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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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CERTIFIED MAIL - RETURN RECEIPT REQUIRED

December 17, 2019

Colonel David S. Miller
Commander
377 ABW/CC
2000 Wyoming Blvd. SE
Kirtland AFB, NM 87117-5600

Melissa B. Clark
Chief, Environmental Management
377 MSG/CEIE
2050 Wyoming Blvd. SE, Bldg. 20685
Kirtland AFB, NM 87117-5663

**RE: NOTICE OF VIOLATION AND RESOLUTION
KIRTLAND AIR FORCE BASE
EPA ID# NM9570024423**

Dear Col. Miller and Ms. Clark:

Beginning on October 21, 2019, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection ("Inspection") at Kirtland Air Force Base ("KAFB") located at 2000 Wyoming Blvd. SE, KAFB, New Mexico ("Facility"). KAFB is a United States Air Force ("USAF") military installation tasked with the maintenance of USAF aircraft, weapons, and other assets, research and development of USAF technologies, and training of USAF airmen. Major waste streams generated include flammable liquids and solids, contaminated wipes, used oil, hazardous waste oil, and groundwater remediation wastes.

Based on observations and review of the information obtained, NMED has determined that the KAFB Facility is a Large Quantity Generator ("LQG") of hazardous waste as defined in 40 Code of Federal Regulations ("CFR") 262.13. Furthermore, NMED has determined that KAFB has violated the New Mexico Hazardous Waste Management Regulations ("HWMR") 20.4.1 New Mexico Administrative Code ("NMAC") as specified below.

KAFB4918



NMED inspectors observed the following violations:

1. Failure to make a proper waste determination, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.11. Specifically, NMED inspectors reviewed site processes and process description documentation and determined that KAFB had not evaluated spent wipes used for metals contamination for applications involving brass, as a separate waste stream, at Building 911, Individual Accumulation Point ("IAP") 301. This location generates waste wipes that may at times be used for processes involving brass and are placed in a non-hazardous waste container with waste wipes from processes that did not involve brass work. KAFB had not evaluated these waste streams separately to determine if the process that includes work with brass generates a hazardous waste.
2. Failure to maintain a Satellite Accumulation Area ("SAA") at or near the point of generation of hazardous waste, under the control of an operator of a process, and/or manage hazardous wastes at or near the point of generation in a container, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a). Specifically, NMED inspectors observed the following instances of an SAA having been established at a location that is not at or near the point of generation, not under the control of the operator of a process, and/or waste at an SAA not being stored in a container:
 - a. Building 589, IAP1BIO, NMED observed a 5-gallon container of ignitable hazardous waste that was stored in a separate room from the point of generation in the building, such that personnel generating must pass through a closed door to reach the IAP;
 - b. Building 27496, IAPs 144, 144Z, and 145, NMED observed that the area containing these collocated IAPs is more than 1000 feet from the work areas, from which personnel must pass through 4 sets of doors and two rooms in order to reach the IAP.
 - c. Building 20725, IAP 1BMC, NMED observed various vehicle maintenance wastes. The NMED inspector obtained process information from personnel at this location, which included information regarding management of waste antifreeze. Personnel at this location stated that waste antifreeze would be taken directly to Building 20678, which is across a street and several hundred yards from Building 20725, for accumulation in IAP 47Y.
 - d. Building 322, IAP 198, the process generating the waste has been suspended, and equipment removed, due to construction activities. There is no active process associated with the waste container at this IAP.

- e. Building 66041, IAP 247, KAFB personnel informed the NMED inspector that the building was under construction for much of this year. During this time, the SAA container had been in storage in this building without an associated process. The most recent addition to this container was in January 2019.
 - f. Building 985, IAPs 273 and 273Z, NMED observed approximately four to six pairs of hazardous waste used 'Tyvek' coveralls and used gloves, booties (PPE) and hazardous waste wipes on the floor of the Corrosion Shop high-bay. The waste had been left on the floor in this area by personnel without having been containerized. The personnel at this location were not actively managing the waste at the time of the inspection.
3. Failure to store hazardous waste at or point of generation in a container that is in good condition, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(1). Specifically, NMED observed a 1-gallon poly container of hazardous waste solder in Building 416, IAP 186 that was in poor condition with visible cracks on the lid. This lid broke further upon light handling by the installation escort while trying to determine whether the container was empty.
 4. Failure to label containers of hazardous waste at or near the point of generation with an indication of the hazards of the contents, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(5)(ii). NMED observed this violation at the following locations:
 - a. Building 27494, IAP 127 NMED observed a 55-gallon black drum containing toxicity characteristic (lead) hazardous waste that was not marked with an indicator of the toxicity hazard.
 - b. Building 66008, IAP 222, NMED observed a 55-gallon black metal drum containing toxicity characteristic (including metals and chlorinated compounds) hazardous waste oil that was not marked with an indicator of the toxicity hazard.
 - c. Building 570, IAP 4RV, NMED observed a 5-gallon container of ignitable and toxicity characteristic (multiple) hazardous waste wipes that was not marked with an indicator of the toxicity hazard.
 - d. Building 595, IAP 14RV, NMED observed a 5-gallon container of ignitable and toxicity characteristic (multiple) hazardous waste wipes that was not marked with an indicator of the toxicity hazard.
 - e. Building 914, IAP 189A, NMED observed a 1-gallon container of ignitable and toxicity characteristic (lead and silver)/listed hazardous waste solder that was

not marked with an indicator of the toxicity hazard.

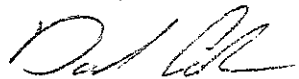
5. Failure to label containers of hazardous waste with an indication of the hazards of the contents, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(5)(ii)(B). Specifically, NMED observed seven 55-gallon poly drums containing toxicity characteristic (benzene) hazardous remediation wastes in the Bulk Fuels Facility Groundwater Monitoring Central Accumulation Area ("CAA") that were not marked with an indicator of the toxicity hazard.
6. Failure to demonstrate the length of time universal waste has accumulated, which is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR 273.15(c). Specifically, NMED observed a box of universal waste fluorescent lamps in Building 20683, IAP 1BULB that was not marked with an accumulation start date or associated with a log.

NMED has determined that the violations were adequately addressed during the inspection and from responses dated October 25, 2019, October 31, 2019, December 2, 2019, December 3, 2019, and December 4, 2019; therefore, no further action is required.

This Notice of Violation is considered an informal enforcement response in accordance with NMED's Enforcement Response Protocol. Please be aware that any future substantial deviations from regulatory requirements may result in your facility being considered for an elevated enforcement action. Also, be aware that any corrective action taken during our Inspection, or in response to this letter, does not relieve KAFB of its obligation to comply with any and all other applicable laws and regulations.

If you have any questions regarding this letter, please contact Aaron Coffman of my staff at 505-476-6019 or by email at aaron.coffman@state.nm.us.

Sincerely,



Dave Cobrain
Acting Bureau Chief
Hazardous Waste Bureau

DC: ac

cc: Aaron Coffman, NMED HWB
Janine Kraemer, NMED HWB
John Rhoderick, NMED District I Manager

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