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FACT SHEET

July 2, 2003

**Intent to Issue a Permit for the Operation of
A Hazardous Waste Storage Facility under the
New Mexico Hazardous Waste Act**

**Holloman Air Force Base
Otero County, New Mexico**

- Facility Name:** Holloman Air Force Base (**HAFB**)
- EPA ID Number:** NM6572124422
- Type of Facility:** The HAFB Container Storage Unit (**CSU**) 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 facility will be permitted to continue to accept, manage and store on-site generated hazardous waste before it is transferred to a permitted treatment or disposal facility. The facility also stores Toxic Substances Control Act (**TSCA**)-regulated wastes contaminated with polychlorinated biphenyls (**PCBs**).
- Location:** The HAFB hazardous waste **CSU** is located on Holloman Air Force Base (**HAFB**), about seven miles west of the City of Alamogordo in Otero County, New Mexico at Latitude 32.85 North, and Longitude 106.09 West.
- Owner:** 49th. Fighter Wing/Central Command (**FW/CC**), U.S. Department of Defense, Holloman Air Force Base
- Operators:** Defense Reutilization and Marketing Service, U.S. Department of Defense

INTRODUCTION

Holloman Air Force Base (**HAFB**) is the owner and the Defense Reutilization and Marketing Service at HAFB is the operator of the hazardous waste **CSU** facility that is required to obtain a

permit from the New Mexico Environment NMED (**NMED**) to manage, and store, treat, and dispose hazardous waste at HAFB 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 for "cradle to grave" environmental regulation for the management of hazardous waste at a hazardous waste facility. These requirements will be applicable from the moment waste is received at CSU. The New Mexico Administrative Code (20.4.1.500 and 20.4.1.900 NMAC, incorporating 40 CFR 264 and 270) provides specific performance standards in addition to general and specific environmental requirements that will apply to this facility.

The United States Environmental Protection Agency (EPA), under RCRA, authorizes NMED, to issue and enforce RCRA hazardous waste facility permits (see 50 FR 1515, January 11, 1985). New Mexico implements this authority under the HWA, Sections 74-4-1 *et seq.* (Repl. Pamp. 1992). On January 2, 1996, New Mexico received final authorization to implement federal requirements under the Hazardous and Solid Waste Amendments of 1984 (**HSWA**, see 61 FR 2450, January 26, 1996).

NMED, by and through its Secretary, is responsible for the administration and enforcement of the HWA. The HWA requires each person owning and/or operating an existing facility or planning to construct a new facility for the treatment, storage, and/or disposal of hazardous waste identified or listed under law to have a permit. NMED has adopted pertinent sections of the federal code of regulations (40 CFR Parts 260 through 270 and 273) under which it administers its hazardous waste treatment, storage, and disposal facility permitting program, as codified in the New Mexico Hazardous Waste Management Regulations 20.4.1 NMAC. Thus, the NMED Secretary has the authority to administer the issuance of a hazardous waste facility permit for Holloman Air Force Base.

PROCEDURAL BACKGROUND FOR THE HAFB CSU APPLICATION

General Permit Application Requirements: NMED followed the same regulatory procedure for Holloman Air Force Base's permit application as it does for other facilities seeking a RCRA permit. Owners or operators of hazardous waste management facilities are required to submit a comprehensive permit application covering all aspects of design, operation, maintenance, and closure of the facility. This permit application is divided into two parts: A and B.

Part A is a 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 at the facility, a facility layout diagram, and the activities requiring a permit.

Part B is an extensive document, submitted in a narrative, tabular, and schematic format, that describes the facility operations in detail. This information must include, but is not limited to: a

general description of the facility; a waste analysis plan; information on the design and operation of all hazardous waste management units; procedures to prevent hazards; a contingency plan; and special information where applicable. In addition to the general Part B information required of all applicants, the New Mexico Hazardous Waste Management Regulations require that applicants comply with specific information requirements for containers, under 20.4.1.900 NMAC (incorporating 40 CFR 270.15).

Permit Application. HAFB submitted its initial Permit Application on July 1997 to manage and store hazardous waste at its CSU. HAFB revised the permit application in response to the NMED's technical comments.

