

**STATE OF NEW MEXICO  
BEFORE THE SECRETARY OF ENVIRONMENT**



**In the Matter of** )  
**NATIONAL AERONAUTICS AND** ) **No. HWB-09-44(P)**  
**SPACE ADMINISTRATION,** )  
**WHITE SANDS TEST FACILITY,** )  
)  
**Application for a renewed Hazardous** )  
**Waste Permit under the New Mexico** )  
**Hazardous Waste Act** )  
**No. NM8800019434.** )  
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**FINAL ORDER**

1. This matter comes before the Secretary of Environment through a permit application for a Hazardous Waste Permit for the National Aeronautics and Space Administration (“NASA”) White Sands Test Facility, which NASA originally submitted to the New Mexico Environment Department (“Department”) on August 8, 2002 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 March 19, 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 NASA submitted comments and requested a public hearing, but NASA 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 NASA to resolve the issues that NASA raised in

its comments. As a result of these negotiations, on October 27, 2009 NASA and the Department executed a Settlement Agreement, agreeing to the terms of the Hazardous Waste Permit for the NASA White Sands Test Facility and resolving all issues related to the permit. Under the Settlement Agreement, NASA further agreed to withdraw its request for a hearing, provided that the Department issues the final permit with substantive terms identical to those agreed to.

**IT IS THEREFORE ORDERED:**

1. The Hazardous Waste Permit for the NASA White Sands Test Facility, attached hereto, is hereby issued.

2. The attached Hazardous Waste Permit contains substantive terms that are identical to those that the Department and NASA agreed to in the October 27, 2009 Settlement Agreement.

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. NASA shall comply with all terms and conditions of this Hazardous Waste Permit. This Permit consists of all the terms and conditions therein including those in the Attachments 1 through 22.

  
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RON CURRY  
Secretary, Environment Department

  
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Date