



PUBLIC NOTICE No. 22-03

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
May 26,2022**

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A PUBLIC HEARING
ON A DRAFT HAZARDOUS WASTE PERMIT FOR THE
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
WHITE SANDS TEST FACILITY
EPA ID NUMBER: NM8800019434**

The New Mexico Environment Department (NMED) intends to issue a Hazardous Waste Permit to the National Aeronautics and Space Administration (NASA) White Sands Test Facility (WSTF) (Facility) to conduct corrective action at the Facility under the federal Resource Conservation and Recovery Act (RCRA), the New Mexico Hazardous Waste Act (Chapter 74, Article 4 NMSA 1978 or the HWA), and their implementing regulations. The action to be taken by NMED would renew an existing permit. NMED is charged with issuing a permit that will ensure that the corrective action continues at the Facility and that hazardous waste operations are properly managed to protect human health and the environment. If an applicant meets all of the conditions required for a RCRA facility, the state will issue a permit. The Facility currently consists of a NASA propulsion and materials testing facility.

The White Sands Test Facility occupies over 60,000 acres and is located along the western flank of the San Andres Mountains, one of the most prominent north-south ranges in southwestern New Mexico. The main entrance to the installation is six miles north of Organ, New Mexico. The Facility is located in Doña Ana County, 18 miles northeast of Las Cruces, New Mexico and 65 miles north of El Paso, Texas. The Applicant's primary contact and address for this action is: Timothy Davis, National Aeronautics and Space Administration White Sands Test Facility, P.O. Box 20, Las Cruces, New Mexico 88004-0020.

NMED also announces the availability of a Fact Sheet providing the basis for the proposed action on the draft permit and the significant factual and regulatory issues considered in preparing the draft permit. The Fact Sheet explains the basis for the draft permit and permit conditions, including applicable statutory and regulatory support.

PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD

The Administrative Record for this proposed action consists of the Permit application, the draft Permit, this Public Notice, Fact Sheet, and supporting documentation. The Administrative Record may be reviewed, with prior appointment, at the following location during the public comment period. A copy of the Administrative Record may be reviewed at the following location:

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6313
Monday - Friday from 8:00 a.m. to 5:00 p.m.
Contact: Dave Cobrain
(505) 476-6000

A copy of the draft Permit, this Public Notice, and the Fact Sheet are also available on NMED's website at <https://www.env.nm.gov/hazardous-waste/nasa/>. To obtain a copy of the Administrative Record or a portion thereof, or for further information, contact Mr. Dave Cobrain at (505) 690-5802 or at the address below.

The 60-day public comment period begins on **May 26, 2022 and ends on July 25, 2022**. Any person who wishes to comment on this action 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 or requests received on or before **5:00 p.m. July 25, 2022**, will be considered. Written comments may be sent to:

Dave Cobrain, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6313
Ref: NASA WSTF Draft Permit Public Comments
Email: dave.cobrain@state.nm.us

Written comments must be based on the information available for review 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 requester represents; (3) a statement of any objections to the draft permit; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. NMED will provide a minimum 30-day notice of a public hearing, if scheduled.

NMED must ensure that the draft permit is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted will be considered in formulating a

final decision and may result in NMED modifying the draft permit. NMED will respond in writing to all public comments received. This response will specify which provisions, if any, of the draft permit have been changed in the final decision, the reasons for the change and will provide a brief description of all public comments. All persons who submit written comments or who request notification in writing will be notified of the decision by mail. The final decision also will be posted on the NMED website.

After consideration of all the written public comments received, NMED will issue, or modify and issue, the draft permit. If NMED modifies the draft permit, NMED will provide to the Permittee a copy of the modified draft permit and a detailed written statement containing the reasons for the modifications by mail. NMED will make the final decision publicly available and will notify the Permittee by certified mail. The final decision will constitute a final agency decision and may be appealed as provided by the HWA.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Tina Montoya no less than 10-days prior to the end of the public comment period at the following address: New Mexico Environment Department, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502-6110, (505) 827-9769. TDD or TDY users please access Ms. Montoya's number via the New Mexico Relay Network at 1 (800) 659-8331.

Non-Discrimination Statement

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact:

Kathryn Becker, Non-Discrimination Coordinator
New Mexico Environment Department
1190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2855
nd.coordinator@state.nm.us

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.