Following review of the application NMED sent HAFB a request for supplemental information (RSI) on April 22, 1999. On May 24, 1999 Holloman Air Force Base submitted a request for a thirty-day extension of the response deadline. On June 29, 1999 NMED granted the deadline extension. On January 19, 2000 NMED sent HAFB a notice of deficiency regarding technical completeness of the permit application. On October 4, 2000 NMED approved the permit application for technical adequacy. On October 16, 2002 NMED issued HAFB a notice of deficiency on Waste Analysis Plan. On December 3, 2002 HAFB requested a thirty-day extension to the NOD deadline to fully respond to the deficiencies. NMED granted the extension on December 11, 2002. HAFB submitted a response to the NOD on January 23, 2003. NMED deemed the application administratively complete on June 29, 1999.

TYPE AND QUANTITY OF WASTES PROPOSED TO BE TREATED, STORED, AND DISPOSED.

Type of Wastes. The facility will be permitted to store the following hazardous wastes. [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.**

Storage Unit. The facility will be permitted to store the hazardous waste identified above, and hazardous waste generated on-site in drums. The facility may store hazardous waste as follows:

- **Container Storage Unit (CSU):** The facility may store hazardous waste in as many as 788 55-gallon drums or equivalent (43, 340 gallons). The CSU is situated 1400 feet inside the eastern boundary of HAFB on approximately 400,000 square feet of land designated for use by the Defense Reutilization and Marketing Office. The CSU consists of an indoor covered building and outdoor covered area.

ORGANIZATION OF THE PERMIT

The HAFB operating permit follows the general format specified by the NMED for hazardous waste facility permits. The Permit also follows the format suggested by EPA (*Model RCRA Permit for Hazardous Waste Management Facilities*, Office of Solid Waste, U.S. Environmental Protection Agency, September, 1988).

This permit specifies the actions that HAFB may take during storage operations, during closure, and any corrective action required at the Facility. The permit specifies general and specific conditions that generally apply to all hazardous waste management facilities under the HWA and RCRA. Conditions covering general facility requirements include:

- general waste analysis [20.4.1.500 NMAC (incorporating 40 CFR 264.13)];
- security and inspection [20.4.1.500 NMAC (incorporating 40 CFR 264.14 and 264.15)];
- training [20.4.1.500 NMAC (incorporating 40 CFR 264.16)];
- ignitable, reactive or incompatible wastes [20.4.1.500 NMAC (incorporating 40 CFR 264.17)];
- standards for preparedness and prevention to ensure the facility is designed, constructed, maintained and operated to minimize the possibility of fire, explosion or unplanned sudden or non-sudden releases of hazardous wastes into the environment, including testing of equipment [20.4.1.500 NMAC incorporating 40 CFR 264.30 *et seq.*];
- contingency and emergency procedures [20.4.1.500 NMAC (incorporating 40 CFR 264.50 *et seq.*)];
- record-keeping and reporting [20.4.1.500 NMAC incorporating 40 CFR 264.70 *et seq.*];
- closure activities for the regulated unit [20.4.1.500 NMAC (incorporating 40 CFR 264.110 *et seq.*)];
- corrective action for releases from solid waste management units and/or areas of concern [20.4.1.500 NMAC (incorporating 40 CFR 264.101)]; and

Additionally, the permit covers specific requirements such as conditions for:

- storage of hazardous waste in containers (20.4.1.500 NMAC (incorporating 40 CFR 264.170 *et seq.*));

The permit is organized into five parts as described below. The column titled *Regulation* provides the regulatory authority for each permit condition. The permit also expressly incorporates attachments that have been approved, with revisions, for enforceability consistent with NMED regulations.

PERMIT ORGANIZATION		
PERMIT MODULE	TOPIC	REGULATORY CITATION
1	GENERAL PERMIT CONDITIONS	20.4.1.500 NMAC (incorporating 40 CFR Part 270)
2	GENERAL FACILITY CONDITIONS	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subparts B through H)
3	STORAGE OF HAZARDOUS WASTE E IN CONTAINERS	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart I)
4	CORRECTIVE ACTION	20.4.1.500 NMAC (incorporating 40 CFR §264.101)
5	ORGANIC AIR EMISSIONS REQUIREMENTS	20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subparts AA, BB, and CC)

Permit Module I contains conditions that generally apply to all hazardous waste management facilities and includes permit conditions specifying: the Effect of Permit; Permit Actions; Severability; Definitions; Duties and Requirements; Signatory Requirement; Reports and Notifications Submitted to the Secretary; Confidential Information; and Documents to Be Maintained at the Facility.

