



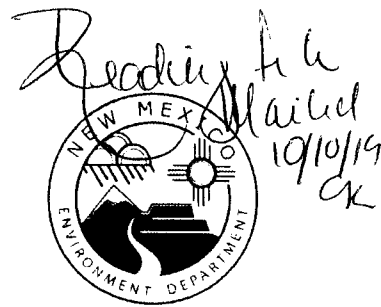
Michelle Lujan Grisham  
Governor

Howie C. Morales  
Lt. Governor

NEW MEXICO ENTERED  
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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James C. Kenney  
Cabinet Secretary

Jennifer J. Pruett  
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 10, 2019

Colonel Stewart A. Hammons  
Commander, 27th Special Operations Wing  
110 E. Alison Avenue, Suite 1098  
Cannon Air Force Base  
New Mexico 88103

RE: NOTICE OF VIOLATION  
CANNON AIR FORCE BASE  
CURRY COUNTY, NEW MEXICO  
EPA # NM7572124454

Dear Col. Hammons:

The New Mexico Environment Department ("NMED") received the Cannon Air Force Base ("Permittee" or "CAFB") letter titled *Request for Information Cannon Air Force Base, New Mexico* ("Letter"), dated July 8, 2019, on July 9, 2019. NMED reviewed the Letter and hereby issues this Notice of Violation based on CAFB's response.

CAFB states that "[t]he 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." However, as clearly stated in NMED's Request, Section 74-4-4.3(A) of the New Mexico Hazardous Waste Act (NMSA 1978, Sections 74-4-1 through -14) ("HWA") provides that "[f]or the purposes of developing or assisting in the development of any rules, conducting any study, taking any corrective action or enforcing the provisions of the Hazardous Waste Act, upon request of the secretary or his authorized representative: any person who generates, stores, treats, transports, disposes of or otherwise handles or has handled hazardous wastes shall furnish information relating to such hazardous wastes. . . ." This provision of the HWA applies to all handlers of hazardous waste, as defined in NMSA 1978, Section 74-4-3(K), regardless of particular compliance issues.

The Air Force states that the NMED does not have the authority to request "water-related information" under the HWA. However, the Air Force has been conducting water-related data collection in accordance with its RCRA Permit since 1989. NMED was authorized to administer RCRA corrective action in 1996. As identified above, the NMED has the authority to request such information as it may relate to water or any other environmental media.

NMED has reviewed the letter and determined that the Permittee has violated the HWA and the Permit as specified below.

Pursuant to section 74-4-4.3(A) of the HWA, NMED, in a letter dated June 4, 2019, formally requested that the U.S. Air Force, owner and operator of CAFB, provide to NMED the information listed below:

1. All PFAS soil, groundwater, and surface water sample laboratory analytical data from on- or off-site locations;
2. Any soil and groundwater data accessible to the Air Force pertaining to the off-site presence of PFAS in soil, groundwater, and surface water;
3. If such information has already been submitted to the New Mexico Hazardous Waste Bureau ("HWB"), identify the document(s) and date(s) of submittal in lieu of resubmitting the documentation;
4. Geographic Information Systems data layers that include the facility boundary polygon, solid waste management unit and area of concern location polygons, facility structure polygons, well location points within CAFB, any well and monitoring well location points within a three-mile radius of the base, if available;
5. All water supply well aquifer test, and analytical and water quality data for CAFB and any available analytical and water quality data for off-site water supply or monitoring wells collected since 1992;
6. Waste Water Treatment System influent and effluent water quality testing data obtained since 1992;
7. All available water quality testing data obtained from North Playa Lake surface water since 1992;
8. The beginning and end dates of the use of Aqueous Film Forming Foam at CAFB and all available information on the locations it was used;
9. The compositions of the firefighting foams used at CAFB since 1970 and that which is currently in use, if different and the dates of use for each type if more than one type of firefighting foam was used;

10. The location of all waste water/sewage treatment systems and associated waste collection points and discharge points for treated and untreated waste waters.
11. All well logs and well construction diagrams for all existing and previously abandoned monitoring wells, water supply wells and piezometers located at CAFB.

NMED is citing the following violation(s):

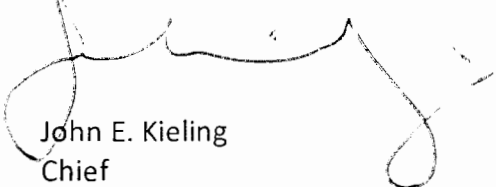
Failure to provide any of the information required by NMED's RCRA Information Request pursuant to NMSA 1978, Section 74-4-4.3(A).

The Permittee must provide to NMED within 30 days of receipt of this letter a written description of the actions taken by CAFB to address the violation described above, or a schedule for implementation of corrective actions not yet completed to comply with the RCRA Information Request. Failure to comply may result in monetary penalties.

In accordance with NMSA 1978, Section 74-4-10, NMED may: (1) issue a Compliance Order requiring compliance immediately or within a specified time period or assess a civil penalty for any past or current violations of up to \$10,000 per day of non-compliance for each violation, or both; or (2) commence a civil action in District Court for appropriate relief, including a temporary or permanent injunction. Any such order, whether issued by NMED or by a District Court, may include a suspension or revocation of any permit issued by NMED.

Any action taken in response to this letter does not relieve CAFB of its obligation to comply with any other applicable laws and regulations. If you have any questions regarding this letter, please contact Ben Wear of my staff at (505) 476-6041.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB  
B. Wear, NMED HWB  
G. Acevedo, NMED HWB  
C. Atencio, NMED OGC  
L. King, EPA Region 6 (6LCRRC)  
C. Hendrickson, EPA Region 6 (6LCRRC)

file: CTAP # 2398