

STATE OF NEW MEXICO

ENVIRONMENTAL IMPROVEMENT DIVISION
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DEPUTY SECRETARY

February 2, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jack Rex
Public Service Company
of New Mexico
Alvarado Square
Albuquerque, NM 87158

Mr. Richard A. Jordan, Manager
Regulatory Licensing and Compliance
Public Service Company
of New Mexico
Alvarado Square
Albuquerque, NM 87158

RE: Public Service Company of New Mexico (PNM) Person Generating Station

Dear Sirs:

In reviewing the information provided by PNM by letter dated December 16, 1983, in response to the Environmental Improvement Division (EID) Warning Letter issued November 9, 1983, I find that: PNM has determined that the wastes entering Schwartzman Pond and the laboratory wastes are not hazardous wastes as defined by the New Mexico Hazardous Waste Management Regulations; PNM has provided records that demonstrate receipt of hazardous waste transported off-site for recycling; PNM has provided an Investigation and Feasibility Study proposal; and the PNM has provided specific information requested during the December 12, 1983 meeting.

It should be noted that the Investigation and Feasibility Study as proposed and accepted by the EID allowed PNM until late February, 1984 to obtain additional baseline data and provide a final report on the extent of contamination and what cleanup may be necessary.

Therefore, until this study is completed and all contaminated materials are removed, this facility will remain subject to the requirements set forth in the warning letter of November 9, 1983.

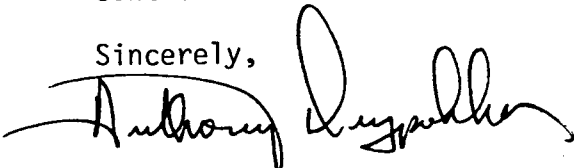
The EID has determined that PNM is subject to the Part 5 Underground Injection Control (UIC) provisions of the New Mexico Water Quality Control Commission (WQCC) Regulations for effluent discharges to the subsurface from the buried bottomless verticle iron pipe 42 inches in diameter, 9 feet 7 inches in length. The subsurface emplacement of fluids in this manner via an effluent disposal well without discharge plan (permit) approval pursuant to Subsection 5-101.B.2 was prohibited beginning December 20, 1982. PNM's discharge began in July, 1976 and continued until October 13, 1982. Failure to obtain a permit, permit violations, or violation of other WQCC Regulations are subject to the penalties provided by law in Sections 74-6-5 and 74-6-10 respectively, NMSA 1978 of the Water Quality Act. You should consider these provisions as well as such

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penalties that may be provided under the New Mexico Hazardous Waste Act (Section 74-4-1 to 74-4-12, NMSA 1978) in attempting to resolve quickly as many issues as possible regarding this matter.

If you have any questions pursuant to this matter, please feel free to contact Mr. Boyd Hamilton at 984-0020 Ext. 340, for hazardous waste related issues and/or Mr. David Boyer at ext. 303 for questions concerning underground injection control.

Sincerely,



Anthony Drypolcher
Acting Bureau Chief
Ground Water and Hazardous
Waste Bureau

AD/DB/ps

cc: Maxine Goad, EID Ground Water Section
Raymond Sisneros, EID Hazardous Waste Section
Jane Cohen, EID Legal Services Bureau
Richard Mitzelfelt, EID District I Manager
Harriet Tregoning, EPA Region VI, Enforcement Branch

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