



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
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April 13, 2018

VIA ELECTRONIC MAIL

Mr. Theodore J. Meyer
Associate Chief, Medical and Environmental Management Division
National Aeronautics and Space Administration
Goddard Space Flight Facility
Wallops Flight Facility
Mail Code 250, Bldg. F-160
Wallops Island, Virginia 23337-5099

**Re: Approval of Permit Reissuance Subpart X Open Burning and Open Detonation Permit
NASA Wallops Flight Facility, Wallops Island, Virginia
EPA ID No. VA7800020888**

Mr. Meyer:

Enclosed is the Final Hazardous Waste Management Subpart X Open Burning and Open Detonation Permit for the NASA Wallops Flight Facility (NASA WFF), Wallops Island, Virginia. The Final Permit issuance has been approved and is effective as of April 13, 2018.

This final permit decision is in accordance with the Virginia Hazardous Waste Management Regulations (VHWMR), 9 VAC 20-60, 9 VAC-20-60-124, which incorporates 40 CFR Part 124 by reference, and in accordance with 40 CFR § 124.13, Obligation to Raise Issues and Provide Information During the Public Comment Period, which specifies:

All persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Director's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, shall raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of public comment period (including any public hearing) under §124.10). Any supporting materials which are submitted shall be incorporated in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of commonwealth or federal statutes and regulations, documents

Mr. Theodore J. Meyer
Associate Chief, Medical and Environmental Management Division
National Aeronautics and Space Administration
Goddard Space Flight Facility
Wallops Flight Facility
April 13, 2018
Page 2

of general applicability, or other generally available reference materials. Commenters shall make supporting material, not already included in the administrative record, available to the commonwealth as directed by the Director.

The DEQ published a Public Notice of a 60-day comment period addressing the draft Permit in the Eastern Shore Post on February 2, 2018. The corresponding radio announcement was broadcast on February 2, 2018, on Radio Station CTG 96.5 FM in Chincoteague, Virginia. A public meeting to disseminate information and exchange ideas relevant to the draft permit was held on March 6, 2018. A public hearing to accept oral comments regarding the draft permit was held after the public meeting, also on March 6, 2018. No comments were received during the public hearing. The public comment period ended on April 3, 2018.

The hazardous waste Permit fee of \$56,180 was deposited with the DEQ's Office of Finance account on May 20, 2015.

The DEQ received no comments expressing the opinion that the renewal Subpart X Permit issuance should be denied. Therefore, in accordance with 40 CFR § 124.15, the Director of the DEQ has made a final permit decision to issue the Subpart X Permit.

This final permit decision is based upon the supporting rationale provided in the enclosed "Comment Response Summary," dated April 10, 2018, for the NASA WFF, Wallops Island, Virginia facility which is in accordance with 40 CFR § 124.17. The "Response to Comments Document" specifies which provisions of the draft permit, if any, have been changed in the final permit decision, and the reasons for the change. In addition, this document describes and responds to all significant comments on the draft permit or the permit application which were raised during the public comment period.

In addition, please note that this final permit decision shall become effective immediately upon issuance unless a review or an appeal is requested on the permit under the VHWMR, 9 VAC 20-60-124. Appeals under the VHWMR do not incorporate the appeals process under 40 CFR § 124.19. Appeals under the VHWMR will be in accordance with the Administrative Process Act, Chapter 40, § 2.2-4000 et seq., of Title 2.2 of the Code of Virginia. All federal regulatory references to the appeals process or the EPA Environmental Appeals Board, such as in 40 CFR § 124.5, shall be construed to mean the administrative processes and appeals processes as specified by Virginia's Administrative Process Act.

As provided by Rule 2A:2 of the Supreme Court of Virginia, an appeal may be initiated by filing a notice of appeal within 30 days from the date of service of this decision to:

Mr. Theodore J. Meyer
Associate Chief, Medical and Environmental Management Division
National Aeronautics and Space Administration
Goddard Space Flight Facility
Wallops Flight Facility
April 13, 2018
Page 3

David K. Paylor, Director
Department of Environmental Quality
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Richmond, VA 23218

In the event that this decision is served to you by mail, the date of service will be calculated as three days after the postmark date. Please refer to Part 2A of the Rules of the Supreme Court of Virginia, which describes the required content of the Notice of Appeal, including specifications of the Circuit Court to which the appeal is taken, and additional requirements concerning appeals from decisions of administrative agencies.

The DEQ appreciates the courtesy and professionalism shown during the permitting process. If you have any further questions regarding, please contact Mr. Ashby Scott, of my staff by phone at (804) 698-4467 or by email at Ashby.Scott@deq.virginia.gov.

Sincerely,



Leslie A. Romanchik
Hazardous Waste Program Manager
Office of Financial Responsibility and Waste
Programs

Attachments:

Enclosure 1: Response to Comments Document

Enclosure 2: Final Subpart X Permit for NASA WFF, Wallops Island Virginia Facility

cc: Catherine McGoldrick, EPA, Region III (3LC50)
Melinda Woodruff, Lisa Silvia, DEQ, TRO
Tara Mason, DEQ, CO
CO File