



GARY E. JOHNSON  
GOVERNOR

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**  
*Hazardous Waste Bureau*  
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PETER MAGGIORE  
SECRETARY

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

April 16, 2002

Mr. Fisher  
Tooele Army Depot  
Attn: SMATE-CS-EO  
Tooele, UT 84074-5000

**Re: Notice of Violation**  
**EPA # NMD 6213820974**

Dear Mr. Fisher:

On February 28, 2002, you submitted the revised Hazardous Waste Biennial Report to the New Mexico Environment Department (NMED) per NMED's request dated February 18, 2002. Based on the information obtained, NMED has determined that the Ft. Wingate Depot is a Treatment, Storage and Disposal facility and has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

The following violation was noted:

1. The Ft. Wingate Depot failed to identify the type of regulated waste activities performed on site. This is a violation of 20.4.1.600 NMAC, which incorporates 40 CFR § 265.75.

In accordance with §74-4-10 NMSA 1978, 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 violations 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 NMED.

NMED requests that Ft. Wingate Depot provide a satisfactory resolution of the violation or a detailed plan of corrective action acceptable to NMED within fifteen (15) working days of receipt of this letter. Failure to provide satisfactory information may result in initiation of formal enforcement actions as outlined above.

Any action taken in response to this letter does not relieve Ft. Wingate Depot of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Sandra Martin at (505) 428-2527. Please address your response to Ms. Martin's attention at the address on the letterhead.

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

JPB:sym

cc: Debby Brinkerhoff, Manager, Compliance and Technical Assistance  
Julie Wanslow, NMED HWB  
Tom Skibitski, NMED District I  
Tom Turner, Tooele Army Depot