

**Allen, Pam, NMENV**

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**From:** Hall, Timothy, NMENV  
**Sent:** Thursday, December 18, 2014 10:31 AM  
**To:** Valdez, James, NMENV  
**Cc:** Kieling, John, NMENV; Allen, Pam, NMENV; Cobrain, Dave, NMENV; Pullen, Steve, NMENV; Martin, Sandra, NMENV; Kraemer, Janine, NMENV; Hopinkah, Doug, NMENV  
**Subject:** RE: Public Information Requests  
**Attachments:** ACT, Inc. Inspection Report 102714.pdf; Oil stain from hydraulic line rupture 1.JPG; Oil stain from hydraulic line rupture 2.JPG

James,

Attached is the closeout documentation for the October 2014 ACT inspection. The information related to the release is discussed in the list of Potential Violations (Violation #13). Also attached are two photos taken during the inspection. This is the only documentation that we currently have regarding the release.

Tim

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**From:** Valdez, James, NMENV  
**Sent:** Wednesday, December 10, 2014 11:05 AM  
**To:** Hall, Timothy, NMENV  
**Cc:** Kieling, John, NMENV; Allen, Pam, NMENV; Cobrain, Dave, NMENV; Pullen, Steve, NMENV; Martin, Sandra, NMENV; Kraemer, Janine, NMENV  
**Subject:** RE: Public Information Requests

Tim,

I will notify Mr. Cluff that more time is required to respond to the request due to the fact that our review of the documents has not yet been completed.

Is December 19<sup>th</sup> a reasonable date that we will have formal documentation?

James

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**From:** Hall, Timothy, NMENV  
**Sent:** Wednesday, December 10, 2014 10:29 AM  
**To:** Kieling, John, NMENV; Valdez, James, NMENV; Allen, Pam, NMENV; Cobrain, Dave, NMENV  
**Subject:** RE: Public Information Requests

During the inspection in October, NMED noted that there was a release from a hydraulic line rupture that occurred on September 11, 2014. I will not have any formal documentation of this by the 15<sup>th</sup>; it sounds like we will have formal documentation when the inspectors do the inspection close-out next Wednesday (the 17<sup>th</sup>). How should we proceed?

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**From:** Kieling, John, NMENV  
**Sent:** Monday, December 01, 2014 3:49 PM  
**To:** Valdez, James, NMENV; Allen, Pam, NMENV; Hall, Timothy, NMENV; Cobrain, Dave, NMENV  
**Subject:** Fwd: Public Information Requests

Please coordinate the response and have James reply.

----- Original message -----

From: "Mascarenas, Melissa, NMENV"  
Date: 12/01/2014 2:24 PM (GMT-07:00)  
To: "Schoeppner, Jerry, NMENV" ,"Kieling, John, NMENV" ,"Ashley-Marx, Auralie, NMENV" ,"Bahar, Dana, NMENV" ,"Klass, Jeremy, NMENV" ,"Cordova, Antonette, NMENV" ,"Sandoval, Diana, NMENV"  
Subject: FW: Public Information Requests

**From:** Cynthia Green [<mailto:cyndyluhu@gmail.com>]  
**Sent:** Saturday, November 29, 2014 3:02 PM  
**To:** Mascarenas, Melissa, NMENV  
**Subject:** Public Information Requests

Melissa,

Please reference the attached information requests. I would be happy to pay for copies of relevant documents. Please forward information to [rscluff@earthlink.net](mailto:rscluff@earthlink.net).

Your prompt response is appreciated.

Thank you,

Ron Cluff



NEW MEXICO  
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Phone (505) 476-6000 Fax (505) 476-6030  
www.nmenv.state.nm.us

HAZARDOUS WASTE COMPLIANCE EVALUATION REPORT

Evaluation Type: CEI  CAV  Other

Facility: Advanced Chemical Treatment, Inc. Location: 6137 Edith Blvd. NE  
EPA ID #: NMD002208627 State # 2420 Albuquerque, NM 87107  
Ownership: Advanced Chemical Treatment, Inc. Mailing Address: Same as Above

Facility Representative/Contact: Bill Littleton Title: TSD Ops Manager  
Date: 10/27/14 Time of Entry: 0915

Entry Conference:

- Present credentials to facility representative
- Cite authority to enter site, conduct inspection, obtain samples, take photos (NMSA § 74-4-4.3)
- State reasons(s) for and nature of inspection
- State objectives and procedures for inspection

Participants: Print:

