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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

March 29, 2019

Col. Stewart A. Hammons, Commander
27th Special Operations Wing
Cannon Air Force Base
506 N Air Commando Way
Cannon AFB, NM 88103-5214

RE: Discharge Permit Renewal Application Incomplete; Amended Application Required for Discharge Permit Renewal/Modification, DP-873, Cannon Air Force Base

Dear Col. Hammons:

On August 14, 2018, the U.S. Air Force officially notified the New Mexico Environment Department (NMED) that perfluorinated chemicals (PFCs) had been detected in groundwater at Cannon Air Force Base (CAFB). On December 21, 2018, amendments to the New Mexico Ground and Surface Water Regulations took effect, including the inclusion of PFCs as toxic pollutants at 20.6.2.7.T(2)(s) NMAC.

On September 10, 2018, NMED received a groundwater discharge permit renewal application for CAFB. NMED reviewed the application in accordance with the New Mexico Ground and Surface Water Protection Regulations (20.6.2 NMAC). On February 13, 2019, John Henderson, Assistant Secretary of the Air Force Installations, Environment and Energy committed to the James Kenney, Cabinet Secretary, NMED, that CAFB would appropriately address applicable requirements associated with their disclosure of groundwater discharges of PFCs that caused contamination in groundwater. CAFB has not addressed applicable requirements in its DP-873 renewal application at this time. Therefore, the application remains incomplete.

Monitoring data indicate the presence of PFCs in the North Playa Lake, monitoring wells near the North Playa Lake, and soil near the Golf Course Impoundment. The submitted application fails to mention PFCs or to identify associated treatment to ensure no inappropriate discharges of PFCs. The presence of PFCs constitutes a significant change in discharge quality, pursuant to Subsection C of 20.6.2.3106 NMAC, requiring the permit renewal application to be resubmitted as a renewal/modification. Your

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renewal/modification application must provide information about the presence of the contaminants and propose an associated treatment or other remedy.

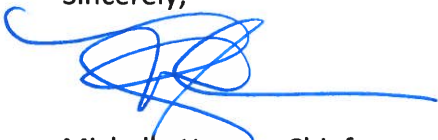
Additionally, NMED finds CAFB out of compliance with its effective Discharge Permit, dated March 31, 2014. CAFB is out of compliance with Conditions 2 and 41 of the Discharge Permit since PFCs, listed as toxic pollutants, were detected in samples collected from a monitoring well associated with the Discharge Permit. Since toxic pollutants were detected in groundwater samples, Condition 41 requires the permittee to enact the permit contingency plan (CP). The CP requires, in part, that within 60 days that the permittee will propose measures to ensure the presence of a toxic pollutant will be mitigated. To date NMED has not received a mitigation proposal.

Since CAFB failed to complete a revised application for a renewal/modification and because CAFB is out of compliance with its effective DP-873, the discharge permit will not be considered administratively continued when it expires at midnight on March 31, 2019.

Discharging without permit is a violation of 20.2.6.3104 NMAC and is subject to civil penalties. Civil penalties may be assessed for up to \$15,000 per day for each violation of the WQA § 74-6-5, any regulation promulgated pursuant to that section or any permit issued pursuant to that section. Civil penalties may also be assessed for up to \$10,000 per day for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision.

Please submit the requested discharge permit renewal/modification as soon as practicable but no later than **April 28, 2019**. If you have any questions please contact Steve Pullen, Pollution Prevention Section Program Manager, at (505) 827-2965.

Sincerely,



Michelle Hunter, Chief
Ground Water Quality Bureau

MH:SP

cc: John Kieling, NMED-HWB
Chris Atencio, NMED-OGC
Steve Pullen, NMED-PPS
Chris Segura, AFCEC
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