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**CERTIFIED MAIL -- RETURN RECEIPT REQUESTED**

March 8, 2016

Tim Davis  
NASA Environmental Office Chief  
NASA White Sands Test Facility  
P.O. Box 20  
Las Cruces, NM 88004

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

Dear Mr. Davis:

On January 25, 2015, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at NASA's White Sands Test Facility (NASA), located at 12600 NASA Road, Las Cruces, New Mexico. Based on that inspection and review of the information obtained, NMED has determined that your facility is a Large Quantity Generator (LQG) and a Permitted Storage and Treatment Facility (TSDF) 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.

NMED observed the following violations:

1. Failure to make a hazardous waste determination on expired pharmaceutical wastes. Specifically, NMED inspectors observed expired Silvademe cream (D011) located in the Clinic (Building 104). The Silvademe cream was destined for a reverse distributor of pharmaceuticals instead of being managed as a hazardous waste. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.11.

2. Failure to store hazardous waste in a satellite accumulation area (SAA) at or near the point of generation and under the control of the operator. Specifically, NMED inspectors observed the following:
  - a. One 55-gallon drum of sludge containing RCRA metals was found outside the Machine Shop in Building 113, Site ID 1007. The SAA was located outside of the shop on the loading dock.
  - b. Four SAAs located in Building 156, Site IDs 1023, 1024, 1025 and 1026 are associated with a paint booth. The SAAs were located outside of Building 156 and not under the control of the operator.
  - c. Four SAAs located in Building 156, Site IDs 1017, 1018, 1020 and 1021 are associated with heavy equipment maintenance. The SAAs should have been located inside the building at or near the point of generation.

These are violations of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(c)(1).

3. Failure to match the job title for each position at the facility related to hazardous waste management to the respective job description. Specifically, job titles listed in the training matrix use NASA's internal title nomenclature, which does not match the titles listed in the permit. This is a violation of 20.4.1.600 NMAC, incorporating 40 CFR 265.16(d).
4. Failure to separate incompatible hazardous wastes with a barrier. Specifically, NMED inspectors observed acidic and basic wastes stored next to each other without a barrier in the less than 90 day area, Building 161, Site ID 1003. This is a violation of 20.4.1.600 NMAC, incorporating 40 CFR 265.177(c).
5. Failure to report a 75 gallon diesel spill, which occurred in the Heavy Equipment Yard, Site ID 1043. Specifically, NASA failed to report a diesel spill which occurred on December 2, 2015; to the Bureau Chief of the Ground Water Bureau. This is a violation of 20.6.2.1.1203(1) NMAC.

NMED requires that NASA provide to NMED within thirty (30) days of receipt of this letter a written description of the actions taken by NASA to address violations 2, 4 and 5 described above and a schedule for implementation of corrective actions not yet completed. Violations 1 and 3 were corrected at the time of the inspection.

NMED had one area of concern in reference to SAAs in Building 200, Room 206. Room 206 contains one SAA, Site ID 2030; however, two other SAAs (Site ID 2025 and 2033) associated with waste generated in Room 206 were located outside on the loading dock. NASA has a policy from NMED referencing satellite accumulation areas in laboratories but it appears there is ample room in Room 206, Site ID 2030 for the waste being stored in Site ID 2025 and 2033.

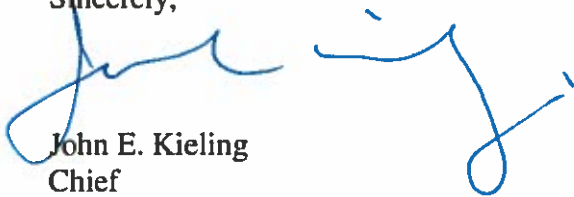
NASA conducts research and testing related to spacecraft, materials, components and propulsion systems. NASA generates hydrazine wastes, laboratory related wastes and maintenance related wastes.

Tim Davis  
Pending  
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This Notice of Violation is considered an informal enforcement response in accordance with 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 of its obligation to comply with any and all other applicable laws and regulations.

If you have any questions regarding this letter, please contact Don Meyer of my staff at (505) 476-6021 or by email at [don.meyer@state.nm.us](mailto:don.meyer@state.nm.us). Please address any written response to the attention of Don Meyer at the address in the letterhead.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

JEK:dm

cc: Janine Kraemer, NMED HWB  
Don Meyer, NMED HWB  
Gabriel Acevedo, NMED HWB  
Michael Kesler, NMED District III Manager

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