

**WHITE SANDS MISSILE RANGE  
 COMMENTS AND NMED RESPONSE  
 DRAFT RESOURCE CONSERVATION AND RECOVERY ACT PERMIT**

<b>COMMENT NUMBER</b>	<b>TOPIC AREA OR PERMIT LOCATION</b>	<b>COMMENT SUMMARY</b>	<b>NMED RESPONSE TO COMMENT</b>	<b>CHANGE MADE TO PERMIT Yes/No</b>
1	Title page	The commenter states that Socorro is misspelled.	Socorro has been changed to Socorro.	Yes
2	Throughout Permit	The commenter states that “Department of Army” should be changed to “Department of the Army” throughout the Permit.	“Department of Army” has been changed to “Department of the Army” throughout the Permit.	Yes
3	Throughout Permit	The commenter states that the capitalization of the word “Permit” is inconsistency throughout the Permit.	The word “Permit” has been capitalized throughout the Permit.	Yes
4	Throughout Permit	The commenter states that the capitalization of “Facility Operating Record” is inconsistency throughout the Permit.	“Facility Operating Record” has been capitalized throughout the Permit	Yes
5	Throughout Permit	The commenter states that the capitalization of “Facility” is inconsistency throughout the Permit.	“Facility” is capitalized when referring to WSMR. In all other usages, “facility” will not be capitalized.	Yes
6	List of Acronyms	The commenter indicates that Army-internal office symbols (e.g., ESME-MC-PE-GC-PA) are subject to frequent change and are not relevant to the Permit conditions.	All Army-internal office symbols have been deleted from Permit Sections I through VI.	Yes
7	List of Acronyms	The commenter indicates that Joint Hazardous Material Minimization Center (JHMMC) no longer exists and should be deleted from the acronym list.	JHMMC has been deleted from the List of Acronyms.	Yes

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8	List of Acronyms	The commenter indicates that Army-internal office symbols (e.g., NR, NR-ES) are subject to frequent change and are not relevant to the Permit conditions.	All Army-internal office symbols have been deleted from Permit Sections I through VI.	Yes
9	List of Acronyms	The commenter states that “SAP-satellite accumulation area” should be changed to “SAP-satellite accumulation point.”	“SAP” in the List of Acronyms has been changed from “satellite accumulation area” to “satellite accumulation point.”	Yes
10	Permit Section I.J	The commenter states that “facility” or “Facility” is used in different context. Sometimes It’s used to mean the Container Storage Facility on Nike Avenue and other times it’s used to mean all of WSMR.	The Permit has been revised to use “Facility” when referring to White Sands Missile Range, “HWSF” when referring to the Hazardous Waste Storage Facility.	Yes
11	List of Acronyms and throughout Permit	The commenter states that a definition of HWSF (Hazardous Waste Storage Facility) should be added to the Permit and that HWSF should be used throughout the Permit to mean the Container Storage Facility.	The Hazardous Waste Storage Facility (HWSF) is defined in Permit Section III and in Section 1.2.1 of Permit Appendix 1. See also Comment Response 10.	No
12	Permit Section I.J	The commenter states that the definition of “operator” should be consistent with the entities identified in the Part A.	The definition of “operator” in Permit Section I.J has been changed to be consistent with the Permittees RCRA Part A Permit Application.	Yes
13		Same as #12	The Permit has been revised to be consistent with RCRA Part A Permit Application.	Yes
14		Same as #12	The Permit has been revised to be consistent with RCRA Part A Permit Application.	Yes

