

CAFB 95



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
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MARK E. WEIDLER
SECRETARY

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DEPUTY SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

June 15, 1995

Brigadier General William M. Guth
27 FW COC
100 S DL Ingram Blvd., Suite 100
Cannon AFB, New Mexico 88103-5214

**RE: Letter of Violation
NM7572124454**

Dear General Guth:

On May 24-26, 1995 the New Mexico Environment Department (NMED) conducted a hazardous waste inspection of your facility, Cannon Air Force Base (CAFB). Based on review of the information obtained, NMED has determined that CAFB has violated New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1). The purpose of this letter is to delineate the violations in writing and to request CAFB's voluntary corrective action.

The violations are:

1. CAFB has failed to label a container storing ignitable waste (D001), located at the Armory satellite accumulation point, with the words "Hazardous Waste" or words that identify the contents. This is a violation of 20 NMAC 4.1.301, which incorporates federal regulation 40 CFR §262.34(c)(1)(ii).

2. CAFB has failed to maintain documentation demonstrating that Danny Barnett, Marcelle Heywood, and Perry Sohnrey have successfully completed the required initial hazardous waste management training, and documentation that John Pike has successfully completed the required renewal hazardous waste management training. This is a violation of 20 NMAC 4.1.601, which incorporates federal regulation 40 CFR §265.16(d)(4).

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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.

At this time, NMED is willing to suspend the enforcement options listed above if CAFB provides NMED with a satisfactory resolution to the violations or detailed plan of corrective action acceptable to NMED within ten (10) working days of receipt of this letter. If NMED does not receive such information it deems to be satisfactory, then NMED reserves the right to initiate formal enforcement action.

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

If you have any questions regarding this letter, please contact Mr. Michael Le Scouarnec at (505)827-4308 or at the address on the letterhead. Please address your response to Mr. Le Scouarnec's attention.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

BJG:CGM:ml

cc: Garrison McCaslin, NMED District IV Office
David Tanner, Clovis Field Office