Permit Module II contains conditions covering general Facility requirements for HAFB and includes permit conditions specifying: Construction and Operation; Run-on And Run-off Controls; Permitted And Prohibited Waste Sources; Permitted And Prohibited Waste; Waste Analysis Plan; Security; General Inspection Requirements; Personnel Training; Special Provisions For Ignitable, Reactive, or Incompatible Waste; Preparedness And Prevention; Contingency Plan; Recordkeeping And Reporting; Waste Minimization Program; Land Disposal Restrictions, Transportation of Hazardous Waste; and General Closure Requirements.

Permit Module III contains conditions for storage of hazardous waste in drums. Permit Part 3 specifies standards for the construction, operation, and maintenance of the CSU. The requirements and conditions for the maximum volumes and kinds of waste that can be stored in approved containers are also specified.

Permit Module IV 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 waste has 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 are 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. Permit Module IV also contains a schedule of compliance with due dates for submittal of corrective action deliverables, and the deadlines for NFA request by the Permittee.

Permit Module V contains organics air emissions requirements for which required control equipment has been installed and is operational, or are exempt from Subpart CC standards under 20.4.1.500 NMAC, incorporating 40 CFR Part 264 Subpart CC.

PUBLIC PARTICIPATION

Availability of Additional Information:

NMED announced the availability of the draft Permit for public comment on **June 10, 2003**. The administrative record for this draft Permit consists of the Permit Application, the draft Permit, a Fact Sheet, and related correspondence. A copy of the draft Permit and the Fact Sheet may be reviewed at the following locations during the public comment period:

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Mondays - Fridays from 8:00 a.m. to 5:00 p.m.

Alamogordo Public Library
920 Oregon Street
Alamogordo, New Mexico 88310
*Monday - Thursday 10:00 a.m. to 8:00 p.m.
Friday from 10:00 a.m. to 5:00 p.m., Saturday
from 11:00 a.m. to 5:00 p.m., and Sunday
from 1:00 p.m. to 5:00 p.m.*

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/hafbpermits.html under Draft Permit. To obtain a copy of the administrative record or a portion thereof, in addition to further information, please contact Mr. Cornelius Amindyas at (505) 841-9488, or the address given below. NMED will provide members of the public with up to 80 pages of the Administrative Record free of charge. Thereafter, NMED will charge a copy fee of \$0.25 per page.

Comment Period and Regulatory Contact:

NMED issued a Public Notice on **July 2, 2003** to announce the beginning of a 45-day comment period that will end on **August 18, 2003**. 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 on or before **5:00 p.m., August 18, 2003** will be considered.

John E. Kieling, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303
Ref: Holloman Air Force Base draft Permit
e-mail: hazardous_waste_comment@nmenv.state.nm.us

Written comments must be based on available information 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 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. NMED will provide a thirty (30) day notice of a public hearing, if scheduled.

Final Decision:

The NMED must ensure that the approved draft Permit is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted on the draft Permit will become part of the administrative record, 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. This response will specify which provisions, if any, of the draft Permit have been changed in the final Permit decision, the reasons for the change, and will briefly describe and respond to all public comments on the draft Permit or the Permit application raised during the public comment period. This response will also be posted on the NMED website in addition to all persons presenting written comments.

After consideration of all the written public comments received, the NMED will issue, or modify and issue the Permit. If the NMED modifies and issues the Permit, the Permittee shall be provided by mail a copy of the modified Permit and a detailed written statement of reasons for the modifications. The NMED Secretary will make the final Permit 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 on the facility mailing list, presenting 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 or review is requested under the New Mexico Hazardous Waste Management Regulations, 20.4.1 NMAC, Section 901.E., *Hearings*.

Arrangements for Persons with Disabilities:

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Cliff Hawley, NMED, Room N-4030, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, NM 87502-6110; Telephone Number (505) 827-2580. TDD or TDY users please access Mr. Hawley's number via the New Mexico Relay Network. Albuquerque users may access Mr. Hawley's number at (505) 275-7333 or 800-659-1779.