



BRUCE KING
GOVERNOR

FB94
State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502

For Benito's file



ENTERED

JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

April 7, 1994

Benito Garcia, Chief
Hazardous & Radioactive Materials
Bureau
Marquez Building

Re: In the Matter of U.S. Army Air Defense Artillery and Ft. Bliss, Compliance Order NMHWA 93-14

Dear Mr. Garcia

Enclosed is a copy of the Consent and Settlement Agreement in the above-referenced matter as well as a check in the amount of \$800.00, which was received by our office, on April 7, 1994, in accordance with the settlement agreement.

If you have any questions please call me.

Sincerely,

Anna Marie Ortiz
Assistant General Counsel

lmr

cc: Coby Muckleroy

STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT

IN THE MATTER OF
U. S. ARMY AIR DEFENSE ARTILLERY
AND FT. BLISS

COMPLIANCE ORDER
NMHWA 93-14

RESPONDENT.

CONSENT AND SETTLEMENT AGREEMENT

The Hazardous and Radioactive Material Bureau of the New Mexico Environment Department ("NMED") and U. S. Army Air Defense Artillery and Ft. Bliss ("Ft. Bliss") desire to settle and discharge the claims and violations asserted by NMED against Ft. Bliss in the Administrative Order Requiring Compliance and Proposing to Assess a Civil Penalty NMHWA 93-14 (the "Compliance Order") that was issued pursuant to the New Mexico Hazardous Waste Act ("HWA"), § 74-4-1 et seq. NMSA 1978 and agree as follows:

1. NMED and Ft. Bliss enter into this Agreement pursuant to a compromise of disputed claims and in the furtherance of the public interest.

2. Ft. Bliss agrees to pay NMED within 45 days of execution of this Agreement the total sum of eight hundred dollars (\$800.00) to the New Mexico Hazardous Waste Emergency Fund by company check, certified check, bank draft or other guaranteed negotiable instrument in full settlement and release of all claims and demands made in or relating to the Compliance Order or issues relating to the Compliance Order.

3. NMED acknowledges that this Agreement is entered into by Ft. Bliss strictly as a settlement of disputed claims and that by entering into this Agreement, Ft. Bliss should not be considered to have an admitted liability, fault, or wrongdoing on the part of Ft. Bliss.

4. This Agreement constitutes full settlement of the incidents described against Ft. Bliss in the Compliance Order. Nothing contained in this Agreement shall affect any right, claim, cause of action or defense of any Party hereto with respect to any third-party. The right to pursue such claims is expressly reserved by NMED and Ft. Bliss.

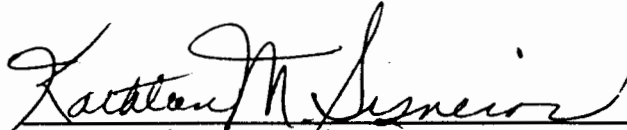
5. By signing this Agreement, Ft. Bliss volutarily waives any right to a hearing on the allegations contained in the Compliance Order.

6. Nothing in this Agreement shall be construed as relieving Ft. Bliss of any liability under, or obligation to, comply with applicable laws. Nor is this Agreement to be construed as curtailing or impeding NMED's legal right to seek penalties and damages for any other noncompliance by Ft. Bliss with statutory or regulatory requirements occurring after the date of this Agreement. NMED specifically retains the right to conduct other environmental studies, investigations, monitoring, or emergency activities at the Ft. Bliss Site and its vicinity and to enforce all laws, statutes and regulations NMED is authorized to enforce.

7. The persons executing this Agreement represent that he/she have the requisite authority to bind Ft. Bliss and the NMED, to the

terms of this Agreement and further agree that this representation of authority shall be legally sufficient evidence of actual or apparent authority to bind the foregoing agencies and institutions to all of the terms and conditions of this Agreement.

doc name crc.ft

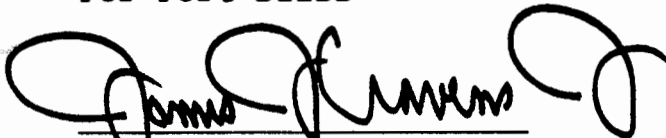


**Kathleen M. Sisneros, Director
Water and Waste Management Division
1190 St. Francis Drive
P.O. Box 26110
Santa Fe, NM 87502
(505) 827-2855**



**Ana Marie Ortiz
Assistant General Counsel
Office of General Counsel
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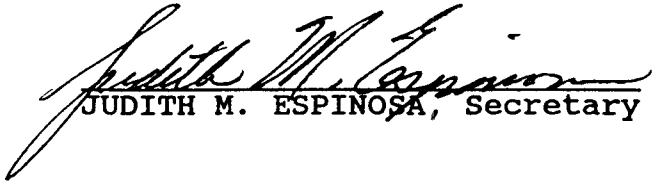
For Fort Bliss



**James J. Cravens, Jr.
Major General, U.S. Army
Commanding General
U.S. Air Defense Artillery
Center/Fort Bliss
Fort Bliss, Texas 79916-0058**

FOUR DUPLICATE ORIGINALS EXECUTED this 10 day of March,
1994.

NEW MEXICO ENVIRONMENT DEPARTMENT


JUDITH M. ESPINOSA, Secretary

STATE OF NEW MEXICO)
COUNTY OF Santa Fe) ss.

On March 10, 1994, before me, the undersigned, a
Notary Public in and for said County and State, personally appeared
Judith M. Espinosa, a person known to me (or proved to me on the
basis of satisfactory evidence) to be the person whose name is
subscribed to the within instrument, and acknowledged to me that
she executed the foregoing instrument.

WITNESS my hand and official seal.


NOTARY PUBLIC

My Commission Expires:

March 9, 1996

APPROVED:

on behalf of Ft. Bliss

STATE OF TEXAS)
COUNTY OF EL PASO) ss.

On 12 FEBRUARY, 1994, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MG. JAMES J. CRAVENS, JR., a person known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that _____ he executed the foregoing instrument.

WITNESS my hand and official seal.

Bary T. Hemming
NOTARY PUBLIC

My Commission Expires:

06/08/96

STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT

IN THE MATTER OF
U. S. ARMY AIR DEFENSE ARTILLERY
AND FT. BLISS

COMPLIANCE ORDER

NMHW 93-14

RESPONDENT.

FINAL ORDER APPROVING CONSENT AND SETTLEMENT AGREEMENT

This matter came before the Secretary of Environment, Judith Espinosa ("Secretary Espinosa") pursuant to the issuance of a Compliance Order issued to Ft. Bliss by the New Mexico Environment Department's Hazardous and Radioactive Materials Bureau ("NMED") pursuant to The Hazardous Waste Act ("HWA"), and being otherwise fully advised of the Settlement Agreement;

Orders Approval of the Consent and Settlement Agreement.


Judith Espinosa