

Res file  
KAFB 9/6



GARY E. JOHNSON  
GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
*Hazardous & Radioactive Materials Bureau*  
525 Camino De Los Marquez  
P.O. Box 26110  
Santa Fe, New Mexico 87502  
(505) 827-4358  
Fax (505) 827-4389

RECEIVED

MARK E. WEIDLER  
SECRETARY

EDGAR T. THORNTON, III  
DEPUTY SECRETARY

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

March 18, 1996

Mr. Walter S. Darr III,  
Director, Compliance  
Environmental Management Division  
377ABW/EMC  
Kirtland Air Force Base  
2000 Wyoming Blvd. SE  
Albuquerque, New Mexico 87117-5659

**RE: Class II Modifications for US Kirtland Air Force Base  
Storage, and Open Detonation Operational Permits:  
EPA Permit ID No. NM9570024423-1; and  
EPA Permit ID No. NM9570024423-OD**

Dear Mr Darr:

This letter is written with reference to your letters of December 11, 1995 and January 11, 1996 in which you requested Class II Permit Modifications to your existing Storage Permit issued on July 24, 1990 and Open Detonation (OD) Operational Permit, issued on December 20, 1994 respectively. The New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau (HRMB) wishes to acknowledge receipt of the \$30,000.00 Class II Permit Modification fees.

NMED understands KAFB's current budget restraints, but the Department can only tentatively modify and approve a semi-annual soil sampling and analysis (SAP) frequency, **subject to public review**. The rationale for requiring KAFB to conduct semi-annual SAP is, because it will be easier for KAFB to trace the migration of contaminant constituents from the results of semi-annual, than from annual soil SAP.

Further, before NMED makes a final decision on the subject draft permit modifications, the public is required to participate in the permitting process as specified in the New Mexico Hazardous Waste Management Regulations 20 NMAC 4.1, Subpart IX.

Pursuant to New Mexico Hazardous Waste Management Regulations 20 NMAC 4.1, Subpart IX, 40 CFR §270.42(b)(2), the U.S. Department of the Air Force, Kirtland Air Force Base (KAFB) is required to send a notice of modification request to all persons on the enclosed facility mailing list as specified in 40 CFR §124.10(c)(ix). In addition, Kirtland must publish this notice in a major local newspaper of general circulation.



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This notice must be mailed and published within seven (7) days after receipt of this letter. Further, KAFB must provide to the New Mexico Environment Department evidence of the mailing and publication.

Please send a copy of the notice as published in the newspaper, with a certificate of the date published to:

Barbara Hoditschek, RCRA Program Manager  
Hazardous and Radioactive Materials Bureau  
New Mexico Environment Department  
2044 Galisteo Street  
P.O. Box 26110  
Santa Fe, New Mexico, 87502

The public notice must include:

- (1) Announcement of a 60-day public comment period, including the start and end dates;
- (2) Location where copies of the permits, proposed modification requests and supporting documents can be viewed and copied. This location should be at a site accessible to the public in the vicinity of the permitted facility;
- (3) Announcement of a date, time, and place for a public meeting on the modification request, in accordance with §270.42(b)(2)(ii). Kirtland must hold a public meeting no earlier than 15 days after the publication of the notice, and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility in accordance with §270.42(b)(4 and 5);
- (4) The following statement: "KAFB's compliance history during the life of the permit being modified is available from the NMED contact person."
- (5) Name and telephone number of Kirtland's contact person; and
- (6) The name, address, and telephone number of New Mexico Environment Department Hazardous and Radioactive Materials Bureau contact person:

Cornelius Amindyas  
Hazardous and Radioactive Materials Bureau  
New Mexico Environment Department  
2044 Galisteo Street  
P.O. Box 26110  
Santa Fe, New Mexico, 87502  
(505) 827-1563

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Any person who wishes to comment upon the draft permit modifications or to request a public hearing should submit written comments and requests, along with the commentor's name and address, to the NMED contact person. Requests for a public hearing shall state the nature of the issues proposed to be raised in the hearing and the name and address of the commentor. Only comments and/or requests received by HRMB during the 60-day public comment period will be considered. NMED will provide a thirty (30) day notice of a public hearing, if scheduled.

After the conclusion of the 60-day comment period, NMED will respond to the public comments received. All written comments submitted on the draft permit modifications will be considered in formulating a final decision. NMED may modify the proposed permits based on the comments received. NMED will notify Kirtland and each person who submitted a written comment (during the public comment period) about the final decision.

After consideration of all written comments received, NMED will approve, or modify and approve the draft permit modifications. If NMED modifies and approves the draft permit modifications, then NMED shall provide KAFB with a detailed written statement of reasons for the modifications and the modified draft permits will become the approved permit modifications. A copy of the modified pages of the Storage and OD permits with a detailed statement of the reasons for the modifications will be mailed to KAFB.

Enclosed are copies of the proposed modifications for public review. If you have any questions regarding the modifications, please call me or Cornelius Amindyas at (505) 827-1563.

Sincerely,

  
Barbara Hoditschek, Manager  
RCRA Permits Program  
Hazardous and Radioactive Materials Bureau

Enclosure

cc: Benito Garcia, Chief HRMB (w/o encl.)  
David Neleigh, EPA Region [6PD-N] (w/o encl.)  
Steve Pullen, HRMB (w/o encl.)  
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