



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Telephone (505) 476-6000
Fax (505) 476-6030

www.nmenv.state.nm.us



RON CURRY
SECRETARY

CINDY PADILLA
DEPUTY SECRETARY

June 11, 2007

SUBJECT: NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A PUBLIC HEARING ON A DRAFT HAZARDOUS WASTE PERMIT FOR WHITE SANDS MISSILE RANGE

Dear Interested Citizen:

Enclosed is a **Public Notice** regarding the draft hazardous waste permit for White Sands Missile Range (WSMR). The permit applicant, WSMR, will receive a permit to store waste and conduct closure/post-closure care and corrective action activities. WSMR functions as a large complex of test ranges, launch sites, impacts areas, and instrumentation sites required to develop and test tactical and strategic weapons and weapons systems. 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. The Permittee is located at the following address: U. S. Army White Sands Missile Range, White Sands Missile Range, New Mexico 88002. The applicant's primary contact for this action is: Mr. T.A. Ladd, U.S. Army Garrison White Sands, 100 Headquarters Avenue (B. 1510), ATTN: IMSW-WSM-PW, White Sands Missile Range, New Mexico 88004-5048.

The enclosed Public Notice provides locations where the Administrative Record, including the Permit Application, draft Permit, Fact Sheet, and supporting documentation, for this action can be reviewed, and provides procedures for submitting comments and requesting a public hearing. Comments and requests for public hearing will be received through **5:00 p.m. on August 10, 2007**.

Any person seeking additional information regarding this notice may contact:

Mr. John E. Kieling, Program Manager
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505

Email: john.kieling@state.nm.us
Telephone: (505) 476-6000
Fax: (505) 476-6030

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kieling".

John E. Kieling
Program Manager
Permits Management Program
Hazardous Waste Bureau



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PUBLIC NOTICE 07-07

NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO 87505
June 11, 2007

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A
PUBLIC HEARING ON A DRAFT HAZARDOUS WASTE PERMIT
FOR WHITE SANDS MISSILE RANGE
EPA ID NO. NM2750211235**

The New Mexico Environment Department (**NMED**) proposes to issue a final Hazardous Waste Permit to White Sands Missile Range (**WSMR**), **the Applicant**, for hazardous waste management units, post-closure care and corrective actions. WSMR 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. WSMR is owned and operated by the U.S. Department of Army White Sands Missile Range. This Permit requires the Applicant 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; 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).

WSMR was established in 1945 and is an active installation serving as the U.S. Army's largest rocket and missile development, firing, and testing facility. WSMR functions as a large complex of test ranges, launch sites, impacts areas, and instrumentation sites required to develop and test tactical and strategic weapons and weapons systems.

The Permittee is located at the following addresses: White Sands Missile Range, WSMR, New Mexico 88002. The applicant's primary contact for this action is: Mr. T.A. Ladd, U.S. Army Garrison White Sands, 100 Headquarters Avenue (B.1510), ATTN: IMSW-WSM-PW, White Sands Missile Range, New Mexico 88002.

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, WSMR 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/wsmrperm.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 **June 11, 2007**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m., August 10, 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 August 10, 2007** will be considered.

John E. Kieling, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
E-mail: john.kieling@state.nm.us
Ref: WSMR 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., August 10, 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.