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FACT SHEET
April 16, 2007

INTENT TO ISSUE A HAZARDOUS WASTE FACILITY PERMIT
UNDER THE NEW MEXICO HAZARDOUS WASTE ACT

DEPARTMENT OF DEFENSE
KIRTLAND AIR FORCE BASE
BERNALILLO COUNTY, NEW MEXICO

Facility Name: Kirtland Air Force Base (KAFB)

EPA ID Number: NM9570042243

Type of Facility: Kirtland Air Force Base (**KAFB**) is located on land owned by the U.S. Air Force, which is a branch of the U.S. Department of Defense, the Applicant. KAFB encompasses 52,223 acres (approximately 82 square miles) and is bounded on the north and northwest by Albuquerque, on the east by the Cibola National Forest, on the south by the Pueblo of Isleta, and on the west by land owned by the State of New Mexico, and the Albuquerque International Sunport. KAFB is classified as a hazardous waste treatment facility under the New Mexico Hazardous Waste Act (HWA), Sections 74-4-1 through 74-4-14, NMSA 1978, as amended, and the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 through 6992.

The New Mexico Environment Department (NMED) proposes to issue a Hazardous Waste Permit that requires the Applicant to: 1) manage on-site and off-site generated ignitable and reactive hazardous wastes, such as bulk explosives; damaged, defective, expired, and unserviceable munitions; and explosive-contaminated wastes in two Operating Units – An Open Burn (OB) Treatment Unit and an Open Detonation (OD) Treatment Unit; 2) conduct corrective action activities for solid waste management units (SWMUs) and areas of concern (AOCs); and 3) conduct tasks in accordance with schedules of compliance, pursuant to the Hazardous Waste Act (Chapter 74, Article 4 NMSA 1978) and the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC). The Permit imposes certain requirements on these activities that are protective of human health and environment.

Location: KAFB is located south of and adjacent to the City of Albuquerque in Bernalillo County, north-central New Mexico.

Owner: U.S. Department of Defense

Operator: U.S. Department of Defense

INTRODUCTION

U.S. Department of Defense, as the operator of the OB/OD Units, is required to obtain a permit from NMED to manage hazardous waste pursuant to the HWA and RCRA. Prior to issuing a final permit, NMED is required to release a draft permit for public comment pursuant to 20.4.1.901.A (3) NMAC. This fact sheet is intended to facilitate public review of the draft Permit.

KAFB opened in the late 1930s as an Army Air Corps training field. In 1939, the U.S. Army leased land east of the Albuquerque's new airport to establish a flying training Base. Albuquerque's new Army Air Base got its first Base commander in March 1941. The following month the Base got its first military aircraft. On January 1, 1993, the 377th Air Base Wing (ABW) was reorganized and became the Base's host organization. The ABW supports more than 200 tenant organizations, including the New Mexico Air National Guard, the Department of Energy, Albuquerque Office, United States Customs, Sandia National Laboratories, and other government agencies. The central mission of KAFB is the administration of defense programs for the U.S. Department of Defense. The KAFB Explosive Ordnance Disposal Range that comprises both the OB and OD Units is also used for training in demolition and explosives-handling methods.

REGULATORY BACKGROUND

Subtitle C of RCRA provides "cradle to grave" environmental regulation of the management of hazardous waste at hazardous waste treatment, storage, and disposal facilities. The United States Environmental Protection Agency (EPA) has authorized the State of New Mexico to implement and enforce Subtitle C requirements, including corrective action requirements, under its own hazardous waste management program. The State's enabling authority for the program is the HWA, which authorizes the State's Environmental Improvement Board (EIB) to adopt hazardous waste management regulations and NMED to implement and enforce the provisions of the HWA and the regulations.

As part of the State's program, the EIB has adopted regulations relating to, among other things, the issuance of hazardous waste permits. These regulations incorporate by reference pertinent sections of the code of federal regulations – 40 CFR parts 260 through 270, 273, and 280 – and are codified in the Hazardous Waste Management Regulations (HWMR), 20.4.1 NMAC.

