



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
Telephone (505) 428-2500
Fax (505) 428-2567
www.nmenv.state.nm.us



RON CURRY
SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUIRED

May 12, 2006

*Recvd 5-23-06
1030 hrs.*

Mark Patterson
Environmental Coordinator
Fort Wingate Depot Activity
P.O. Box 268
Gallup, New Mexico 87316

SUBJECT: NOTICE OF VIOLATION
FORT WINGATE DEPOT ACTIVITY, EPA ID# NM6213820974

Dear Mr. Patterson:

On May 2, 2006 the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at Fort Wingate Depot Activity (Fort Wingate), located off U.S. Highway 66 10 miles E. of Gallup. Based on that inspection and review of the information obtained, the NMED has determined that your facility is a Conditionally Exempt Small Quantity Generator as defined in the Notification of Regulated Waste Activity Instructions (EPA Form 8700-12), and has a permit for the closure of the Open Burn/Open Detonation Unit (OB/OD), and has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

The NMED observed the following violations:

1. Fort Wingate failed to maintain the Contingency Plan at the facility for the OB/OD Unit. Each owner or operator must have a contingency plan for his facility designed to minimize danger to human health or the environment in the event of any fire, explosion, or sudden unplanned release. The plan is required to help minimize damage by providing for an orderly planned response. The contingency plan was not available during the time of inspection for review. This is a violation of 20.4.1.500 NMAC, incorporating 40 CFR 264.53(a), and Permit Condition II.1.2 #1.

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2. Fort Wingate failed to immediately amend the contingency plan for the emergency coordinators. The primary emergency coordinator Duke Davis retired in May 2005 and Al Romero, first alternate retired September 2005. This is a violation of 20.4.1.500 NMAC, incorporating 40 CFR 264.54(d), and Permit Condition II.I.2 #3.


In accordance with 74-4-10 NMSA 1978, the 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 appropriate relief, including a temporary or permanent injunction. Any such order may include a suspension or revocation of any permit issued by the NMED.

The NMED requires that Fort Wingate provide a satisfactory resolution of the violations or a detailed plan of corrective action acceptable to the NMED within fifteen (15) days of receipt of this letter.

Any action taken in response to this letter does not relieve Fort Wingate of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Anna Maestas of my staff at (505) 428-2507. Please address your written response to the attention of Ms. Maestas at the address in the letterhead.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:am

cc: Art Vollmer, Manager, Compliance & Technical Assistance Program
Anna Maestas, Environmental Supervisor
Tammy Diaz, Permitter
Charles Lundstrom, General Manager, District V

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