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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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PUBLIC NOTICE NO. 21-04

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
April 2, 2021**

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A PUBLIC HEARING
ON DETERMINATION OF CORRECTIVE ACTION COMPLETE WITHOUT CONTROLS
AT FIVE SOLID WASTE MANAGEMENT UNITS AT
WHITE SANDS MISSILE RANGE, NEW MEXICO, EPA ID NO. NM2750211235**

Under the authority of the New Mexico Hazardous Waste Act (Section 74-4-1 *et seq.*, New Mexico Statutes Annotated (NMSA) 1978, as amended, 1992) and the New Mexico Hazardous Waste Management Regulations (20.4.1 [New Mexico Administrative Code] NMAC), the New Mexico Environment Department (NMED) intends to approve, pending public input into this decision, a Class 3 permit modification request (PMR) received from the U.S. Army White Sands Missile Range (WSMR or the Permittee) for the WSMR RCRA Hazardous Waste Permit (Permit) pursuant to 20.4.1.900 and 901 NMAC (incorporating 40 CFR 270.42(c)).

WSMR is a United States Army Installation Management Command (IMCOM) Installation established in 1945. WSMR is the largest land area military installation in the United States, encompassing approximately 3,200 square miles of land in Doña Ana, Socorro, Lincoln, Otero, and Sierra Counties in south-central New Mexico. The installation is approximately 99 miles long (north to south) and 25 to 40 miles wide (east to west). WSMR was established on July 9, 1945, as White Sands Proving Ground (the name was changed in 1958) to be the nation's testing range for the newly developed missile weapons. WSMR is located within the Tularosa Basin of south-central New Mexico, and portions of WSMR extend west into the Jornada del Muerto Basin. The headquarters (Main Post) area of WSMR is located at the southwestern corner of the installation, approximately 27 miles east-northeast of Las Cruces, New Mexico, and 45 miles north of El Paso, Texas. The main entrance to WSMR is on U.S. Highway 70, east from Interstate 25 at Exit 6.

If approved, the proposed modifications would grant Corrective Action Complete (CAC) without Controls status for five Solid Waste Management Units (SWMUs) listed in the Permit. Currently, Table 4-1 in Permit Appendix 4 lists SWMUs and AOCs where corrective action is necessary to characterize and remediate, as necessary, past releases of hazardous wastes or hazardous constituents. If this modification is approved by NMED, SWMUs 116 (Rhodes Canyon Subgrade Asphalt Tanks), 125 (Veterinary Clinic Incinerator), 126 (McAfee Clinic Incinerator), 137 (Paint Shop Sump) and 162 (Stallion Range Center

Firefighter Training Area) will be transferred from Appendix 4, Table 4-1 to Appendix 4, Table 4-3 that lists SWMUs and AOCs with the status of Corrective Action Complete without Controls.

NMED has determined that the five sites recommended for Corrective Action Complete (CAC) status do not pose an unacceptable risk to human health or the environment. The NMED proposes to approve the CAC Proposal for SWMUs 116, 125, 126, 137, and 162.

PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD

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
Phone: (505) 476-6000

A copy of the CAC Proposal, this Public Notice, and the Fact Sheet/Statement of Basis are also available on the NMED website at www.nmenv.state.nm.us/HWB/wsmrperm.html. To obtain a copy of the administrative record or a portion thereof, or for further information, contact the Hazardous Waste Bureau at (505) 476-6000 or at the address given above. The Department will provide copies, or portions thereof, of the Administrative Record at a cost to the requestor.

The 60-day public comment period begins on **April 2, 2021** and ends on **June 1, 2021**. Any person who wishes to comment on this action or request a Public Hearing must 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. **June 1, 2021** 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: White Sands Missile Range, CAC request
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 CAC proposal; 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 approved CAC proposal 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 or disapproving the CAC proposal. NMED will respond in writing to all public comments received. This response will specify which provisions, if any, of the CAC proposals have been changed in the final decision and the reasons for the change, and will provide a brief description of all public comments. All persons presenting written comments or who request notification in writing will be notified of the decision by mail. The final decision will also be posted on the NMED website.

After consideration of all the written public comments received, NMED will approve, modify, or disapprove the CAC proposals. If NMED modifies or disapproves the CAC proposals, NMED will provide to the Permittee a copy of the modified CAC proposals and a detailed written statement containing the reasons for the modifications or disapproval 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 Ms. Stephanie Sloman no less than 15 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) 231-2795. TDD or TDY users please access Ms. Sloman's number via the New Mexico Relay Network at 1 (800) 659-8331.

NONDISCRIMINATION 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 CFR 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:

Ms. Kathryn Becker, Non-Discrimination Coordinator
New Mexico Environment Department
1190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502-5469
Phone: (505) 827-2054
e-mail: NMED.NDC@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.