



STATE OF NEW MEXICO

ENVIRONMENTAL IMPROVEMENT DIVISION
P.O. Box 968, Santa Fe, New Mexico 87504-0968
(505) 984-0020

Steven Asher, Director

TONEY ANAYA
GOVERNOR

ROBERT McNEILL
SECRETARY

ROBERT L. LOVATO, M.A.P.A.
DEPUTY SECRETARY

JOSEPH F. JOHNSON
DEPUTY SECRETARY

November 9, 1983

WARNING LETTER

CERTIFIED MAIL # 506 254 943
RETURN RECEIPT REQUESTED

Mr. Jack Rex
Public Service Company of New Mexico
Alvarado square
Albuquerque, NM 87158

RE: Public Service New Mexico - Person Station
EPA I.D. #NMT360010342

Dear Mr. Rex:

This Warning Letter is issued pursuant to the New Mexico Hazardous Waste Act, Section 74-4-10 NMSA 1978, and constitutes notice that the Director of the Environmental Improvement Division (EID) has determined that the above referenced facility located on Broadway S.E., Albuquerque, New Mexico is in violation of the New Mexico Hazardous Waste Management Regulations (HWMR).

Pursuant to Section 74-4-4.3 NMSA 1978, the EID inspected your facility on October 19, 1983. The New Mexico Hazardous Waste Compliance Inspection Report, Public Service Company's Notification of Hazardous Waste Activity to the U.S.E.P.A. dated August 4, 1980, and other information on file at the EID indicate that this facility is in violation of HWMR Section 201 A.4.g.. HWMR 201.A.4.g states:

In order for hazardous waste generated by a small quantity generator to be excluded from full regulation under 201.A.4., the generator must:

- (1) Comply with 204.A.3 of these regulations;
- (2) If he stores his hazardous waste on-site, store it in compliance with the requirements of 201.A.4.f.; and

- (3) Either treat or dispose of his hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which is:
 - (a) Permitted under Part III of these regulations;
 - (b) In Interim Status under Parts II and III of these regulations;
 - (c) A sanitary landfill registered by the Division and approved for the disposal of the quantity and types of hazardous waste as set out in 201.A.4.; or
 - (d) A facility which:
 - (i) Beneficially uses or re-uses, or legitimately recycles or reclaims his waste; or
 - (ii) Treats his waste prior to beneficial use or re-use, or legitimate recycling or reclamation.

This facility has been storing hazardous wastes in an underground storage tank that was not properly sealed to prevent escape to and contamination of the environment. This constitutes disposal on-site at a facility which has not satisfied the requirements of HWMR 201.A.4.g.(3).

Furthermore, this facility has not determined if the wastes entering "Schwartzan Pond" and the laboratory wastes discharged to the septic tank are hazardous wastes as required under HWMR 201.A.4.g.(1).

In addition, this facility did not have any records available that would indicate that the hazardous wastes transported for recycling were received by the recycler as required under HWMR 201.A.4.g.(3).

Therefore, pursuant to Section 74-4-10 NMSA, you have 30 days from receipt of this notice to submit to the EID: a proposed course of action to remove all contaminated materials or be subject to complying with Sections 206 B, 206 D and Part III HWHR; a demonstration as to whether or not the wastes entering Schwartzan pond and the septic tank are hazardous according to the criteria set forth in HWMR 204.A.3; all records demonstrating receipt by an off-site facility of the hazardous wastes transported for recycling. In the future, the Public Service Company must maintain records which demonstrate that Person Station has ensured delivery of the hazardous waste to a proper facility.

If you fail to submit this information within the 30 days, you shall be subject to one or more of the following:

Mr. Jack Rex
November 9, 1983
Page -3-

- 1.) an order requiring compliance within a specified period, pursuant to 74-4-10 NMSA 1978;
- 2.) a civil action in district court for appropriate relief, including a temporary or permanent injunction, pursuant to 74-4-10 NMSA 1978; and
- 3.) the assessment of civil penalties up to \$10,000 per violation for each day of continued non-compliance, pursuant to 74-4-12 NMSA 1978.

Should you require further information concerning this matter, please contact Boyd Hamilton at (505) 984-0020 ext 412.

Sincerely,



Anthony Drypolcher
Acting Bureau Chief
Ground Water and
Hazardous Waste Bureau

AD:BH:clm

cc: H.G. Plum - PNM
Maxine Goad - EID ✓
Harriet Tregoning - EPA
Jane Cohen - Legal - EID