



BRUCE KING
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
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ENTERED

JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

October 16, 1991

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

**RE: Response to Notice of Violation
NM9570024423**

Dear Colonel Brannun:

In your response to the NOV dated September 30, 1991 you questioned our viewing the storage of non-hazardous wastes with hazardous waste in excess of fifty-five gallons at a satellite accumulation point (SAP) as a violation. After additional research we have decided to down grade the violation to an area of concern (AOC). However, we continue to view the storage of non-hazardous wastes with hazardous waste in large quantities at a (SAP) as an unwise management practice. The possibility of an accident occurring and causing contamination of the non-hazardous waste with hazardous waste is present, and if this were to occur you would have to contend with additional testing and a greater quantity of hazardous waste, which could cause a violation of the accumulation limit requirements.

You also questioned the issue of the fire extinguisher inspection sticker having a 1988 inspection date being a violation. In accordance with §265.33, "..., fire protection equipment, spill control equipment, and decontamination equipment, where required must be tested and maintained as necessary to assure its proper operation in time of emergency".

We contend that the accepted practice be that a fire extinguisher is inspected annually. Additionally both OSHA and NFPA guidelines require annual inspections.

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Based on the information you provided in your response to the NOV, we have determined that the violations cited have been adequately addressed. Therefore, we are closing out the enforcement action regarding the referenced NOV.

Thank you for your attention to this matter. If you have any questions, please contact Mr. Ernest Preciado at (505) 827-4300.

Sincerely,



Edward Horst
Program Manager
Hazardous and Radioactive Materials Bureau

EH:EP:ep

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