



GARY E. JOHNSON
GOVERNOR

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



PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 21, 1999

John Simon
Public Service Company of New Mexico
P. O. Box 1268
Santa Fe, New Mexico 87505

**RE: Notice of Violation
NMD981611247**

Dear Mr. Simon:

On February 16, 1999 the New Mexico Environment Department (NMED) conducted a hazardous waste inspection of PNM's facility located on State Road 14. Based on our review of the information obtained, NMED determined that PNM has violated the New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1) and the New Mexico Annual Hazardous Waste Fee Regulations (20 NMAC 4.3). The purpose of this request is to delineate the violations in writing and to request PNM's voluntary corrective action.

The violations are:

1. Failure to notify local emergency response officials and hospitals of PNM's hazardous waste generation. This is a violation of 20 NMAC 4.2.300, which incorporates 40 CFR §262.40.
2. Failure to pay hazardous waste generator fees for calendar years 1996, 1997 and 1998., This is a violation of 20 NMAC 4.3.500.

John Simon
September 20, 1999
Page 2

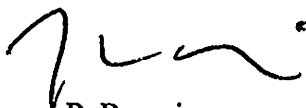
In accordance with §74-4-10 NMSA 1978, NMED may issue: (1) a compliance order requiring compliance immediately or within a specified time period or assessing a civil penalty for any past or current violation of up to \$10,000 per day of non-compliance with each violation or both; or (2) commence a civil 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 NEED.

At this time, NMED is willing to suspend the enforcement options listed above if P.M. provides NMED with a 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 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 P.M. of its obligation to comply with 20 MAC 4.1 in other activities which it conducts, nor does it relieve P.M. of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this notice, please contact Debby Brinkerhoff at (505) 827-1512 or at our address. Please also address to Ms. Brinkerhoff's attention the information you provide in response to this letter.

Sincerely,



James P. Bearzi
Chief
Hazardous and Radioactive Materials Bureau

cc: Benito Garcia
NMED District II Manager

Debby Brinkerhoff

File

Public Service Company
of New Mexico
Alvarado Square MS 0408
Albuquerque, NM 87158

October 26, 1999

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Z 360 459 890



Ms. Debby Brinkerhoff
Hazardous and Radioactive Materials Bureau
2044 Galisteo Street
P.O. Box 26110
Santa Fe, NM 87502

Dear Ms. Brinkerhoff:

Subject: Notice of Violation, NMD981611247,
Corrective Action Plan

This letter is in response to the HRMB's letter dated September 21, 1999 (postmarked October 21, 1999) regarding the subject issue. Pursuant to our telephone conversation of October 26, 1999, you stated that the dating on the letter was correct, however, the letter was not mailed to PNM until October 21, 1999. We also discussed, and you agreed, that PNM would immediately submit a corrective action plan to HRMB to address the violations outlined in the letter, and that PNM would have 45 days to complete the corrective actions.

PNM is proposing the following corrective action plan. All actions and documentation of same shall be provided to the HRMB within 45 days of the October 21, 1999 HRMB letter:

1. PNM will comply with the "Preparedness and Prevention" requirements of 40 CFR 265.37.
2. PNM will recompile and file hazardous waste generation fee reports with the HRMB for the calendar years 1996 and 1997. HRMB stated in their letter that PNM failed to pay hazardous waste generator fees for calendar year 1998. This is incorrect. PNM filed its 1998 hazardous waste fee form with HRMB on July 29, 1999 and paid a \$200 fee for its status as a small quantity generator. PNM is providing HRMB with documentation of this filing with this letter.
3. PNM will provide HRMB a check for any fees due from the above action including any past due or late charges as specified in 20 NMAC 4.3.

If you have any questions, please contact me at (505) 241-2998.

Sincerely,

A handwritten signature in black ink that reads "Ron D. Johnson". The signature is written in a cursive, flowing style.

