



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

CAFB 2003 1 Hearing file mailed 8/6/03 cm



RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

August 8, 2003

Colonel Robert Yates
Commander 27th Fighter Wing
100 D.L. Ingram Blvd., Suite 100
Cannon Air Force Base, New Mexico 88103-5214

RE: DRAFT HAZARDOUS WASTE PERMIT
CANNON AIR FORCE BASE, CURRY COUNTY, NEW MEXICO
EPA ID NUMBER: NMD000804294

Dear Colonel Yates:

Enclosed is a copy of the Cannon Air Force Base (CAFB) draft Hazardous Waste Permit prepared by the New Mexico Environment Department (NMED), the Public Notice, and the Fact Sheet. On **August 10, 2003**, NMED will publish a public notice that a draft permit has been prepared and will allow 45 days for review and public comment, including requests for a public hearing. CAFB will be notified by certified mail if a public hearing has been scheduled. CAFB may submit comments on the draft Permit to NMED no later than **5:00 PM, August 24, 2003**.

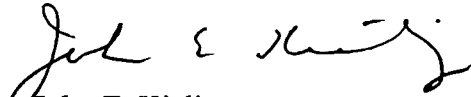
NMED will give due consideration and the weight it deems appropriate to all comments received during the public comment period. When ruling on permit issuance, NMED may make reasonable modifications to the permit to meet the requirements of the Hazardous Waste Management Regulations (20.4.1 NMAC). At the time that any final permit decision is made, NMED will issue a response to all comments submitted during the public notice period.

The final permit decision shall become effective as of the date of signature of the Secretary of the New Mexico Environment Department. The approved permit will be transmitted to CAFB by certified mail.

Colonel Yates
August 10, 2003
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If you have any questions, please contact Mr. Glenn von Gonten at the above address or (505) 841-9040.

Sincerely,



John E. Kieling
Manager
Permits Management Program

JEK:gvv

Enclosure

cc w/out enclosure:

S. Martin, Acting Chief, NMED HWB
D. Cobrain, NMED HWB
G. von Gonten, NMED HWB
Laurie King, EPA Region VI

File: CAFB 99-005 and Reading File



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PUBLIC NOTICE 03-10

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO 87505
AUGUST 10, 2003**

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A
PUBLIC HEARING ON A DRAFT HAZARDOUS WASTE PERMIT
FOR CANNON AIR FORCE BASE NEW MEXICO
EPA ID NO. NM7572124454**

The New Mexico Environment Department (NMED) proposes to issue a final Permit to Cannon Air Force Base (**Applicant**) for a Hazardous Waste Permit. The installation is located approximately 7 miles west of Clovis in Curry County. The final Permit specifies how the Applicant will perform required corrective action activities. The Permit will be issued pursuant to the New Mexico Hazardous Waste Act [Chapter 74, Article 4 NMSA 1978].

NMED announces the availability of the proposed draft Permit for public comment. In addition, NMED will consider any requests for public hearing and determine whether a public hearing will be held to consider further public comment. NMED also announces the availability of a Fact Sheet providing the principle basis for NMED's decision to renew the Permit and issue a final Permit, and the significant factual, legal, and policy questions considered in preparing the draft Permit. The Fact Sheet also explains in detail the corrective action activities that the Applicant shall implement and a summary of the basis for Permit conditions, including applicable statutory and regulatory support.

PUBLIC REVIEW OF THE DRAFT PERMIT

A copy of the draft permit, public notice, 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
Clovis-Carver Public Library
701 N Main St
Clovis, New Mexico 88101

Mondays - Fridays from 8:00 AM to 5:00 PM.

Monday - Thursday: 10:00 AM to 9:00 PM.
Friday and Saturday: 10:00 AM to 5:00 PM.

Portales Public Library
218 S Avenue B
Portales, New Mexico 88130

Monday - Wednesday 10:00 AM to 6:00 PM.
Thursday: 10:00 AM to 7:00 PM.
Friday: 10:00 PM to 5:00 PM.
Saturday: 10:00 AM to 2:00 PM

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/cafbperm.html under Draft Permit. A copy may also be obtained, in addition to further information, by contacting Mr. Glenn von Gonten at (505) 428-2551, 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. The Administrative Record for this draft Permit consists of the Permit Application, the draft Permit, a Fact Sheet, and related correspondence.

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 address below. The comment period begins on **August 20, 2003** and ends on **September 24, 2003**. Only comments and/or requests received on or before **5:00 PM September 24, 2003** will be considered.

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

Written comments must be based on all reasonably available information 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.

