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Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT ENTERED

Hazardous Waste Bureau

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DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 28, 2011

Walter H. Singer
President
Advanced Chemical Transport
1210 Elko Drive
Sunnyvale, CA 94089

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

**RE: REQUEST FOR TRANSFER OF FINANCIAL RESPONSIBILITY
CONTAINER STORAGE FACILITY FROM
RINCHEM COMPANY, INC., TO
ADVANCED CHEMICAL TRANSPORTATION, INC.
EPA ID# NMD002208627
RNCM-11-001**

Dear Mr. Singer and Ms. Gorgone:

The New Mexico Environment Department (NMED) has received notification on the completion of the sale of Rinchem Company Inc.'s (RNCM's) permitted Container Storage Facility located at 6133 Edith Boulevard NE, Albuquerque to Advanced Chemical Treatment, Inc. (ACT) on October 17, 2011. NMED also received ACT's documents, which indicate their method of complying with the Financial Requirements specified at 40 CFR § 264.140 through 40 CFR § 264.151.

NMED has reviewed the Trust Agreement and the Liability Insurance Certificates for the facility submitted by ACT. NMED made the following findings during its review.

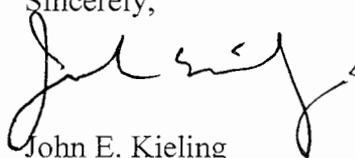
1. The Trust Agreement is worded as required in 40 CFR § 264.151(a)(1) and includes the appropriate Schedules A and B. The closure cost estimate appears to be acceptable, but ACT must update it in 2012, adjusting the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with 40 CFR § 264.143.

2. NMED found the following deficiencies in the information submitted. Therefore, ACT must submit the following information to NMED:
 - i. A signed duplicate original of a new Certificate of Liability Insurance issued to ACT. Pursuant to 40 CFR § 264.147(a)(1)(i), the wording of the certificate must be identical to the wording specified in 40 CFR 264.151(j), which it currently is not.
 - ii. A certification acknowledging ACT's corporate status pursuant to 40 CFR § 264.143(a)(2), which requires that a "Certificate of Acknowledgement" must accompany the Trust Agreement and the wording of the Certificate shall be identical to the wording at 40 CFR § 264.151(a)(2).
 - iii. The Trust Agreement signature page must bear the corporate seal of the Trustee (Comerica Bank), as required by 40 CFR § 264.151(a)(1).
 - iv. Pursuant to 40 CFR § 264.143(a)(1), the Trustee (Comerica Bank) must show that it is an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

ACT must submit the following information to NMED no later than January 15, 2012. NMED will make a final determination on the transfer of financial responsibility from Rinchem to ACT following receipt and review of the information requested.

Please contact Cornelius Amindyas at (505) 222-9543, if you have further questions on this matter.

Sincerely,



John E. Kieling
Acting Chief
Hazardous Waste Bureau

cc: C. Amindyas, NMED HWB
D. Strasser, NMED HWB
L. King, EPA-Region 6 (6PD-N)
File: RNCM 2011 and Reading
RNCM-11-001