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15	Permit Section I.J	The commenter proposes to delete "... (including the abandonment or discarding of barrels, containers, and other closed receptacles containing solid waste, hazardous waste or constituents)" from the definition of release.	The proposed subpart S corrective action regulations define release as "any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents)(55 Fed. Reg. 30798, 30874, July 27, 1990). This is the definition NMED uses in all its permits and orders for RCRA facilities.	No
16	Permit Section I.J	The commenter proposes adding the definitions for both regulated and operating units to Permit Section I.J.	There are no definitions of "operating" or "regulated" units in 40 CFR 260.10. The Permit has been modified to reference "hazardous waste management units" in lieu of "regulated units." Permit Section IV.A has been modified to state that the Container Storage Unit (HWSF) is the only Hazardous Waste Management Unit (HWMU) in operation.	Yes
17	Permit Section I.K.7	The commenter states that since WSMR is a DoD facility and National Security provisions apply, escorts are needed for NMED inspectors. They propose adding this provision as number 5 in Permit Section I.K.7.	40 CFR 270.30(i) requires the Permittee to allow access to NMED representatives for the purpose of conducting inspections of waste management facilities and contaminated sites. The Permittees' internal policies that might limit NMED's statutory authority are not appropriate in the Permit. The Permittee provided a letter dated August 22, 2008 that summarizes entry procedures.	No
18	Permit Section I.K.7	The commenter indicates that there is a missing period after "...law and regulation" in the last paragraph in Permit Section I.K.7	A period was inserted after the word "regulation" in the last paragraph of Permit Section I.K.7.	Yes
19	Permit Section I.K.8, item 2	The commenter suggests that "[t]his period may be extended by NMED at any time and is automatically extended during the course of any	40 CFR 270.30(j)(2) states that "this period may be extended by [NMED] at any time."	No

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		unresolved enforcement action regarding this Facility” should be revised to state, “[t]his period is automatically extended during the course of any unresolved enforcement action regarding this Facility.”		
20	Permit Section I.K.8, item 2	The commenter states that the qualifications of the individuals who perform the sampling or measurements are not required by regulations to be in the monitoring records.	NMED has removed the reference to personnel qualification records to be maintained in the monitoring record from Permit Section I.K.8, item 3.b.	Yes
21	Permit Section I.K.9, item 1	The commenter states that there is no 40 CFR regulation that requires the Permittee to give notice to NMED within 60 calendar days of any planned physical alterations or additions to the permitted facility.	Permit Section I.K.9, item 1 has been changed to be consistent with 40 CFR 270.30(l)(1).	Yes
22	Permit Section I.K.9, item 7	The commenter suggests that since the Permit forbids receipt of waste from an outside source, the requirement to submit an unmanifested waste report to the NMED within 15 days of receipt of the unmanifested waste should be deleted and replaced with “The Permittee must decline accepting any off-site wastes	NMED agrees that the Permittee is prohibited from receiving waste from an off-site source; therefore, this permit condition was deleted.	Yes
23	Permit Section I.K.10	The commenter states that WSMR must be able to cite national security issues in the same manner as company confidential information. The commenter proposes to add “National Security-related information will also be identified and access restricted” to the last paragraph in Permit Section I.K.9.	NMED considers information declared to be confidential under 40 CFR 270.12 to apply to security related information if so identified by the Permittee.	No

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24	Permit Section I.K.13	The commenter states that specifying the location of the information repository (either in the City of Las Cruces or City of Alamogordo) exceeds NMED authority.	Permit Section I.K.13 has been revised to incorporate the language in 40 CFR 124.33(d).	Yes
25	Permit Section I.L	The commenter proposes to extend the 30 day requirement to 90 days for submittal of a revised work plan or other document to NMED after receipt of notice of disapproval.	Permit Section I.L has been revised to include alternate requirements for work plan submittals and the reference to 30 days for submittal of revisions has been deleted.	Yes
26	Permit Section I.M	The commenter states that the attempt to add enforceable due dates to the permit terms by illegal modification of the permit after it has been issued should be deleted. The commenter states that if a document due date is not included in the terms of the permit, which were subject to public notice, then it cannot be made subsequently enforceable without formally modifying the permit and providing the Permittee with the opportunity for due process. The commenter states that new compliance dates cannot be arbitrarily added to the Permit and made enforceable without the opportunity for modifying the Permit under 20.4.1.901 B.	The first sentence in Permit Section I.M has been deleted.	Yes
27	Permit Section II.A	The commenter states that there is missing text at the end of Permit Section II.A.	The last sentence in the first paragraph of Permit Section II.A was revised to state “[t]he Permittee shall maintain a current list and map of the hazardous waste generation locations at the Facility.”	Yes

