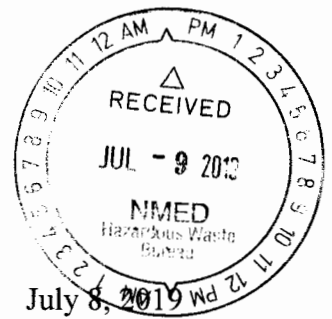




**DEPARTMENT OF THE AIR FORCE  
27TH SPECIAL OPERATIONS WING (AFSOC)  
CANNON AIR FORCE BASE NEW MEXICO**



Colonel Stewart A. Hammons  
Commander  
27<sup>th</sup> Special Operations Wing  
1 Air Commando Way  
Cannon Air Force Base, NM 88103

Mr. John E. Kieling  
Chief, Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Bldg. 1  
Santa Fe NM 87505-6313

RE: *Request for Information Cannon Air Force Base, New Mexico*

Dear Mr. Kieling

This letter acknowledges receipt of the Hazardous Waste Bureau's request for information concerning the release to the environment of Per and Poly-Fluoroalkyl substances (PFAS) at Cannon Air Force Base, which was dated June 4, 2019. As the Hazardous Waste Bureau is aware, the Air Force completed a preliminary assessment (PA) in October 2015, a site inspection (SI) work plan in July 2017, and a site inspection report in August 2018. In addition, the Air Force issued an addendum to the SI report in March 2019. Each of these documents (PA, SI work plan, SI, and SI addendum) focused on the release of Aqueous Film Forming Foam (AFFF) at Cannon Air Force Base and was prepared pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA 42 U.S.C. §§ 9601-9675). Furthermore, three of the documents were provided to the New Mexico Environment Department (NMED), and all four documents are publicly available within the Air Force Civil Engineer Center Administrative Record (AR) at <https://www.afcec.af.mil/News/Administrative-Record/>.<sup>1</sup>

The Air Force documents described above provide a substantial amount of the PFAS-related information the Hazardous Waste Bureau requested. In addition, much of the water quality related information already has been provided to one or more of the New Mexico Environment Department's Water Quality Bureaus. The Air Force declines to provide additional information at this time because it exceeds the Hazardous Waste Bureau's authority to direct the Air Force to provide the various types of PFAS-related and water-related information. Under Section 74-4-4.3.A of the Hazardous Waste Act (HWA; Chapter 74, NMSA, Article 4), the

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<sup>1</sup> Once the website opens, click on "Cannon AFB, NM" in the "Installation List" and then type in the document number in the "AR#" block in the center of the page. The document numbers are: 1941 for the PA, 1905 for the SI work plan, 1938 for the SI report, and 1940 for the SI report addendum.

Hazardous Waste Bureau can only require persons who generate, store, treat, transport, dispose of, or otherwise handle hazardous wastes to provide information related to such hazardous wastes. PFAS *per se* are not hazardous wastes under the HWA and its implementing regulations. *See* NMSA §§ 74-4-3.K and Title 20, NMAC, Chapter 4, Part 1. Please note that NMSA § 74-4-4.A(1) says NMED's Environmental Improvement Board shall adopt rules for management of hazardous waste that are "equivalent to and no more stringent than federal regulations adopted by the federal Environmental Protection Agency (EPA) pursuant to the Resource Conservation and Recovery Act (RCRA) for the identification and listing of hazardous wastes" and the Board "shall not identify or list any solid waste or combination of solid wastes as a hazardous waste that has not been listed and designated as a hazardous waste by the EPA pursuant to RCRA." NMAC 20.4.1 adopts the federal RCRA regulations without modification or exception to EPA's "hazardous waste" definition. Currently, the EPA has not designated PFAS or constituents as hazardous waste. *See* Title 40, Code of Federal Regulations, Parts 260-261).

Although the Air Force declines the Hazardous Waste Bureau's demand for more information than has already been provided through the PA, SI work plan, SI report, and addendum to the SI report, the Air Force will continue to provide additional information as it becomes available as we continue the CERCLA process regarding the PFAS impact at Cannon.

If you have any questions or concerns, please contact Mr. Sheen Kottkamp, of the Air Force Civil Engineer Center (AFCEC/CZOW), at (505) 846-9017 or [sheen.kottkamp@us.af.mil](mailto:sheen.kottkamp@us.af.mil).

Sincerely



STEWART A. HAMMONS, Colonel, USAF  
Commander

cc:

NMED, David Cobrain  
NMED, Benjamin Wear  
NMED, Gabriel Acevedo  
AFCEC/CZOW, Sheen Kottkamp