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RINCHM
NEW MEXICO
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

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DAVE MARTIN
Cabinet Secretary

RAJ SOLOMON, P.E.
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 3, 2011

Lise V. Gorgone
Director of Operations
Rinchem Company, Inc.
6133 Edith Blvd. NE
Albuquerque, NM 87107

**RE: PERMIT RENEWAL
HAZARDOUS WASTE FACILITY PERMIT
RINCHEM COMPANY, INC., EPA ID# NMD002208627**

Dear Ms. Gorgone:

The New Mexico Environment Department (NMED) has received Rinchem Company Inc.'s (the Permittee's) letter dated May 16, 2011. The letter indicates the Permittee's intention to divest itself from the permitted Container Storage Facility (the Facility) in order to concentrate on supply chain management and third party logistics. The letter also states that the Permittee's plan to assist a prospective buyer in both acquiring the Facility and in obtaining an operational Container Storage Facility Permit.

As you are aware, the current Facility Permit expires February 12, 2012. In order to continue hazardous waste management activities under the existing permit after its expiration, an application must be submitted in accordance with Module I, Section I.E.2, *Duty to Reapply*. This section states, "[T]he Permittee is required to submit a complete application for a new Permit at least 180 calendar days before the expiration date of this Permit". The application is therefore due to NMED by August 12, 2011. The New Mexico Hazardous Waste Management Regulations, 20.4.1 NMAC, incorporating 40 CFR § 270.10(h)(1), does allow the submission of an application at a later date. A request would have to be submitted to NMED providing justification of such intent.

Ms. Gorgone
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If the Permittee contracts with a third party to operate the Facility, then the contractor would be the operator and Rinchem the owner, unless Rinchem continues to assume operator status. Any new owner/operator information would be required to be addressed in the application. In addition, this is addressed in Permit Module I, Section I.E.3, *Transfer of Permit*, states that "The Permittee shall not transfer this Permit to any person except after providing notice to the Secretary and receiving approval from the Secretary for this action. The prospective new owner or operator must file a disclosure statement with the Secretary as specified in the Hazardous Waste Act (HWA) § 74-4-4.7." These requirements can be addressed through the application process.

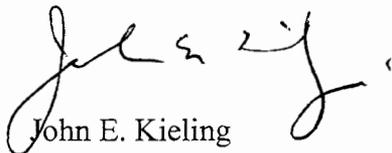
Further, "before transferring ownership or operation of the Facility during its active life or post-closure care period, the Permittee shall notify the new owner or operator in writing of the requirements of 20.4.900 NMAC, incorporating 40 CFR Part 270, and of this Permit. [20.4.1.900 NMAC, incorporating 40 CFR § 270.30(l)(3) and § 270.40]."

Companies from out of state can own and/or operate hazardous waste facilities in New Mexico, provided that the new owner and/or operator file with the NMED disclosure statements for each of their personnel, are willing to operate in compliance with the Hazardous Waste Act and the New Mexico Hazardous Waste Management Regulations, 20.4.1 NMAC.

Although NMED believes that the foregoing explanation and the requirements in Sections I.E.2 and I.E.3 of Permit Module I contain the information necessary for new owners/operators to proceed, the Department will consider meeting with any buyers to clarify any issues about going forward to have the Facility transferred to them.

If you have any questions about this matter, please call me at (505) 476-6035 or you may contact Cornelius Amindyas of my staff at (505) 222-9543.

Sincerely,



John E. Kieling
Acting Chief
Hazardous Waste Bureau

cc: C. Amindyas, NMED HWB
W. Moats, NMED HWB
S. Pullen, NMED HWB
L. King, EPA-Region 6 (6PD-N)
File: Rinchem 2011 and Reading