



MICHELLE LUJAN GRISHAM
GOVERNOR

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CABINET SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUIRED

May 31, 2023

Steven Jones
Hazardous/Solid Waste Program Manager
Holloman Air Force Base
49 CES/CEIE
550 Tabosa Ave.
Holloman AFB, NM 88330

**RE: NOTICE OF VIOLATION AND RESOLUTION
HOLLOMAN AIR FORCE BASE
EPA ID# NM6572124422**

Dear Mr. Jones:

On March 20, 2023, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection ("Inspection") at Holloman Air Force Base ("HAFB") located at U.S. Air Force, 6 mi. west of Alamogordo, Holloman AFB, New Mexico ("Facility"). HAFB generates a variety of hazardous waste to include flammable, corrosive, toxic, and other wastes associated with maintenance of aircraft which can be contaminated with cadmium.

Based on that Inspection and review of the information obtained, NMED has determined that HAFB is a Large Quantity Generator ("LQG") of hazardous waste as defined in 40 Code of Federal Regulations ("CFR") 262.13. Furthermore, NMED has determined that HAFB has violated the New Mexico Hazardous Waste Management Regulations ("HWMR") 20.4.1 New Mexico Administrative Code ("NMAC") as specified below.

NMED Inspectors observed the following violations:

1. Failure to mark or label four drip pans with the words "Used Oil" or other wording to identify the contents of the container. Specifically, NMED observed four drip pans with used oil that were unlabeled. All drip pans were located at building 877-ATAC. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.22(c)(1) and 20.4.1.1003(A) NMAC.

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Corrective Action: HAFB personnel adequately labeled the four drip pans with the words “used oil” at the time of inspection. No further actions are necessary.

2. Failure to keep satellite containers storing hazardous waste closed. Specifically, NMED observed two small containers storing hazardous waste from the paint booth area open and without an active process occurring. The containers were located inside building #898 bay # 2(IAP#P014-0079B). This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(4).

Corrective Action: HAFB personnel closed and secured the two small containers of hazardous waste at the time of inspection. No further action necessary.

3. Failure to label satellite containers storing hazardous waste with the words “Hazardous Waste.” Specifically, NMED observed two small containers storing hazardous waste from the paint booth that were not labeled with the words “Hazardous Waste”. The containers were located inside building #898 bay # 2(IAP#P014-0079B). This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(5)(i).

Corrective Action: HAFB personnel labeled the two small containers with the words “Hazardous Waste” at the time of inspection. No further action necessary.

4. Failure to label satellite containers storing hazardous waste with an indication of the hazards of the contents. Specifically, NMED observed two containers storing waste paint that were not labeled with an indication of the hazards of the contents of the containers. Both containers were located inside building # 898 bay # 2. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.15(a)(5)(ii).

Corrective Action: HAFB personnel labeled the two containers with an indication of each hazard on each container. No further action necessary.

5. Failure to label universal waste batteries with the words “universal waste batteries”, or with other wording to identify the waste. Specifically, NMED observed eight pallets containing used batteries inside the Central Accumulation Area (“CAA”) without the appropriate wording/labeling of “Universal Waste Batteries”, “Waste Batteries”, or “Used Batteries”, or similar. This is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR 273.34(a) and 20.4.1.1001(B) NMAC.

Corrective Action: HAFB personnel labeled the eight pallets containing used batteries with the appropriate labeling requirements for universal waste batteries at the time of inspection. No further action necessary.

6. Failure to maintain updated revisions of the contingency plan at the Facility. Specifically, NMED observed the contingency plan at the CAA was not updated. A copy of the revised version of the contingency plan was modified in December 2022 and provided to NMED during the inspection. The emergency coordinators named in the contingency plan at the CAA were past employees who are no longer employed at HAFB. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.262.

Corrective Action: HAFB personnel provided an updated copy of the contingency plan with the correct emergency coordinators to the CAA at the time of inspection. No further action necessary.

7. Failure to label a container storing hazardous waste with the words "Hazardous Waste." NMED observed one 55-gallon blue drum containing hazardous waste in the CAA not labeled with the words "Hazardous Waste". This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(5)(i)(A).

Corrective Action: HAFB personnel adequately labeled the 55-gallon blue drum with the words hazardous waste at the time of inspection. No further actions are necessary.

8. Failure to label a container storing hazardous waste with an indication of the hazards of the contents. Specifically, NMED observed one 55-gallon blue drum storing hazardous waste not labeled with an indication of the hazards of the contents of the container. The drum was located at the CAA. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.17(a)(5)(i)(B).

Corrective Action: HAFB personnel adequately labeled the 55-gallon blue drum with the appropriate indication of the hazards of the contents at the time of inspection. No further actions are necessary.

9. Failure to mark a container of hazardous waste with the date upon which accumulation began. Specifically, NMED observed one 55-gallon blue drum storing hazardous waste that was missing the accumulation start date. The 55-gallon blue drum was located at the CAA. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.17(a)(5)(i)(C).

Corrective Action: HAFB personnel adequately labeled the 55-gallon blue drum with the accumulation start date at the time of inspection. No further actions are necessary.

10. Failure to separate containers of hazardous waste that are incompatible with any waste or other materials accumulated or stored nearby in other containers by means of a dike, berm, wall, or other device. Specifically, NMED observed four 55-gallon drums were not stored in the flammable storage area within the CAA. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(1)(vii)(C).

Corrective Action: HAFB personnel adequately moved the four 55-gallon drums to the flammable storage area. No further actions are necessary.

NMED has determined that the violations were adequately addressed during the time of inspection; therefore, no further action is required.

This Notice of Violation is considered an informal enforcement response in accordance with NMED's Enforcement Response Protocol. Please be aware that failure to address the above violations and any future substantial deviations from regulatory requirements may result in HAFB being considered for an elevated enforcement action. Also, be aware that any corrective action taken during our Inspection, or in response to this letter, does not relieve HAFB of its obligation to comply with any and all other applicable laws and regulations.

Pursuant to the NMED Delegation Order dated March 24, 2023, the Cabinet Secretary has delegated the authority to issue Notices of Violation under the Hazardous Waste Act and HWMRs to the Chief of the Hazardous Waste Bureau. If you have any questions regarding this letter, please contact Tyre Jameson of my staff at 505-690-4884 or by email at tyre.jameson@env.nm.gov.

Sincerely,

Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

RM : tj

cc: Aaron Coffman, NMED HWB CTAP Manager
Frank Rodarte, NMED HWB
Tyre Jameson, NMED HWB
Michael Kesler, District III Manager

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