Name	Title	Phone#
<u>Doug Hopinkala</u>	<u>Environmental Specialist</u>	<u>505-222-9542</u>
<u>Jaime Rodriguez</u>	<u>Environmental Specialist</u>	<u>(505) 222-9569</u>
<u>Aaron Coffman</u>	<u>Environmental Specialist</u>	<u>(509) 222-9503</u>
<u>Frank Rodarte</u>	<u>Environmental Specialist</u>	<u>505-222-9541</u>
<u>Sandra Marten</u>	<u>Env. Sup.</u>	<u>505-222-9547</u>
<u>Bill Littleton</u>	<u>TSD Ops Mgr</u>	<u>505-349-5220</u>
<u>Sharon Massey</u>	<u>EM</u>	<u>(505) 409-470-0195</u>

This Compliance Evaluation Inspection (CEI)  
was conducted based on:

EPA ID NMD002207627  
Facility Name ACT, Inc.  
Date 10/27/14

Reason for Inspection: Routine  Compliant  Follow-up   
Never Been Inspected

Facility was Last Inspected on: 9/18/12  
Facility is: Notifier  Non-Notifier

History, Size and Nature of Business: The facility has been in business as ACT, Inc since October 2011, formerly known as Finchem Company, Inc. ACT, Inc. owns and operates a fully RCRA Permitted TSD. It is a provider of transportation, management, and storage of hazardous waste and non-hazardous waste, to include a house-hold hazardous waste collection & drop-off program. The Permitted building is approximately 20,000 ft<sup>2</sup> of square house space. ACT, Inc. services the western and southwestern region of the United States.

Waste Processes Forms

Potential Violation(s) Forms

Checklists Completed: CESQG  SQG  <90 Day  Used Oil  Other: \_\_\_\_\_

Current Status: CESQG  SQG  LQG  TSD  Compliant Response   
Transporter  Recycler  Non-Handler  Other: \_\_\_\_\_

Results of Inspection: A physical walkthrough of the 10-Day Transfer yard, the facility boundary, and the CSE was conducted. Photos were taken, and documentation was reviewed. Documentation included Inbound & Outbound manifests, training records, contingency plan, operational records for Used Oil and hazardous waste, waste analysis plan, inspection records, and fee reports. A walkthrough of the household hazardous waste collection center was also conducted. The addition of the 10-Day Transfer yard was added to the property boundary in January 2014.





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- 1) Failure to store used oil for a period of less than 35 days for a Transfer Facility. The 35 day exceedances can be identified in the current operating record as of 10/27/14. Used oil stored at the facility dates back to November 27, 2013. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.45(a).
- 2) Failure to store used oil within the maximum volume allowed of 1,320 gallons, for a Transporter, in containers of 55-gallons or greater. During the inspection, a copy of the used oil operating log, printed on 10/27/14, identified that the total volume stored was 5,445 gallons of used oil. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.45, referring to 40 CFR 112.1(d)(2)(ii).
- 3) Failure to store hazardous waste inside of the Permitted Container Storage Facility (CSF). During the inspection the following storage areas were identified:
  - a) One 40-yard roll-off bin with flammable/ignitable solids, on the south side of the CSF, identified as hazardous waste by facility personnel; and
  - b) A tractor trailer, destined for ACT, stored in the 10-day Transfer Facility yard, which was also verified by facility personnel.

This is a violation of PC III.A.

- 4) Failure to label or mark container(s) storing hazardous waste. During the inspection, a roll-off bin located on the south side of the CSF was identified as hazardous waste flammable/ignitable solids by facility personnel. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(d)(4).
- 5) Failure to store a hazardous waste container greater than 50 feet from the property. During the inspection one roll-off bin, located on the south side of the CSF and 28 feet from the property line, was identified as hazardous waste flammable/ignitable solids by facility personnel. This is a violation of PC III.J.1.
- 6) Failure to follow the methods for sampling hazardous waste. During the inspection the NMED observed ACT personnel not utilizing a separate COLIWASA sampler while collecting samples, on the dock. This is a violation of PC II.C.4, referring to Permit Attachment D.
- 7) Failure to properly complete uniform hazardous waste manifests. During the inspection the following were identified:
  - a) ACT personnel confirmed hazardous waste as being received on 10/23/14. The associated manifests, #006756952 and #006756953, were not signed and dated by ACT certifying that the waste has been received until 10/28/14; and

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- b) Line 16, for Exporting hazardous waste, on Manifest #006761343 FLE, dated 6/26/14, was not filled out; and
- c) Manifest weight discrepancies on multiple HW shipments

This is a violation of PC II.K, Attachment I and 20.4.1.300 NMAC, incorporating 40 CFR 262.54, referring to 40 CFR 262.20.