Ron D. Johnson
Technical Group Leader

enclosure

is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Ms. Cindy Abeyta
 NMED, Hazardous & Radioactive
 Materials Bureau
 P.O. Box 26110
 Santa Fe, NM 87502

4a. Article Number

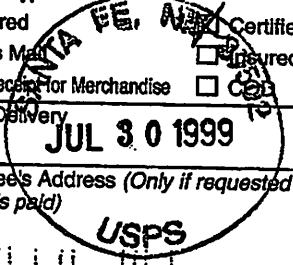
Z 360 459 861

4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- Certified
- Insured
- Collect on Delivery

7. Date of Delivery

JUL 30 1999



5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X [Barcode] [Signature]

8. Addressee's Address (Only if requested and fee is paid)

Public Service Company
of New Mexico
Alvarado Square MS 0408
Albuquerque, NM 87158

SUBJECT/DCC COPY

July 29, 1999

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Z 360 459 861



Ms. Cindy Abeyta
New Mexico Environment Department
Hazardous and Radioactive Materials Bureau
P.O. Box 26110
Santa Fe, NM 87502

Dear Ms. Abeyta:

Subject: Annual Hazardous Waste Fees for PNM Facilities

Enclosed are checks and HRMB Annual Hazardous Waste Fee forms for three Public Service Company of New Mexico (PNM) facilities requiring 1998 hazardous waste generation and business fee payments. The three facilities are:

- NMD360010292 (PNM-Albuquerque Electric Service Center), check no. 606016;
- NMD360010326 (PNM-Reeves Generating Station), check no. 606017; and
- NMD981611247 (PNM-Santa Fe Electric Service Center), check no. 606024

Applicable forms and fees for the PNM-San Juan Generating Station (NMD069424323) and the PNM-Person Generating Station (NMT360010342) were filed and paid previously.

Also enclosed are HRMB forms that were received for all other PNM facilities for which no fee is due (i.e., these facilities are classified as CESQG). The table below summarizes the current filing status of each PNM facility.

We have noticed several HRMB forms that have owner name and/or address discrepancies. The table below identifies those facilities with discrepancies. To assist HRMB with their records I have included a copy of our most recent EPA form 8700-12 for each facility.

Cindy Abeyta - NMED Hi B

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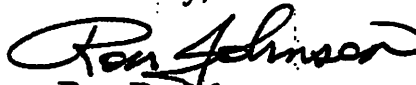
07/29/99

PNM Facilities and RCRA Status - 1998

Facility Name	RCRA ID No.	RCRA Status	Generation Fee	Business Fee	Total Fee	Notes
Alb. Elec. Svc. Ctr	NMD360010292	SQG	\$35	\$200	\$235	Owner address discrepancy
Belen Elec. Svc. Ctr	NMD035714989	CESQG	\$0	\$0	\$0	Owner address discrepancy
Bernalillo Elec. Svc. Ctr	NMD073394769	CESQG	\$0	\$0	\$0	Owner address discrepancy
Clayton Elec. Svc. Ctr	NMD116244187	CESQG	\$0	\$0	\$0	Owner address discrepancy
Deming Elec. Svc. Ctr	NMD035732171	CESQG	\$0	\$0	\$0	Owner address discrepancy
Las Vegas Elec. Svc. Ctr	NMD360010318	CESQG	\$0	\$0	\$0	Owner address discrepancy
Santa Fe Elec. Svc. Ctr	NMD981611247	SQG	\$0	\$200	\$0	Owner address discrepancy
Santa Fe Elec. Svc. Ctr.-OLD	NMD360010334	CESQG	\$0	\$0	\$0	
Las Vegas Gas Turbine	NMD982549248	CESQG	\$0	\$0	\$0	Owner address discrepancy
Person Generating Station	NMT360010342	PC/CESQG	\$0	\$3500	\$3500	Owner address discrepancy
Reeves Generating Station	NMD360010326	SQG	\$35	\$200	\$235	Owner address discrepancy (Fee paid separately May 27, 1999)
Santa Fe Generating Station	NMD035792753	CESQG	\$0	\$0	\$0	Owner address discrepancy
San Juan Generating Station	NMD069424323	SQG	\$35	\$200	\$235	(Fee paid separately May 5, 1999)
Santa Fe Well	NMD986682185	CESQG	\$0	\$0	\$0	
Santa Fe Water Treatment Plant	NMD000804260	CESQG	\$0	\$0	\$0	Owned by City of Santa Fe, operated by PNM
Total Fees Paid for 1998					\$4205	

If you have any questions, please contact me at (505) 241-2998.

Sincerely,



Ron D. Johnson
Technical Group Leader

enclosure