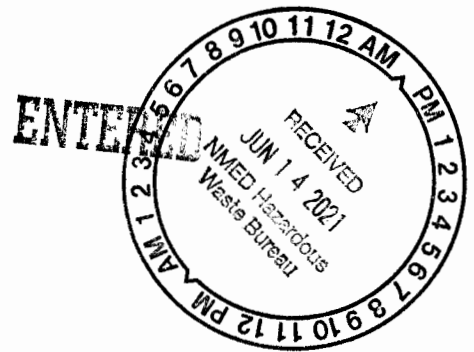




DEPARTMENT OF THE AIR FORCE
27th SPECIAL OPERATIONS WING (AFSOC)
CANNON AIR FORCE BASE NEW MEXICO



Colonel Robert A. Masaitis
Commander
27th Special Operations Wing
1 Air Commando Way
Cannon Air Force Base, NM 88103

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

Dear Mr. Pierard

This letter is in response to the New Mexico Environment Department's (NMED) request for access to Cannon Air Force Base (AFB), dated April 2, 2021. The request seeks permission for NMED's contractor (Daniel B. Stephens and Associates) to access Cannon AFB to collect groundwater samples from sixteen of the US Air Force's monitoring wells and analyze for the presence of per- and polyfluoroalkyl substances (PFAS) compounds.

As you are aware, the US Air Force (Air Force) has conducted extensive Perfluorooctanesulfonic (PFOS) and Perfluorooctanoic acid (PFOA) sampling at and around Cannon AFB as part of its comprehensive environmental response to potential releases of aqueous film forming foam (AFFF) at the base. The results of the Air Force's findings were published in a Site Inspection (SI) report and an addendum to the SI report. The SI and SI Addendum were made available to the Hazardous Waste Bureau and are posted on the Air Force Civil Engineer Center's (AFCEC's) public website: <https://ar.afcec-cloud.af.mil/> (SI AR#1938, ASI AR#1940).

The Air Force performed the SI and SI Addendum pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, 42 U.S.C. §§ 9601-9675), the Defense Environmental Restoration Program statute (DERP, 10 U.S.C. §§ 2701-2711), and the CERCLA regulations contained in the National Oil and Hazardous Substances Pollution and Contingency Plan (National Contingency Plan or NCP, 40 C.F.R. Part 300). The Air Force is continuing to respond to the past release of PFOS and PFOA at Cannon AFB under CERCLA, DERP, and the NCP. The Air Force has commenced a Remedial Investigation (RI) under its CERCLA and DERP authorities and will delineate the size, scope, and movement of the past PFOS and PFOA releases at Cannon during the RI. The RI

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investigation will consist of groundwater, and soil samples both on and off base. Additional groundwater monitoring wells will also be installed both on and off base to delineate the nature and extent of the PFOS/PFOA impact.

The Air Force is responding to PFOS and PFOA under CERCLA and DERP because PFOS and PFOA are “pollutants or contaminants” under CERCLA. Following the CERCLA-NCP process, and delegations from Executive Order 12580, *Superfund Implementation* (53 FR 2923, January 23, 1987), and the Department of Defense, the Air Force is the lead agency in investigating and responding to the impacts of past PFOS and PFOA releases to the environment at Cannon AFB.

In addition to the CERCLA-NCP investigations being performed, the Air Force is providing alternative drinking water supplies wherever PFOS and PFOA exceed the U.S. Environmental Protection Agency health advisory levels until more permanent solutions can be implemented. Cannon AFB also has completed its transition from legacy AFFF to more environmentally friendly AFFF and has retrofitted fire vehicles with a system that prevents foam discharge during equipment testing and training. Additionally, Cannon AFB is complying with Air Force and Department of Defense (DoD) directives concerning prevention of uncontrolled, land-based AFFF releases during maintenance and training activities. DoD is also funding research and projects to identify and test performance of fluorine-free AFFF. These efforts are helping to prevent any further non-emergency uses or releases of AFFF.

While the Air Force is engaged in a comprehensive response to AFFF-containing PFOS and PFOA, we understand that NMED has hired a contractor to perform PFAS sampling in the vicinity of Cannon AFB. As a demonstration of good faith toward potential resolution of the on-going litigation matters between New Mexico and the United States, the Air Force’s commitments to transparency, and its environmental response at Cannon AFB, I approve a one-time sampling by NMED’s contractor for PFAS compounds on-base subject to the following conditions:

a) Approval of this sampling request is not to be construed as having any impact on any legal issue in litigation cases between New Mexico and the United States, including without limitation, NMED’s authority to regulate PFOS, PFOA, and other PFAS at Cannon AFB. Both New Mexico and the United States reserve all rights with respect to all issues that have or could be raised in the litigation cases between the United States and New Mexico.

b) NMED will share the sampling results and consider engaging in discussions with the Air Force if NMED has concerns about such sampling results.

c) NMED will allow the Air Force to collect split samples if desired.

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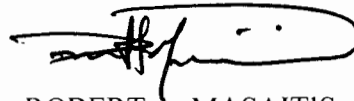
d) NMED will accommodate US Air Force safety, security, and scheduling concerns, to ensure on-base sampling is performed safely and does not disrupt Air Force and tenant organization operations and activities on-base.

e) NMED will require its contractor to abide by Cannon AFB's well access log requirements and will be responsible for any damages that the contractor causes during the sampling event.

f) NMED will ensure its contractor is responsible for purge water disposal and will retain purge water on-site until arrangements are made to test and properly dispose of the water. Once arrangements are made to test and dispose of the purge water, the contractor will contact Cannon AFB for access to retrieve the purge water for disposal.

If the conditions under which I grant one-time access to Cannon AFB for PFAS sampling are acceptable to NMED, please let my Point of Contact (POC) know in writing and then arrange the sampling times and locations with him. My POC for environmental restoration issues, such as this, is Mr. Christopher Gierke, AFCEC/CZOW, (575) 904-6744. I also encourage NMED, through appropriate counsel, to reach out to the Air Force to discuss all the Air Force is doing and planning on doing to address AFFF-containing PFOS and PFOA at and around Cannon AFB and potential ways to resolve the on-going litigation.

Sincerely

A handwritten signature in black ink, appearing to read 'Robert A. Masaitis', enclosed within a hand-drawn oval.

ROBERT A. MASAITIS, Colonel, USAF
Commander

cc: AFCEC/CZOW (Mr. Chris Gierke)