NMED must ensure that the approved draft Permit is consistent with the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC). All written comments submitted on the draft Permit will 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. NMED's response will specify which provision, if any, of the draft Permit have been changed in the final Permit decision, the reasons for the change, and briefly describe and respond to all public comments on the draft Permit or the Permit application raised during the public comment period. All persons presenting written comments or who requested notification in writing will be notified of NMED's decision by mail. This response will also be posted on the NMED website.

After consideration of all the written public comments received, NMED will issue, or modify and issue the Permit. If NMED modifies and issues the Permit, the applicant shall be provided by mail a copy of the modified Permit and a detailed written statement of reasons for the modifications.

The Secretary of the New Mexico Environment Department will make the final Permit decision publicly available and shall notify the applicant by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the Hazardous Waste Act (Chapter 74, Article 4 NMSA 1978).

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 may 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.



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RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

FACT SHEET
AUGUST 10, 2003

**INTENT TO ISSUE A HAZARDOUS WASTE PERMIT PURSUANT TO THE
NEW MEXICO HAZARDOUS WASTE ACT**

**CANNON AIR FORCE BASE
CURRY COUNTY, NEW MEXICO**

Facility Name: Cannon Air Force Base (CAFB)

EPA ID Number: NM7572124454

Type of Facility: CAFB is classified as a hazardous waste facility under the New Mexico Hazardous Waste Act (Chapter 74, Article 4 NMSA) and Subtitle C of the Resource Conservation and Recovery Act (RCRA). The installation will be permitted to perform required corrective action activities. The installation is an Air Combat Command installation and home to the 27th Fighter Wing.

Location: CAFB is located at 506 D.L. Ingram Boulevard, Cannon Air Force Base, Curry County, New Mexico at Latitude 34 ° 23' 46" North and Longitude 103 ° 18' 30" West.

Owner: 27th Fighter Wing, United States Air Force

Operators: 27th Fighter Wing, United States Air Force

INTRODUCTION

The 27th Fighter Wing of the United States Air Force is the owner and operator of a hazardous waste facility that is required to obtain a permit from the New Mexico Environment Department (NMED) to conduct corrective action at Cannon Air Force Base pursuant to the Hazardous Waste Act (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, NMED is required to issue a draft permit for public comment, pursuant to 20.4.1.901.A.3 NMAC. This

Cannon Air Force Base
Hazardous Waste Permit
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fact sheet contains all of the information required pursuant to 20.4.1.901 (a) through (f) NMAC 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 are applicable from the moment waste is received at the Facility. The Hazardous Waste Management Regulations (20.4.1.500 and 20.4.1.900 NMAC, incorporating 40 CFR parts 264 and 270) provide specific performance standards in addition to general and specific environmental requirements that will apply to this facility.

The United States Environmental Protection Agency (EPA), pursuant to RCRA, has authorized NMED to issue and enforce RCRA hazardous waste facility permits (see 50 FR 1515, January 11, 1985). New Mexico implements this authority pursuant to the Hazardous Waste Act (Section 74-4-1 NMSA *et seq.*, Repl. Pamp. 1992). On January 2, 1996, New Mexico received final authorization to implement federal requirements pursuant to 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 Hazardous Waste Act (Chapter 74, Article 4 NMSA). The Hazardous Waste Act (Chapter 74, Article 4 NMSA) 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 Secretary of NMED has the authority to administer the issuance of a hazardous waste facility permit for CAFB.

PROCEDURAL BACKGROUND FOR THE CANNON AIR FORCE BASE HAZARDOUS WASTE PERMIT APPLICATION

General Permit Application Requirements: NMED followed the same regulatory procedure for the CAFB 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.

The 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.

The Part B is an extensive document, submitted in a narrative, tabular, and schematic format, that describes the facility operations in detail. The Part B requires detailed site-specific information such as geologic, hydrologic, and engineering data.

Permit Application. CAFB submitted its Permit Renewal Application on July 13, 1999, to manage and store hazardous waste at its Container Storage Building. On June 8, 2000, NMED determined that CAFB's application was administratively complete.

After completing its first technical review, NMED issued CAFB with a Request for Supplemental Information (RSI) on October 31, 2000. On January 8, 2001, CAFB requested an extension to its due date that NMED granted. CAFB submitted a revised permit application on February 20, 2001. NMED reviewed the revised permit application and issued CAFB with a second RSI on November 6, 2001. On December 10, 2001, CAFB submitted a second revised permit application. NMED reviewed the revised permit application and determined that it was not adequate and on December 9, 2002, issued CAFB with a Notice of Deficiency (NOD) to revise its Waste Analysis Plan (WAP). On January 27, 2003, CAFB requested an additional 180 days to revise its WAP. NMED determined that this extension request was excessive and on January 28, 2003, required CAFB to document how much progress CAFB had already completed on revising its WAP within 10 days.

