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Certified Mail - Return Receipt Requested

August 17, 2021

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

**RE: DRAFT AQUEOUS FILM-FORMING FOAM RELEASE AREAS PHASE I REMEDIAL
INVESTIGATION WORK PLAN MAY 2021
CANNON AIR FORCE BASE, NEW MEXICO
EPA ID #NM7572124454
HWB-CAFB-21-002**

Dear Colonel Taylor:

The New Mexico Environment Department (NMED) is in receipt of the Cannon Air Force Base (Permittee) *Draft Aqueous Film-Forming Foam Release Areas Phase I Remedial Investigation Work Plan Cannon Air Force Base Clovis, May 2021* (RI WP) with cover letter dated June 21, 2021. Electronic copies of the RI WP on disc were delivered to the NMED Hazardous Waste Bureau offices on June 23, 2021.

The cover letter for the submittal states, “[p]ursuant to the provisions of the Defense Environmental Restoration Program, the Air Force investigation and mitigation actions for PFOS/PFOA are guided under the Comprehensive Environmental Restoration Compensation and Liability Act (CERCLA).” NMED does not agree that this investigation of per-and polyfluorinated alkyl substances (PFAS) are subject to review under CERCLA; this investigation is subject to regulation under the Resource Conservation and Recovery Act (RCRA) and the New Mexico Hazardous Waste Act (HWA). As such, Cannon Air Force Base must conduct the investigation in accordance with the requirements specified in the Cannon Air Force Base RCRA Permit EPA ID # NM7572124454 (RCRA Permit) issued in December 2018. NMED will conduct a review of the RI WP consistent with the RCRA Permit and provide approval, disapproval, or approval with modifications in accordance with Section 1.17.1 of the Permit.

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The cover letter also states, “[t]his review period is for 30 days following the CERCLA process.” As stated above, this investigation of PFAS at and off-site from Cannon Air Force Base is not subject to CERCLA; rather, it is subject to the requirements of RCRA and the HWA. Therefore, NMED will conduct its review of the RI WP in accordance with the timeframes specified in 20.4.2 NMAC as stated in Section 1.17.1 of the RCRA Permit and more specifically as specified in 20.4.2.7.I(4), 20.4.2.201.B(2)(a) and (3), 20.4.2.208 and 20.4.2.301.C NMAC.

While the NMED is encouraged the United State Air Force (USAF) is taking responsibility for PFAS contamination at and off-site from Cannon Air Force Base, any work performed prior to NMED approval is at its own risk. Pursuant to RCRA and the HWA, NMED may require different and/or additional work beyond that proposed by USAF in the RI WP.

If you have any questions regarding this letter, please contact Dave Cobrain at (505) 476-6055.

Sincerely,

Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

cc: C. Catechis, NMED RPD
C. Atencio, NMED OGC
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File: Reading and CAFB 2021