

**STATE OF NEW MEXICO  
WATER QUALITY CONTROL COMMISSION**

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**Water Protection Division of the** )  
**New Mexico Environment Department,** )  
**Complainant,** )  
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 )  
**v.** )  
 )  
**Cannon Air Force Base,** )  
**Respondent.** )  
\_\_\_\_\_ )

**No. WQCC 20-08 (CO)**

**RESPONDENT’S FIRST SET OF REQUESTS FOR ADMISSIONS  
TO THE COMPLAINANT**

Pursuant to 20.1.3.19.H NMAC, the Respondent, Cannon Air Force Base, propounds the following First Set of Requests for Admission upon the Complainant, the Water Protection Division of the New Mexico Environment Department. Each matter upon which an admission is requested will be deemed admitted, pursuant to 20.1.3.19.H NMAC, unless, within 20 days after service of these Requests for Admission, the Complainant provides written answers or objections addressed to the matter addressed.

**DEFINITIONS**

All words in these Requests shall be read to have both their ordinary meaning and, where applicable, their meanings as defined in the New Mexico Water Quality Act, NMSA 1978 §§ 74-6-1 to -17 (1967, as amended through 2019), or Ground and Surface Water Protection Regulations, 20.6.2 NMAC (01/04/1968 as amended through 12/21/2018). The following definitions apply to the use of the following words or terms herein, whether or not capitalized.

- 1. “Compliance Order” means the Administrative Order Requiring Compliance and

Assessing a Civil Penalty issue by the Complainant to Respondent signed January 9, 2020.

2. “2014 Permit” means New Mexico Ground Water Discharge Permit Number 873, dated March 31, 2014.

3. “PFCs” means perfluorinated-chemicals as defined under 20.6.2.7.T(2)(s) NMAC.

4. “Treatment Plant” means the Wastewater Treatment Plant at Cannon Air Force Base subject to the requirements of the 2014 Permit.

5. “You” and “Your,” unless otherwise indicated, means the Complainant, as well as any director, employee or former employee, independent contractor, agent, attorney or other person acting or purporting to act on behalf of the Complainant.

### **GENERAL INSTRUCTIONS**

1. Each Request for Admission shall be specifically answered in accordance with 20.1.3.19.H NMAC.

2. The answer to any Request for Admission shall fairly meet the substance of the requested admission.

3. If Your answer to any Request for Admission is qualified in any way, state the facts with particularity and describe the details of such qualification.

4. Lack of knowledge or information is an insufficient basis for failure to answer fully a Request for Admission unless You also state that You have made a reasonable inquiry and the information known or readily obtainable by You is insufficient to enable You to admit or deny.

5. A Request for Admission may not be objected to solely on the ground that the matter inquired into presents a genuine issue of fact for the administrative hearing.

6. Where an objection is interposed to any of the following Requests for Admission, the objection shall state with specificity all bases and grounds for the objections.

7. If, in responding to any of these Requests for Admission, You encounter any ambiguity in construing either the request, a definition, or an instruction, state with specificity that matter deemed ambiguous and identify the construction chosen or used in responding to the request.

8. Any matter admitted is conclusively established unless the hearing officer or New Mexico Water Quality Control Commission on motion permits withdrawal or amendment of the admission.

9. As is necessary to make each Request for Admission inclusive rather than exclusive: references to the plural shall include the singular, and vice versa; the past tense shall be construed to include the present tense, and vice versa; “any” shall be construed to include “all”, and vice versa; “all” shall be construed to include “each”, and vice versa; “including” shall be construed to mean “including, but not limited to”; and statements in the disjunctive shall include the conjunctive, and vice versa.

10. Time Period. Unless otherwise indicated, these Requests for Admission apply to the time period from September 10, 2018 to the present unless another time period is stated in a specific Request for Admission.

11. Supplemental Responses. These Requests for Admission are continuing; supplemental responses must be provided pursuant to and in accordance with 20.1.3.19.D(3) NMAC.

12. Vagueness Objections. It is anticipated that You may object to a particular Request for Admission as vague. Respondent cannot always determine in advance which

requests might truly be vague to You. It is anticipated that You will respond to all Requests to the best of Your abilities and in good faith, preserving any bona fide objections if necessary. It is further anticipated that You will attempt to obtain clarification of Respondent's Requests for Admission from the undersigned (who stands ready and willing to do so) if the facts of the particular situation so require.

### **REQUESTS FOR ADMISSION**

**Request for Admission No. 1:** On September 10, 2018, You received from Respondent an application to renew the 2014 Permit.

**Response:**

**Request for Admission No. 2:** On September 26, 2018, You determined that Respondent's September 10, 2018 application to renew the 2014 Permit was administratively complete.

**Response:**

**Request for Admission No. 3:** You have not issued a draft permit in response to Respondent's September 10, 2018 application to renew the 2014 Permit.

**Response:**

**Request for Admission No. 4:** You have not issued a notice of intent to deny Respondent's September 10, 2018 application to renew the 2014 Permit.

**Response:**

**Request for Admission No. 5:** You have not approved or disapproved Respondent's September 10, 2018 application to renew the 2014 Permit.

**Response:**

**Request for Admission No. 6:** On March 29, 2019, You requested from Respondent via

letter, information regarding PFCs necessary for the evaluation of Respondent's September 10, 2018 application to renew the 2014 Permit.

**Response:**

**Request for Admission No. 7:** On January 13, 2020, Respondent submitted to You information regarding PFCs in response to your March 29, 2019 letter referenced in Request for Admission No. 6.

**Response:**

**Request for Admission No. 8:** Respondent's January 13, 2020 submission to You referenced in Request for Admission No. 7 included testing results which detected PFCs at the following concentrations: PFHxS at estimated values of 7.11 and 7.12 nanograms per liter (ng/L); PFOS at values of 14.2 and 12.9 ng/L; and PFOA at estimated values of 4.67 and 4.4 ng/L.

**Response:**

**Request for Admission No. 9:** Respondent's January 13, 2020 submission to You referenced in Request for Admission No. 7 satisfied the "corrective actions" You ordered in Paragraphs 31 and 32 of the Compliance Order.

**Response:**

**Request for Admission No. 10:** You have no record of PFCs being detected in samples drawn from the Treatment Plant's effluent discharge other than the testing results Respondent submitted to you on January 13, 2020 referenced in Request for Admission 8. The time period for this Request for Admission is December 8, 1994 to the present.

**Response:**

**Request for Admission No. 11:** The facts contained in paragraph 20 of the Compliance

Order are not admissible under 20.1.3.20.C(1) NMAC in a compliance order hearing.

**Response:**

May 6, 2020

Respectfully submitted,

*//signedMarkECoon6May20//*

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