- 8) Failure to maintain an accurate operating record. During the inspection the following were located in the CSF, but not entered into the Operating Record:
  - a) Ten 55-gallon drums of D001 waste (Manifest #001533400 and #001533402) were located in the south aisle space of Room C and confirmed by ACT personnel that the waste was received on 10/24/14; and
  - b) Two 550-gallon portable totes (Manifest #006756948 FLE); and
  - c) One 1,600 gallon portable tote (Manifest #006753946 FLE); and
  - d) The waste containers associated with manifests #006756952 and #006756953.

This is a violation of PC II.L.1.

- 9) Failure to keep containers holding hazardous waste in good condition. During the inspection the following container was not in good condition:
  - a) One 55-gallon drum in Room E, E7R2, drum D64094-1 was found to be leaking.
  - b) One 30-gallon drum in the corrosive room, on the floor in the middle isle, was found to be imploding.

This is a violation of PC III.C.

- 10) Failure to store hazardous waste within the allowable maximum volume of 55,000 gallons. During the inspection, a review of the Operating Record, printed on 10/27/14, showed 53,000+ gallons of hazardous waste liquids alone in the CSF. When the container volumes in Violation #8 (total=3,250 gallons) are included, the total volume in the warehouse exceeded 55,000 gallons of hazardous waste. This is a violation of PC III.B.2.
- 11) Failure to store containers in a manner that would prevent rupture or cause leaks. During the inspection the NMED found multiple containers being stored on protruding nails, shrink wrap barely holding 5-gallons containers from falling,

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drums nearly falling off pallets, leaking containers, etc. This is a violation of PC III.E.

- 12) Failure to properly complete the Pre-Acceptance Inspection Sheets for inbound hazardous waste. Examples of incompleteness are the TSD not signing the PAIS for inbound shipments, the PAIS being completed by individual other than the transporter or TSD, and missing PAIS forms. This is a violation of Permit attachment D.
- 13) Failure to respond to a release of used oil to the environment. During the inspection of the west dock (a.k.a. back dock) the NMED noticed a large area of stained soil on the ground. ACT personnel confirmed it was from a hydraulic line rupture that occurred in September 11, 2014. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.22(d)(3).
- 14) Failure to follow notification requirements for any newly discovered SWMU/AOC. This is regarding the hydraulic line rupture on 9/11/14 and the facility not notifying the NMED within 15 days of discovery. This is a violation of PC IV.B.
- 15) Failure to post proper warning signs on the property boundary fence. During the inspection of the property boundary, the NMED noticed that the Entry Gate and the additional southeast property did not have any signs posted. This is violation of PC II.D.2.
- 16) Failure to amend the Contingency Plan (CP) with the new design layout of the facility. During the inspection, the NMED noticed a fence had been removed for the addition of new property. A review of the CP did not indicate this change of the property layout. This is a violation of PC.II.J.3.
- 17) Failure to make a hazardous waste determination. During the inspection, the NMED found two 55-gallon black metal drums, labeled "Empty", on the back dock. ACT personnel were unable to verify the contents at the time of inspection. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.11.
- 18) Failure to maintain the security barrier of the facility. During the inspection of the property boundary, the NMED noticed that:
  - a) The west gate, supposedly equipped with a locking mechanism, could be opened without having to push the lever to unlock the mechanism; and
  - b) The southeast property that was added to the facility boundary had two corners (NE and SW) with large enough openings that could easily allow for entry of unauthorized persons.

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This is a violation of PC II.D.

19) Failure to submit an Exception Report to the NMED-HWB for the uniform hazardous waste manifests not signed to indicate the waste was received from the designated TSD. The following manifests did not contain the signature of the designated TSD:

- a) The entire 2014 year of manifests, destined for RINECO (received the copies from ACT on 11/10/14); and
- b) Export Manifest #006761343 FLE, dated 6/26/14.

This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.42(a)(2).

20) Failure to repair the deterioration to the roof of the CSF. During the inspection, ACT personnel confirmed that the roof, where the "Dangerous When Wet" wastes were being stored, had been leaking since September 2014, but could not provide confirmation that the deterioration had been repaired. This is a violation of PC II.E.3.