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28	Permit Section II.B.1	Permit Section II.B.1 specifies that the Permittee shall store for subsequent transfer to a treatment, storage, or disposal facility only the hazardous wastes specified in Permit Attachment 1 (Part A of Permit Application). The commenter states that the list of wastes in Table 3-2 is much larger than what's listed in the Part A and they would prefer to use Table 3-2. The commenter also states that wastes listed in the Part A and those listed in Table 3-2 should be consistent.	The reference to Table 3-2 of Permit Section II.B.1 has been removed.	Yes
29	Permit Section III.B.1	No comment was provided by the commenter.	No response necessary.	No
30	Permit Section II.B.2	Permit Section II.B.2 states that "off-site" sources of hazardous waste refers to waste generated by sources other than the Permittee or its contractor(s) on-site. The commenter states that tenants on WSMR and other authorized on-site organizations may generate hazardous wastes that must be managed under this Permit. The commenter proposes that a clause be added to Permit Section II.B.2 to allow waste generated by WSMR tenants or other visiting organizations to be permitted.	NMED considers all sources of hazardous wastes generated by a tenant or other visiting organizations to be generated by and the responsibility of the Permittee. NMED considers off-site waste to be waste generated outside the Facility boundary.	No
31	Permit Section II.D.2.c	The commenter states that WSMR assigns the identification numbers so "waste generator" should be replaced with "the Permittee" in the last paragraph in Permit Section II.D.2.c.	Permit Section II.D.2.c has been changed to state that "[t]he Permittee shall assign a traceable identification number at the point of generation to this documentation to facilitate access to this information by the Permittee and NMED."	Yes

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32	Permit Section II.D.5.b	The commenter proposes deleting “The Permittee shall not dilute a waste that is restricted from land disposal, or the residue of a restricted waste, as a substitute for treatment in compliance with 40 CFR 268.3.” The commenter concurs that wastes should not be mixed to avoid Land Disposal Restrictions (LDR) but they state they should be able to consolidate materials in similar categories in order to avoid managing many small containers.	Waste consolidation is not considered waste dilution as defined in 40 CFR 268.3(b).  Permit Section II.D.5.b has been revised to state that “[t]he Permittee shall not aggregate a waste that is restricted from land disposal with other waste streams or materials in order to comply with Land Disposal Restrictions.	Yes
33	Permit Section II.E	The commenter states there is no regulatory authority that requires an extensive and aggressive waste minimization program that’s enforceable. The commenter proposes to delete Permit Section II.E and replace it with the requirements in 40 CFR 264.73(b)(9).	Permit Section II. E has been modified to delete the first sentence of paragraph 2. The second sentence of paragraph 2 has been modified to reference certification of the waste minimization program. Permit Section II.E, item 4 has been edited to replace “itemized” with “estimate.”  The last sentence of Permit Section II.E was revised to state that “[d]ocumentation of ISO 14001 certification may satisfy requirements of this Permit Section (II.E)”.  See response to Comment # 33.	Yes
34	Permit Section II.E	The commenter states that there is no regulatory authority for requiring the items specified in numbers 4 through 9 in Permit Section II.E.	See response to Comment # 33.	Yes
35	Permit Section II.I	The commenter identifies a missing period between “...Section (II.I)” and “The...” in the last paragraph of Permit Section II.I.	The error has been corrected.	Yes

