



State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous Waste Bureau



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6313
Phone (505) 476-6000 Fax (505) 476-6030
www.env.nm.gov

BUTCH TONGATE
Cabinet Secretary
J. C. BORREGO
Deputy Secretary

PUBLIC NOTICE NO. 18-06

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
September 28, 2018**

**NOTICE OF PUBLIC COMMENT PERIOD AND INTENT TO APPROVE A PERMIT
MODIFICATION TO THE UNITED STATES AIR FORCE KIRTLAND AIR FORCE
BASE HAZARDOUS WASTE TREATMENT FACILITY OPERATING PERMIT TO
CLOSE AN OPEN DETONATION UNIT AND AN OPEN BURN UNIT
EPA ID No. NM6572124423**

Under authority of the New Mexico Hazardous Waste Act (Section 74-4-1 *et seq.*, NMSA 1978, as amended) and the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC), the New Mexico Environment Department (NMED) can approve or deny hazardous waste permits, closure plans, permit modifications, and amendments. Under this authority, NMED intends to approve, pending public input into this decision, a Class 3 permit modification to the Resource Conservation and Recovery Act (RCRA) Facility Operating Permit (Permit) issued to the United States Air Force Kirtland Air Force Base (KAFB or Permittee) for revised Closure Plans for the Open Burn and Open Detonation (OB and OD) Treatment Units, which were previously used to treat waste military munitions. If approved, the combined Closure Plan will allow the Permittee to initiate closure procedures pursuant to the New Mexico Hazardous Waste Act, NMSA 1978 §§74-4-1 through 74-4-14 and the New Mexico Hazardous Waste Management Regulations, 20.4.2.2 NMAC. The Closure Plan is subject to the regulation under 20.4.1.500 NMAC, incorporating 40 CFR subpart G.

KAFB is located south of and adjacent to the City of Albuquerque in Bernalillo County, north-central New Mexico. KAFB encompasses 52,223 acres (approximately 82 square miles) and is bounded on the north and northwest by the City of Albuquerque, on the east by the Cibola National Forest, on the south by the Pueblo of Isleta, and on the west by land owned by the State of New Mexico, and the Albuquerque International Sunport. KAFB is classified as a hazardous waste treatment facility under the New Mexico Hazardous Waste Act (HWA), Sections 74-4-1 through 74-4-14, NMSA 1978, as amended, and the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 through 6992.

The Permittee is located at the following address: 2000 Wyoming Blvd SE, Kirtland Air Force Base, New Mexico 87117. The Permittee's primary contact for the action is: Colonel Richard W. Gibbs, Commander, 377th Air Base Wing.

NMED issued a Permit to operate the OD Unit on December 20, 1994 and a Permit to operate the OB Unit on July 25, 1995. The Permittee ceased operation of the OB Unit in May 2008 and ceased operation of the OD Unit in August 2010. In May 2004, a Permit renewal application was submitted for the OB and OD Unit, but the OB Unit renewal was withdrawn in October 2009. A Permit for the continued operation of the OD Unit, which included a Closure Plan, was issued on July 15, 2010.

Due to the operational changes, the Permittee submitted a Class 3 permit modification request (PMR) on February 17, 2010 to amend and update the Closure Plans presented in the 1995 OB Unit Permit and the October 2010 OD Unit Permit. The Permittee provided public notice of the Class 3 PMR from June 19, 2010 through August 20, 2010. A public meeting regarding the PMR was held on November 16, 2010.

As a result of several NMED requests for supplemental information regarding the proposed revisions to the Closure Plans, the Permittee submitted a final PMR for the Closure Plan for the OB Unit on March 19, 2013 and a final PMR for the OD Unit was submitted on May 19, 2015. Since the units are co-located, a decision was made in consultation with the NMED to combine the two revised Closure Plans into a single Class 3 PMR to the OD Hazardous Waste Treatment Permit for a combined OB-OD Unit Closure Plan.

PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD

The Administrative Record for this proposed action consists of the permit modification requests, the revised OB and OD Unit Closure Plan, this Public Notice, the Fact Sheet, and the referenced supporting documentation. 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 87505-6313
(505) 476-6000
Monday - Friday from 8:00 am to 5:00 pm
Contact: Pam Allen

Copies of the revised Closure Plans and the administrative record are also available electronically on the NMED website at: <https://www.env.nm.gov/hazardous-waste/kafb> under Closure Plan Permit Modification. 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. NMED will provide copies, or portions thereof, of the administrative record at a cost to the requestor.

NMED issues this public notice on **September 28, 2018** to announce the beginning of a 60-day comment period that will end at **5:00 p.m., November 27, 2018**. Any person who wishes to comment on the certification of closure or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and physical address to the

respective address below. Only comments and/or requests received before **5:00 p.m., November 27, 2018** will be considered.

The NMED contact to submit comments or for additional information is:

Dave Cobrain, Program Manager
New Mexico Environment Department Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6313
Phone: (505) 476-6000
Ref: Kirtland AFB –Closure Plan, OB/OD Treatment Units

Written comments must be based on the administrative record. 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 proposed action, including specific references; and (4) a statement of the issues which such persons propose to raise for consideration at the hearing. Written comments and requests for a Public Hearing must be filed with Mr. Dave Cobrain on or before **5:00 p.m., November 27, 2018**. The NMED will provide a minimum thirty (30) day notice of a public hearing, if scheduled.

The NMED must ensure that the approved final Closure Plan is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted on the draft Closure Plan will become part of the administrative record, will be considered in formulating a final decision, and may cause the revised Closure Plan to be modified. NMED will respond in writing to all significant public comment. The response will specify which provisions, if any, of the Closure Plan have been changed in the final decision, and the reasons for the change. This response also will be posted on the NMED website in addition to NMED notifying all persons who provided written comments.

After consideration of all written public comments received, NMED will issue, or modify and issue, the Closure Plan. If NMED modifies and issues the Closure Plan, the Permittee shall be provided by mail a copy of the modified Closure Plan and a detailed written statement of reasons for the modifications. The NMED Secretary will make the final decision publicly available and shall notify the Permittee by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the Hazardous Waste Act. All persons that provided written comments, or who requested notification in writing, will be notified of the final decision by mail.

The final decision will become effective thirty days after service of the decision, unless a later date is specified by the Secretary.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Donna Wright no less than ten 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. Wright'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:

Kristine Pintado, 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.