



Michelle Lujan Grisham
Governor

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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 8, 2020

Colonel David S. Miller
Base Commander
377 ABW/CC
2000 Wyoming Blvd SE
Kirtland AFB, NM 87117

Lt. Colonel Wayne J. Acosta
Civil Engineer Office
377 Civil Engineering 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-
014**

Dear Colonel Miller and Colonel Acosta:

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 *Work Plan for Shallow Soil Vapor Sampling* (“Work Plan”) for the BFFS to NMED on November 8, 2019. NMED reviewed the Work Plan and issued a Disapproval with comments on May 26, 2020. The Disapproval letter required the Permittee to evaluate potential transport of vapor contamination through utility corridors related to vapor intrusion, as there was no discussion regarding this issue in the Work Plan. No conceptual site model was presented in the Work Plan, nor were maps provided depicting utility corridors.

On November 10, 2020, a meeting was held between NMED and the Permittee to discuss the required revisions to the Work Plan. A map was shown in the Permittee’s presentation depicting “major” utilities in the area. NMED requested a copy of the map, as well as information on depths of the buried utilities and sizes (diameters) of the conveyance piping. NMED has not been provided with this information to date. An understanding of this information is critical for NMED’s evaluation of the proposed locations for soil vapor monitoring wells at the BFFS site.

In order for NMED to better understand the potential for vapor intrusion at the BFFS site and surrounding areas, NMED requests the following information:

1. Maps depicting all underground utilities within the area outlined in red on the enclosed Figure 1;
2. Depths below ground surface of all utilities identified;
3. Sizes, or pipe diameters, of each utility conveyance identified.

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.”

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

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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 December 22, 2020. If you have any questions regarding this letter, please contact Ben Wear at (505) 476-6041.

Sincerely,

Kevin M. Pierard, Chief
Hazardous Waste Bureau

Enclosure

cc: D. Cobrain, NMED HWB
L. Andress, NMED HWB
B. Wear, NMED HWB
L. King, EPA Region 6 (6LCRRC)
S. Clark, KAFB
K. Lynnes, KAFB

File: KAFB 2020 and Reading