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36	Permit Section II.K.3	The commenter identifies an incorrect Permit Section cross reference in the first paragraph of Permit Section II.K.3.	The error has been corrected.	Yes
37	Permit Section II.K.5	The commenter indicates that Army-internal office symbols (e.g., MCHM-MCH, NR-ES-F, GC-SD) are subject to frequent change and are not relevant to the Permit conditions.	See response to Comment # 6.	Yes
38	Permit Section II.K.5	The commenter states that planning and coordination among WSMR entities is continuous and internal to the Range and that no outside entities are involved in hazardous waste responses; there is no necessity for written arrangements with local outside authorities. The commenter states that text in Permit Section II.K.5 (Arrangement with Local Authorities) should be changed to reflect the Permittee’s organization and practices.	Permit Section II.K.5 does not mention any outside entities; only WSMR-internal entities. The section title for Permit Section II.K.5 has been modified to reference WSMR’s internal emergency response organizations.	Yes
39	Permit Section II.K.5	The commenter identifies a misspelling in Permit Section II.K.5 and “contracted” should be changed to “contacted.”	The error has been corrected.	Yes
40	Permit Section II.M.1, items 6 & 8	Item 8 of Permit Section II.M.1 requires the Permittee to maintain the names, addresses, and phone numbers of the Emergency Coordinator (EC) and all persons designated as Alternate Emergency Coordinator. The commenter states that the current roster of relevant personnel is maintained by the Emergency Operations Center (EOC) available through 911 and all notifications are handled through the EOC. The commenter proposes to delete item 8 in Permit Section II.M.1.	Permit Section II.M.1, item 8 was revised to cite 40 CFR 264.52(d).  In addition, Permit Section II.M.1, item 6 was revised to remove a redundancy in the text.	Yes

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41	Permit Section II.M.2	Permit Section II.M.2 states that all documents in the operating record must be made available to NMED upon request within four hours of such request. The commenter states that a four hour time frame is unreasonably short and a 24 hour cycle is more appropriate.	Permit Section II.M.2 has been modified to reference 40 CFR 264.74.	Yes
42	Permit Section III, third paragraph	The commenter states that “base boundaries” should be replaced with “installation boundaries.”	The word “base” has been replaced with “Facility”.	Yes
43	Permit Section III.A	The commenter identifies a misspelling and “HARZARDOUS” should be changed to “HAZARDOUS.”	The error has been corrected.	Yes
44	Permit Section III.A	The commenter suggests adding clarification language to Permit Section III.A. Specifically, the commenter wants to add or correct details regarding estimated hazardous waste storage volumes and the volume of the spill containment system. The commenter states that the total estimated quantity of hazardous waste stored should be based on the total quantity of spill containment, in accordance with 40 CFR 264.175(3).	Table 3-1 has been removed from Permit Section III.A.1.	Yes
45	Permit Section III.A.1	The commenter states that Permit Section III.A.1 should be revised for clarity and simplicity. They propose changing Permit Section III.A.1 to state “The Permittee shall manage and store hazardous waste containers located in the HWSF as specified in part III above.”	The requirements included in Permit Section III specify the waste management practices for the HWSF. The introductory language in Permit Section III provides a general description of the unit but is not intended to provide specific requirements.	No

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46	Permit Section III.A.1	The commenter states that there is extraneous and erroneous information in Permit Section III.A.1 regarding total storage capacity of the HWSF. The commenter proposes to replace this information with revised (submitted with comments) Table 3-1.	This information was supplied by WSMR in its 1999 RCRA Permit Application. However, Table III.A.1 has been removed from the Permit. See response to Comment # 44.	No
47	Permit Section III.B.1	The commenter states that since the Permittee must make provisions for management of plating wastes, F007, F008, and F009 waste codes should be added to Table 3.2 in Permit Section III.B.1.	Table 3-2 in Permit Section III.B.1 has been deleted from the Permit.  Only the waste codes listed in the Part A Permit Application in Attachment 1 may be managed at the HWSF.	Yes
48	Permit Section III.G	The commenter states that the secondary containment systems should only be applicable to liquid wastes. The commenter proposes to change Permit Section III.G to state that the Permittee shall maintain secondary containment systems for all <b>liquid</b> containers in the HWSF.	Permit Section III.G has been revised to state that the Permittee shall maintain secondary containment systems for all containers holding liquids in the HWSF. All containers containing free liquids must be labeled as containing free liquids.	Yes
49	Permit Section III.H	The commenter indicate that the word “and” is missing between “(Inspection),” and “in accordance...”	The error has been corrected.	Yes
50	Permit Section III.I	The commenter states that there appears to be some missing language in Permit Section III.I.	The error has been corrected by referencing the operating record.	Yes
51	Permit Section IV.A	The commenter states that Permit Section IV.A contains some inaccuracies (number of units). The commenter suggests that the simplest way to correct these inaccuracies is to cite Appendix 4 (SWMU, AOC, hazardous waste management units tables) which, when corrected, would provide the same information.	Permit Section IV.A has been revised to make the appropriate reference to hazardous waste management units and the HWSF. In addition, the text has been revised to specifically reference Table 4-4 in Appendix 4 and remove other references to units requiring closure.	Yes

