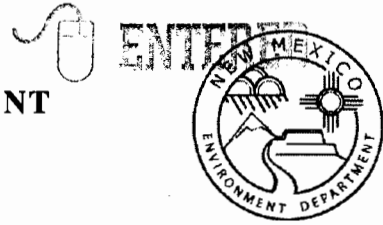




NEW MEXICO
ENVIRONMENT DEPARTMENT



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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

July 10, 2015

Shawn Moudy, General Manager
Advance Chemical Treatment, Inc.
6133 Edith Boulevard NE
Albuquerque, NM 87107

Walter Singer
ACT Property Acquisition Partners V, LLC
1210 Elko Drive
Sunnyvale, CA 94089

**RE: ADMINSTRATIVE COMPLETENESS DETERMINATION AND
NOTICE OF DISAPPROVAL FOR TECHNICAL CONTENT
PERMIT RENEWAL APPLICATION, CONTAINER STORAGE FACILITY
ADVANCED CHEMICAL TREATMENT, INC.
EPA ID#NMD002208627
RNCH-11-001**

Dear Messrs. Moudy and Singer:

The New Mexico Environment Department (NMED) has completed an administrative completeness and technical review of the permit renewal application (Application) for the Part B Hazardous Waste Facility Permit (Permit) originally submitted by Rinchem Company (Rinchem) on August 12, 2011.

NMED notes that Advanced Chemical Treatment, Inc. (ACT) became the operator of the facility on October 17, 2011. In a letter dated January 20, 2012, NMED approved the transfer of financial responsibility from Rinchem to ACT. NMED also notes that ACT Property Acquisition Partners V, L.L.C., became the legal owner of the facility on May 21, 2015, and as the legal owner of the facility will be identified in the Permit as a co-permittee.

NMED has determined that the Application is administratively complete; however, the Application does not meet the technical requirements for a permit application. Below are technical comments that ACT Property Acquisition Partners V, L.L.C. and ACT (collectively, the Applicants) must address before NMED can continue with its review of the Application.

General Comments

1. Provide a figure that clearly defines the legal boundaries of the Facility, as defined at 40 CFR § 260.10. If the “active portion of the facility,” as defined at 40 CFR § 260.10, differs from the Facility boundary, provide a figure that defines the active portion.
2. Section 2.1 of the Application states that RCI Properties (Bill Moore) is the owner of the property. Revise this section to state that ACT Property Acquisition Partners V, L.L.C. is the owner and a co-Applicant with operator Advanced Chemical Treatment, Inc. (ACT).
3. Section 2.2 of the Application states, “[t]he facility conducts its operations on a leased 3.08 acre property which it shares with a sister company Advanced Chemical Transport, Inc. (ACT).” Revise this section to indicate the following:
 - a. The Facility does not include the adjacent 10-day transfer facility operated by Advanced Chemical Transport, Inc.; and
 - b. The property upon which the Facility is located is not leased but is owned by co-Applicant ACT Property Acquisition Partners V, L.L.C.
4. Provide a figure that clearly shows the access controls to the Facility (e.g., fences, gates).
5. Provide a discussion of the September 11, 2014, release of hydraulic fluid, including documentation of the remediation and corrective actions taken to clean up the release.
6. *Figure 9 – Local Geology of ACTreatment*, is a section of a map published in 1977. An updated geologic map, published in 2008, is available from the New Mexico Bureau of Geology and Mineral Resources titled, “Geologic Map of the Albuquerque-Rio Rancho Metropolitan Area and Vicinity, Bernalillo and Sandoval Counties, New Mexico.” Include this updated map and an updated discussion of the seismic standards at 20.4.1.500 NMAC, incorporating 40 CFR §264.18(a), based on the 2008 map.
7. Section 6.2 of the Application states that the Facility stores and consolidates waste in tanks. There is no indication elsewhere in the Application that the Facility has any permitted storage tanks, as defined in 40 CFR § 260.10, or that the Applicants are requesting storage tanks be permitted. Revise the Application to remove this reference to tanks, or provide a complete description in all relevant sections of the Application (e.g., general facility description, inspection plan, etc.) of all tanks used to store hazardous waste at the Facility. If any existing tank(s) has been abandoned in place, provide documentation of the completion of the abandonment process (see Comment 9).
8. Various sections of the Application reference hazardous waste management activities that meet the definition of “treatment” at 40 CFR § 260.10 (e.g., Section 2.5.3 references lamp crushing, shredding, and compacting operations; Facility SOP 9 references compactor operations; Facility SOP 10 references shredder operations; Waste SOP 5 references lamp crushing). Revise the Application to clarify that the Facility does not treat hazardous waste; alternatively, revise the Application and submit the appropriate fees at 20.4.2.205 NMAC to request permitted treatment of hazardous waste for each treatment unit to be permitted.

