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GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
 Hazardous & Radioactive Materials Bureau  
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MARK E. WEIDLER  
SECRETARY

EDGAR T. THORNTON, III  
DEPUTY SECRETARY

January 3, 1996

Walter S. Darr, Chief of Compliance  
 Environmental Management Division  
 Kirtland Air Force Base  
 377 ABW/EMC  
 2000 Wyoming Blvd., S.E.  
 Albuquerque, New Mexico 87117-5659

Dear Mr. Darr:

The Hazardous and Radioactive Materials Bureau (HRMB) has reviewed the information submitted in your November 22, 1995 letter concerning the transport and disposal of approximately sixteen (16) gallons of used oil contaminated with hazardous waste in an unauthorized manner. HRMB has determined that, based on the information provided, no actual harm apparently occurred. Additionally, the quantity of hazardous waste involved is insignificant. Finally, the violation did not involve a repeat violation.

Kirtland Air Force Base's failure to comply with applicable transportation and disposal requirements for the handling of hazardous waste in this case would normally necessitate issuance of a compliance order. However, due to the fact that KAFB brought this matter to HRMB's attention immediately upon discovery, and due to the factors described in the above paragraph, HRMB has decided that, at this time, enforcement action in this particular matter is not warranted or necessary. However, please be aware that this current decision does not preclude any action HRMB may determine to be appropriate in the future.

Thank you for your cooperation in this matter. If you have any questions, please contact Mr. Coby Muckelroy at (505) 827-1558.

Sincerely,

Benito J. Garcia  
Chief

Hazardous and Radioactive Materials Bureau

xc: Coby Muckelroy, RCRA Insp/Enf Program Mgr.  
 Joel Dougherty, U.S. EPA Region VI (6EN-H)  
 Lou E. Roberts, U.S. EPA Region VI (6EN-A)

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