

HAFB 94



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

April 10, 1994

Brigadier General John Miller
Base Commander
Holloman Air Force Base, New Mexico 88330

Dear General Miller:

**RE: Letter of Violation
NM6572124422**

On December 13 and 14, 1994, the New Mexico Environment Department (NMED) conducted a hazardous waste inspection of your facility, Holloman Air Force Base (HAFB). Based on our review of the information obtained, NMED has determined that HAFB 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 HAFB's voluntary corrective action.

The violations are:

1. Failure to place the accumulation start date on four 55 gallon containers of hazardous waste in the <90 day storage area at Bldg. 149. This is in violation of 20 NMAC 4.1.301, which incorporates 40 CFR §262.34(a)(2).
2. Failure to place the accumulation start date on one 55 gallon container of hazardous waste in the DRMO permitted facility. This is in violation of 20 NMAC 4.1.801, which incorporates 40 CFR §268.50(a)(2)(i) and HAFB's hazardous waste storage permit Module III.B.3.b.

In accordance with §74-4-10 NMSA 1978 (as amended), 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.

General Miller
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At this time, NMED is willing to suspend the enforcement options listed above if HAFB provides NMED with a resolution to the violations or a 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 HAFB of its obligation to comply with 20 NMAC 4.1 in other activities which it conducts, nor does it relieve HAFB of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this notice, please contact John Tymkowych at (505) 827-4308 or at the address on the letterhead. Please also address to Mr. Tymkowych's attention the information you provide in response to this letter.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

BJG:JMT:jmt

cc: Ken Smith, NMED District III Las Cruces
Gunther Diehl, NMED Alamogordo Field Office