The HWA and HWMR require each person owning or operating an existing facility or planning to construct a new facility for the treatment, storage, or disposal of hazardous waste to have a permit. *See* 42 U.S.C. 6925 and 20.4.1.900 NMAC (incorporating 40 CFR 270.1). A treatment, storage or disposal facility in existence on November 19, 1980 is eligible for "interim status." Interim status authorizes an existing facility to operate, subject to the interim status standards set forth in 20.4.1.600 NMAC, incorporating 40 CFR Part 265, until NMED issues or denies a RCRA permit or until interim status is otherwise terminated.

The HWA and HWMR further require corrective action for all releases of hazardous waste or constituents from any SWMU at a facility seeking a permit, regardless of the time at which waste was placed in such unit. [42 U.S.C. 6924(u), Section 74-4-4.2(B), NMSA 1978, and 20.4.1.500 NMAC incorporating 40 CFR 264.101(a)]. Corrective action is also required beyond the facility boundary. [42 U.S.C. 6924(v) and 20.4.1.500 NMAC incorporating 40 CFR 264.101(c)].

PROCEDURAL BACKGROUND FOR THE KAFB OB/OD PERMIT APPLICATION

General Permit Application Requirements: Owners or operators of hazardous waste management facilities, including interim status facilities, are required to submit a comprehensive permit application covering all aspects of design, operation, maintenance, and closure of their facilities. The Permit Application consists of Parts A and B. Part A of the Permit Application (Part A Application) is a relatively short, standard form that summarizes general information about a facility including the name of the owner/operator, a list of the types of wastes managed, a facility layout diagram, and the hazardous waste management activities requiring a permit. Part B of the Permit Application (Part B Application) is an extensive document submitted in a narrative, tabular, and schematic format that describes the facility operations in detail and includes information necessary to establish corrective action requirements for releases from SWMUs and AOCs.

Part A Permit Application: In May 2004, U.S. Department of Defense submitted, in a timely manner, to NMED its Part A Permit Renewal Application for the OB/OD Units. The Part A Permit Application listed two hazardous waste treatment units (the Open Burn (OB) Treatment Unit and the Open Detonation (OD) Treatment Unit).

Part B Permit Application: In May 2004, U.S. Department of Defense submitted, in a timely manner, its Part B Permit Renewal Application (along with its Part A) for operation of the OB and OD Units as treatment units; and for corrective actions for SWMUs and AOCs.

TYPE AND QUANTITY OF WASTES

Type of Wastes: The following hazardous wastes are associated with the OB and OD Units.

D Waste Codes Hazardous wastes exhibiting the characteristics of ignitability (D001), reactivity (D003), or toxicity (D004, D005, D008, D009, D018, D030, D034, and D040).

Quantity of Wastes: U.S. Department of Defense is requesting permission to treat a maximum of approximately 80,000 Pounds (lbs) of hazardous waste per year in the OB Unit, and 100,000 lbs of hazardous waste per year in the OD Unit.

TYPE OF UNITS TO BE PERMITTED

Open Burn/Open Detonation Treatment Units: The OB and OD units are used to treat (i.e., burn or detonate) explosive and explosive-contaminated hazardous waste to remove the characteristics of reactivity (D003) and ignitability (D001). The wastes treated include explosives, propellants, and pyrotechnics in the form of pure substances; expired or unserviceable munitions; and explosive-contaminated waste items. All waste discharged to the OB/OD Units is limited to waste with an average volatile organics (VO) concentration of less than 500 parts per million as determined at the point of waste origination, and that meets Land Disposal Restrictions (LDR) treatment standards found at 20.4.1 NMAC, 40 CFR Part 268, sections 40, 45 and 49.

DESCRIPTION OF THE PERMIT

The draft Permit is organized into five Permit Parts and 10 Attachments. The draft Permit generally follows the format, style, and general conditions in EPA permitting guidance including, but not limited to: *Model RCRA Permit For Hazardous Waste Management Facilities* (Draft), U.S. EPA (September, 1988); *Model Permit For Hazardous and Solid Waste Amendments* (Draft), U.S. EPA (July, 1995, 1998); and *RCRA Guidance Manual for Subpart G Closure and Post Closure Care Standards and Subpart H Cost Estimating Requirements*, OSWER 9476.00-5 (January, 1987). Because of the unique conditions at KAFB, NMED proposes to impose, in addition to general permit conditions, several permit conditions that are necessary to protect human health and the environment pursuant to NMED's "omnibus authority" [see 20.4.1.900 NMAC incorporating 40 CFR 270.32(b)(2)]. In addition, the draft Permit imposes alternative requirements to address releases from the closed units to the groundwater.

