

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



JUDITH M. ESPINOSA
SECRETARY

RON CURRY
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CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

March 14, 1994

U.S. Department of the Army
Medical Research and Development
Blast Overpressure Facility
P.O. Box 5532
Kirtland Air Force Base
Albuquerque, New Mexico 87117

Dear Captain Johnson:

**RE: Letter of Violation
NM9570024423**

On July 13-17, 1993, the New Mexico Environment Department (NMED) conducted a hazardous waste inspection of your facility, Blast Overpressure Facility (BOP), Kirtland Air Force Base, New Mexico. This letter is NMED's notice that, based on our review of the information obtained, NMED has determined that BOP 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 BOP to comply with HWMR-7.

The violation is:

BOP has failed to keep records of the waste determinations made of the spent photo fixer in the photo lab of Bldg. 9051. 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.

KAFB1384



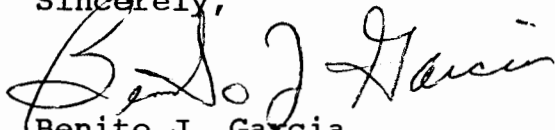
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Based on the disclosures and information furnished to us as a result of the issuance of the Compliance Order which was withdrawn effective February 24, 1994, NMED considers the violation to be resolved. Therefore, no further action to resolve this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

Any action taken in response to this letter does not relieve BOP of its obligation to comply with HWMR-7 in other activities which it conducts, nor does it relieve BOP 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,

A handwritten signature in cursive script, appearing to read "Benito J. Garcia".

Benito J. Garcia

Chief

Hazardous and Radioactive Materials Bureau

cc: Garth Graves, NMED District I Office