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GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
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Keef file



MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 23, 1997

James R. Hartman, Ph.D., Director
Directorate of the Environment
U.S. Army Air Defense Artillery Center and Fort Bliss
Attn: ATZC-DOE
Fort Bliss, Texas 79916-0058

RE: Class II Modifications to the Fort Bliss (FB) Open Detonation
(OD) Permit: EPA Permit ID No. NM4213720101-01

Dear Dr. Hartman:

This letter is written in response to your January 30, 1997 request to modify the McGregor Range Open Detonation (OD) Treatment Unit RCRA Permit. The requested modification is primarily to reduce compliance sampling requirements. To date, multiple meetings and phone calls have occurred between FB and NMED's Hazardous and Radioactive Materials Bureau (HRMB) to come to concurrence on the modified permit language. However, before the NMED can make a final decision on the modifications, New Mexico Hazardous Waste Regulations require that the public be allowed to participate in the permitting process.

NMED expects to receive in the near future FB's final proposed modification language as discussed in a telephone conversation between ourselves and your consultant, Mr. Greg Braady of Roy F. Weston, Inc. on December 12 and 13. Pursuant to the New Mexico Hazardous Waste Management Regulations 20 NMAC 4.1.900, incorporating 40 CFR § 270.42 (b)(2), and 40 CFR § 124.10(c)(ix), FB will be required to send a notice of the modification request to all persons on the facility mailing list. In addition, FB must publish this notice in a major newspaper in both Las Cruces and Alamogordo, and provide NMED evidence of the mailing and publication.

Please send a copy of the notice as published in the newspaper, with a certificate of the date published to:

Robert S. (Stu) Dinwiddie, Ph.D., Manager
RCRA Permits Management Program
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department
2044A Galisteo Street
Santa Fe, New Mexico 87505

The public notice must include the following:

- (1) The announcement of a 60-day public comment period, including the beginning and ending dates;
- (2) The location where copies of the permit, modification requests and supporting documents can be viewed and copied. This location should be at a site accessible to the public in the vicinity of the facility;
- (3) An announcement of a date, time and place for a public meeting of the modification request, in accordance with §270.42(b)(2)(ii). FB must hold a public meeting no earlier than 15 days after the publication of the notice and no later than 15 days before the close of the 60-day comment period. The meeting should be held to the extent practicable in the vicinity of the permitted facility in accordance with §270.42(b)(4 and 5). NMED suggests Las Cruces. Please also confer with the HRMB on the time of the meeting so that a NMED representative can be present at the meeting.
- (4) The following statement must be included in the public notice: "Fort Bliss's compliance history during the life of the permit being modified is available from the NMED contact person."
- (5) The following name, address and telephone number of the NMED HRMB contact person:

Steve Pullen, Fort Bliss Permit Manager
RCRA Permits Management Section
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department
2044A Galisteo Street
Santa Fe, New Mexico, 87505
(505) 827-1558
- (6) The name and telephone number of a FB contact person; and
- (7) A statement that any person who wishes to comment upon the draft permit modifications or wishes to request a public hearing should submit written comments and requests, along with their name and address, to the NMED contact person. Requests for a more formal public hearing shall state the nature of the issues proposed to be raised in the hearing and the name and address of the commentor. Only comments and/or requests received during the 60-day public comment period will be considered. NMED will provide a thirty (30) day notice of a public hearing, if one is scheduled.

After the conclusion of the 60-day comment period, the NMED will respond to the public comments received. All written comments

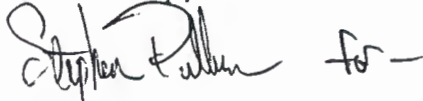
James R. Hartman
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submitted on the draft permit modifications will be considered in formulating a final decision as to whether the modification will be approved. The NMED may further modify the proposed modification based on the comments received. The NMED will notify FB and each person who submits a written comment (during the public comment period) about the final decision.

Please be informed that NMED plans to modify the Operating Permit further by adding two Solid Waste Management Units (SWMUs) identified in FB's RCRA Facility Assessment (RFA) to the Hazardous and Solid Waste Amendments (HSWA) module of the permit, SWMUs 21 and 22. The McGregor Range Fire Training Area and the McGregor Range Former Drum Storage Area were both inadvertently left off the HSWA module when it was created by the EPA in November of 1994 and both have contaminant releases that require further evaluation. Mr. Kelly Blough of your staff was informed of these plans in a telephone conversation on December 18.

If you have any questions regarding this correspondence or any other RCRA Permit issue, please call Steve Pullen or myself at (505) 827-1558.

Sincerely,



Robert S. (Stu) Dinwiddie, Ph.D., Manager
RCRA Permits Management Program
Hazardous and Radioactive Materials Bureau

Copy furnished:

Benito Garcia, Chief, HRMB (w/o enc.)
David Neleigh, Chief, EPA Region 6 (w/o enc)
Ismael Delgado, FB
Kelly Bough, FB

FILE: Red, FB, 1997
Track: FB, 12/23/97, FB, HRMB, OD Unit Permit Modification