



BRUCE KING
GOVERNOR

January 19, 1993

Mr. Lawrence Nygren
Deputy Base Civil Engineer
27 CES CC
111 Engineer's Way
Cannon AFB, New Mexico 88103-5136

Dear Mr. Nygren:

I am in receipt of the Cannon Air Force Base (CAFB) charter for a Technical Review committee (TRC). As stated in Section II, the purpose of this committee is to provide relevant state and local authorities the opportunity to review and comment on proposed remedial actions taken by CAFB under the Installation Restoration Program (IRP). Section V, Operating Procedures, contains language broadening the scope to include a forum for CAFB to present "documents" to the TRC. Statements contained in this section, such as the following, may impinge on the regulatory responsibilities of the Department:

- Part B: "CAFB will send workplans, final reports, decision documents, proposed and final plans, and other applicable documents that are to be reviewed by the TRC to EPA and NMED prior to the meeting for which these documents are to be reviewed. ...Members are responsible for assuring that comments reflect the position of their constituency."
- Part E: "CAFB will prepare 'documents' for presentation to the TRC. CAFB will submit documents and other reports to EPA and NMED for review and comment before they are presented to TRC. The intent of this provision is to ensure that all documents presented to the committee represent a coordinated Air Force, EPA and NMED position."
- Part G: "Final documents and associated comments reviewed by the TRC and TRC meeting minutes will become a part of the administrative record on which the selection of actions will be based."

NMED is supportive of efforts to inform and include the public in environmental cleanup and decision making and often participates in committees such as this one. However, it must be understood that the TRC as outlined would operate outside the established regulatory review process. Therefore, the NMED representative(s) could bring technically or regulatory relevant matters to the

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2850

NEW MEXICO
ENVIRONMENT DEPARTMENT
JUDITH M. ESPINOSA
SECRETARY
1993 FEB -5 PM 2:25
RON CURRY
DEPUTY SECRETARY
OFFICE OF THE SECRETARY

TRC
HAZARDOUS
WASTE

file HSWA
CAFB
II

Tom

January 19, 1993

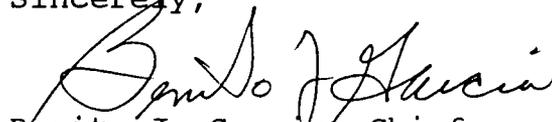
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attention of the committee and offer suggestions, but these comments could not be construed to represent the regulatory, legal or final position of NMED.

Secondly, in view of Section II, above, it is my opinion that every effort should be made to ensure that the non-regulatory members of the committee be given equal availability and equal opportunity to review and comment on all documents reviewed by or presented to the TRC.

As I am not in agreement with the charter as stated, I regret that I cannot sign at this time. However, I am available to discuss these concerns and possible amendments to the agreement at your request.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department

xc: Kathleen Sisneros
Thomas Manning, AFCEE
file



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 27th FIGHTER WING (ACC)
CANNON AIR FORCE BASE, NEW MEXICO

17 DEC 1992

27 CES CC
111 Engineers Way
Cannon AFB NM 88103-5136

Mr Benito Garcia
New Mexico Environment Department
Hazardous & Radioactive Material Bureau
1190 St Francis Drive
P O Box 26110
Santa Fe NM 87502

Dear Mr Garcia

Attached is the Cannon AFB charter for a Technical Review Committee. This committee is being established so that potentially affected parties may review and comment on studies and documents created on old (prior to Nov 1980) waste disposal sites at Cannon AFB and Melrose Bombing Range. You or your designated representative's presence on the committee will enable the city to be informed of Cannon's continuing evaluation and cleanup of environmental sites; therefore allowing the city to have an input and voice any concerns on environmental cleanup actions.

Please review the charter, and if acceptable, sign the charter's last page. Return the charter no later than 31 Dec 92 to us at the above address.

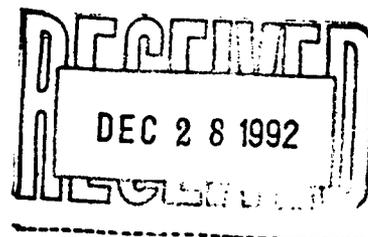
Direct any questions to Capt Mac Crawford or Mr Jim Richards at 784-4639.

Your prompt action is appreciated.

Sincerely


LAWRENCE NYGREN, GM-14
Deputy Base Civil Engineer

1 Atch
TRC Charter



Global Power for America

Charter of the Cannon Air Force Base
Installation Restoration Program
Technical Review Committee

I. NAME: This organization shall be known as the Cannon Air Force Base (CAFB) Installation Restoration Program (IRP) Technical Review Committee (TRC).

II. PURPOSE: The purpose of this committee is to provide relevant state and local authorities the opportunity to review and comment on proposed remedial actions taken by CAFB under the DOD Installation Restoration Program (IRP).

III. APPLICABLE LAWS AND REGULATIONS:

A. Actions taken by CAFB will be in accordance with the requirements of all applicable federal, state, and local laws and regulations.

B. The selection and implementation of any remedial action will be in accordance with federal, state, and local applicable or relevant and appropriate requirements (ARARs) and will be protective of human health and the environment.

C. The Environmental Protection Agency (EPA) and the Department of Defense (DOD) may adopt regulations or operating guidelines under the Superfund Amendments and Reauthorization Act (SARA) and the United States Code (USC) Title 10, Section 2705 governing the conduct of the IRP. Upon adoption of such regulations or guidelines, the provisions thereof will become part of this agreement and take precedence over conflicting provisions of this agreement.

D. CAFB has not entered into an Administrative Order and Agreement with EPA Region VI. CAFB is not on EPA's National Priority List (NPL). However, CAFB feels it is to the best interest of the base and local communities to establish a TRC allowing representation from local communities the privilege of reviewing documents developed under the subject program.