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52	Permit Section IV.B.1	The commenter identifies that “the’ is missing in the phrase”...managed in unit...”	The error has been corrected.	Yes
53	Permit Section IV.C	The commenter identifies a typographical error and the reference to Permit Section IV.8 should be changed to reference Permit Section IV.B.	The error has been corrected.	Yes
54	Permit Section IV.C	The commenter identifies that “of” is missing in the sentence”...based on the results contaminant source removal activities.”	The error has been corrected.	Yes
55	Permit Section V.B	The commenter identifies that the word “to’ is missing in the sentence”...pursuant 40 CFR 264.117(d) and 264.118(b).”	The error has been corrected.	Yes
56	Permit Section V.B	The commenter states that the requirement to conduct post closure care activities for Rhodes Canyon Landfill (SWMUs 114 and 115) in accordance with the approved Corrective Measures Implementation (CMI) Report, its Addendum, and post closure activities 1 through 3 is inappropriate for inclusion in the Permit. The commenter states that memorializing details such as these merely hampers the necessary flexibility in site management.	Permit Section V.B has been modified to specifically reference (new Permit Section V.B.1) Rhodes Canyon Landfill and its unique Post Closure Care Plan (CMI Report). It is appropriate to include post closure requirements for the Rhodes Canyon Landfill in the Permit because Rhodes Canyon Landfill is a hazardous waste management unit that is undergoing post closure care, which is an activity that requires a Permit. Permit Section V.B.1 includes the post closure care requirements without requiring the Permittee to submit a post closure care plan that would merely reiterate what is	Yes

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			included in the CMI Report.	
57	Permit Section V.D.1	The commenter asks for confirmation that January 12, 1981, cited in Permit Section V.D.1 is correct.	The reference to January 12, 1981 is correct and as specified in 40 CFR 264.119. The reference to the Permittee’s knowledge of past practices has been deleted, leaving only the reference to records.	Yes
58	Permit Section V.D.1.a	The commenter states that it is unnecessary to file records (survey plat and records of type, location, and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal units of the facility) with the appropriate county because WSMR is federal lands with real estate records internally managed.	Permit Section V.D.1.a, Item 3 has been changed to reference the “authority with jurisdiction over local land use”.	Yes
59	Permit Section V.G	The commenter states that Permit Section V.G (POST CLOSURE CARE OF THE OB/OD) is unnecessary, incomplete, inaccurate, and redundant. The commenter states that possible investigation and corrective measures will be adequately addressed with the procedures identified in the appendices to the Permit.	Post closure care is required for any hazardous waste management unit that has not met the requirements for clean closure.	No
60	Attachments 1 through 6	Permit Attachments 1 through 6 are portions of the Permittee’s 2004 Permit Application. The commenter states that they were unaware that portions of the permit application would be	Permit Attachments 2-6 have been updated as necessary.	Yes

