

KAFB 92

ENTERED

IN THE COURT OF APPEALS FOR THE STATE OF NEW MEXICO  
COURT OF APPEALS OF NEW MEXICO  
UNITED STATES OF AMERICA,  
DEPARTMENT OF THE AIR FORCE,  
Appellant

FILED

FEB 03 1992

vs.

No. 12,550

STATE OF NEW MEXICO,  
ENVIRONMENTAL IMPROVEMENT DIVISION  
OF THE HEALTH AND ENVIRONMENT DEPARTMENT,  
Appellee.

*Patricia C. Mangano*

STIPULATION OF AGREEMENT

The Parties are desirous of resolving this dispute by compromise and settlement and in avoidance of further adversarial proceedings and Court expense, the Parties therefore agree as follows:

1. Exhibits A and B, attached hereto, are incorporated into the Hazardous Waste Storage Permit NM9570024423, Kirtland Air Force Base.
2. The Department of Air Force shall dismiss its appeal. Each party is responsible for its own costs on appeal.

FOR APPELLANT:

FOR APPELLEE:

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for the District of New Mexico

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DEPARTMENT OF ENVIRONMENT

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KAFB1200  


SECOND STIPULATED SETTLEMENT  
JANUARY 1992  
HAZARDOUS WASTE STORAGE PERMIT  
KIRTLAND AIR FORCE BASE

- In PA II-2, p. 2, the second paragraph is edited in the following manner:

First sentence, unchanged.

Second and third sentences, deleted and the following added:

All material received into Buildings 1024, 615 and 28009 must be stored according to the requirements in Module III.L. Storage of Hazardous Materials. All wastes must be stored according to the requirements throughout Module III as modified.

- The following language is added to Module III at p. III-6 of the Permit:

III.L. Storage of Hazardous Materials

7. Each container must be clearly marked to identify its contents and the date each period of accumulation begins.
8. The maximum period for storage of materials is one year; storage beyond one year is prohibited. After one year, material must be sent to an authorized off-site facility.

- The required waste analysis plan, including PA II-2, p. 5 and Table C-2 at PA II-2, p. 46, shall be interpreted as follows:

1. Group I wastes must be in original containers, unopened, with original labels and are not tested.
2. Group II wastes.
  - A. Frequency of testing.
    - (1) Steady-state, continuous process wastes shall be retested annually or more frequently if changes do occur or are suspected to occur in the process.
    - (2) Process waste other than that in (1), above, ie: waste generated with no profile sheet, shall be tested when they occur and as set forth in 2.B., below. Group II waste with a profile sheet does not need additional testing, unless the profile sheet is inaccurate or incomplete.

Exhibit

SECOND STIPULATED SETTLEMENT  
KIRTLAND AIR FORCE BASE  
Page 2

- B. Tests required to complete a profile sheet for waste generated without one:
- (1) For all wastes, flashpoint, EP Toxicity or TCLP, specific gravity, reactivity, and physical characteristics.
  - (2) For aqueous wastes and wastes with an aqueous phase, pH.
  - (3) For wastes identified as inorganic, an IR screen to verify the absence of organics.
  - (4) For organic wastes identified as not containing halogens, total organic halogens to verify the absence of halogens.
  - (5) For organic wastes, a volatile organic and semi-volatile organic screen.

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No. 12,550

JAN 3 1991

STATE OF NEW MEXICO,  
ENVIRONMENTAL IMPROVEMENT DIVISION  
OF THE HEALTH AND ENVIRONMENT DEPARTMENT *Patricia C. Mangano*  
Appellee.

STIPULATION OF AGREEMENT

Pursuant to the order of this court, dated 5 Nov 1990, the parties to this proceeding met on 27 Nov 1990, for a settlement conference concerning the issues on appeal in this case. As a result, an agreement has been reached by the parties on two of the seven issues in the docketing statement. This agreement covers the issues in items a. and f. The agreed upon changes to the RCRA Part B permit are attached to this stipulation and appropriate sections of the permit will be modified accordingly.