IV. STRUCTURE OF THE TRC:

A. Membership of the TRC will consist of one designated representative from the Air Force (Chair), the New Mexico Environment Department (NMED), the EPA, and a member of the governing body of the local community. Whenever appropriate, local communities impacted by IRP activities at CAFB will be invited by the TRC to provide a public representative to serve as a member. Each member may provide technical or administrative support personnel as required.

B. Meetings will be called by the Chair quarterly, or at the request of individual members as needed. Members and support staffs will serve without compensation. Agenda items will be submitted 30 days in advance to the Chair. The Chair will mail the agenda to the committee members seven days in advance of quarterly meetings.

C. All expenses incident to travel and review inputs will be borne by the member's sponsor.

V. OPERATING PROCEDURES:

A. Meetings will be held at CAFB or at an off-base location convenient to the affected community. The Chair will be responsible for writing minutes of each meeting and for dissemination of meeting minutes and other data requiring committee review and comments. Approval of prior meeting minutes will be an agenda item for each meeting.

B. CAFB will send work plans, final reports, decision documents, proposed and final plans and other applicable documents that are to be reviewed by the TRC to EPA and NMED prior to the meeting for which these documents are to be reviewed. EPA Region VI will review all work plans and reports that relate to the HSWA permit for completeness and technical competence. Other documents will be reviewed as time allows. CAFB will send these documents to other members if sufficient copies are available, otherwise members will be notified where they can review the documents at CAFB. Members may submit written comments on the documents to the designated chairperson. Members are responsible for assuring that comments reflect the position of their constituency.

C. The TRC shall have an opportunity to review and comment on all draft final and final plans, final reports, decision documents and other applicable documents pertaining.

D. During quarterly meetings, CAFB will provide progress reports on IRP activities for review by the TRC. At a minimum, these reports will describe the IRP activities during the quarter.

E. CAFB will prepare documents for presentation to the TRC. CAFB will submit documents and other reports to EPA and NMED for review and comment before they are presented to TRC. The intent of this provision is to ensure that all documents presented to the committee represent a coordinated Air Force, EPA, and NMED position. Nevertheless, it is recognized that a coordinated position on all aspects of a particular document may not be possible. If CAFB cannot accept a comment relating to the initiation, development, and selection of a response action, the comment and the reason for it not being accepted will be attached to the document at the time it is presented to the TRC. Regulatory comments will be included in the documents at the time of public disclosure.

F. The TRC, in addition to facilitating the exchange of information, will attempt to resolve, through compromise, all issues and problems that may arise during the course of IRP activities.

G. Final documents and associated comments reviewed by the TRC and TRC meeting minutes will become a part of the administrative record on which the selection of action will be based. The administrative record will be available for public review at on-base locations.

H. Documents and correspondence will be sent to the members at the following addresses:

1. Cannon AFB:
27 CES/CEV
111 Engineers Way
Cannon AFB NM 88103-5136
2. EPA:
US Environmental Protection Agency
Region VI
1445 Ross Avenue Suite 1200
Dallas, TX 75202
3. New Mexico:
New Mexico Environment Department
1190 St Francis Drive
P O Box 26110
Santa Fe, NM 87502

Correspondence will be sent to the other members at the addresses they provide to the chairperson. Documents will be made available for review by the other members at CAFB unless sufficient copies are available for mailing.

VI. CAFB will conduct public participation as provided in the CAFB Community Relations Plan.

VII. EFFECTIVE DATE, FLEXIBILITY, MODIFICATIONS:

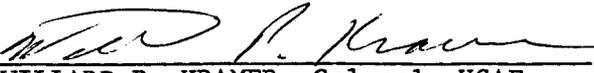
A. The effective date of this charter is the date of the last signature in Section VIII.

B. This charter shall be amended as required by changes in state and federal laws or regulation.

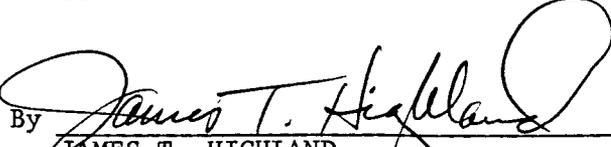
C. It is acknowledged that the Preliminary Assessment/Site Inspection information can result in some sites on CAFB being dropped from further investigation due to lack of evidence of a potential problem. Also, some sites may proceed with interim remedial action in the form of operable units prior to the total completion of the Remedial Investigation/Feasibility Study, if conditions warrant.

VIII. The provision of this Charter shall be satisfied and considered complete when any member terminates the TRC.

IT IS SO AGREED:

By 
WILLARD P. KRAMER, Colonel, USAF
Vice Commander
Cannon Air Force Base

7 Aug 92
Date

By 
JAMES T. HIGHLAND
Federal Facilities Coordinator
U S Environmental Protection Agency, Region VI

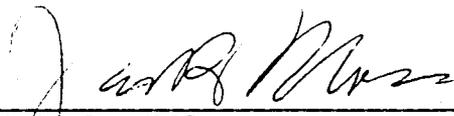
December 8, 1992
Date

By _____
BENITO GARCIA
Hazardous & Radioactive Material Bureau Chief
New Mexico Environment Department

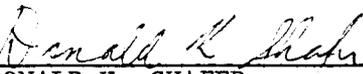
Date

By 
DAVID L. TANNER
Health Program Manager
New Mexico Environment Department
Clovis Field Office

10-29-92
Date

By 
JAMES B. MOSS
Mayor
Clovis, New Mexico

9-4-92
Date

By 
DONALD K. SHAFER
Mayor
Portales, New Mexico

10-16-92
Date