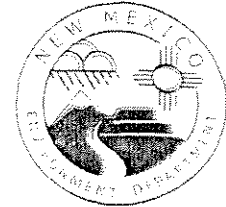


NEW MEXICO  
ENVIRONMENT DEPARTMENT



*Hazardous Waste Bureau*

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

*Per-B*  
*10 Nov 09*

November 6, 2009

Mark Patterson  
Ravenna Army Ammunition Plant  
Building 1037  
8451 State Route 5  
Ravenna, OH 44266

Steve Smith  
CESWF-PER-DD  
819 Taylor Street, Room 3A12  
PO Box 17300  
Fort Worth, TX 76102-0300

RE: NOTICE OF DISAPPROVAL  
ADMINISTRATIVE COMPLETENESS DETERMINATION  
CLASS 3 PERMIT MODIFICATION APPLICATION  
OB/OD CORRECTIVE ACTION MANAGEMENT UNIT  
FORT WINGATE DEPOT ACTIVITY  
EPA ID# NM6213820974  
FWDA-07-006

Dear Messrs. Patterson and Smith:

The New Mexico Environment Department (NMED) received the Department of the Army's (the Permittee) *RCRA Class 3 Permit Modification Application, OB/OD Corrective Action Management Unit (CAMU)*, dated January, 2009 (the Permit Modification). NMED has made a determination that the Modification is administratively incomplete and hereby issues this Notice of Disapproval (NOD). The Permittee must address the following comments before NMED can take further action on the Permit Modification.

PART A OF THE PERMIT MODIFICATION

COMMENT 1

The Permittee must ensure that all applicable sections from 40 CFR 270.13 are included and addressed in Part A of the Permit Modification.

The Permittee must include only information related to the CAMU and ensure that the appropriate and applicable proposed Permit modifications are included in the Permit Modification. Any references to unrelated information (see Comment 4) must be removed from the revised Permit Modification.

#### **COMMENT 2**

The Permittee includes multiple versions of the Part A required by 40 CFR 270.13 in the Permit Modification. The Permittee must ensure that only one version of the Part A is included in the Permit Modification. The changes that must be made to the original Part A are limited to the owner/operator information, address, generator status, and the CAMU (Part A Section 9 (X01)). The remainder of the original Part A must remain the same. In addition the Permittee must remove the reference to the "staging area" (S99) from Section 9 of Part A Permit Modification.

The annual treatment volume included in the Part A must not be underestimated; the Permittee must include an estimated maximum volume to be treated on an annual basis.

#### **COMMENT 3**

In Attachment A-09, the Permittee references Attachments B, E, F, G, H, and M. These attachments are not included in the Permit Modification. The Permittee must include referenced attachments or remove the references in the revised Permit Modification.

#### **COMMENT 4**

In Section B2.1, page 10, the Permittee states that "The Army's position is that flashing of the "safe to recycle" metal is exempt from the hazardous waste regulations under RCRA, and hence the TCS unit would be excluded from the CAMU Permit." If the TCS is not intended to treat hazardous waste it should not be included in the Permit Modification. The Permittee must remove all references to the TCS from the revised Permit Modification.

#### **PART B OF THE PERMIT MODIFICATION**

#### **COMMENT 5**

The Permittee must request to designate the CAMU as an area of contamination in order to temporarily manage munitions to be treated. The proposed temporary storage of munitions at the CAMU prior to treatment or transport from Parcel 3 must not exceed ten days and the designated area must be secure. The proposed temporary waste management area must state that within the ten days the Permittee will treat the munitions, move them to the designated storage igloos, or transport the waste off site for treatment. The Permittee must describe the staging process for the munitions stored at the CAMU in detail. These details, as well as the request, must be included in the revised Permit Modification.

COMMENT 6

The Permittee must address air emissions generated during treatment of waste at the CAMU and explain how the standards pertinent to such emissions at 40 CFR 264.601(e) will be achieved. In addition, the Permittee must consult with the NMED Air Quality Bureau to ensure that a permit is not required for the open burn unit. This information including the Permittee's discussion with the Air Quality Bureau must be provided in Part B of the revised Permit Modification.

COMMENT 7

The Permittee must demonstrate how the Environmental Performance Standards at 40 CFR 264.601, will be achieved. Each numbered item in 40 CFR 264.601 must be specifically addressed. This information must be included in Part B of the revised Permit Modification.

