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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

FEB 17 2020

Mr. Brian D. Knight, Chief
Environmental Division (Building 163)
Department of Army
US Army Garrison White Sands
White Sands Missile Range, NM 88002-5000

**RE: ADMINISTRATIVELY INCOMPLETE DETERMINATION FOR
PETITION TO PERFORM CLASS 3 PERMIT MODIFICATIONS TO
CHANGE THE STATUS OF SOLID WASTE MANAGEMENT
UNITS 137, 153, AND 162 FROM CORRECTIVE ACTION REQUIRED
TO CORRECTIVE ACTION COMPLETE WITHOUT CONTROLS, JULY 2019
WHITE SANDS MISSILE RANGE, NEW MEXICO
EPA ID# NM2750211235
WSMR-19-005**

Dear Mr. Knight:

The New Mexico Environment Department (NMED) has received White Sands Missile Range's (Permittee) *Petition to Perform Class 3 Permit Modification to Change the Status of Solid Waste Management Units 137, 153, and 162 from Corrective Action Required to Corrective Action Complete without Controls* (Permit Modification Request, dated July 25, 2019 and received July 29, 2019). NMED has determined that the Permit Modification Request (PMR) is administratively incomplete. The Permittee must address the following comments before NMED can complete its review of the PMR.

Comment 1

The boundary of Solid Waste Management Unit (SWMU) 153 (Vandal Burial Site) as described and depicted in past investigation reports includes a fenced area that includes SWMU 55 (Old

Burn Pan) which is listed as a hazardous waste management unit (HWMU) in Table 4-4 (Hazardous Waste Management Units) of Appendix 4 (SWMU, AOC, and Hazardous Waste Management Unit Tables) in the December 2009 RCRA Permit. A corrective action complete (CAC) without controls determination will not be applied to the SWMU. Because SWMU 55 is a HWMU located within the SWMU boundary of SWMU 153, corrective action complete determination for SWMU 153 will be deferred until it can be evaluated with the completion of closure of SWMUs 55, 56, and 56A. Furthermore, the Permittee is reminded that NMED stated in the December 12, 2014 Approval with Modifications letter that “it is not appropriate to separate the two areas.”

Comment 2

There is insufficient information to support a CAC without controls determination for SWMU 162 (Stallion Range Center Former Firefighter Training Area). The background information from previous investigations appears to be only based on interviews with personnel and using visual inspections of the area to determine the location of the SWMU. In previous investigations, the Permittee stated that the “*FY 2008 Compliance-Related Cleanup Installation Action Plan* reported that the site was cleaned up in the late 1980s.” Because the Permittee is solely relying on personnel interviews to confirm the location and activities at the site, additional verification is required to make the CAC determination. Provide the referenced *FY 2008 Compliance-Related Cleanup Installation Action Plan* for NMED’s review. Additional information must be provided to support the location and activities at the site (i.e., field notes, photographs, aerial photographs, maps, other reports that discuss SWMU 162, etc.).

Mr. Knight
CAC – 3 sites
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The Permittee must address all comments and submit the required document from Comment 2. The document must be submitted to NMED no later than **April 3, 2020**.

If you have any questions regarding this letter, please contact Leona Tsinnajinnie at (505) 476-6057.

Sincerely,



Kevin Pierard
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
L. Tsinnajinnie, NMED HWB
B. Avalos, WSMR
L. King, EPA Region 6 (6PD-N)

File: WSMR 2020 & Reading File
WSMR-19-005