



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

Certified Mail - Return Receipt Requested

May 9, 2023



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

**RE: FEE ASSESSMENT
TECHNICAL MEMORANDUM: HYDRAULIC CONTANIMENT AND TREATMENT
BASIS OF DESIGN
CANNON AIR FORCE BASE, NEW MEXICO
EPA ID #NM7572124454
HWB-CAFB-23-002**

Dear Colonel Taylor:

The New Mexico Environment Department (NMED) has received Cannon Air Force Base's (CAFB) submittal titled *Technical Memorandum: Hydraulic Containment and Treatment Basis of Design* dated April 24, 2023, that was included in the *Cannon Air Force Base PFOS [perfluorooctanesulfonic acid]/PFOA [perfluorooctanoic acid] Pilot Study Design Package*.

NMED has accepted the submittal for review in accordance with the New Mexico Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2.201.B(2) NMAC. NMED has assessed the document review fee as a pilot test work plan for the purpose of billing. The applicable review fees are listed in Table 5 of 20.4.2.208 NMAC. NMED will review the submittal after the appropriate fees have been received. The fee invoice is attached to this letter. Upon receipt of the payment, NMED will initiate a technical review of the submittal in accordance with 20.4.2.201.B(3) NMAC.

To further clarify, NMED does not agree that per- and polyfluoroalkyl substances (PFAS) contamination at Cannon AFB is subject to the "CERCLA-like" process used by non-RCRA-permitted Department of Defense facilities. Cannon AFB is subject to regulation under the New Mexico Hazardous Waste Act (HWA), the New Mexico Hazardous Waste Regulations at 20.4 NMAC and the December 2018 *Cannon Air Force Base RCRA Hazardous Waste Permit (Permit)*. PFAS meet the statutory definition for hazardous waste defined in HWA Section 74-4-3.K, Section 1004(5) of the Solid Waste Disposal Act, and Section 6903(5) of the Resource

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Hazardous Waste Bureau - 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505-6313
Telephone (505) 476-6000 - www.env.nm.gov

Col. Taylor
May 9, 2023
Page 2

Conservation and Recovery Act and are defined as such in the Permit as required by 40 CFR 270.32(b)(2) for protection of human health and the environment.

Payment is due within sixty (60) calendar days from the date that you receive the invoice in accordance with 20.4.2.301.C NMAC. If you disagree with the fee assessed, you may notify NMED in writing, at the address below, of the intent to appeal the invoice under the provisions of 20.4.2.302.A NMAC.

If payment is by check, then you must provide the invoice number on the check. If payment is transmitted electronically, then you must submit a letter to Ms. Jessi Sanchez, NMED Hazardous Waste Bureau, at the address above indicating the invoice number, payment amount, and the assessed activity prior to transferring funds.

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

Sincerely,



Dave Cobrain
Program Manager
Hazardous Waste Bureau

cc: J. Sanchez, NMED HWB
V. Baros, NMED HWB
G. Acevedo, NMED HWB
L. King, EPA Region 6 (6LCRRC)
C. Gierke, CAFB
S. Hill, CAFB

File: CAFB 2023 and Reading



**New Mexico
Environment Department
Hazardous Waste Bureau**

**Cannon Air Force Base
27th Special Operations Wing
110 E. Alison Ave, Ste. 1098
Cannon Air Force Base, NM 88103-5217
Attn: Robert A. Masaitis**

5/9/2023

Invoice # - HWB-CAFB-23-002

Cannon Air Force Base Technical Memorandum: Hydraulic Containment and Treatment Basis of Design, March 2023

Quantity	Item	Item Cost	Total Cost
1	Pilot / Aquifer Test Work Plan - 1st Unit	\$7,000.00	\$7,000.00
		Total Fees	\$7,000.00
		Adjustment	\$0.00
		Pay This Amount	\$7,000.00

Make Checks Payable to: NMED/HWB

Mail Checks and Invoice to:

**New Mexico Environment Department, HWB
Attn: Bureau Financial Manager
2905 Rodeo Park Drive East, Bldg 1
Santa Fe, NM 87505**

When you provide a check as payment, you authorize the State of New Mexico to either use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.