COMMENT 8

In Sections A6.0, A7.0, B1.1.4, B1.1.5, and in Attachment 2, page 5, the Permittee references Attachment C-08 and states that this attachment contains figures, maps, and drawings. Attachment C-08 does not exist; however, the referenced documents appear to be in Attachment C-09. The Permittee must correct the reference in the revised Permit Modification. The Permittee must also include a figure in the revised Permit Modification that clearly shows the topographic contours in and around the proposed CAMU location as required in 40 CFR 270.14(b)(19).

COMMENT 9

*CAMU ONLY*

The Permittee must include a Contingency Plan in the revised Permit Modification. The Contingency Plan must contain all required and applicable sections required in 40 CFR 264 subpart D. The Contingency Plan must be included as an attachment to the revised Permit Modification.

COMMENT 10

*CAMU ONLY*

The Permittee must include a Waste Analysis Plan as required in 40 CFR 270.14. The Waste Analysis Plan must comply with 40 CFR 264.13 (b), and must include information that is specific to the CAMU only. This information must be included in Part B of the revised Permit Modification.

COMMENT 11

The Permittee does not specify the methods or procedures to control surface water run-on and run-off in and around each pit during operation of the CAMU, or at the time of closure of the units. The Permittee must include these details in Part B of the revised Permit Modification as required in 40 CFR 270.14 (8)(ii)

#### COMMENT 12

The Permittee does not discuss the management of solid waste (e.g., soil, debris, ash, scrap) during the operation of the CAMU. The Permittee must include information for the disposition of all generated waste in the revised Permit Modification.

#### COMMENT 13

In Section B2.1 (Treatment Process Description), page B-10 (Open Burning), the Permittee states that “[o]pen burn pans will be used to treat propellants, bulk explosives, metal powders, detonators, and miscellaneous munitions constituents.” The Permittee must provide an explanation for the basis of burning material such as that listed above rather than shipping the waste off site for treatment or disposal. The Permittee must also provide an analysis of other alternatives to open burning, including shipping waste off-site. The Permittee must include this explanation in the revised Permit Modification. The Permittee must also revise the Permit Modification to state that only those materials that are determined to be unsafe to transport off site for treatment or disposal will be treated at the CAMU.

#### COMMENT 14

In Section B2.1 (Treatment Process Description), page B-10 (Open Burning), the Permittee states “[i]ncidental solid wastes, such as wooden ammunition boxes, containers, and pallets may also be burned during the treatment process.” The burning of solid waste not inseparable from ignitable or reactive waste at the CAMU shall not be conducted unless the Permittee receives the applicable permit/approval from the NMED Air Quality Bureau. The Permittee must revise Permit Modification accordingly. (See Comment 13)

#### COMMENT 15

The Permittee states that the OB/OD CAMU will be located at SWMU 14, but does not explain why this location was chosen for the placement of the CAMU. In addition the Permittee must provide a more detailed description of the site (e.g., drainage, soil type) in the revised Permit Modification as required in 40 CFR 270.14(b)(19).

#### COMMENT 16

In Section B1.2 (Security Procedures and Equipment) the Permittee does not include information regarding the methods for compliance with 40 CFR 266.205 at the conditionally exempt storage igloos. The Permittee must include details that address the security at the designated igloos in Part B of the revised Permit Modification.

The Permittee must address all comments contained in this letter and submit a revised Permit Modification no later than December 19, 2009. The cover page must indicate that the submittal is a revision and was prepared for NMED. The revised Permit Modification must be accompanied with a response letter that details where all revisions have been made, cross-

Messrs. Patterson and Smith  
November 6, 2009  
Page 5

referencing NMED's numbered comments. The Permittee must also submit an electronic copy of the revised Permit Modification with all edits and modifications shown in redline-strikeout format.

If you have any questions regarding this letter, please contact Tammy Diaz-Martinez at (505)-476-6056.

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

cc: Tammy Diaz-Martinez, NMED HWB  
Dave Cobrain, NMED HWB  
John Kieling, NMED HWB  
Laurie King, U.S EPA Region 6  
Chuck Hendrickson, U.S. EPA Region 6  
Sharlene Begay-Platero, Navajo Nation  
Eugenia Quintana, Navajo Nation  
Steve Beran, Zuni Pueblo  
Edward Wemytewa, Zuni Pueblo  
Valerie Lahalla, Zuni Pueblo  
Clayton Seoutewa, Southwest Region BIA  
Charles Long, Navajo Nation  
Rose Duwyenie, Navajo BIA  
Judith Wilson, BIA  
Eldine Stevens, BIA  
Ben Burshia, BIA

File: FWDA 2009 & Reading File  
FWDA-07-006