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FACT SHEET
JUNE 11, 2007

**INTENT TO ISSUE A PERMIT FOR THE OPERATION OF
A HAZARDOUS WASTE STORAGE FACILITY UNDER THE
NEW MEXICO HAZARDOUS WASTE ACT**

**WHITE SANDS MISSILE RANGE
DOÑA ANA, SOCORRO, LINCOLN, OTERO, AND
SIERRA COUNTIES, NEW MEXICO**

Facility Name: White Sands Missile Range (WSMR)

EPA ID Number: NM2750211235

Type of Facility: WSMR is an active installation serving as the U.S. Army's largest rocket and missile development, firing, and testing facility and is classified as a hazardous waste storage facility under the New Mexico Hazardous Waste Act (HWA) and the Resource Conservation and Recovery Act, Subtitle C (RCRA). The New Mexico Environmental Department (NMED) proposes to issue a Hazardous Waste Permit that allows WSMR to: 1) continue to accept, manage and store on-site generated hazardous waste before it is transferred to a permitted treatment or disposal facility; 2) complete closure of 41 regulated units; 3) conduct post-closure care for five closed units at two sites; 4) conduct ground water remediation and monitoring; 5) conduct corrective action activities for 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). The Permit imposes certain requirements on these activities that are protective of human health and the environment.

Location: White Sands Missile Range is located in south central New Mexico on over 2,048,000 acres of land in five counties: Doña Ana, Lincoln, Otero, Socorro, and Sierra. The Main Post is approximately 45 miles north of El Paso, Texas and 30 miles east-northeast of Las Cruces, New Mexico.

Owner: United States Department of the Army, White Sands Missile Range (WSMR)

Operators: United States Department of the Army, White Sands Missile Range (WSMR)

INTRODUCTION

United States Department of the Army, White Sands Missile Range (WSMR) as the owner and operator of WSMR, is required to obtain a permit from NMED to manage hazardous waste pursuant to the HWA and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA, 42 U.S.C. 6901 et seq.). Prior to issuing a final permit, the NMED is required to issue a draft permit for public comment, pursuant to 20.4.1.901.A(3) NMAC. This fact sheet contains all required information under 20.4.1.901 (a) through (f) and is intended to facilitate public review of the Draft Permit.

REGULATORY BACKGROUND

Subtitle C of RCRA provides “cradle to grave” environmental regulation for 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 regulations and NMED to implement and enforce the provisions of the HWA and 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, and 273 – 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 WSMR HWSF 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 June 1999, WSMR submitted, in a timely manner, to NMED its Part A Permit Renewal Application for WSMR. The Part A Permit Application listed one storage facility (Hazardous Waste Storage Facility HWSF); one open burning/open detonation (OB/OD); and one post-closure care unit (Temperature Test Facility (TTF)). WSMR has submitted amended Part A Permit Applications since the initial submission to update current activities and units status.

Part B Permit Application: In June 1999, WSMR submitted, in a timely manner, its Part B Permit Renewal Application (along with its Part A) for operation of the HWSF as a storage unit.

TYPE AND QUANTITY OF WASTES

Type of Wastes. The following hazardous wastes are associated with the HWSF. [Note: the "D", "F", "K", and "U" Codes are EPA Hazardous Waste Numbers that are assigned to specific hazardous wastes. These codes can be identified at 20.4.1.200 NMAC (incorporating 40 CFR 261, Subparts C and D).]

- **D Codes** (Wastes exhibiting the characteristics of Ignitability, Reactivity, Corrosivity, and/or Toxicity): D001 - Ignitability¹; D002 - Corrosivity¹; D003 - Reactivity¹; D004-D018; and D022-D043.
- **F Codes** (Wastes from non-specific sources): F001 through F008

- **P Codes** (Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof): These include miscellaneous P listed wastes generated from expired shelf-life products. These may consist of any P listed wastes, as defined in 20.4.1.200 NMAC, incorporating 40 CFR Part 261.
- **U Codes** (Wastes identified as toxic wastes): These include miscellaneous U listed wastes generated from expired shelf-life products. These may consist of any U listed wastes, as defined in 20.4.1.200 NMAC, incorporating 40 CFR Part 261.

TYPE OF UNITS TO BE PERMITTED

Operating units

Container Storage Area: Waste is managed and stored on site at the Hazardous Waste Storage Facility (HWSF). The Permittee is authorized to manage and store only those hazardous wastes listed in Part A of the Permit Application and in Permit Attachment 2 (Waste Analysis Plan). Specific facility and process information for the management, storage and transfer of hazardous waste in the Permittee's container storage area known as the Hazardous Waste Storage Facility are provided in Permit Appendix 1 (General Facility Description) and Permit Attachment 2 (Waste Analysis Plan).