On February 7, 2003, CAFB submitted a Notice of Intent to Close its Container Storage Building. Therefore, NMED determined that it would issue CAFB with a Hazardous Waste Permit that addressed CAFB obligations to conduct corrective action for releases from Solid Waste Management Units (SWMUs) and/or Areas of Concern (AOCs) at its installation.

ORGANIZATION OF THE PERMIT

The CAFB Hazardous Waste Permit follows the general format specified by NMED for hazardous waste facility permits. CAFB's 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). CAFB's permit specifies the general and specific conditions that generally apply to all hazardous waste management facilities and the corrective action requirements that CAFB must meet at its installation pursuant to the Hazardous Waste Act (Chapter 74, Article 4 NMSA) and RCRA.

CAFB's permit consists of Permit Parts 1 and 2 as described below. The column titled "Regulatory Citation" 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 PART	TOPIC	REGULATORY CITATION
1	GENERAL PERMIT CONDITIONS	20.4.1.500 NMAC, incorporating 40 CFR part 270
2	CORRECTIVE ACTION	20.4.1.500 NMAC, incorporating 40 CFR 264.101

Permit Part 1 (General Permit Conditions) contains conditions that generally apply to all hazardous waste management facilities and includes permit conditions specifying: Effect of Permit; Permit Actions; Permit Construction; Definitions; and Duties and Requirements.

Permit Part 2 (Corrective Action) contains the conditions and requirements for corrective action for releases from SWMUs and AOCs and includes the following permit sections: Applicability; Notification and Assessment Requirements For Newly Identified Solid Waste Management Units and Areas Of Concern; Notification Requirements For Newly Discovered Releases From SWMUs or AOCs; Interim Measures; RCRA Facility Investigation; Corrective Measures Study; Corrective Measures Implementation; Modification of the Corrective Action Schedule Of Compliance; and Work Plan and Report 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 NMED's technical support documents filed in the administrative record. Permit Part 2 also contains a schedule of compliance with due dates for submittal of corrective action deliverables, and the deadlines for No Further Action requests by the Permittee.

PUBLIC PARTICIPATION

Cannon Air Force Base
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Availability of Additional Information:

NMED announced the availability of the draft Permit for public comment on August 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 AM to 5:00 PM.
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Clovis-Carver Public Library 701 N Main St Clovis, New Mexico 88101	Monday - Thursday: 10:00 AM to 9:00 PM. Friday and Saturday: 10:00 AM to 5:00 PM.
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Portales Public Library 218 S Avenue B Portales, New Mexico 88130	Monday – Wednesday 10:00 AM to 6:00 PM. Thursday: 10:00 AM to 7:00 PM. Friday: 10:00 AM to 5:00 PM. Saturday: 10:00 AM to 2:00 PM
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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/cafbperm.html under "Cannon AFB." To obtain a copy of the administrative record or a part thereof, in addition to further information, please contact Mr. Glenn von Gonten at (505) 428-2551 or at the address given below. NMED will provide 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 August 10, 2003, to announce the beginning of a 45-day comment period that will end on September 24, 2003. Any person who wishes to comment on the draft Permit or to request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the address below. Only comments and/or requests received on or before 5:00 PM, September 24, 2003, will be considered.

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Hazardous Waste Permit
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John E. Kieling, Program Manager
New Mexico Environment Department - Hazardous Waste Bureau
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Ref: Cannon AFB - draft permit
e-mail: hazardous_waste_comment@nmenv.state.nm.us

Written comments must be based on available information for review and must 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 that 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:

NMED must ensure that the approved draft Permit is consistent with the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC). 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. NMED's 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. NMED's response will also be posted on NMED website.

After consideration of all the written public comments received, NMED will issue, or modify and issue the Permit. If 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 Secretary of NMED 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 (Chapter 74, Article 4 NMSA). All persons on the facility mailing list, those who have presented written comments, or who requested notification in writing will be notified of the Secretary's final decision by mail.

The Secretary's final decision will become effective thirty days after service of the decision, unless a later date is specified or review is requested pursuant to the New Mexico Hazardous Waste Management Regulations (Subsection E of 20.4.1.901NMAC - *Hearings*).

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Hazardous Waste Permit
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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.