



SUSANA MARTINEZ  
Governor  
JOHN A. SANCHEZ  
Lieutenant Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

**2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)**



RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUIRED**

February 25, 2015

Tim Davis  
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 Mr. Davis:

On August 27, 2014, 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. Associated with a clear plastic zip-lock bag storing "contaminated fuel" debris (propellant contaminated soft goods (P068, U133, U098, and P078)) located in Building 200, Room 143, inside a fume hood (#2015):
  - a. Failure to keep hazardous waste containers closed. During the inspection the zip-lock bag was found open and no waste was being added or removed at the time. This is a violation of 20.4.1.600 NMAC, incorporating 40 CFR § 262.34(a)(1)(i) referring to 40 CFR § 265.173(a).

Mr. Davis  
February 25, 2015  
Page 2

- b. Failure to obtain a permit for the treatment of hazardous waste. NASA personnel informed NMED that the zip-lock bag was purposely left open so that any residual fuels could off-gas and make the waste safer to transport outside the fume hood. The federal regulations at 40 CFR § 260.10 define *treatment* in part as a process designed to change the physical character of the waste so as to make it safer to transport. NASA's procedure is a violation of 20.4.1.900 NMAC, incorporating 40 CFR § 270.1.
2. Failure to transfer hazardous waste from a leaking container to a container that is in good condition. During the inspection one yellow plastic container storing hazardous waste fixer solution (D001) was leaking into secondary containment. The container was located in Building 200, Room 203, Satellite Accumulation Area (SAA) (#2043). This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.34(c)(1)(i) referring to 40 CFR § 265.171.

Based on photographs and revised procedures provided on February 24, 2014, the NMED has determined that the violations have been adequately addressed and 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 and all other applicable laws and regulations.

If you have any questions regarding this letter, please contact Frank Rodarte of my staff at (505) 222-9541 or at [frank.rodarte@state.nm.us](mailto:frank.rodarte@state.nm.us). Please address any written response to the attention of Mr. Rodarte at the address in the letterhead.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

JEK:fr

cc: Steve Pullen, NMED HWB  
Sandra Martin, NMED HWB  
Frank Rodarte, NMED HWB  
Michael Kesler, NMED District III Manager  
Vicky Baca, NMED HWB

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