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State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2850



JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

March 17, 1993

Mr. David Tanner, Manager
NMED District IV Office - Clovis
Post office Box 1832
Clovis, New Mexico 88101

RE: Hazardous Waste Management Facility Permit Decision
Cannon Air Force Base at Melrose Air Force Range
EPA I.D. No. NM5572124456

Dear Mr. Tanner,

Enclosed are copies of a Legal Notice and a Fact Sheet describing the Hazardous & Radioactive Materials Bureau's proposal to deny issuance of a hazardous waste management facility permit at the Melrose Air Force Bombing Range. Loss of interim status will result if this proposal is finalized. Please make these documents available to the public during normal business hours and for the extent of the Public Comment Period which will be from March 23, through May 7, 1993.

If there is any problems in fulfilling the above request, or if you have other questions, please contact Tom Tatkin at 827-4308.

Sincerely,

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

Enclosures (2)

xc: File: Red
William Honker, US EPA

FACT SHEET

Intent to Deny a Permit and Terminate Interim Status Under the New Mexico Hazardous Waste Regulations (HWMR-7) and the Resource Conservation and Recovery Act (RCRA)

Type of Facility: Subpart X Unit - Open Burn/Open Detonation (OB/OD) Treatment

Facility Name: Melrose Air Force Range (MAFR)

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EPA ID Number: NM5572124456

Location: About 8 miles southwest from the village of Melrose

Land Owner and Facility Operator: Cannon Air Force Base (CAFB)

Reasons Supporting the Proposal to Deny an Operating Permit:

CAFB met its obligation to attain interim status by submitting a Part A Resource Conservation and Recovery Act (RCRA) permit application in 1980. In September 1984 the New Mexico Environment Department (NMED), Hazardous & Radioactive Materials Bureau (HRMB) formally requested CAFB to submit the Part B RCRA permit application. The application was received February 1985 and it addressed a Container Storage Unit at CAFB and the OB/OD treatment unit at the MAFR. A permit was issued for the Container Storage Unit, but the OB/OD Unit was deferred for further review until after July 1990 when NMED received authorization from the US Environmental Protection Agency to permit OB/OD units.

HRMB performs two separate reviews of the Part B RCRA permit application prior to preparing a draft permit. These are the administrative completeness review and the technical completeness review. In the administrative completeness review, all regulatory requirements from the New Mexico Hazardous Waste Management Regulations (HWMR-7) must be addressed. The degree to which regulatory requirements must be addressed and what additional information might be needed to make them technically complete is determined in the technical completeness review.

The HRMB found that during the administrative and technical completeness reviews, many parts of the latest Part B permit application update (December 1990) were not adequate for a completeness determinations. Missing components required by HWMR-7 were requested from CAFB in an October 1991 administrative review Notice of Deficiency (NOD). CAFB's response to this NOD was received in January 1992, providing necessary information to make an administrative completeness determination. Fee payment, required by NMED to begin the technical completeness review was received in February 1992.

The technical completeness review also resulted in a NOD which was submitted to CAFB in December 1992, allowing CAFB thirty days to respond. No time extensions were requested. CAFB's response to the technical completeness NOD was received in February 1993. CAFB did not supply all of the information received in the December 1992 NOD. Much of the information submitted was a duplication of previously submitted materials. The HRMB's review of the February 1993 response indicated that the Part B RCRA permit application remains deficient.

The HRMB proposes to terminate interim status at the MAFR's OB/OD unit by denying issuance of the permit because CAFB has failed to provide adequate technical information required for a complete Part B RCRA permit application in a timely manner. HRMB-7, Part IX, 40 CFR § 270.10(c) states that, "The Director (sic) shall not issue a permit before receiving a complete application for a permit ... The Director (sic) may deny a permit for the active life of a hazardous waste management unit before receiving a complete application for a permit." Part IX, 40 CFR § 270.10(e)(5) states that, "Failure to furnish a requested Part B application on time or to furnish in full the information required by the Part B RCRA application, is grounds for termination of interim status ..." The permit denial will not affect the requirement for a post-closure care permit if applicable, in accordance with HWMR-7, Part IX, 40 CFR § 270.1(c).

