

TPDF 2003

03-002



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
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RON CURRY
SECRETARY
DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND VIA TELECOPIER

January 30, 2003

Larry Gandy
Vice President
Gandy-Marley Corporation
1109 E. Broadway
Tatum, New Mexico 88267

SUBJECT: NOTICE OF VIOLATION - GANDY-MARLEY, INC.
TRIASSIC PARK EPA ID# 001002484
HWB-TPDF-01-001

Dear Mr. Gandy:

The New Mexico Environment Department (NMED) is issuing this Notice of Violation (NOV) to Gandy-Marley Inc. (GMI) for failure to submit a Facility Corrective Action Work Plan (FCAWP) as is required by the Triassic Park Hazardous Waste Permit Conditions 10.2 and 1.10. The Permit requires the submittal of a FCAWP within 180 days after the effective date of the Permit (April 17, 2002), which corresponds to October 14, 2002.

On November 22, 2002 GMI requested an extension to the FCAWP submittal date. That extension request was denied by NMED in a correspondence to GMI dated January 24, 2003 primarily because the request was submitted after the FCAWP's due date.

In accordance with the New Mexico Hazardous Waste Act, § 74-4-10 NMSA 1978, NMED may: (1) issue a compliance order requiring compliance immediately or within a specified time period, or assess a civil penalty for any past or current violations of up to \$10,000 per day of non-compliance with each violation, or both; or (2) commence a civil action in district court for

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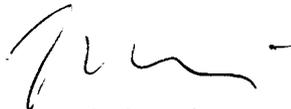
appropriate relief, including a temporary or permanent injunction. Any such order issued may include a suspension or revocation of GMI's Permit.

NMED requires GMI resolve this permit violation by submitting a proposed schedule to correct the violation within 15 days of the date of this letter (February 14, 2003). The schedule must reflect submission of an approvable FCAWP to NMED within 60 days of the date of this letter (March 31, 2003). Development of the FCAWP shall be based on the Triassic Park Permit Attachment R, *Facility Corrective Action Work Plan Outline*. The FCAWP shall be consistent with all other applicable permit conditions, including, but not limited to, Permit Conditions 3.5, 4.5, 5.5, 6.5, 7.5, Permit Parts 9 and 10, and Permit Attachments C and S. The FCAWP shall address releases from anywhere within the fenced boundary of the Triassic Park Facility, from any regulated unit or solid waste management unit as defined in the Permit, and for any contaminant release that migrates from the Facility. Failure to provide satisfactory work plan commitments may result in initiation of formal enforcement actions as outlined above.

Any action taken in response to this letter does not relieve GMI of its obligation to comply with 20.4.1 NMAC in other activities that it conducts, nor does it relieve GMI of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Steve Pullen of my staff at (505) 428-2544. Please address your response to his attention at the address on the letterhead.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:sdp

cc: Steve Pullen, NMED HWB
David Cobrain, NMED HWB
File

File: Reading, TP 2003