Each Permit Part is briefly described below and certain permit conditions are noted. The general regulatory authority for conditions in each Section is noted, more specific citations are provided throughout the draft Permit at the end of each condition.

Permit Part 1 (General Permit Conditions) contains permit conditions that apply to all hazardous waste management permits, most of which are based upon mandatory permit conditions set forth at 20.4.1.900 NMAC, incorporating 40 CFR 264, and 20.4.1.900 NMAC, incorporating 40 CFR 270 .

Permit Part 2 (General Facility Conditions) contains mandatory permit conditions for operation of hazardous waste management facilities set forth at 20.4.1.500, incorporating 40 CFR 264, subpart B through E. Part 2 references Permit Attachments that provide more information regarding KAFB, namely Permit Attachment 1 (*General Description of the OB/OD*

Units), Permit Attachment 2 (*Design and Operation of the OB/OD Units*), Attachment 3, (*Air Modeling*), Permit Attachment 4 (*Authorized Wastes*), and Permit Attachment 5 (*Waste Analysis Plan*). Permit Part 2 also references: Permit Attachment 6 (*Sampling and Analysis Plan*), Permit Attachment 7 (*Inspection Plan*), Permit Attachment 8 (*Contingency Plan*), Permit Attachment 9 (*Personnel Training Plan*), and Permit Attachment 10 (*Closure Plan*).

Permit Part 3 (Treatment of Hazardous Wastes) contains permit conditions for the operation of the OB/OD Units set forth at 20.4.1.500 NMAC, incorporating 40 CFR 264, Subparts B through E. The subsections in this part describe permitted and prohibited wastes, quantity of waste to be treated, design, operation and maintenance of the OB/OD Units, restrictions on operations, run on and run-off controls requirements, air and soil monitoring, record keeping and reporting requirements, and closure and post-closure care for the OB/OD Units. Permit Part 3 also references several Permit Attachments that provide more information regarding OB/OD Units operating requirements. These include Permit Attachment 2 (*Design and Operation of the OB/OD Units*), Permit Attachment 7 (*Inspection Plan*), and Permit Attachment 6 (*Sampling and Analysis Plan*).

Permit Part 4 (Corrective Action: General Provisions And Procedures) contains permit conditions necessary to meet the corrective action requirements for the SWMUs and AOCs identified and listed in Table 4-2 of this Permit Part (*List of SWMUs and AOCs*), site investigations, any newly identified SWMUs and AOCs, and any releases of hazardous waste or hazardous constituents from SWMUs and AOCs set forth at 20.4.1.500 NMAC, incorporating 40 CFR 264.101. This Permit Part describes contamination beyond the facility boundary, groundwater investigation, newly discovered SWMUs and AOCs, release assessment, interim measures, RCRA facility investigations, risk assessment, corrective measures evaluation, corrective measure implementation, cleanup levels, the accelerated cleanup process, and approval of submittals.

Permit Part 5 (Corrective Action: Investigation Methods And Procedures And Special Requirements For Information Submittals And Corrective Measures) contains general facility information, special investigation requirements, general requirements for investigation and sampling, perchlorate screening in groundwater, collection and management of investigation derived waste, requirements for exploratory and well installation borings and exploratory excavations, general groundwater monitoring, and investigation requirements. U.S. Department of Defense shall conduct groundwater detection monitoring, compliance monitoring, and corrective actions in accordance with 20.4.1.500 NMAC incorporating 40 CFR 264 Subpart F and 40 CFR 264.101. The subsections of this Permit Part describe the well locations, installation and construction of monitoring wells, the facility-wide groundwater monitoring plan, and record keeping and reporting. The Permit Part also describes the "Special Requirements for Corrective Measures" for specific corrective action sites, and the permit conditions and Requirements for Information Submittals And Corrective Measures set forth at 20.4.1.500 NMAC, incorporating 40 CFR 264, Subparts B through E. U.S. Department of Defense must conduct corrective action to investigate and remediate all releases of hazardous waste or hazardous constituents to soil, groundwater, or surface water pursuant to 20.4.500 NMAC incorporating 40 CFR 264.111 following the cleanup levels defined in Permit Part 4 of the

Permit. This permit part references additional information in Permit Attachment 6 (Sampling and Analysis Plan).