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		incorporated into the permit verbatim. The commenter states that this material has been updated, corrected, and reworked to make it more suitable for inclusion into the Permit.		
61	Appendix 1 Section 1.1.4	The commenter identifies a misspelling and “Agustin” should be changed to “Augustin.” The commenter also states that “...San Andres Mountains, San Augustin Mountains, and the Oscura Mountains...” should be revised to read “...San Andres, San Augustine, and Oscura Mountains...”	The errors have been corrected.	Yes
62	Appendix 1 Section 1.1.5	The commenter identifies another misspelling and “Agustin” should be changed to “Augustin.”	The error has been corrected.	Yes
63	Appendix 1 Section 1.2.1	The commenter states that Section 1.2.1 of Permit Appendix 1 requires extensive updating. The commenter provides a rewritten substitute.	Permit Appendix 1 has been edited; however, the Permittee’s proposed edits to include additional container storage units were omitted. The Permittee may submit a permit modification to add additional storage capacity at the HWSF after the final Permit is issued.	Yes
64	Appendix 2 Map and Figures	The commenter discloses that Figure 2 is not a current representation of the facility and has supplied an updated figure for replacement.	An updated figure of the HWSF (Figure 2) has been included in Appendix 2.	Yes
65	Appendix 2 Figures 3 through 5	The commenter states that Figures 3 through 5 should be deleted from the Permit because the Permittee never intended to always utilize these building configurations.	Figures 3 through 5 have been removed from Permit Appendix 2.	Yes
66	Appendix 3 Section 3.1.6	Section 3.1.6 calls for the determination of perchlorate occurrence Facility-wide. The commenter indicates that there are no regulatory standard (state or federal) for perchlorate.	Under the New Mexico Hazardous Waste Act, NMSA 1978 §§ 74-4-3, a “hazardous waste” means any solid waste or combination of solid wastes which because of their quantity, concentration or physical, chemical or infectious characteristics may: cause or significantly	Yes

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		<p>The commenter also states that this entire section should be deleted because it is out of the jurisdiction of the Hazardous Waste Bureau and because the material is a military munition used for its intended purpose and it remains on an active range.</p>	<p>contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.</p> <p>Perchlorate that has been released to ground water is not being used for its intended purpose, and therefore is considered a waste. In addition, perchlorate is listed as a toxic pollutant under 20.6.2.7 NMAC. The EPA Regional Screening Levels contain a tap water cleanup level for perchlorate as well as a soil screening level.</p> <p>NMED and the Permittee have agreed to an action level of 4µg/L for detections of perchlorate in groundwater and a cleanup level based on a Hazard Index of 1.0. Cleanup is deferred at active and inactive military ranges.</p>	
67	Appendix 4	<p>The commenter states that many units contained in Tables 4-1 and 4-4 have a regulatory status that is different than what is specified in the tables.</p>	<p>The SWMUs, AOCs and hazardous waste management units were placed into tables in Permit Appendix 4 based on the information in NMED's administrative record. Based on discussions with the Permittee, NMED has updated the tables to accurately reflect current conditions for the above mentioned units at the Facility.</p>	Yes
68	Appendix 5 Section 5.2	<p>The commenter states that investigation, sampling, and analysis methods provided in Section 5.2 of Appendix 5 are far too extensive, rigid, inappropriate and have no place in the requirements of a permit. The commenter asserts that these requirements are overkill and exceeds NMED authority. The commenter proposes deleting Section 5.2 and the last two sentences in the second paragraph on page 21 of</p>	<p>The requirements described in Appendix 5 refer to standard, industry-accepted practices for environmental investigations, which are also referenced in numerous EPA and ASTM guidance documents. The Permit gives the Permittee the opportunity to propose and justify alternate investigation, sampling, and analysis methods in site-specific work plans in Permit Section I.L, Permit Section VI.H.1.b, Appendix 5 (Introduction), Appendix 7, Sections 7.1 and 7.2.</p>	Yes

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		Permit Attachment 5 and issuing this material as a guidance document.	Permit Section I.L, and the first sections of Appendix 5 and Appendix 7 were modified to highlight the opportunity to propose alternate methods and procedures in work plans.	
69	Appendix 5 and Appendix 6	The commenter states that investigation methods described in Permit Appendix 5 (and 6?) should be deleted and issued as guidance. The commenter believes that leaving these requirements in the Permit would be too rigid and require a permit modification if a deviation is required.	See response to Comment # 68.	No
70	Appendix 5 Section 5.2.2.b.i	The commenter states that the depths specified are excessive and will sometimes be unattainable. The commenter recommends deleting these requirements and prescribing or approving site-specific limits in the required work plans.	See response to Comment # 68. However, Permit Appendix 5, Section 5.2.2.b.i, Items 4 and 5 have been deleted.	Yes
71	Appendix 5 Section 5.2.2.b.ii	The commenter states that the procedures for soil and rock sampling are almost never justified and that analytical laboratories should never perform the homogenization step, since they have no insight into the nature of the sample.	The techniques and procedures for soil and rock sampling described in Appendix 5 are standard industry practice. In addition, it is not uncommon for laboratories to perform homogenization of samples. See response to Comment # 68.	No

