



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Telephone (505) 428-2500
Fax (505) 428-2567
www.nmenv.state.nm.us



RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

PUBLIC NOTICE NO. 04-16

NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
Santa Fe, New Mexico
October 15, 2004

NOTICE OF PUBLIC COMMENT PERIOD AND INTENT
TO APPROVE A PERMIT MODIFICATION TO THE UNITED STATES ARMY AIR
DEFENSE CENTER AND FORT BLISS RCRA PERMIT NO. NM4213720101-01

The State of New Mexico was authorized in 1986 to operate a hazardous waste management program in lieu of the Federal program for those portions of the Resource Conservation and Recovery Act (RCRA) in effect prior to the enactment of the Hazardous and Solid Waste Amendments of 1984 (HSWA). On January 2, 1996 the State was authorized to operate a hazardous waste management program for parts of HSWA. HSWA imposes additional corrective action requirements on hazardous waste management facilities for releases to the environment.

Under authority of the New Mexico Hazardous Waste Act (Chapter 74, Article 4 NMSA 1978) 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 modification to the RCRA permit issued to the United States Army Air Defense Center and Fort Bliss (Fort Bliss), New Mexico (Permit No.: NM4213720101-01). Fort Bliss is an active training facility under the U.S. Army Training and Doctrine Command with a primary mission of air defense.

The Permittee is located at the following address: 2 Sheridan Road, Fort Bliss, Texas 79916. The Permittee's primary contact for this action is: Keith Landreth ATTN: ATZC-DOE, Bldg. 624, 1733 Pleasonton Road, Fort Bliss, Texas 79916-6812.

Fort Bliss submitted a Class 3 Permit Modification Petition to remove five (5) solid waste management units (SWMUs) and one (1) area of concern (AOC) from Table 2 of Permit Module IV. Table 2 list sites at Fort Bliss where Corrective Action to characterize and/or remediate past releases of hazardous wastes or hazardous waste constituents may be necessary. At this time, NMED has determined that four (4) sites qualify for a no further action (NFA) determination and is proceeding with an agency initiated modification.

NMED has determined that Fort Bliss has demonstrated that one SWMU qualifies for an NFA determination because *"No release to the environment has occurred or is likely to occur in the future from the SWMU/AOC"* and that three (3) SWMUs qualify because *"The SWMU/AOC has been characterized or remediated in accordance with current applicable state or federal regulations, and the available data indicate that contaminants pose an acceptable level of risk under current and projected future land use."* The four (4) sites are SWMU 21 (McGregor Range Former Fire Fighting Training Area), SWMU 22 (McGregor Range Waste Drum Storage Area), SWMU 66 (McGregor Range Borrow Pit Buried Drum Site), and SWMU 78 (Hueco Range Camp). At this time, NMED has determined that these four sites qualify for a no further action (NFA) determination.

NMED is also proposing to reformat and updated Fort Bliss' SWMU and AOC information by replacing Table 2 with Tables 2 and 3. The proposed Table 2 would list those SWMUs and AOCs that require corrective action. The proposed Table 3 would list those SWMUs and AOCs that do not currently require corrective action. Those SWMUs/AOCs for which Fort Bliss has demonstrated that additional investigations are not required through their NFA Petition will be placed on the new Table 3, while SWMUs/AOCs that require additional investigations will remain listed on Table 2.

PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD

The administrative record for this proposed action consists of the Fact Sheet/Statement of Basis, this Public Notice, the draft Permit that consists of the proposed Tables 2 and 3, and other supporting documentation. The administrative record may be reviewed during the public comment period from 8:00 a.m. to 5:00 p.m., Monday through Friday at:

New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505
(505) 428-2500

The Fact Sheet/Statement of Basis, Public Notice and draft Permit may also be reviewed from 8:00 a.m. to 5:00 p.m., Monday through Friday at:

Las Cruces Branigan Memorial Library
200 East Picacho Ave
Las Cruces, NM
(505) 528-4000

Alamogordo Public Library
920 Oregon Ave
Alamogordo, NM
(505) 439-4140

A copy of the Fact Sheet/Statement of Basis, this Public Notice, and the draft Permit that consists of the proposed Tables 2 and 3, are also available on the NMED website at: www.nmenv.state.nm.us/HWB/fblperm.html under No Further Action. To obtain a copy of the Administrative Record or a portion thereof, please contact Ms. Pam Allen at the NMED phone number or address given above. NMED will provide copies, or portions thereof, of the administrative record at a cost provided under the NMED Inspection of Public Records Policy.

NMED issued this public notice on **October 15, 2004**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m., December 14, 2004**. 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 the respective address below. Only comments and/or requests received on or before **5:00 p.m., December 14, 2004** 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: Ft Bliss – 4 No Further Actions
E-mail: hazardous_waste_comment@nmenv.state.nm.us

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 proposes to raise for consideration at the hearing. Written comment and requests for Public Hearing must be filed with Mr. John Kieling **on or before 5:00 p.m., December 6, 2004**. The NMED will provide a thirty (30) day notice of a public hearing, if scheduled.

FINAL DECISION

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, will be considered in formulating a final decision, and may cause the draft Permit to be modified. NMED will respond in writing to all significant public comment. The response will specify which provisions, if any, of the draft Permit have been changed in the final Permit decision, and the reasons for the change. This response will also be posted on the NMED website in addition to notifying all persons providing written comments.

After consideration of all written public comments received, NMED will issue, or modify and issue the Permit. If NMED modifies and issues the Permit, the Permittees 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 Permittees 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 mailing list, or 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 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 Judy Bentley at the following address: New Mexico Environment Department, Room N-4030, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico 87502-6110, (505) 827-2844. TDD or TDY users please access Ms. Bentley's number via the New Mexico Relay Network. Albuquerque users may access Ms. Bentley's number at (505) 275-7333.