PUBLIC PARTICIPATION

Availability of Additional Information: The Administrative Record for this proposed action consists of the draft Permit, Public Notice, Fact Sheet, U.S. Department of Defense Permit Application, and supporting documentation. The Administrative Record may be reviewed, with prior appointment, at the following location during the public comment period.

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone: (505) 476-6000
Monday – Friday: 8:00 a.m. to 5:00 p.m.
Contact: *Pam Allen*

The draft Permit, Public Notice, Fact Sheet, U.S. Department of Defense Permit Application can be reviewed, with prior appointment, at the following location during the public comment period.

NMED - District 1 Office
5500 San Antonio Avenue, NE
Albuquerque, New Mexico 87109
Phone: (505) 222-9543
Mondays - Fridays from 8:00 a.m. to 5:00 p.m.
Contact: *Cornelius Amindyas*

A copy of the draft Permit, Public Notice, and Fact Sheet, and are also available on the NMED website at www.nmenv.state.nm.us/HWB/kafbperm.html under draft Permit. To obtain a copy of the Administrative Record or a portion thereof, please contact Ms. Pam Allen at (505) 476-6000, or at address given above. NMED will provide copies, or portions thereof, of the Administrative Record at a cost to the requestor.

Comment Period and NMED Contact: Any person who wishes to comment on the draft Permit or request a public hearing should submit their comments or requests in writing or electronic mail (e-mail) form including with the commenter's name and address to the address below. The comment period begins on **April 16, 2007**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m., June 15, 2007**. Only comments and/or requests received on or before **5:00 p.m. June 15, 2007** will be considered.

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Ref: KAFB draft Permit

Written comments should be based on all reasonably available information and include, to the extent practicable, all referenced factual materials. Documents in the administrative record need not be re-submitted if expressly referenced by the commenter. Requests for a public hearing shall provide: (1) a clear and concise factual statement of the nature and scope of the interest of the person requesting the hearing; (2) the name and address of all persons whom the requestor represents; (3) a statement of any objections to the draft Permit, including specific references to any Permit conditions being addressed; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. Written comment and requests for Public Hearing must be filed with Mr. John Kieling on or before **5:00 p.m., June 15, 2007**. NMED will provide a thirty (30) day notice of a public hearing, if one is granted, pursuant to the New Mexico Hazardous Waste Management Regulations, 20.4.2.901.F NMAC.

Final Decision: After consideration of all the written public comments and public hearing requests, in accordance with the New Mexico Hazardous Waste Regulations (20.4.1.901.A (4) NMAC), if a timely written notice of opposition to the draft Permit and a request for a public hearing is received, NMED, in conjunction with the applicant, will respond to the request in an attempt to resolve the issue giving rise to the opposition. If such issues are resolved to the satisfaction of the opponent, the opponent may withdraw the request for a public hearing.

If NMED modifies the draft Permit based on comment, and issues the Permit, the applicant shall be provided by mail a copy of the modified Permit and a detailed written statement of reasons for the modifications.

NMED should ensure that the approved draft Permit is consistent with the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC). All written comments submitted on the draft Permit will be considered in formulating a final decision and may cause the draft Permit to be modified. NMED will respond in writing to all public comments. NMED's response will specify which provision, if any, of the draft Permit have been changed in the final Permit decision, the reasons for the change, and briefly describe and respond to all public comments on the draft Permit or the Permit application raised during the public comment period. All persons presenting written comments or who requested notification in writing will be notified of NMED's decision by mail. If NMED modifies the draft Permit based on comment, and issues the Permit, the applicant shall be provided by mail a copy of the modified Permit and a detailed written statement of reasons for the modifications. This response will also be posted on the NMED website.

The Secretary of the New Mexico Environment Department will make the final Permit decision publicly available and shall notify the applicant by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the Hazardous Waste Act.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Persons having a disability and requiring assistance or auxiliary aid to participate in this process should contact Judy Bentley at the New Mexico Environment Department, Human Resources Bureau, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone 505-827-9872. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.