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72	Appendix 5 Section 5.2.2.g	<p>The commenter states that there is no justification for requiring either the sampling method or the measurements regarding subsurface vapor-phase monitoring and sampling.</p> <p>The commenter doubts the meaningfulness of oxygen, carbon dioxide, static pressure, and carbon monoxide measurements and that there are no reliable methods for gathering these data in the field. The commenter recommends deleting all the language following the first paragraph in Section 5.2.2.g of Permit Appendix 5.</p>	<p>See response to Comment # 68.</p> <p>Measurements of oxygen, carbon dioxide, static pressure, and carbon monoxide are useful for evaluating subsurface conditions where vapor-phase contamination is present. There are many brands and types of instruments capable of measuring these parameters.</p>	No
73	Appendix 5 Section 5.2.2.i	<p>Section 5.2.2.i of Permit Appendix 5 contains groundwater sampling procedures. The commenter states that the utility of the general chemistry parameters is not universal and that selection of non-hazardous constituents should be left to site-specific work plan. The commenter points out that groundwater beneath WSMR is naturally high in alkalinity and that all field determinations of carbon dioxide are based on measurements of alkalinity so the carbon dioxide measurements are meaningless.</p> <p>The commenter also states that sampling discrete water-bearing zones is infeasible, especially in wells with sand-packed screens.</p>	<p>Section 5.2.2.i of Permit Appendix 5 states that water samples shall be analyzed in accordance with the NMED-approved groundwater monitoring plan <b>for one or more</b> of the following general chemistry parameters required by NMED. For some sites, testing for alkalinity may be appropriate and supportive, but at other site it may not be. The general chemistry parameters to be sampled will be proposed by the Permittee.</p> <p>Sampling ground water from discrete water-bearing zones is not only feasible but necessary to determine variations in hydraulic head and to identify connections between transmissive zones in fractured bedrock aquifers</p>	No

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		<p>In addition, the commenter states that for ground water monitoring wells installed in tight formations, standard industry practices call for at least a 30 day interval between well installation and sampling.</p>	<p>and heterogeneous geologic settings. Discrete zone sampling also prevents potential cross-contamination between fractures or distinct water-bearing zones.</p> <p>EPA guidance (RCRA Ground-Water Monitoring Technical Enforcement Guidance Document, 1986) states that Short well screens (5 to 10 feet) are desirable for sampling and to measure the hydraulic conductivity of discrete stratigraphic intervals and to monitor/sample light and dense non-aqueous phase liquids in confined conditions. In addition, highly heterogeneous formations require shorter well screens to allow sampling of distinct water-bearing zones that can serve as contaminant pathways or zones of contaminant accumulation.</p> <p>Section 5.2.2.i of Permit Appendix 5 also states that ground water samples shall be obtained from newly installed monitoring wells between ten and 30 days.” Site specific workplans allow the Permittee to propose alternate approaches to situations where site specific conditions warrant sampling monitoring wells at intervals greater than 30 days after installation.</p> <p>See response to Comment # 68.</p>	

