



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



ENTERED
JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

January 19, 1993

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

**RE: Response to Compliance Order
NM9570024423**

Dear General Higham:

The New Mexico Environment Department (NMED) has received your response to the violations noted in the Compliance Order (CO) sent to you on December 11, 1992.

Based on our review of the information submitted in your response, we have determined that the violations cited in the CO have been adequately addressed in accordance with the CO, with the exception of conclusions #15 and #21 of the CO.

The corrective action taken for conclusion #15 in the CO states that "user knowledge said the bucket contained rainwater & contents were disposed of on ground". Review of photos and notes taken during the inspection note that the container was near full and was closed. These facts do not support the argument that the contents was "rainwater". Also the response from NMERI for this violation notes that the container had been used for mixing soap, but that the empty container had been placed outside of Bldg. 57001. If the empty container was placed outside, how did it accumulate nearly five gallons of rainwater if the cap was on the container as noted in the photo. Clearly, there was no verifiable documentation on the contents of this container and the previous use of the container does not explain its contents after it was placed in storage empty.

According to the NMERI response the contents was determined by a technician as not ignitable, had a neutral pH, and that crickets did not die in the presence of this liquid. This does not constitute an acceptable hazardous waste determination. The fact that the contents of this container was disposed of on the ground after the technician concluded that the contents was rainwater demonstrates that NMERI staff are not fully aware of the procedures required by Kirtlands environmental management office.

KAFB1281



General Higham
January 19, 1993
Page 2

Due to the fact that the corrective action taken by NMERI staff does not adequately address the violation, this violation is still outstanding. In order to address this violation properly at this time the following corrective action must be taken:

Within five (5) days after receipt of this letter, sampling of the soil at the point where the contents of the container was poured on the ground must be performed and an analysis performed on these samples. The results of the analysis must be submitted to NMED within five days after receiving the same.

Regarding the response for conclusion #21, the following corrective action must be taken:

Within five (5) days after receipt of this letter, HRMB must receive a detailed plan of corrective action to be taken for conclusion #21 in the CO regarding the contamination of the septic system at Bldg. 57001 to include but not limited to; sampling methods, numbers of samples, determination on point sources of contamination and cooperative efforts with NMERI in the correction of this violation.

The pending results of analyses from the other violations noted must be submitted, as per the CO, upon their receipt. If you have any questions, please feel free to contact Mr. John Tymkowych at (505) 827-4308 or at our address.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

cc: Garth Graves, NMED District I Office
Tracy Hughes, Office of General Counsel