Closure and Post-Closure Units

Five units have been closed at two sites on WSMR. Rhodes Canyon Landfills (two units) are currently in post-closure and the Open Burning/Open Detonation (OB/OD) site (three units) is closed and requires post closure. Specific information regarding post-closure requirements is provided in Permit Part 5. The units that require closure range from landfills, evaporation tanks, and evaporation/neutralization pits.

Corrective Action Units

Corrective action is required at approximately 200 SWMUs and AOCs. Types of these units include landfills, oil/water separators, drains/pipes and sumps, fire fighting training areas, tanks, surface impoundments, septic systems, storage sheds, missile impact sites, petroleum releases, and sewage treatment plant components.

DESCRIPTION OF THE PERMIT

The draft Permit is organized into six Permit Parts, six Permit Attachments, and eight Permit Appendices. 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); 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 WSMR, 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)].

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 I (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 270. Part I also references Permit Appendices and Attachments that provide more information regarding WSMR, namely Permit Appendix 1 (*General Facility Description*), Permit Appendix 2 (*Maps and Figures*), Permit Attachment 1 (*Permit Application Part A*), Permit Attachment 3 (*Contingency Plan*), and Permit Appendix 5 (*Investigation and Sampling Methods and Procedures*).

Permit Part II (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 II also refers to Permit Attachment 1 (*Part A of Permit Application*), Permit Attachment 2 (*Waste Analysis Plan*), Permit Attachment 3 (*Contingency Plan*), Permit Attachment 4 (*Training Program*), Permit Attachment 5 (*Inspections*), and Permit Attachment 6 (*Hazardous Waste Storage Facility Closure Plan*).

Permit Part III (Container Storage Area / Hazardous Waste Storage Facility) contains permit conditions for the operation and management for storage of hazardous waste in drums. Set forth at 20.4.1.500, incorporating 40 CFR 264, subpart I. The requirements and conditions for the maximum volumes and kinds of waste that can be stored in approved containers are also specified. Part III also refers to Permit Attachment 2 (*Waste Analysis Plan*), Permit Attachment 5 (*Inspections*), Permit Attachment 6 (*Hazardous Waste Storage Facility Closure Plan*), Permit Appendix 1 (*General Facility Description*), and Permit Appendix 2 (*Maps and Figures*).

Permit Part IV (Closure of Regulated Units) contains permit conditions and corrective action requirements for 41 regulated units located on WSMR. This Permit Part references Appendix 8 (*Work Plan and Closure Plan Submittal Schedule*), which specifies a work plan and closure plan submittal schedule. Part IV also refers to Permit Appendix 7 (*Reporting Requirements*).

Permit Part V (Post-Closure Care of Regulated Units) contains permit conditions and corrective action requirements for five units at two closed sites located at Rhodes Canyon and the Hazardous Test Area. Part V also refers to Permit Attachment 3 (*Contingency Plan*), Permit Appendix 2 (*Map and Figures*), Permit Appendix 5 (*Investigation and Sampling Methods and*

Procedures), Permit Appendix 7 (*Reporting Requirements*), and Permit Appendix 8 (*Work Plan and Closure Plan Submittal Schedule*).

Permit Part VI (Corrective Action of SWMUs and AOCs) contains the conditions and requirements for corrective action for releases from Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs), and includes: notification and assessment requirements for releases; confirmatory sampling requirements; investigations requirements; interim measures; remedy selection; and permit modification requirements. SWMUs are any discernable units at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units may include any area at the Facility at which solid wastes has been routinely and systematically released, but does not include one-time accidental spills that are immediately remediated or areas in which waste has not been managed (e.g., product storage areas). AOCs are considered to be any discernable area at the facility, or off-site, determined by the Secretary to be impacted by migration of contamination from the facility, where hazardous waste or hazardous constituent(s) are present, or are suspected to be present, as a result of a release from the facility, and that pose a current or potential threat to human health or the environment. The regulatory justifications for imposing corrective action are contained in the NMED's technical support documents filed in the administrative record. Part VI also refers to Permit Appendix 3 (*Clean Up Levels*), Permit Appendix 4 (*SWMU, AOC and Hazardous Waste Management Units Tables*), Permit Appendix 7 (*Reporting Requirements*), and Permit Appendix 8 (*Work Plan and Closure Plan Submittal Schedule*).

PUBLIC PARTICIPATION

Availability of Additional Information: NMED announced the availability of the draft Permit for public comment on **June 11, 2007**. The administrative record for this draft Permit consists of the Permit Application, the draft Permit, a Fact Sheet, and related correspondence. The administrative record may be reviewed at the following location during the public comment period, with prior appointment:

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

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

Comment Period and Regulatory 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 **June 11, 2007**, to announce the beginning of a 60-day comment period that will end on at 5:00 p.m., **August 10, 2007**. Only comments and/or requests received on or before **5:00 p.m., August 11, 2007** will be considered.

John E. Kieling, Program Manager
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Ref: White Sands Missile Range 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 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., August 11, 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.

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 has

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.

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, 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.