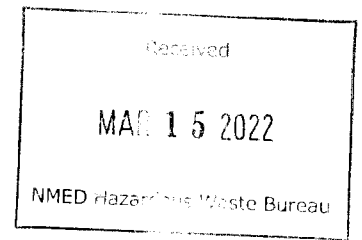





DEPARTMENT OF THE AIR FORCE
27TH SPECIAL OPERATIONS WING (AFSOC)
CANNON AIR FORCE BASE NEW MEXICO



2 March 2022

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

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

RE: Disapproval of Groundwater Monitoring Field Sampling Plan-Revision 2,
Melrose Air Force Range

Dear Mr. Shean

This letter responds to the New Mexico Environment Department (NMED) Hazardous Waste Bureau's Notice of Disapproval (NOD) dated December 14, 2021 issued to Cannon Air Force Base (AFB), New Mexico.

Comment number 1 of the NOD states that reference to the permit renewal in the Field Sampling Plan (FSP) is inappropriate and irrelevant to NMED's requirement for submittal of the FSP update. The NOD says groundwater monitoring at Melrose Air Force Range (MAFR or the Range) is an interim measure required by the range's Resource Conservation and Recovery Act (RCRA) permit because corrective action is required at the range's Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs). We respectfully disagree. As NMED well knows, MAFR is an active, operational range. Consequently, it is not generating waste that triggers regulation under RCRA and a RCRA permit under the New Mexico Hazardous Waste Act (NM HWA). Furthermore, the Air Force applied for the permit in 1994 because it wanted to construct and operate an open detonation waste disposal system. However, the Air Force never followed through with the open detonation plan, so there was no triggering event to justify issuing the permit in the first place. The Air Force did not oppose issuance of the initial RCRA permit, but that was a mistake. The permit should not have been issued because there was no authority to issue it under RCRA or the NM HWA.

The Air Force cannot tolerate the permit any longer because NMED's demands under it go beyond monitoring groundwater. The Air Force will continue monitoring groundwater under the Department of Defense Operational Range Assessment Program, but it will no longer submit sampling plans and reports pursuant to RCRA permit requirements. In addition, the Air Force requests the RCRA permit for MAFR be withdrawn or cancelled since it should not have been issued or renewed.

Comments 2 through 5 direct revision of the FSP because of or to reference RCRA permit provisions. We decline NMED's request but will revise the plan to monitor for potential off base migration, which is allowed under the Operational Range Assessment Program.

AIR COMMANDOS

Like NMED, the Air Force is concerned about environmental effects of our operations on the environment. This is why the Air Force will continue to monitor for an array of constituents on the boundaries of the MAFR footprint. The Air Force will continue to share this data with NMED so that both entities have a shared understanding of how to clean up MAFR once the Range is closed.

Again, the Air Force respectfully requests that New Mexico take administratively appropriate action to reflect that no RCRA permit is currently in effect upon MAFR. The Air Force continues to concur in the view that when the Range is closed, the Range must be cleaned up under the Air Force MMRP or under RCRA corrective action standards – as is deemed appropriate at MAFR closure.

My point of contact if you have further questions is AFCEC Remedial Project Manager, Mr. Christopher Gierke at (575) 904-6744 or at christopher.gierke@us.af.mil.

Sincerely



TERENCE G. TAYLOR, Colonel, USAF
Commander

Attachment:

Disapproval Groundwater Monitoring Field Sampling Plan-Revision 2, MAFR,
dated December 14, 2021

cc:

NMED, David Cobrain
NMED, Gabriel Acevedo
NMED, Benjamin Wear
AFCEC/CZOW, Christopher Gierke