



COMPANY, INC.

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September 5, 1990

Dr. Elizabeth Gordon
New Mexico Environmental Improvement Division (EID)
1190 St. Francis Dr.
Santa Fe, NM 87503

On May 15, 1990 we visited in your office about options available to Rinchem Company, Inc. in meeting the needs of chemical users and chemical waste generators in New Mexico. Four phases of growth discussed were:

- I. Building two additional rooms for inorganic chemical storage and a drumming dock for solvent packaging.
- II. Pumping organic solvents from drums to tank trucks for bulk transportation to TSDF's for incineration or distillation.
- III. Expanding our Part B permit to allow storage of essentially all RCRA wastes rather than just oils and solvents.
- IV. Modifying the capacity limit and closure plan to allow for increased waste storage.

The construction in Phase I is needed now to provide for our rapidly expanding commercial chemical storage business. It would house virgin high purity chemicals for the integrated circuit industry. I have reviewed our Part B permit and the Federal regulations. I do not interpret any of what I have read as requiring a Permit Modification for Phase I.

My reasoning is as follows: 40 CFR 260.10 reads in part: "**Facility**" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

The additional improvements if not used for treating, storing or disposing of hazardous wastes will not be defined as part of a facility. The storage rooms are designed to be a free standing building located adjacent to the permitted building.

A delay in the start of construction of one or two years, while EID processes a modification would require Rinchem to buy or lease chemical storage facilities at a less desirable location. I propose that EID allow construction of a non-permitted building adjacent to the permitted storage facility. If for the convenience of EID or Rinchem regulation of the new building under RCRA is desirable, Rinchem would submit an application for a class I modification under 40 CFR 270.42 Appendix I F.I.C. (Modification or addition of container units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 268.8 (a)(2)(ii), with prior approval of the Director).

If you concur with my analysis, please indicate by signing and returning a copy of this letter or drafting a reply.

We Care,

I concur with this analysis.



Bill Moore
President
