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PUBLIC NOTICE 07-02

NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO 87505
March 19, 2007

NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A PUBLIC HEARING ON A DRAFT HAZARDOUS WASTE PERMIT FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION WHITE SANDS TEST FACILITY ACTIVITY EPA ID NO. NM8800019434

The New Mexico Environment Department (**NMED**) proposes to issue a final Hazardous Waste Permit to National Aeronautics and Space Administration (**NASA**) White Sands Test Facility (**WSTF**), **the Applicant**, for hazardous waste management units, post-closure care and corrective actions. NASA-WSTF is located in Doña Ana County, 18 miles northeast of Las Cruces, New Mexico and 65 miles north of El Paso, Texas. NASA-WSTF is a testing facility operated by NASA located on property owned by the U.S. Department of Army White Sands Missile Range. This Permit requires the Applicant to: 1) manage certain wastes in two Operating Units – Evaporation Treatment Unit (ETU) and the Fuel Treatment Unit (FTU); 2) conduct post-closure care for four closed regulated units in the 200 Area, 300 Area, 400 Area and 600 Area, respectively; 3) conduct investigation, remediation and monitoring of groundwater contamination; 4) conduct corrective action activities for closed units, solid waste management units (SWMUs) and areas of concern (AOCs); and 5) 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).

NASA-WSTF is a testing facility that was constructed during 1963-1964. Propulsion systems testing at NASA-WSTF began in 1964 and by 1967 developed the capability to evaluate the flammability and toxicity characteristics of materials used in the spacecrafts which expanded in the following years to include all facets of materials characterization and compatibility and component verification in support of Skylab, Space Station, and a variety of other programs for the government and industry. From 1974 through 1977, NASA-WSTF modified and improved the propulsion test facilities to accommodate extensive testing of the Space Shuttle propulsion systems, including propellant supply systems, the altitude system, electrical and data systems. Additionally, NASA-WSTF is an Orbiter and International Space Station Depot Repair Facility which performs flight hardware assembly, repair, and acceptance testing for private aerospace manufacturers. Today, six test stands provide vacuum test capability. Three test stands provide ambient testing, 5000 feet above sea-level, for the Space Shuttle, International Space Station and other government agencies.

The Permittees are located at the following addresses: The operator - National Aeronautic and Space Administration, White Sands Test Facility, P.O. Box 20 Las Cruces, New Mexico 88004-0020, and the

owner of the property - White Sands Missile Range, WSMR, New Mexico 88002. The applicant's primary contact for this action is: Ms. Radel Bunker-Farrah, National Aeronautic and Space Administration, White Sands Test Facility, P.O. Box 20, Las Cruces, New Mexico 88004-0020.

NMED announces the availability of the proposed draft Permit for public comment. In addition, NMED will consider any requests for a public hearing and determine whether a public hearing will be held to consider further public comment. NMED also announces the availability of a Fact Sheet providing the basis for NMED's proposed action on the draft Permit, and the significant factual, legal, and policy questions considered in preparing the draft Permit. The Fact Sheet also explains in detail the corrective action activities that the Applicant must implement and a summary of the basis for permit conditions, including applicable statutory and regulatory support.

PUBLIC REVIEW OF THE DRAFT PERMIT

The Administrative Record for this proposed action consists of the draft Permit, Public Notice, Fact Sheet, NASA-WSTF 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*

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/nasaperm.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.

NMED issues this public notice on **March 19, 2007**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m., May 18, 2007**. Any person who wishes to comment on the draft Permit or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the respective address below. Only comments and/or requests received before **5:00 p.m. on May 18, 2007** will be considered.

John E. Kieling, Program Manager
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Ref: NASA-WSTF draft Permit

Written comments must 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., May 18, 2007**. NMED will provide a thirty (30) day notice of a public hearing, if granted.

NMED must 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. This response will also be posted on the NMED website.

After consideration of all the written public comments received, NMED will issue, or modify and issue the Permit. If NMED modifies 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.

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 (Chapter 74, Article 4 NMSA 1978).

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, Personnel Services 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.