



BRUCE KING  
GOVERNOR

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**  
*Harold Runnels Building*  
*1190 St. Francis Drive, P.O. Box 26110*  
*Santa Fe, New Mexico 87502*  
*(505) 827-2850*

RECEIVED

JUDITH M. ESPINOSA  
SECRETARY

RON CURRY  
DEPUTY SECRETARY

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

September 3, 1991

Colonel Edward S. Brannun  
1606 ABW/CC  
Kirtland Air Force Base, NM 87117

**RE: Notice of Violation**  
**NM9570024423**

Dear Colonel Brannun

On August 6-9, 1991 the New Mexico Environment Department (NMED) conducted a hazardous waste inspection of your facility, Kirtland Air Force Base (KAFB). This letter is NMED's notice that, based on our review of the information obtained, NMED has determined that KAFB has violated the New Mexico Hazardous Waste Management Regulations (HWMR-6). The purpose of this letter is to delineate the violations in writing and to require KAFB to comply with HWMR-6.

The violations are:

1. Waste exceeded 55 gallons at the Vehicle Maintenance Satellite Accumulation Point (SAP). This is a violation of HWMR-6, Part III, 40 CFR section 262.34 (c) (1).
2. At the Corrosion Control and Refurbish area a funnel to a 55 gallon drum of paint waste was not closed. This is a violation of Pt. VI, §265.173.
3. A 10 gallon container of xylene and 55 gallon drum of blasting bead waste were unlabeled at the Corrosion Control and Refurbish area. A drum of PD680 was labeled only with the military specification number at the Air National Guard. This is a violation of Pt III, §262.34 (c) (1) (ii).

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4. At the SPS Armory building 20222 and Manzano Armory building 20245 rags were mixed with miscellaneous trash. This is a violation of Pt III, §262.11. Until an adequate hazardous waste determination has been performed, these rags are presumed to be hazardous waste
5. A storage building at DRMO the fire extinguisher had a 1988 inspection sticker. This is a violation of Part VI, §265.33.

In accordance with §74-4-10 NMSA 1978, you have thirty (30) calendar days from the receipt of this notice to correct the violations and provide documentation that the violations have been corrected. Within this thirty day period you may request a meeting to discuss the violations, the required corrective actions, and/or a settlement agreement. Such a meeting must be held within this thirty day period and will not suspend the thirty day deadline for compliance or settlement. Any settlement agreement made shall be signed by representatives of KAFB and NMED, and formalized by issuance of a Consent Order requiring compliance with the terms of the agreement.

If you fail to correct the violations cited in this Notice of Violation (NOV) within the specified time frame, you shall be subject to one or more of the following:

1. an order requiring compliance within a specified period, pursuant to §74-4-10 NMSA 1978.
2. a civil action in district court for appropriate relief, including a temporary or permanent injunction, pursuant to §74-4-10 NMSA 1978.

The following are Areas of Concern:

The date on a manifest for shipping from Kirtland and receiving at the TSD in Houston were the same date.

At the battery shop a 15 gallon container of gasoline was unlabeled.

The safety inspection reports at the EOD range had been conducted however, not signed off.

The phone at the storage area had no emergency number easily visible.

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The labeling of hazardous waste is done elsewhere than the generation point. The labeling should be more specific and preferably the standard hazardous waste label be used.

The handling of spent JP4 fuel (semi-product) is sometimes handled as a waste and other times as a product. This is confusing. A procedure for delineating when JP4 is a fuel and when it is a waste should be established.

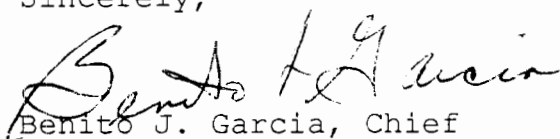
The following violations were corrected prior to the out briefing:

The labeling of the 55 gallon drum of blasting waste and the 10 gallon container of xylene at the Corrosion Control & Refurbishing were corrected.

Compliance with the requirements of this NOV does not relieve KAFB of its obligation to comply with HWMR-6 in other activities which it carries on, nor does it relieve KAFB of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this notice, please contact Mr. Ernest Preciado at (505) 827-2929 or at our address. Please also address to Mr. Preciado's attention the information you provide in response to this letter.

Sincerely,



Benito J. Garcia, Chief  
Hazardous and Radioactive Materials Bureau

cc: Lynn Prince, U.S. EPA Region VI (6H-HS)  
NMED District I Office