The parties hereby stipulate to the following changes:

1. Issue a: Section III.M will be modified to delete the requirement that Kirtland AFB (KAFB) is required under Title III of SARA to cooperate with this committee and must submit a contingency plan within one year of the effective date of the permit along with supporting documents that become part of the operating record. Instead, KAFB agrees to cooperate with this committee and provide whatever information in necessary concerning KAFB to assist this committee in meeting its duty to create a contingency plan for disasters affecting the community. KAFB will provide the information to the committee within one year as per Attachment 1.

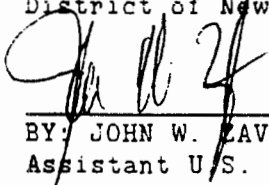
Exhibit

Further, the word 'massive' will be deleted from Section III.N. and the phrase 'release or fire at Building 1024 that has the potential to affect those outside the boundaries of KAFB' will be substituted.

2. Issue f: It is agreed that the training requirements in Section L apply to the DRMO Hazardous Waste Storage Facility personnel only, and the language will be modified to so state. The requirements for Generator/Satellite Collection Point personnel, stated in section L-1(c)(1), will be changed to reflect training that covers the topics listed in the attached letter (Attachment 2) in lieu of the language in the second paragraph of L-1(c)(1). However, the specifics of the training program will remain flexible. It is further agreed that the references to a specific person as Training Director in Section L-1c will be deleted and the requirements will refer to the position of training director, not a specific person.

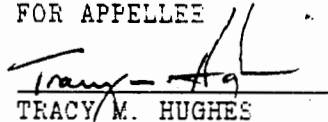
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FOR APPELLEE

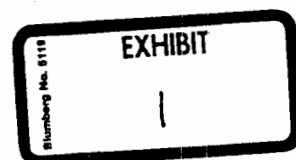
  
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III.M. CONTINGENCY PLANNING FOR BUILDING 1024

The Permittee is required to cooperate with the Local Emergency Planning Committee in developing the Albuquerque Fire Department/LEPC Hazardous Materials Pre-emergency Plan. Permittee must provide the Committee the necessary information for the Plan within one year of January 1, 1991. Upon completion, the plan and its supporting documents will become part of the operating record (Permit Condition I.J.7.)

III.N. NOTIFICATION OF THE ALBUQUERQUE FIRE DEPARTMENT AND MEDICAL, RETIREMENT AND CONVALESCENT FACILITIES

The Permittee will immediately advise by phone the Albuquerque Fire Department and all hospitals, retirement and convalescent facilities within one-quarter mile of the container storage building of any release or fire at Building 1024 that has the potential to affect those outside the boundaries of KAFB. The list of facilities to be contacted shall be kept with the contingency plan as part of the operating record (Permit Condition I.J.7.)





DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 1606TH AIR BASE WING (MAC)  
KIRTLAND AIR FORCE BASE, NEW MEXICO 87117-5000

30 NOV 1990

Dr Elizabeth Gordon  
Permitting Supervisor  
Hazardous & Radioactive Waste Bureau  
New Mexico Environmental Improvement Division  
1190 St. Francis Drive  
Santa Fe, NM 87503

Dear Dr Gordon

The purpose of this letter is to formally submit the revised Kirtland Air Force Base (KAFB) satellite accumulation point training outline. The following outline was agreed to be reviewed by the Environmental Improvement Division as a substitute to the training outline now in the RCRA Part B permit.

The title of the revised satellite accumulation point outline:

*Generator* / SATELLITE ACCUMULATION POINT OUTLINE

CONTENTS:

- I. Introduction to the Resource Conservation and Recovery Act
- II. Identification of Hazardous Waste
- III. Satellite Accumulation Point Management
- IV. Container Use, Marking and Labeling, and On-Base Transportation
- V. Waste Turn-in Procedures
- VI. Manifesting and Transportation of Hazardous Waste
- VII. Spill Prevention and Response to Emergencies
- VIII. Personnel <sup>Safety</sup> and Fire *Safety*

Sincerely

GEORGE K. PRATT, Lt Colonel, USAF, BSC  
Deputy Director  
Environmental Management Division

