



BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

**2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us**



RON CURRY
Secretary

SARAH COTTRELL
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 17 2010

Colonel Robert L. Maness
Base Commander
377 ABW/CC
2000 Wyoming Blvd. SE
Kirtland AFB, NM 87117-5606

Mr. John Pike
Director, Environmental Management Section
377 MSG/CEANR
2050 Wyoming Blvd., Suite 116
Kirtland AFB, NM 87117-5270

**RE: CLASS 3 PERMIT MODIFICATION
OPEN BURNING/OPEN DETONATION UNITS CLOSURE PLANS
KIRTLAND AIR FORCE BASE
EPA ID# NMD9570024423
HWB-KAFB-10-005**

Dear Colonel Maness and Mr. Pike:

The New Mexico Environment Department (NMED) hereby rescinds its April 22, 2010 determination that the submittals for Class 3 permit modification of the Closure Plans for the Open Burning/Open Detonation (OB/OD) Treatment Units were administratively complete. Kirtland Air Force Base (KAFB) did not initially involve the public through a public notice prior to submitting the request for permit modification, as required by the New Mexico Hazardous Waste Management Regulations, 20.4.1.900 NMAC, incorporating 40 CFR §270.42(c)(2). NMED also hereby withdraws the Fee Assessment that was assessed the Permittee.

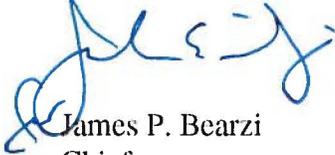
To rectify this oversight the Permittee must withdraw the permit modification and resubmit the request in accordance with 40 CFR §270.42(c)(2). The Permittee must resubmit the permit modification to NMED to later than June 25, 2010 and provide proof of notice to NMED no later than July 26, 2010 in accordance with 40 CFR §270.42(c)(2).

Colonel Maness
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NMED regrets any confusion this rescission may have caused. We are confident that with the appropriate public notice, as required by the regulations, we can proceed with the modification process for these units.

If you have any questions on this letter, please contact Cornelius Amindyas at (505) 222-9543 or Will Moats at (505) 222-9551.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
W. Moats, NMED HWB
C. Amindyas, NMED HWB
Art Vollmer, NMED HWB
File: KAFB 2010 and Reading
HWB-KAFB-10-005