

**STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT**



In the matter or)
WHITE SANDS MISSILE RANGE)
)
Application for a renewed Hazardous)
Waste Permit under the New Mexico)
Hazardous Waste Act)
EPA No. NM 2750211235)

No. HWB 08-35 (P)

FINAL ORDER

1. This matter comes before the Secretary of Environment through a permit application for a Hazardous Waste Facility Permit for the White Sands Missile Range (“WSMR”), which WSMR originally submitted to the New Mexico Environment Department (“Department”) on June 21, 1999 under the New Mexico Hazardous Waste Act (the “Act”), NMSA 1978, §§ 74-4-1 to 74-4-14.

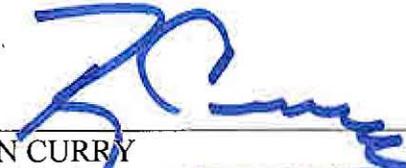
2. Pursuant to the Act, NMSA 1978, § 74-4-4.2(H), the Department has provided an opportunity for a public hearing on the permit. The Department issued a draft permit on June 11, 2007, and allowed a period of sixty days for the public, including the applicant, to submit written comments to the Department on the draft permit and to request a public hearing. The Department later extended the comment period for an additional thirty days. During the comment period WSMR submitted comments and requested a public hearing, but WSMR was the only person to do so.

3. In accordance with section 20.4.1.901.A(4) NMAC, the Department entered into settlement negotiations with WSMR to resolve the issues that WSMR raised in its comments. As a result of these negotiations, WSMR and the Department executed a Stipulation, agreeing to the terms of the Hazardous Waste Facility Permit as written and attached to the Stipulation as Exhibit 1,

and resolving all issues related to the permit. Under the Stipulation, WSMR further agreed to withdraw its request for a hearing, provided that the Department issues the final permit unchanged from Exhibit 1 to the Stipulation, or that WSMR is in agreement with any changes made.

IT IS THEREFORE ORDERED:

1. The Hazardous Waste Facility Permit for WSMR, attached hereto, is hereby issued.
2. The terms of the attached Hazardous Waste Facility Permit are unchanged from Exhibit 1 to the Stipulation.
3. The permit shall remain in effect for ten years from the effective date in accordance with section 20.4.1.900 NMAC, incorporating 40 C.F.R. § 270.50(a), unless the permit is modified, suspended or revoked under the Act, NMSA 1978, § 74-4-4.2, or under section 20.4.1.901 NMAC, or section 20.4.1.900 NMAC, incorporating 40 C.F.R. § 270.41, § 270.42, and § 270.43.
4. WSMR shall comply with all terms and conditions of this Hazardous Waste Facility Permit. This Permit consists of all the terms and conditions therein including those in the Attachments 1 through 6 and Appendices 1 through 8.
5. The Hazardous Waste Facility Permit for WSMR shall become effective on January 8, 2010 under 20.4.1.901.A(10) NMAC.



RON CURRY
Secretary, Environment Department



Date