



BILL RICHARDSON
GOVERNOR

CAF B 07
State of New Mexico
ENVIRONMENT DEPARTMENT

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RON CURRY
SECRETARY

CERTIFIED MAIL RETURN RECEIPT REQUESTED

April 25, 2007

Ron Lancaster
Environmental Flight Chief
506 N DL Ingram Boulevard
Cannon Air Force Base, New Mexico 88103-5214

**RE: DSMOA FUNDS AT RCRA-PERMITTED FACILITIES
CANNON AIR FORCE BASE, EPA ID NO. NM7572124454**

Dear Mr. Lancaster:

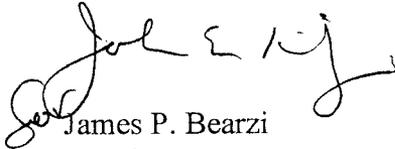
The New Mexico Environment Department (NMED) takes this opportunity to convey its position regarding the use of Department of Defense/State Memorandum of Agreement (DSMOA) monies for document review at Resource Conservation and Recovery Act (RCRA)-permitted facilities.

The Department of the Air Force has challenged NMED's past billing practices for document reviews at RCRA-permitted facilities since the New Mexico Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2 NMAC were adopted in 1998. Specifically, in 2001 Kirtland Air Force Base asserted that any document reviewed by NMED staff funded under the DSMOA program was subject to the terms of DSMOA, not RCRA, with regard to corrective action. NMED does not use DSMOA resources to conduct document reviews at RCRA-permitted facilities. CAFB is currently conducting corrective action under its RCRA permit issued in accordance with 20.4.1 NMAC. Document reviews for CAFB are therefore subject to the document fee regulations specified in 20.4.2 NMAC.

Mr. Ron Lancaster
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If you have any questions concerning this letter, please contact John E. Kieling at (505) 476-6035.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
D. Cobrain, NMED HWB
C. Frischkorn, NMED HWB
K. Doll, CAFB
C. Tims, CAFB
File: CAFB 2007 and Reading