



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



RYAN FLYNN
Cabinet Secretary Designate

BUTCH TONGATE
Deputy Secretary

TOM BLAINE, P.E.
Director
Environmental Health Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 2, 2013

Heather L. Buono, Colonel
Commander, 27th Special Operations
Mission Support Group
27 SOMSG/CC
110 E. Alison Avenue, Suite 1098
Cannon Air Force Base, New Mexico 88103

**RE: FINAL CORRECTIVE ACTION COMPLETE PROPOSALS
CANNON AIR FORCE BASE
CURRY COUNTY, NEW MEXICO
EPA ID #NM7572124454
HWB-CAFB-13-005**

Dear Colonel Buono:

The New Mexico Environment Department (NMED) has received the Cannon Air Force Base's (Permittee's) *Final Corrective Action Complete Proposals, Cannon Air Force Base, Clovis, New Mexico* (Proposal) dated March 2013 and received May 6, 2013. This Proposal does not meet the public notice requirements of 40 CFR 270.42(c) and is hereby denied. A discussion of those requirements is provided in the following comments.

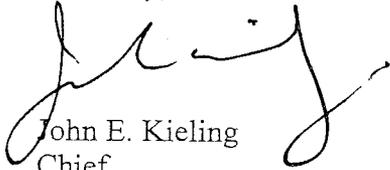
Comments:

1. Revise Table 1 to remove the NMED Criterion column in the Proposal and delete Section D of the Proposal. Review Sections E, F, and G of the Proposal for content appropriateness. Provide a copy of the Affidavit of Legal Publication (which indicates when the Public Meeting date was, where it was, and whether the Permittee received any comments during the meeting). The "Criteria" listed in Section D are no longer used by NMED. The NMED directs the Permittee to edit the Basis of Determination portions of the Corrective Action Complete (CAC) Proposal to remove references to the "Criteria" and replace the language with the actual reason(s) for requesting CAC for a given site (i.e., site couldn't be found, site never received wastes etc.)
2. The notice requirements of 40 CFR 270.42(c) include the following:
 - a. The Permittee must send a notice of the modification request to all persons on the facility mailing list and to appropriate state and local government agencies (see 40 CFR 124.10(c)(ix).
 - b. The Permittee must publish the notice in a major local newspaper of general circulation (e.g., Albuquerque Journal, Clovis or Portales newspapers). The notice requirements are listed in 40 CFR 270.42(c)(2)(i)-(vi).
 - c. The notice must be mailed and published within seven (7) days before or after submittal of the permit modification application to NMED and proof of publication must be submitted to NMED.
 - d. The Permittee's comment period must be for 60 days.
 - e. During the comment period, the Permittee must make the permit modification application and supporting documentation accessible to the public in the vicinity of the facility.
 - f. The Permittee must hold a public meeting during the comment period as specified in 40 CFR 270.42(c)(4).
 - g. The comment period begins on the day of the public notice in the newspapers.
 - h. Proof of the public notice (newspaper announcement) must be submitted to NMED by the end of the comment period. The public notice must state that comments must be submitted to NMED. If the Permittee receives any comments, those comments must be submitted to NMED.
3. Once the Permittee has determined the beginning of the comment period, the Permittee must submit, as noted in item a. above, the permit modification request. The letter must include a copy of the public notice that the Permittee will be sending to the facility mailing list and local governments.

Col. Heather Buono
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If you have any questions regarding this letter, please contact Daniel Comeau at (505) 476-6043.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
D. Comeau, NMED HWB
L. King, EPA 6PD-N
R. Lancaster, CAFB
A. Lafuente, CAFB

File: CAFB 2013; Denial, March 2013 CAC Proposal for Three SWMUs