



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY



**Certified Mail - Return Receipt Requested**

May 20, 2022

Colonel Jason F. Vattioni  
Base Commander  
377 ABW/CC  
2000 Wyoming Blvd SE  
Kirtland AFB, NM 87117

Ms. Melissa Clark  
Civil Engineer Office  
377 Civil Engineer Division  
2050 Wyoming Blvd SE, Suite 116  
Kirtland AFB, NM 87117

**RE: REQUEST FOR INFORMATION  
KIRTLAND AIR FORCE BASE, NEW MEXICO  
EPA ID # NM9570024423  
HWB-KAFB-19-012**

Dear Colonel Vattioni and Ms. Clark:

Pursuant to section 74-4-4.3.A of the New Mexico Hazardous Waste Act ("HWA"), NMSA 1978, sections 74-4-1 to 74-4-14, the New Mexico Environment Department ("NMED") hereby requests that the U.S. Air Force, owner and operator of Kirtland Air Force Base (the "Air Force" or "Permittee"), provide to NMED the information listed below related to the release of the aviation gasoline and jet fuel to the environment in association with the Bulk Fuels Facility Spill ("BFFS") site, Solid Waste Management Unit ("SWMU") ST-106/SS-111, at Kirtland Air Force Base ("KAFB").

Section 74-4-4.3.A of the 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. .... "

The Air Force submitted the *Source Zone Characterization Report* ("Report") for the BFFS to NMED on October 30, 2019. NMED reviewed the Report and issued a Disapproval with comments on August 17, 2020 (Disapproval). The Disapproval letter required the Permittee to provide cross sections that include specific details related to the content of the required cross sections in the revised Report.

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Hazardous Waste Bureau - 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505-0210  
Telephone (505) 476-6000 - [www.env.nm.gov](http://www.env.nm.gov)

KAFB5189



The Air Force submitted the *Revised Source Zone Characterization Report* (Revised Report) to NMED on April 26, 2021. NMED is currently reviewing the Revised Report. The original cross sections were removed from the Revised Report but were not replaced by the cross sections required by NMED's Disapproval. The Air Force response to comments for the Revised Report states, "[c]reating an updated cross section with information presented in this report was not part of the scope in the approved work plan." and "[u]pdated cross sections that will include the data from this investigation as well as the recently installed data gap wells (Including wells KAFB-106S10 and KAFB-106V3) will be presented in the upcoming Data Gap Report submittal." The Air Force submitted the *Investigation Report for Data Gap Monitoring Well Installation KAFB-106248 to KAFB-106252 and KAFB-106S10* (Data Gap Report) for the BFFS to NMED on October 12, 2021. The cross sections provided in the October 2021 Data Gap Report do not address the comments provided in NMED's August 2020 Disapproval letter for the Source Zone Characterization Report.

As NMED has not been provided with the requested cross sections to date, NMED is requiring the Permittee to provide the cross sections created by EA Engineering, Science, and Technology, Inc., PBC (EA) in April 2019 for the original Report. These cross sections were not submitted to NMED in the original Report or in the Revised Report. The cross sections were prepared by EA and contain information necessary for the creation of a conceptual site model at the BFFS site.

In order for NMED to better understand current site conditions at the BFFS site and surrounding areas, NMED requests the following information:

1. Cross sections created in April 2019, by EA as discussed above.
2. All groundwater and light non-aqueous phase liquid (LNAPL) gauging field forms from all activities by all subcontractors working on the BFFS site from January 1, 2020 to the present, including but not limited to measurements collected during quarterly monitoring activities, pilot test activities, site investigation activities (e.g., pre-drilling activities, drilling activities, and post drilling activities). NMED requires the submittal of copies of the actual handwritten gauging field forms and associated field notes in addition to a compiled spreadsheet of the data.

The following certification by a responsible official must be included with the response:

*"I certify under penalty of law that this information in this letter and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering such information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

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Your compliance with this information request is mandatory. Failure to respond fully and truthfully within the time specified herein, or to adequately justify such failure to respond, may result in an enforcement action by NMED pursuant to section 74-4-10 of the HWA. The HWA provides for the imposition of civil penalties for noncompliance. Section 74-4-12 of the HWA provides that any person who violates any provision of HWA "may be assessed a civil penalty not to exceed ten thousand dollars (\$10,000) for each day during any portion of which a violation occurs." See also sections 74-4-10.A and B of the HWA. The HWA also provides for criminal fines and imprisonment for knowingly omitting material information or making a false statement or representation in any document used for compliance with section 74-4-11.A(3) of the HWA.

The Permittee may claim confidentiality for any information required by this information request pursuant to the requirements of sections 74-4-4.3.D and F of the HWA, and 20.4.1.100 NMAC (incorporating 40 CFR 260.2). Such a claim must be made at the time of submittal. Any records, reports or information provided in response to this request shall be available to the public upon request if no claim of confidentiality is asserted by the permittee.

The required information must be provided to the New Mexico Hazardous Waste Bureau no later than **June 20, 2022**. If you have any questions regarding this letter, please contact Lane Andress at (505) 690-5826.

Sincerely,

**Rick Shean**  
Digitally signed by Rick Shean  
Date: 2022.05.20 14:47:13 -06'00'

Rick Shean  
Chief  
Hazardous Waste Bureau

cc: A. Knight, NMED OGC  
D. Cobrain, NMED HWB  
B. Wear, NMED HWB  
L. Andress, NMED HWB  
L. King, EPA Region 6 (6LCRRC)  
L. McKinney, EPA Region 6 (6LCRRC)  
S. Kottkamp, KAFB  
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D. Agnew, ABCWUA  
A. Tafoya, VA

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