



NEW MEXICO
ENVIRONMENT DEPARTMENT



SUSANA MARTINEZ
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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

November 19, 2015

**SUBJECT: NOTICE OF PUBLIC COMMENT PERIOD AND REQUEST FOR
PUBLIC HEARING ON THE PROPOSED CLASS 3 PERMIT
MODIFICATION FOR WHITE SANDS MISSILE RANGE**

Dear Interested Citizen:

Enclosed is a Public Notice regarding the intent to approve proposed Class 1 and Class 3 permit modification requests from the United States Army White Sands Missile Range (WSMR) RCRA Permit. The Class 1 modification is to acknowledge work completed at Solid Waste Management Units (SWMU) 116, 125 and 126, 137, and 153. WSMR also requests a permit modification for corrective action complete status for SWMUs 21, 107, 140, 156, and 163. WSMR is located in the Tularosa Basin of south-central New Mexico. 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 at the following physical address: White Sands Missile Range, Public Works (Building 102), US Army Garrison White Sands, White Sands Missile Range, New Mexico 88002-5000. The applicant's primary contact for this action is: Mr. Jose A. Gallegos, Department of the Army, U.S. Army Garrison, White Sands Missile Range, 163 Springfield Street, WSMR, NM 88002. Telephone: (575) 678-2225.

The enclosed Public Notice provides locations where the administrative record, including the Permit modification request, draft Permit as modified, Fact Sheet, and supporting documentation, for this action can be reviewed, and provides procedures for submitting comments and requesting a Public Hearing. Comments and requests for Public Hearing will be received through **January 17, 2016**.

Any person seeking additional information regarding this notice may contact:

Mr. Dave Cobrain, Program Manager
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

E-mail: dave.cobrain@state.nm.us
Telephone: (505) 476-6000
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Sincerely,

Dave Cobrain
Program Manager, Permits Management Program
Hazardous Waste Bureau



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RYAN FLYNN
Secretary
BUTCH TONGATE
Deputy Secretary

PUBLIC NOTICE NO. 15-06

NEW MEXICO ENVIRONMENT DEPARTMENT HAZARDOUS WASTE BUREAU SANTA FE, NEW MEXICO November 2016

NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A PUBLIC HEARING ON DETERMINATION OF CORRECTIVE ACTION COMPLETE 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 White Sands Missile Range (WSMR or the Permittee) for the 2009 RCRA Hazardous Waste Permit, effective December 2009, (Permit) pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.42(c)). NMED also plans to approve a Class 1 Permit modification requests to modify the requirement for release assessments for several solid waste management units (SWMUs) in Table 8-2 of the Permit in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.42(a)).

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 in 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) status for five Solid Waste Management Units (SWMU) listed in the Permit. Currently, Table 4-1 in Permit Appendix 4 lists SWMUs and Areas of Concern (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, SWMU 21, SWMU 107, SWMU 140, SWMU 156, and SWMU 163 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.

Additionally, the proposed modification would modify Table 8-2 (SWMUs & AOCs Requiring Corrective Action) to indicate that Release Assessment requirements have been met for SWMUs 116 (Rhodes Canyon Subgrade Asphalt Tanks), 125 and 126 (Veterinary Clinic and McAfee Clinic Incinerators), 137 (Paint Shop Sump), and 153 (Vandal Burial Site). Currently Table 8-2 requires Release Assessments for these SWMUs; however, since the Permit was issued, the Permittee conducted investigations at all of these SWMUs. If this modification is approved, Table 8-2 will be updated to indicate that SWMUs 116, 125, 126, 137, and 153 have met the requirements for Release Assessments.

NMED has determined that the 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 Proposals.

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 87505-6303
Monday - Friday from 8:00 a.m. to 5:00 p.m.
Contact: Pam Allen
(505) 476-6000

A copy of the CAC Proposals 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 Mr. Dave Cobrain at (505) 476-6055 or at the address given below.

The 60-day public comment period begins on **November 19, 2015 and ends on January 17, 2016**. 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

January 17, 2016 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 87505-6303

Ref: White Sands Missile Range, CAC requests
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 proposals; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. NMED will provide a minimum 30 days notice of a Public Hearing, if scheduled.

NMED must ensure that the approved CAC proposals are 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 proposals. 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 and requiring assistance or auxiliary aid to participate in this process should contact J.C. Borrego, NMED, Room S-4303, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502-6110, TDD or TDY users please access Mr. Borrego's number via the New Mexico Relay Network at 1-800-659-8331.