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Closure of the Facility:

The facility is currently operating under interim status. If this tentative decision becomes the final administrative deposition for the permit application, interim status will terminate according to HWMR-7, Part IX, 40 CFR § 270.73(a), and if required, the administrative procedures for closure will begin as described below.

CAFB must submit the final closure plan (and if applicable, a post closure-plan), if not previously approved, to the HRMB no later than fifteen (15) days after termination of interim status, as required by HWMR-7, Part VI, 40 CFR § 265.112(d)(3)(i) and § 265.118(e)(1).

Comment Period:

All persons, including the applicant, who believe that the tentative decision to terminate CAFB's interim status at MAFR by denying a permit is inappropriate, must raise all ascertainable issues and submit all available arguments and factual grounds supporting their position between March 30 and May 14, 1993. Comments should be sent to Mr. Tom Tatkin at:

New Mexico Environment Department
Hazardous & Radioactive Materials Bureau
Post Office Box 26110
Santa Fe, New Mexico 87502

Procedures for Requesting a Hearing:

A public hearing may be held if the NMED, HRMB receives a written request for a hearing by May 14, 1993. Any request for a hearing shall be in writing and state the nature of the issues proposed to be raised in the hearing. NMED, HRMB will provide a thirty (30) day notice for any hearing scheduled. Requests for a hearing should be sent to the above mailing address.

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March 1993

NOTICE OF INTENT FOR PERMIT DENIAL
AND TERMINATION OF INTERIM STATUS

Under authority of the New Mexico Hazardous Waste Management Regulations (HWMR-7), the New Mexico Environment Department (NMED), Hazardous & Radioactive Materials Bureau (HRMB) proposes to deny issuance of a hazardous waste management facility permit and terminate interim status for the facility at the Melrose Air Force Range (MAFR), owned and operated by Cannon Air Force Base, EPA ID Number 5572124456, located eight miles southwest from the village of Melrose, New Mexico. The cause for the proposed permit denial is based on the incompleteness of the permit application.

The tentative decision to terminate interim status is for the active life of the facility only. The termination of interim status will not affect the requirement, if applicable, that the owner or operator must obtain a permit covering the applicable post-closure care period with respect to the hazardous waste management unit for which the permit is denied in accordance with HWMR-7, Part X, §270.1(c). Applicability will be determined at the completion of closure activity and closure certification.

All persons who believe that this tentative decision is inappropriate must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position between March 23 and May 7, 1993. Copies of such comments should be sent to the NMED at the mailing address given below.

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If after consideration of all written comments, the proposed action becomes the final permit decision, then NMED will issue to CAFB a final permit denial and notice for the immediate termination of interim status at the MAFR hazardous waste management facility. The Notice of Termination will require that closure activities be performed in accordance with all applicable State and Federal Regulations.

The administrative record for this decision consists of the permit application, a notice of intent to terminate interim status, a fact sheet, and related correspondence. The administrative record and related information may be reviewed and copied at the following address between the hours of 8:30 A.M. and 4:40 P.M.. Monday through Friday:

New Mexico Environment Department
Hazardous & Radioactive Materials Bureau
Post Office Box 26110
525 Camino de los Marquez
Santa Fe, New Mexico 87502

For the convenience of those persons living near the area potentially affected by this decision, copies of this legal notice and the fact sheet are being made available at the New Mexico Environment Department's District IV Clovis office located at 212 East Grand Avenue in Clovis.

To obtain further information about the application, please contact Mr. Tom Tatkin of the Hazardous and Radioactive Materials Bureau at (505) 827-4308 or the above HRMB Santa Fe address.

A public hearing may be scheduled if written notice of opposition to the proposed decision and a request for a hearing is received at the HRMB Santa Fe address by April 16, 1993. Any request for a hearing must be in writing and must state the nature of the issues proposed to be raised in the hearing. A thirty (30) day notice will be given for any public hearing held.

After consideration of all written comments received, and of the requirements of RCRA and appropriate regulations, the Secretary of the NMED will make a final permit decision on this facility. At that time, the applicant and each person who has submitted written comments or requested a notice of the final decision will be notified. The final decision will become effective thirty (30) days after the service of notice of the decision unless a later date is specified or review is requested under HWMR-7, Part IX, §902.1(E); or if there are no comments requesting a change in the draft decision, then the final decision will become effective immediately upon receipt by the facility.

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