9. During a site visit on April 2, 2015, ACT personnel informed NMED staff that the drains in Room D and the storage tank under the west dock are to be plugged. Provide evidence that the drains and the tank have been plugged.
10. Provide a description of the methods used to segregate hazardous waste from universal waste, household hazardous waste, used oil, and any other non-RCRA waste managed at the Facility.
11. Section 5.2 of the Application references the "ACT Powered Industrial Truck (PIT)." It is not clear to what this refers. Provide additional information on the ACT PIT.

Attachment 3 – Justification of ACTreatment Fuels Consolidation Policy Comments

12. The BTU values in Waste SOP 8 are "generator certified," but the profile does not indicate that the generators conducted any analysis to determine the BTU values. Provide a discussion of the generator methods used to assess the BTU values of the liquid fuels. Also provide a complete list of the waste streams that qualify for the fuels consolidation program at ACT, including the generator certified BTU values and the percent water content from the Waste Profile Forms.
13. Figure 10 and Table 5 in Attachment 3 appear to reflect BTU values and percent water content for consolidated waste. The data presented does not establish a relationship between BTU values and percent water content for waste prior to consolidation, and therefore does not demonstrate that the Applicants consolidate only liquid fuels with greater than 5000 BTU. Furthermore, during reviews of Waste Profile Forms for liquid wastes, NMED has observed high variability (i.e., low precision) in percent water content for some of the waste streams with listed as greater than 5000 BTU. To demonstrate that the Applicants are not treating waste (i.e., mixing waste that is greater than 5000 BTU with waste that is less than 5000 BTU), the Applicants must establish a relationship between BTU values and percent water content for unconsolidated waste (i.e., as generated).

Waste Analysis Plan (WAP) Comments

14. Provide a description of hazardous wastes generated on-site, including the processes that generate the waste. Also provide the following:
 - a. the waste analysis parameters for testing, analyzing, and/or monitoring, and the rationale for selecting these parameters;
 - b. the sampling procedures, including collection strategies, sampling equipment, sample preservation methods, decontamination (for reusable equipment), and QA/QC procedures;
 - c. the methods for selecting an analytical laboratory;
 - d. the testing and analytical methods used; and
 - e. the frequency for re-evaluating each waste stream.

15. Revise WAP Section 2.1.1 should state that Generator Knowledge includes a description of the process that is used to generate each waste stream, as documented in the Waste Profile Form. Revise Section 2.1.1 as necessary.
16. WAP Section 2.1.3 references a "Waste Profile Form" and a "Waste Profile Sheet." Provide a discussion of the difference between these two documents and an example each.
17. WAP Section 2.1.4 states: "Each waste stream will be assigned a unique identification number that is provided by ACT." Section 2 of the Part B Application identifies the TSD facility operator as Advanced Chemical Treatment, Inc. (ACTreatment) and the operator of the transfer facility as Advanced Chemical Transport (ACT). Clarify which entity is responsible for assigning unique identification numbers to waste streams.
18. WAP Section 2.3.2 states: "[i]f a waste stream is not acceptable, the generator will be notified of the un-acceptability and the reasons for the un-acceptability." Provide a list or a description of the types of wastes that are prohibited for acceptance at the Facility.
19. WAP Section 3.1.3 states that when a discrepancy is identified in a shipment of waste, the waste may be segregated and stored while the discrepancy is resolved. Clarify the following:
 - a. the length of time that the waste may be stored
 - b. whether the waste will be stored in the permitted unit(s)
 - c. the method for segregation of the waste
 - d. the method for identification of the waste in the Operating Record
 - e. the method that Facility personnel will use to identify the waste
20. WAP Section 4.2 includes a table that shows the number of containers to be randomly selected for sampling based on the cube root procedure. The last row in the table states that if the total number of containers in the shipment is 65 – 225, 5 containers should be sampled; this should state that if the total number of containers in the shipment is 65 – 125, 5 containers should be sampled.
21. WAP Section 7.2.1 discusses sampling of "contaminated water storage tanks." Clarify which tanks are being sampled and where the tanks are located.
22. The specific information included in the Waste SOPs that describe hazardous waste should be included in the WAP as follows:
 - a. For each hazardous waste category, include:
 - i. the QA/QC parameters and steps;
 - ii. the location in the Facility where the waste may be stored;
 - iii. a description of the processing/consolidation, including the location of all such activities; and

