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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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Director
Environmental Health Division

PUBLIC NOTICE 13-10

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO 87505
December 19, 2013**

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A
PUBLIC HEARING ON A PROPOSED MODIFICATION TO THE HAZARDOUS
WASTE PERMIT FOR FORT WINGATE DEPOT ACTIVITY
EPA ID NO. NM6213820974**

Under authority of the New Mexico Hazardous Waste Act (Section 74-4-1 *et seq.*, New Mexico Statutes Annotated (NMSA) 1978 as amended, 1992) and the New Mexico Hazardous Waste Management Regulations (20.4.1 [New Mexico Administrative Code] NMAC). The New Mexico Environment Department (NMED) intends to issue a Class 3 permit modification to the Hazardous Waste Permit (Permit) pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.42(c)) for Fort Wingate Depot Activity (FWDA). The NMED proposes to approve corrective action complete without controls status for five Areas of Concern (AOC) 71, 78, 82, 87, and 93, and approve removal of three (3) Parcels (5A, 12 and 14) from within the facility boundary.

FWDA is located in McKinley County, New Mexico approximately eight miles east of the city of Gallup on U.S. Route 66 and approximately 130 miles west of Albuquerque on Interstate 40. FWDA is situated on the south side of the Rio Puerco and encompasses 15,280 acres. FWDA is a closed military installation owned and operated by the United States Department of the Army.

NMED announces the availability of these proposed Permit modifications for public comment. In addition, NMED will consider any requests for public hearing and determine whether a public hearing will be held to consider further public comment. NMED also announces the availability of a Fact Sheet providing the basis for NMED's proposed action on the Permit and a summary of the basis for permit conditions, including applicable statutory and regulatory support.

PUBLIC REVIEW OF THE CLASS 3 PERMIT MODIFICATION REQUEST

A copy of the modification request Permit, Public Notice, and the Fact Sheet may be reviewed during the public comment period at:

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone: (505) 476-6000
Monday – Friday: 8:00 a.m. to 5:00 p.m.
Contact: Pam Allen (505) 476-6064

Fort Wingate Depot Activity
Information Repository
Building 1
U.S. Highway 66
Gallup, New Mexico 87301
(505) 905-6108
Monday-Friday: 8:00 a.m. to 5:00 p.m.
Contact: Richard Cruz (505) 905-6109

A copy of the draft Permit, Fact Sheet, and Public Notice are also available on the NMED website at www.nmenv.state.nm.us/HWB/fwdaperm.html under Class 3 Permit Modification. The Administrative Record may also be reviewed at the NMED – Hazardous Waste Bureau at the address listed above. To obtain a copy of the Administrative Record or a portion thereof, please contact Ms. Pam Allen at (505) 476-6064, or at the NMED address listed above. NMED will provide copies, or portions thereof, of the Administrative Record at a cost to the requestor.

Any person who wishes to comment on the Permit modification or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the address below. The comment period begins on **December 19, 2013** and ends on **February 17, 2014**. Only comments and/or requests received on or before 5:00 p.m. **February 17, 2014** will be considered.

Dave Cobrain, Program Manager
Hazardous Waste Bureau
New Mexico Environmental Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

e-mail: dave.cobrain@state.nm.us
Ref: FWDA Class 3 Permit Modification

Written comments must be based on reasonably available information and include, to the extent practicable, all referenced factual materials. Documents in the administrative record need not be re-submitted if expressly referenced by the commenter. Requests for a public hearing shall provide: (1) a clear and concise factual statement of the nature and scope of the interest of the person requesting the hearing; (2) the name and address of all persons whom the requestor represents; (3) a statement of any objections to the Permit modification, including specific references to any Permit conditions being addressed; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. NMED will provide a thirty (30) day notice of a public hearing, if granted.

NMED must ensure that the approved Permit is consistent with the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC). All written comments submitted on the modified Permit will be considered in formulating a final decision and may cause the Permit to be modified. NMED will respond in writing to all public comments. NMED's response will specify which provision, if any, of the Permit modification have been changed in the final Permit decision, the reasons for the change, and briefly describe and respond to all public comments on the Permit modification raised during the public comment period. All persons presenting written comments or who requested notification in writing will be notified of NMED's decision by mail. This response will also be posted on the NMED website.

After consideration of all the written public comments received, NMED may modify the Permit. If NMED modifies the Permit, the Permittee shall be provided by mail a copy of the modified Permit and a detailed written statement of reasons for the modifications.

The Secretary of the New Mexico Environment Department will make the final Permit decision publicly available and shall notify the Permittee by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the Hazardous Waste Act (Chapter 74, Article 4 NMSA 1978).

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Juan-Carlos Borrego by January 21, 2014 at the NMED Human Resources Bureau, Room S-4303, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico 87502. Mr. Borrego's telephone number is 505-827-0424. TDY users please access Mr. Borrego's number through the New Mexico Relay Network at 1-800-659-8331.