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74	Appendix 5 Section 5.2.2..i.iv	Section 5.2.2.i.iv of Appendix 5 calls for the collection of field blanks but, the commenter states, does not specify the correct source of water. The commenter states that it is their understanding that field blanks are meaningful only in support of determination of VOCs, and then only in environments where airborne vapor contamination is likely. The commenter proposes that specifications of field blanks be limited to those special cases where the data would be meaningful.	Field blanks are used to show that contaminants are sampled-related and not introduced from other sources during sampling. The purpose of field blanks is to assess contamination from field conditions during sampling (EPA OSWER 9240-0-44 <i>CLP Guidance for Field Samplers</i> , July 2007). The method of field blank collection included in the EPA guidance is described in Permit Appendix 5, Section 2.2.i.iv.	No
75	Appendix 5 Section 5.3	<p>Section 5.3 of Permit Appendix 5 outlines certain laboratory testing and reporting procedures. The commenter states that the requirement to use “the most sensitive methods available” will need to be adjusted by the ability of the selected routine analytical laboratory and analytical methods to meet the needs of the study. The commenter proposes that this requirement speak only to the ability of the selected laboratory.</p> <p>The commenter also states that Section 5.3 of Permit Appendix 5 implies that all data be accompanied by what amounts to Level IV data packages and that the data undergo some formal qualification process.</p> <p>The Commenter proposes deleting “The Permittee shall use the most sensitive laboratory methods (with lowest detection limits) available unless specific conditions preclude their use.”</p>	<p>NMED requires the most sensitive analytical methods to be used unless specific conditions necessitate the use of an alternative method. Less sensitive methods may not be capable of detecting contaminants at concentrations below applicable clean-up levels.</p> <p>See response to Comment # 68.</p>	No

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76	Appendix 7	The commenter suggests that a table listing each document type would be helpful on the first page of Appendix 7 to act as a table of contents to be used as a quick reference to the Permittee and Regulators.	The document types are listed in the Appendix Table of Contents on Appendix pages i and ii.	No
77	Appendix 8	The commenter states that it is inappropriate to include “hard dates” for deliverables because of the uncertainty surrounding the effective date of the Permit.	All dates presented in Permit Appendix 8 will be changed to reflect NMED’s and the Permittee’s site prioritization, available data, and the amount of work that is required to be performed. The Permit has been revised to include alternate submittal dates.	Yes
78	Appendix 8	The commenter is unclear regarding the first deliverable in Appendix 8.	October 31, 2007 was the first submittal date included in Appendix 8 of the Draft Permit. The Permit has been revised to include updated submittal dates.  In addition, Appendix 8 has been modified to include two tables. Table 8-1 is a schedule for closure plan submittals and includes all the Hazardous Waste Management Units derived from Appendix 4 of the Permit. Table 8-2 is a schedule for workplan submittals for SWMUs and AOCs requiring corrective action derived from Table 4-1 of the Permit for units that are not already undergoing corrective action.	Yes
79	Appendix 8	The commenter indicates that a closure plan for the Oscura Range Center landfill is no longer pertinent since closure activities have been complete and closure documentation has been submitted to NMED. The commenter states that the due date for this document should be deleted from Appendix 8.	The Permit has been revised to change the status of the Oscura Range Landfill.	Yes
80	Appendix 8	The commenter states that a post-closure care plan for the OB/OD is in the hands of NMED and the due date for this document should be deleted from Appendix 8.	The Post Closure Care Plan received by NMED was inadequate. NMED is requiring a new plan to be submitted. NMED has revised the submittal date. The Permit has been revised to include an alternate submittal	Yes

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			date.	
81	Appendix 3 Section 3.1 (Comment received from the New Mexico Environment Department – Groundwater Quality Bureau)	WSMR Permit Appendix 3, Section 3.1 requires the Permittee to achieve the lower of the groundwater cleanup levels established by 20.6.2.3103 NMAC and the EPA SDWA MCLs. Not all of the standards listed in the most recent version of 20.6.2.3103 NMAC meet the 10 <sup>-5</sup> lifetime cancer risk required for toxic pollutants as required by 20.6.2.7.WW NMAC and there is some overlap between the constituents listed in 20.6.2.3103 NMAC and the toxic pollutants listed in 20.6.2.7.WW NMAC. The NMED GWQB requests that the groundwater cleanup levels required by the WSMR RCRA Permit be changed to be either the Water Quality Control Commission standard established by 20.6.2.3103 NMAC, the EPA MCL, or the cleanup level established in accordance with 20.6.2.7.WW NMAC, whichever is lower. The current sentence references the ground water toxic pollutants listed in 20.6.2.7.WW NMAC, but then restricts that list to the subset of toxic pollutants for which there are 20.6.2.3103 NMAC standards.	The Permit has been revised to correct this inconsistency.	Yes