



NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 21, 2008

Colonel Timothy J. Leahy
27th Special Operations Wing
100 South D.L. Ingram Boulevard
Cannon Air Force Base, New Mexico 88103-5214

**RE: NOTICE OF DISAPPROVAL
PART A AND PART B RCRA PERMIT APPLICATION
CORRECTIVE ACTION ONLY PERMIT
MELROSE BOMBING RANGE,
EPA ID NO. NM7572124454
HWB-MELR-07-001**

Dear Mr. Leahy:

In accordance with 20.4.2.201.3, the New Mexico Environment Department (NMED) has completed a technical review of the Department of the Air Force's (the Permittee) *Revised Part A and Part B Application for a Corrective Action-Only RCRA Permit*, dated December 20, 2007 and determined that it is not technically adequate and additional information is necessary before a permit can be drafted. Therefore, we are issuing this Notice of Disapproval (NOD) to list the additional information required.

COMMENT 1 (Part A)

The Part A Permit Application must be revised by completing Item 5 (Site Land Type), Item 6 (North American Industry Classification System Code), Item 10 (Type of Regulated Waste Activity), Item 11 (Description of Hazardous Waste), and Number 1 of the Hazardous Waste Permit Information Form (Facility Permit Contact).

COMMENT 2 (Part A)

To avoid the implementation of a permit modification every time there is a change in command, Item 9 of the Part A Permit Application should be revised to show that the United States Department of the Air Force is the owner and operator of Melrose Bombing Range.

COMMENT 3 (Part A)

The Permittee must revise Number 6 (Other Environmental Permits) of the Hazardous Waste Permit Information Form to include the Permittee's Discharge Permit (PD-873) issued by the NMED Ground Water Quality Bureau.

COMMENT 4 (Topographic Map)

The Permittee must submit a topographic map(s) as described in 40 CFR 270.14(19). The map must show the locations of all Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) at Melrose.

COMMENT 5 (Contingency Plan)

The Permittee must merge the Contingency Plan (Section 2), Facility Security (Section 3), and the Emergency Response Plan (Section 4) into one section titled "Attachment 2 - Contingency Plan" so that it may be easily inserted as an attachment to the permit. Include a Table of Contents for the revised Contingency Plan.

COMMENT 6 (Contingency Plan)

The Contingency Plan makes several references to 40 CFR 112 (Spill, Prevention, Control, and Countermeasure regulations). The Permittee must revise the Contingency Plan to also include references to the more applicable Resource Conservation and Recovery Act (RCRA) regulations.

- a. The first paragraph of Section 2.2 must be revised to state that the Contingency Plan is to comply with 40 CFR 270.14(b)(7), as well as 40 CFR 112.
- b. Section 2.3 must be revised to reference 40 CFR 270.14(b)(12).
- c. Section 2.4 must be revised to reference 40 CFR 270.14(b)(8) and (9).
- d. Section 2.5 must be revised to reference 40 CFR 270.14(b)(5).

COMMENT 7 (Contingency Plan)

Petroleum products stored in tanks are regulated by NMED's Petroleum Storage Tank Bureau. Once the product has been released to the environment, the investigation and remediation of these releases will be regulated under the Permit by NMED's Hazardous Waste Bureau.

The Permittee must revise Section 2.2 of the Contingency Plan by removing the second paragraph. In addition, the Permittee must supply a list of all underground and above ground petroleum storage tanks at the facility.

COMMENT 8 (Contingency Plan)

The Contingency Plan must be revised to contain all applicable items found in 40 CFR 264.52, including a description of arrangements made with local entities and a list of names [40 CFR 264.52(c)], phone numbers, addresses of all persons qualified to act as emergency coordinator

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[40 CFR 264.52(d)], a list of all emergency equipment at the facility [40 CFR 264.52(e)], and an evacuation plan [40 CFR 264.52(f)].

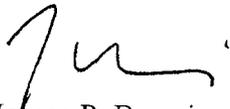
COMMENT 9 (Contingency Plan)

The Permittee must include in the Contingency Plan all applicable information specified in 40 CFR 264.53 through 40 CFR 264.56.

NMED's numbered comments are included above. The Permittee must submit replacement pages or replace the appropriate sections within ninety (90) days of receipt of this NOD. In addition, the Permittee must include a response letter that indicates exactly where revisions have been made, cross-referencing NMED's numbered comments. Following the Permittee's submission of replacement pages or replacement sections to the Permit Application, NMED will continue drafting the RCRA Corrective Action-Only Permit.

If you have any questions regarding this letter, please call Cheryl Frischkorn at (505) 476-6058.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: C. Frischkorn, NMED HWB
D. Cobrain, NMED HWB
J. Kieling, NMED HWB
Jerry Pelfrey, CAFB (Melrose)
File: Melrose 2008 and Reading
MELR-07-001