and I went and packed up my equipment (direct-reading instruments) about 3:40.

An engineer (consultant) came to do soil densities. He trained Eldon and Oran to operate his instrument. Eldon and Oran operated the device in the exclusion zone and deconned it prior to returning it to the engineer.

**INTERNATIONAL TECHNOLOGY CORPORATION
FIELD ACTIVITY DAILY LOG**

PROJECT NAME: Cannon AFB

DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:

Date: 7/26/89

I arrived at 7:30 a.m. and worked on paperwork. Eldon arrived on site with one of the air force people at 8:40; they went down to observe the site.

The other workers arrived about 8:45 a.m.

Eldon met with me. The pump has been replaced and an electrician is coming out this morning to be sure enough power is going to the outlet at the pole. This outlet powers the his vol sampler and the pump for the shower at the decon. No one can go into the exclusion zone unless the shower is working and the decon area is set up. Eldon realizes that two cleared people have to be available for anyone of them to enter the exclusion zone. Because Oran will not be in this morning, he asked me to be down there when he goes in for 1/2 to 1 hour. I said yes, that I appreciate him following the rules and that I will do my monitoring while his is in.

Oran will be out in the afternoon and Eldon will work with him to do some cosmetic scraper work.

I helped Jack and Eldon by watching the site for them for a few minutes while they were gone.

I helped them fix the eyewash.

I received a backhoe that was delivered at 6:40. Dave Bradley called and I was the only one still here.

They did manage to get the eyewash operating with my help.

Brian called with Aromatics results from Austin. we had detectable methylene chloride on all of the samples but at low levels.

I notified Eldon and told him we should brief Oran, Jack and Darryl. Eldon did not want to at this time.

When I came back from the motel, I could see Jack down at the exclusion zone without glasses or hard hat and carrying his glasses. When I looked outside again, Eldon and Jack were properly outfitted, so I did not write anyone up.

**INTERNATIONAL TECHNOLOGY CORPORATION
FIELD ACTIVITY DAILY LOG**

PROJECT NAME: Cannon AFB

DESCRIPTION OF DAILY ACTIVITIES AND EVENTS:

Date: 7/27/89

I get in at 7:30 to do some work before Eldon arrives at 8:00.

When Eldon arrived at 8:00 I explained to him that neither I nor my H&S replacement will be Bradley's second cleared man so that one employee (cleared) from Bradley can be on site and work can still get done. I further explained that when I or my H&S replacement cannot core (i.e. phone call) it is an excuse for Bradley to break the sales or the H&S guy will be blamed.

Eldon says he will begin to have Darryl watch everyone down there to point out if they do not have their hard hat, etc.

When I went in at 8:10 to start my survey until 8:35, I finished with the OVA and then plans changed so Eldon was not going back in (to get the roller ___?___ as I told him he could) so I cannot finish my survey because Eldon decided at 8:50 to go to town with Jack.

A Bradley manager can out. This limited the amount of work done. I did manage to get in a complete battery of test with my direct reading instruments. I even managed to make a second OVA survey.

Jim Richards came by and met with me regarding the air monitoring results (methylene chloride). He would like us to get any or base ambient samples that we would, realizing of source that they are not paying IT for it. Jim was concerned slightly about potential EPA reactions. I told him that they would only get this data if Bradley and the air force chose to give it to them. We (IT) need to respond to Jim.