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**MEMORANDUM**

TO: Gedi Cibas

CC: James Bearzi  
John Kieling

FROM: Glenn von Gonten

SUBJECT: NMED FILE NO.: 1489 ER  
DEA: CANNON AIR FORCE BASE, DEFENSIVE TRAINING  
INITIATIVE  
JULY 2001

DATE: August 17, 2001

HWB has the following comments on CAFB's Defensive Training Initiative EA with respect to "Requirements or conflicts with NMED laws and regulations."

1. CAFB's EA fails to discuss the applicability of RCRA, the HWA, and their Operating Permit at Melrose Air Force Range to their proposed actions. Appendix D lists several Federal statutes and regulations, but does not list any New Mexico statutes and/or regulations, nor does the EA address CAFB's hazardous waste permit for the Melrose Air Force Range. NMED regulations that CAFB is potentially subject to include, but are not limited to: the Hazardous Waste Act, the Hazardous Waste Management Regulations, the Solid Waste Management Regulations, and the Water Quality Control Commission Regulations.
2. Flares and chaff appear to "military munitions", as defined in 20.4.1.100 NMAC, incorporating 40 CFR 260.10 (*Definitions*). According to 20.4.1.700 NMAC, incorporating 40 CFR 266.202(d), military munitions are at least solid waste and "*...therefore, is potentially subject to RCRA corrective action authorities under sections 3004(u) and (v), and 3008(h), or imminent and substantial endangerment authorities under section 7003, if the munition lands off-range and is not promptly rendered safe and/or retrieved. Any imminent and substantial threats associated with any remaining material must be addressed. If remedial action is infeasible, the operator of the range must maintain a record of the event for as long as any threat remains. The record must include the type of munition and its location (to the extent the location is known).*"

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3. CAFB should address their regulatory obligations under the above noted regulations and should specifically discuss the regulatory status of discarded military munition components that land off-range from Melrose Air Force Range.

HWB has the following comments on WSMR's Liquid Propellant Target EA with respect to "Deficiencies or inaccuracies in the information provided which prevent an adequate environmental assessment of the project."

4. Although CAFB's EA indicates that chaff and flares do not contain listed hazardous constituents, one of the constituents (potassium perchlorate) could potentially pose a risk to human health in sufficient concentrations.

5. Other risks that appear to be of concern to the general public include the risk of fire and the ingestion of chaff and/or flare components by cattle. CAFB should more completely address the results of the studies conducted on the ingestion effects of chaff on animals. On page 4-16 CAFB states that cattle and goats avoided eating chaff, but does not discuss what happens when cattle and goats actually consumed chaff with their feed. CAFB should either provide the toxicological study or more completely address the results of the study. One of the attached letters (from Bill and Peggy Haverlah) indicates that the Air Force has stated in some forum that "...prolonged inhalation of chaff fibers cause respiratory inflammatory response." CAFB should address all potential pathways to the environment including ingestion, inhalation, dermal contact, etc.

HWB has no comments on "whether the anticipated accomplishments justify the requested funding" and "other information."