

FEB 18 1991

File CAFB

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State of New Mexico

Before the Environmental Improvement
Division; Health and Environment Dept.

IN THE MATTER OF:
CANNON AIR FORCE BASE
NEW MEXICO
ID. NO. NM7572124454

COMPLIANCE ORDER
NMHWA 901002

FIRST AMENDED ANSWER AND REPLY

Comes now the Respondent and for its Answer And Reply states as follows as to the findings:

1. Respondent admits for the purposes of this matter paragraphs 1,2,3,4,5,6,7,8 and 9.
2. Respondent admits issuance of the NOV as alleged and admits the submission of maps, reports and certification of closure. Further answering, respondent denies mislocation of test cell (para 10 a 1); denies insufficient submission of the Progress Report (para 10 a 2); denies the allegation of para 10 a 3; and denies false certification of closure.
3. In response to the findings set out at paragraph 10 b, Respondent denies lack of knowledge of the dimension and location of test cell 3, admits cover of the cell and denies substantial deviation from anchor trench design.
4. The test cap was constructed in a timely manner but not concurrently. The Respondent believes the test cap will function properly.
5. As to the finding of Methylene Chloride in cell 3, those were reported by Respondent as required. The finding of paragraph 10 c 1 is admitted.
6. Respondent did submit the documentation as required, and paragraph 11 is admitted.
7. As to paragraph 12, Respondent admits that issues of noncompliance remain, denies any false certification and states that all information was and will be furnished. Paragraph 12 a 1 and 12 b 2, substantial movement and allegations of reason for movement of final cover are denied. Respondent believes the cell is covered by the cap and therefore denies allegations of possible exposure of 9 feet of any portion of the cell. Respondent denies allegations of reasons for decisions on construction of footings.
8. Answering paragraph 12 b 2, the Respondent admits the test cap was not constructed concurrently with the final cover but states that the test cap will function as required and as designed. Respondent denies the test cap cannot be used with certainty and states that the test cap will predict the performance of the cell cap as required.
9. Paragraph 12 c and paragraph 13 are admitted.

10. As to paragraph 14, Respondent denies that the final cover is misplaced in the north-south dimension and denies that the final cover is misplaced in the east-west dimension.

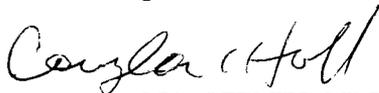
11. As to paragraph 15, Respondent denies false certification.

COMES NOW THE RESPONDENT AS TO CONCLUSIONS AND STATES:

1. Respondent admits for the purpose of this matter paragraphs 1,2, 3 and 4 of the Conclusions.
2. Respondent denies violation of HWMR 5, specifically part IX, section 270.11 (d) and Part VI, sec 265.115

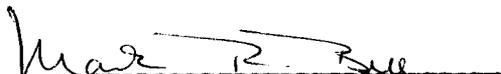
Respondent denies any allegation of false certification and denies any substantial noncompliance with the closure plan. Field changes were based on best engineering judgement and were authorized.

Having filed its First Amended Answer and Reply, Respondent requests the matter be processed according to applicable regulations.



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1 Atch
Compliance Order



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I certify that I have on 13 February 1991 by first class mail, sufficient postage attached, served copies of this First Amended Answer & Reply upon the following:

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