



Certified Mail - Return Receipt Requested

April 7, 2022

Colonel Terence G. Taylor
Commander, 27th Special Operations Wing
100 Air Commando Way, Suite 100
Cannon Air Force Base
New Mexico 88103-5214

**RE: DENIAL
TECHNICAL MEMORANDUM SD022-SITE DEFERRAL
CANNON AIR FORCE BASE, NEW MEXICO
EPA ID #NM7572124454
HWB-CAFB-19-006**

Dear Colonel Taylor:

The New Mexico Environment Department (NMED) has received the Cannon Air Force Base (Permittee) *Technical Memorandum SD022 [Solid Waste Management Unit (SWMU) 73]-Site Deferral (Status Report)*, dated December 11, 2019. The Permittee's request for deferral of further investigation of SWMU 73, Stormwater Drainage and Retention Pond, is denied.

The June 2021 *Draft Aqueous Film Forming Foam Release Areas Phase I Remedial Investigation Work Plan (Phase I RI Work Plan)*, disapproved by NMED on December 15, 2021, indicates that SWMU 73 is located within the boundaries of the Whispering Winds Golf Course (WWGC), which was identified as a potential source area for per- and polyfluorinated alkyl substances (PFAS) contamination, as documented in the Phase I RI Work Plan. The use of the Cannon Air Force Base (CAFB) Wastewater Treatment Plant effluent, laden with aqueous film forming foam (AFFF) containing PFAS from past releases to the sanitary sewer, for the filling of golf course ponds and regular irrigation was the reported mode of contamination release at the WWGC. SWMU 73 receives stormwater run-off from the WWGC and the surrounding area that likely contains contaminants of concern. Although the golf course ponds were reported as lined, the Permittee identified the potential for the release of PFAS to the environment from holes in pond liner material. Furthermore, the site inspection sampling documented in the Permittee's August 2018 *Final Site Inspection of Aqueous Film Forming Foam (AFFF) Release Areas Environmental Programs Worldwide* was not sufficient to characterize PFAS contamination at SWMU 73. Therefore, additional investigation is required at SWMU 73 to address PFAS contamination at the site.

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SWMU 73 will remain on Permit Table 1, List of Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) Requiring Corrective Action, with a corrective action required status until site assessment and necessary remediation has been completed in accordance with the December 2018 *Cannon Air Force Base Resource Conservation and Recovery Act Permit* (Permit) and NMED's November 2021 *Risk Assessment Guidance for Site Investigations and Remediation* (as updated).

NMED's determination documented in this letter supersedes NMED Comment 3c of the March 19, 2019 *Approval With Modification RCRA Facility Investigation at TU505, DA508, SD022, and TA129* response for SWMU 73.

PFAS meet the statutory definition for hazardous waste defined in New Mexico Hazardous Waste Act Section 74-4-3.K, Section 1004(5) of the Solid Waste Disposal Act, and Section 6903(5) of the Resource Conservation and Recovery Act, and is defined as such in the Permit as required by 40 Code of Federal Regulations 270.32(b)(2) for protection of human health and the environment.

Any investigation initiated by the Permittee without an NMED-approved work plan is conducted at risk, and it is likely that NMED will require different and/or additional work beyond work conducted under the unapproved work plan.

If you have any questions regarding this letter, please contact Gabriel Acevedo at (505) 690-5760.

Sincerely,

Rick Shean

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Shean
Date: 2022.04.07 08:56:49
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Rick Shean
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
B. Wear, NMED HWB
G. Acevedo, NMED HWB
L. King, EPA Region 6 (6LCRRC)
L. Dunahee, CAFB
C. Gierke, CAFB
C. Soto-Lorenzo
J. Burgoon

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