

CAFB 93

*Claudia
my working file
Brid*

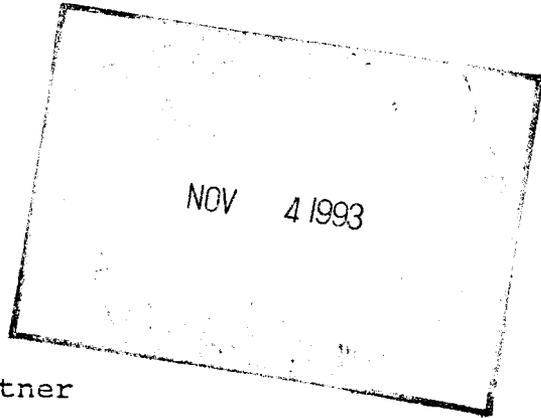


State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502

JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

RUCE KING
GOVERNOR



November 1, 1993

Lieutenant Colonel Jeff Clostner
27 FW/JA
101 SDL Ingram Blvd.
Cannon Air Force Base, NM 88103

Dear Lieutenant Colonel Clostner:

The New Mexico Environment Department (NMED) would like to propose an offer of settlement for Compliance Order (#93-05). From our prior meeting, the total settlement amount which was previously agreed upon is \$41,219.50. NMED has reviewed its Hazardous Waste Penalty Policy and determined that due to the unusual circumstances of this case, a cash payment will be required in the amount of \$10,305.00, provided the balance of the penalty is offset by an acceptable environmental project. However, the total amount of cash required under the terms of this settlement offer may be reduced further depending upon the total cost of the environmental project. If the total cost of the environment project is greater than the proposed penalty, then the percentage of the cash payment may be proportionally reduced by the percentage of the excess cost of the project. However, in no circumstance can the cash payment be less than 10% of the total assessed penalty.

Regarding the acceptability of a particular environmental project, NMED accepts the concept of the proposed north playa lake project for the purposes of this settlement negotiation. However, NMED cannot provide final approval of the project without more documentation, including receipt of the design aspects of the project. Further, NMED will require detailed cost documentation supportive of the project's total cost as necessary to determine what the final cash payment required under the terms of this settlement.

Please contact me as soon as possible regarding our proposed settlement offer. We look forward to hearing from you and bringing this matter to a close. If you have any questions, do not hesitate

Lieutenant Colonel Clostner
Page -2-
November 1, 1993

to contact me.

Sincerely,



SUSAN M. McMICHAEL
Assistant General Counsel

cc: Judy M. Espinosa, NMED Secretary
Kathleen Sisneros, NMED Director, Water & Waste Management
Division
Benito Garcia, NMED Bureau Chief, Hazardous & Radioactive
Materials Bureau
Tracy M. Hughes, NMED General Counsel