



BRUCE KING
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2850

JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

August 25, 1993

Walter S. Darr, Chief
Compliance Environmental Management Division
1606 Air Base Wing
Kirtland Air Force Base
Albuquerque, NM 87117

RE: **Resource Conservation and Recovery Act (RCRA) Permit
Application - Explosive Ordnance Disposal (EOD) Treatment
Unit
EPA ID No. NM9570024423**

This letter is to remind you that NMED intends to proceed with the permitting process for only the Open Detonation (OD) Unit. Information for the proposed Open Burn (OB) Unit will not be reviewed at this time. This is what was agreed upon between Kirtland Air Force Base and the New Mexico Environment Department (NMED) representatives at the June 15, 1993 Santa Fe meeting. This point was repeated to you by Cornelius Amindyas (NMED) in the telephone conversation of July 13, 1993.

At the June 15, 1993 meeting, KAFB proposed the addition of a new OB Unit to the Part B permit application. KAFB stated that design plans were being developed; construction had not been started. In the 1990 Part B permit application, the most current information available to NMED prior to receipt of the July 9, 1993 submittal, the only mention of open burning is the statement "The cleared area contains a firing pit where materials are burned and/or exploded."

During the same meeting, it was explained that due to time constraints for RCRA program commitments, and the fact that limited information addressing open burn activities had been included in the Part B permit application, NMED proposed the following options:

- 1) KAFB could withdraw the permit application for the OD Unit and resubmit the application for both the OD and OB Units at a later date. By choosing this option, the EOD treatment unit's interim status could be jeopardized.

KAFB1328



August 25, 1993
Page 2

- 2) KAFB could continue to provide information for the OD Unit alone, leading to possible issuance of a RCRA Permit. At a later date, the Permit could be modified to include the new OB Unit.

KAFB consented to the second option, by which NMED has proceeded. When response to a May 10, 1993 Notice of Deficiency (NOD) was received, July 9, 1993, it seemed that KAFB had altered its choice by submitting a new Part B permit application that included design information for the new OB Unit.

NMED found the additional information required in the May 10, 1993 Notice of Deficiency (NOD) satisfactory and declared the Part B permit application administratively complete for the OD Unit and subsequently sent a bill for permit fees on July 15, 1993.

KAFB submitted payment, August 13, 1993, for permit processing of the OD Unit. The cover letter requested that NMED review information provided earlier for the new OB Unit, and include the OB Unit in the Permit.


Technical Review for the Part B permit application has begun and a second NOD addressing technical inadequacies has been sent to KAFB under separate cover.

Cost for the OD Permit have been billed and paid in the amount of \$19,000. This amount was billed in accordance with the current New Mexico Hazardous Waste Fee Regulations (HWFR-1) and includes \$10,000 for the Basic Permit Fee, a Unit Fee of \$5,000 and a Public Participation Fee of \$4,000.

When KAFB requests a permit modification for the OB Unit, the fees in accordance with HWFR-1, will be \$19,000. Under HWFR-1, this amount includes \$10,000 for the Basic Permit Fee, \$5,000 for the Unit Fee and \$4,000 for the Public Participation Fee.

If you have any questions regarding the above information, you may contact Mr. Cornelius or me at 827-4308.

Sincerely,



Barbara Hoditschek, Manager
RCRA Permits Program
Hazardous & Radioactive Materials Bureau

cc: Cornelius Amindyas, NMED
Benito Garcia, NMED
Tracy Hughes, NMED
File: Red