



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
2044 Galisteo
P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-1557
Fax (505) 827-1544



MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 14, 1996

Colonel Elizabeth Harrell
Commander
Kirtland Air Force Base
1606 ABW/CC
KAFB, NM 87117

**RE: Letter of Violation
NM 9570024423**

Dear Col. Harrell:

On February 26-29, 1996, the New Mexico Environment Department (NMED) conducted a hazardous waste inspection of your facility, Kirtland Air Force Base (KAFB). Based on our inspection and review of information obtained, NMED has determined that KAFB has violated New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1) as specified below. The purpose of this letter is to request KAFB's voluntary corrective action and submission of a corrective action plan on how KAFB will address this issue as soon as possible. NMED is willing to discuss this matter in person or by telephone. I can be reached at (505) 827-1557 to discuss this matter or schedule a meeting, or Mr. Coby Muckelroy can be reached at (505) 827-1558.

At this time, NMED wishes to suspend the enforcement options listed below if KAFB can provide NMED with a satisfactory resolution to the violations or a detailed plan of corrective action acceptable to NMED within fifteen (15) working days of receipt of this letter. If NMED does not receive satisfactory information, then NMED reserves the right to initiate formal enforcement action.

~~CONFIDENTIAL~~
~~ENVIRONMENT DEPARTMENT~~
~~HAZARDOUS WASTE DIVISION~~
~~1606 ABW/CC~~
~~505-827-1557~~
~~505-827-1544~~

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The following violations were noted:

1. KAFB has failed to mark the accumulation start date on one (1) five gallon container of corrosive hazardous waste located at Bldg. 1024 (DRMO). This is a violation of 20 NMAC 4.1.800, which incorporates federal regulation 40 CFR §268.50(a)(2)(i).
2. KAFB has failed to close one (1) five gallon container of cadmium contaminated, oily rags at a satellite accumulation point located in Bldg. 277 (R&D Welding and Machine Shop). This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.34(c)(1)(i).
3. KAFB has failed to mark one (1) five gallon container of spent Ni/Cad batteries with the words "Hazardous Waste" or words identifying the contents at a satellite accumulation point located in Bldg. 291, Rm. M122 (US Customs). This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.34(c)(1)(ii).
4. KAFB has failed to mark one (1) ten gallon container of spent paint thinner with the words "Hazardous Waste" or with words identifying the contents at a satellite accumulation point located at Bldg. 20375 (Auto Hobby Shop). This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.34(c)(1)(ii).

In accordance with §74-4-10 NMSA 1978 (Repl. Pamp. 1993), NMED may: (1) issue a compliance order requiring compliance immediately or within a specified time period or assessing a civil penalty for any past or current violation of up to \$10,000 per day of noncompliance with each violation or both; or (2) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction. Any such order issued may include a suspension or revocation of any permit issued by NMED.

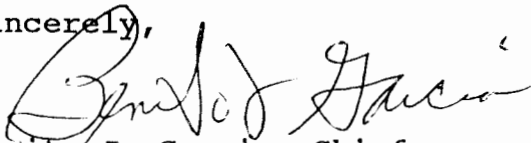
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Any action taken in response to this letter does not relieve KAFB of its obligation to comply with 20 NMAC 4.1 in other activities which it conducts, nor does it relieve KAFB of its obligation to comply with any other applicable laws or regulations.

Once again, if you have any questions regarding this notice, please contact Mr. Coby Muckelroy of my staff or me at (505) 827-1557. Please address your response to Mr. Muckelroy's attention at the address on the letterhead.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

BJG:CGM:fjs

cc: Garth Graves, NMED District I Office
file