



BRUCE KING  
GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
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JUDITH M. ESPINOSA  
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August 7, 1992

Brigadier General James Higham  
Base Commander  
Kirtland Air Force Base  
1606 ABW/CC  
Kirtland Air Force Base, NM 87117

Dear General Higham:

On August 3rd 1992, John Tymkowych of my staff met with Mr. Walter Darr of KAFB environmental management office; Capt. Beckstrum, legal counsel for Phillips Lab; and Lt. Cochran, environmental coordinator at Phillips Lab to obtain information regarding Phillips Laboratories and their contractors. This information is essential to delineate the responsibility for violations noted during the recent RCRA inspection.

At this meeting, the violations noted at Phillips Lab were identified and Mr. Tymkowych stated that he needed the names of the contractors responsible, if any, for these violations and a point of contact. Captain Beckstrum stated that he believed the Air Force was responsible for all wastes generated by the contractors due to clauses in the contractual agreements between KAFB and the contractors.

Mr. Tymkowych informed Capt. Beckstrum that if this was the case, copies of the these contracts or the pertinent sections need to be provided to this bureau to prove this. Mr. Darr asked Capt. Beckstrum and Lt. Cochran when this information could be provided and they replied by asking Mr. Tymkowych when he needed the information. Mr. Tymkowych stated that this information was needed as soon as possible and that he would be in Albuquerque on the afternoon of Thursday, August 6th. Mr. Darr asked Capt. Beckstrum and Lt. Cochran if they could have this documentation by the 6th and their response was affirmative. However, when Mr. Tymkowych arrived on the afternoon of the 6th, he was informed by Mr. Darr that he had been contacted by Capt. Beckstrum that they would not be able to provide this information until the 10th.



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Since Mr. Darr does not have any authority to obtain this information on his own and must rely on Phillips Lab personnel, he has essentially done all he can.

As stated before, this information is essential to delineate responsibility for violations noted during the compliance inspection performed at KAFB. Your assistance in expediting the process for obtaining this information will allow a timely resolution of these violations and help avoid any escalated enforcement actions by this bureau.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward Horst".

Edward Horst, RCRA Program Manager  
Hazardous and Radioactive Materials Bureau

EH:JMT:jmt