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GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
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MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

November ²⁷/~~22~~, 1995

Scott Gariss
Hazardous Waste CSR
Rinchem Co., Inc.
6133 Edith NE
Albuquerque, NM. 87107

**RE: Letter of Violation 9/7/95
NMD002208627**

Mr. Gariss:

The New Mexico Environment Department (NMED)-Hazardous and Radioactive Materials Bureau (HRMB) has received a facsimile of your letter dated September 28, 1995 regarding Rinchem's response to the Letter of Violation sent by NMED September 7, 1995. The hard copy of your letter was never received by HRMB. NMED has determined that at the time of inspection, Rinchem had abated the violation, and came into compliance with New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1).

Several questions were posed in the letter addressing the aisle space regulation (40 CFR §264.35) and NMED's interpretation of this regulation. The term "any area of the facility" addresses the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility in which hazardous waste is being stored. This includes, but is not limited to the area where hazardous waste is being accumulated solely, but the entire area accessing the area where hazardous waste is being accumulated or stored. As far as a measurable distance of aisle space required, §264.35, as written is not well defined.

From a RCRA inspectors point of view, aisle space should allow the inspector easy access around the containers of hazardous waste being stored so that hazardous waste labeling can be easily viewed. Ideally, if drums are stacked on pallets, they should be no more than two high with labels facing outward towards the aisle for easy viewing. A facility permit may further define these requirements. As far as a distance between rows of containers, 24-36 inches seems reasonable for easy access, but again, a facility's permit may clarify this issue.

Scott Gariss
November 22, 1995
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Keep in mind however, that as per the regulation, this distance must allow for the unobstructed movement of the above stated equipment.

Thank you for your concerns regarding this regulation. If you have any further questions, please contact Frank Sanchez of my staff at (505) 827-1558.

Sincerely,

A handwritten signature, likely "Coby Muckelroy", enclosed in a hand-drawn oval.

Coby Muckelroy, Program Manager
RCRA Inspection/Enforcement Program
Hazardous and Radioactive Materials Bureau

cc: Garth Graves, NMED District I
file

**RINCHEM COMPANY, INC.**8133 EDITH BOULEVARD NE
ALBUQUERQUE, NM 87107
PHONE (505) 345-3666

September 28, 1995

Frank Sanchez
Hazardous and Radioactive
Materials Bureau
N.M. Environmental Dept.
P.O.Box 26110
Santa Fe, N.M. 87502

Dear Mr. Sanchez:

This letter is in response to the LETTER OF VIOLATION dated Sept. 7, 1995. Rinchem Company, Inc. acknowledges receipt of the letter and desires to make all appropriate procedural and operational changes necessary to ensure total compliance. As you indicated, we took corrective action at the time of inspection. However, we have since begun to plan respecification of storage areas that would be striped on the floors. Before doing this, we need to clarify some areas relative to your citation and the regulations.

Is there an environmental department interpretation of the term "any area of facility operation" which indicates the "area" is intended to be a drum or pallet sized space? Is there an environmental department determination of the required aisle space adequate to meet the intent of CFR 264.35 (i.e. 18 inches, 24 inches)? Also, there was some discussion of aisle space necessary to allow the reading of waste labels for which we could not find any reference in section 264 of 49CFR. *40*

One of the issues we are trying to address is whether we can store drums of hazardous waste on pallets in pallet racks. In order for us to be certain we have covered, or will be covering, all appropriate concerns we would appreciate a written response to the 3 questioned areas so they can be addressed in training, written procedures and facility organization.

We sincerely appreciate your help in these matters. If you have any questions please contact me at the number listed above.

We Care

Scott Gariss
Haz. Waste CSR

WE DO IT WELL

BECAUSE WE CARE