

KAFB 94



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



JUD. M. ESPINOSA
SECRETARY

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DEPUTY SECRETARY

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

March 14, 1994

Brigadier General James L. Higham
Base Commander
Kirtland Air Force Base
542D CTW/CC
Albuquerque, New Mexico 87117-5000

Dear General Higham:

**RE: Letter of Violation
NM9570024423**

On July 13-17, 1993, 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-7). The purpose of this letter is to delineate the violation in writing and to require KAFB to comply with HWMR-7.

The violation is:

KAFB has failed to label a hazardous waste container found in the satellite accumulation point at Bldg. 336, Propulsion Shop. This is a violation of §301 of HWMR-7, which incorporates federal regulation 40 CFR §262.40(c).

In accordance with §74-4-10 NMSA 1978 (as amended), NMED may: (1) issue a compliance order requiring compliance immediately or within a specified time period or assessing a civil penalty for any past or current violation (of up to \$10,000 per day of noncompliance with each violation), or both; or (2) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction. Any such order issued may include a suspension or revocation of any permit issued by NMED.



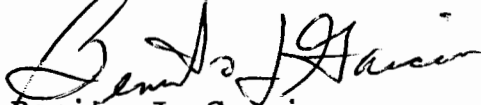
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Based on the disclosures and information furnished to us as a result of the issuance of the Compliance Order which was withdrawn effective February 24, 1994, NMED considers the violation to be resolved. Therefore, no further action to resolve this Letter of Violation is required.

Any action taken in response to this letter does not relieve KAFB of its obligation to comply with HWMR-7 in other activities which it conducts, nor does it relieve KAFB of its obligation to comply with any other applicable laws or regulations.

If you have any questions regarding this letter, please contact Mr. James Seubert at (505) 827-4308 or at our address. Please also address to Mr. Seubert's attention any information you provide in response to this letter.

Sincerely,



Benito J. Garcia

Chief

Hazardous and Radioactive Materials Bureau

cc: Garth Graves, NMED District I Office