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Governor

JOHN A. SANCHEZ  
Lieutenant Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

***Hazardous Waste Bureau***

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RYAN FLYNN  
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Deputy Secretary

TOM BLAINE, P.E.  
Director  
Environmental Health Division

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

April 14, 2014

Radel L. Bunker- Farrah  
NASA Environmental Office Chief  
NASA White Sands Test Facility  
P.O. Box 20  
Las Cruces, NM 88004

**RE: NOTICE OF VIOLATION AND RESOLUTION  
NASA WHITE SANDS TEST FACILITY  
EPA ID# NM8800019434**

Dear Ms. Bunker-Farrah:

On December 9, 2013, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at the NASA White Sands Test Facility (NASA WSTF), located at 12600 NASA Road, Las Cruces. Based on that inspection and review of the information obtained, the NMED has determined that your facility is a Large Quantity Generator and a Permitted Storage and Treatment Facility of hazardous waste, as defined in the Notification of Regulated Waste Activity Instructions (EPA Form 8700-12), and has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

The NMED observed the following violations:

1. Failure to label containers of hazardous waste with the words "Hazardous Waste" or with other words that identify the contents of the containers. During the inspection, two 1-gallon and one 5-gallon containers were found without hazardous waste labels. The one-gallon containers were located in Building 203, Room 124 and the five-gallon container was located in Building 200, Room 128. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.34(c)(1)(ii).

2. Failure to keep containers of hazardous waste closed during storage except when it is necessary to add or remove waste. During the inspection one 1-gallon container of hazardous waste was found to be open. The container was located in Building 203, Room 124. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.34(c)(1)(i) referring to 40 CFR § 265.173(a).
3. Failure to remove a container of hazardous waste from a less than 90-day storage area within 90 days. During the inspection a five-gallon poly container with contaminated debris was found in the area with an accumulation start date of 9/4/13; five days past the ninety day limit. The container was located in Building 161 with Site #1003. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.34(b).

The NMED has determined that the violations were adequately addressed during the Compliance Evaluation Inspection. No further action is required.

This Notice of Violation is considered an informal enforcement response in accordance with the NMED's *Enforcement Response Protocol*. Please be aware that any future substantial deviations from regulatory requirements may result in your facility being considered for an elevated enforcement action. Also be aware that any corrective action taken during our inspection, or in response to this letter, does not relieve NASA WSTF of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Don Meyer of my staff at (505) 222-9554 or at [don.meyer@state.nm.us](mailto:don.meyer@state.nm.us). Please address any written response to the attention of Mr. Meyer at the address on the letterhead.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

JEK:dm

cc: Steve Pullen, NMED HWB  
Sandra Martin, NMED HWB  
Don Meyer, NMED HWB  
Dan Comeau, NMED HWB  
Michael Kesler, Acting, NMED District III Manager

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