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GOVERNOR

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ENVIRONMENT DEPARTMENT

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RON CURRY
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CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

June 11, 2007

Mr. John Pike
Chief of Compliance, Environmental Management Branch
377 MSG/CEVR
2050 Wyoming Blvd. SE, Ste 116
Kirtland Air Force Base, NM 87117-5270

**RE: NEWLY DISCOVERED RELEASE NEAR SOLID WASTE MANAGEMENT
UNIT ST-106, BULK FUELS FACILITY
KIRTLAND AIR FORCE BASE, EPA ID# NM9570024423**

Dear Mr. Pike:

The New Mexico Environment Department (NMED) is aware of product or phase-separated hydrocarbon (PSH) discovered in the newly installed monitoring well northeast of Solid Waste Management Unit (SWMU) ST-106, Bulk Fuels Facility fuel offloading rack. Kirtland Air Force Base (KAFB) is working under the direction of the NMED Groundwater Quality Bureau (GWQB) on remediating the PSH plume near the fuel offloading rack. However, KAFB is a permitted Resource Conservation and Recovery Act (RCRA) Facility that is subject to the New Mexico Hazardous Waste Management Regulations (HWMR), 20.4.1 NMAC. Notification and corrective action for newly identified releases at SWMUs are required by Module IV, Section G of KAFB's RCRA Permit issued under the New Mexico Hazardous Waste Act (HWA) and the HWMR.

So long as KAFB is meeting the requirements as directed by the GWQB for conducting corrective action, such cooperation will be considered to be compliant with corrective action under the HWA and KAFB's Permit. Failure to comply with the GWQB instructions, requests for information, or requirements under abatement plans may result in enforcement actions under the KAFB RCRA Permit, the HWMR, Section 74-4-10 of the HWA, Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), or Section 7002(a) of RCRA, 42 U.S.C. § 6972(a); or to criminal penalties under Section 74-4-11 of the HWA or Section 3008(d), (e), and (f) of RCRA,

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42 U.S.C. § 6928(d), (e), and (f), or some combination of the foregoing.

KAFB must copy the HWB on all correspondence regarding ST-106 and the newly discovered release. Additionally, NMED will add SWMU ST-106 to Table A of KAFB's RCRA Permit as a SWMU requiring corrective action. Finally, corrective action conducted at ST-106 shall be subject to public comment in accordance with the HWA, the HWMR, and the Permit, as applicable.

If you have any questions, please contact Mr. William McDonald of my staff at (505) 222-9582.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
W. Moats, NMED HWB
W. McDonald, NMED HWB
B. Olson, NMED GWQB
C. Lanz, KAFB
L. King, EPA-Region 6 (6PD-N)
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