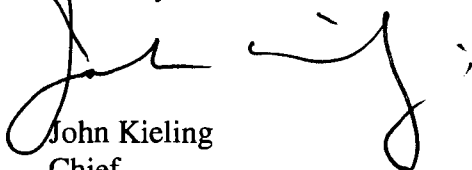
- iv. the waste analysis parameters, methods, and procedures used at the Facility upon physical acceptance of waste, including the rationale for selection of the parameters and methods.
- b. Waste SOP 1 – Aerosols, states that aerosols may be received at the Facility as hazardous waste, universal waste, household hazardous waste, or non-hazardous waste. Describe how the Applicants manage and track aerosols differently depending on the regulatory status of the waste.
- c. Waste SOP 4 – Labpack Consolidation, states that labpacks may be received at the Facility as hazardous waste or non-hazardous waste. Describe how the Applicants manage and track labpack wastes differently depending on the regulatory status of the waste.
- d. Waste SOP 6 – Landfill Liquids, states that landfill liquids may be received at the Facility as hazardous waste or non-hazardous waste. Describe how the Applicants manage and track landfill liquids differently depending on the regulatory status of the waste.
- e. Waste SOP 7 – Landfill Solids, states that landfill solids may be received at the Facility as hazardous waste or non-hazardous waste. Describe how the Applicants manage and track landfill solids differently depending on the regulatory status of the waste.
- f. Waste SOP 8 – Liquid Fuels, states that liquid fuels may be received at the Facility as hazardous waste or non-hazardous waste. Describe how the Applicants manage and track liquid fuels differently depending on the regulatory status of the waste.
- g. Waste SOP 8 – Liquid Fuels, states that liquid fuels that qualify for consolidation as fuel have a BTU value of >5000 and water content below 40%. However, Attachment 3 of the application states that ACT does not bulk wastes as liquid fuel if the water content is below 50%. Clarify the criterion for the percent water content for bulking waste as liquid fuels.
- h. Waste SOP 8 – Liquid Fuels, states that the Applicants “[c]onduct a chemical analysis as needed (pH, percent water) on a representative number of containers using the ‘cube root’ procedure, as described in WAP Section 4.2.” The Applicants must address the following concerns:
 - i. As stated in Comment # 13 above, a relationship between BTU value and percent water content has not been established for waste prior to consolidation. The Applicants must demonstrate that pH and percent water content are valid indicators of BTU value; and
 - ii. During reviews of Waste Profile Forms for liquid wastes, NMED has observed high variability (i.e., low precision) in percent water content for some of the waste streams designated as greater than 5000 BTU. The Applicants must demonstrate that the representative sampling proposed in WAP Section 4.2 will provide accurate results with regard to BTU values.

- i. Waste SOP 9 – Low BTU organic Liquids, states that low BTU organic liquids may be received at the Facility as hazardous waste or non-hazardous waste. Describe how the Applicants manage and track low BTU organic liquids differently depending on the regulatory status of the waste.
 - j. Waste SOP 9 – Low BTU organic Liquids, states that low BTU organic liquids are defined as having a BTU value of less than 5000. Describe the procedures ACT uses to determine the BTU value of these wastes upon receipt at the Facility.
 - k. Waste SOP 10 – Mercury Wastes, states that mercury wastes may be received at the Facility as hazardous waste or non-hazardous (universal) waste. Describe how the Applicants manage and track mercury wastes differently depending on the regulatory status of the waste.
 - l. Waste SOP 11 – Non-Consolidation Wastes (DIDO), states that “drum in, drum out” wastes may be received at the Facility as hazardous waste or non-hazardous waste. Describe how the Applicants manage and track DIDO wastes differently depending on the regulatory status of the waste.
 - m. Waste SOP 12 – Solid Fuels, states that solid fuels may be received at the Facility as hazardous waste or non-hazardous waste. Describe how the Applicants manage and track solid fuels differently depending on the regulatory status of the waste.
 - n. Waste SOP 12 – Solid Fuels, states that solid fuels have a BTU value of greater than 5000. Describe the procedures ACT uses to determine the BTU value of these wastes upon receipt at the Facility.
23. Clarify that only hazardous wastes may be consolidated/bulked with other *similar* hazardous wastes, i.e., that the Applicants will not consolidate hazardous wastes with non-hazardous wastes (e.g., non-RCRA waste, universal waste, household hazardous waste, used oil).

The Applicants must submit a revised Application no later than **November 30, 2015**. In addition, the Applicants must include a written response that details where each comment is addressed, cross-referencing NMED's numbered comments. The Applicants also must submit an electronic redline-strikeout version of the revised Application that highlights where all changes to the Application have been made.

If you have any questions regarding this letter, please contact Dave Cobrain at (505) 476-6055.

Sincerely,



John Kieling
Chief
Hazardous Waste Bureau

Messrs. Moudy and Singer

July 10, 2015

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cc: D. Cobrain, NMED HWB
K. Wood Harsono, ACT
File: Reading and RNCH-11-001