ACT

ENTERED

NEW MEXICO
ENVIRONMENT DEPARTMENT

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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 2, 2016

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

RE: ADMINISTRATIVELY INCOMPLETE DETERMINATION
HAZARDOUS WASTE TREATMENT AND STORAGE FACILITY PERMIT APPLICATION
ADVANCED CHEMICAL TREATMENT, INC. EPA ID#NMD002208627
RNCH-11-001

Dear Mr. Moudy:

On October 12, 2015, the New Mexico Environment Department (NMED) received a revised permit renewal application (Application) for the Part B Hazardous Waste Facility Permit (Permit) for Advanced Chemical Treatment, Inc. NMED has reviewed the Application, submitted by Advanced Chemical Treatment (the Applicant), and based on the addition of hazardous waste treatment, has determined that the Application is administratively incomplete. The Permittee must address the following comments.

GENERAL COMMENTS

1. The Application format is not standard and makes the review more time consuming. A standard format will expedite review and permit preparation. A suggested format is attached to this NOD (Attachment A).

2. Instead of stating that the Facility will do what the regulation requires, without being specific, provide descriptions of how the Facility will comply with the regulations.

3. All maps were submitted at an inappropriate scale. Maps must be clearly readable. Use a minimum of 9-point font and print maps (and figures) on paper sufficiently large to make them readable.

4. The hard copy Application was missing 25 pages (pages 57 through 82) that were located and printed from the electronic copy. Provide the missing pages in the revised Application.

5. The ACTreatment Facility Operations Manual (standard operating procedures or SOPs) is not a substitute for Part B Permit Application requirements. The Part B Permit Application must be completed in full. SOPs may be attached for additional information.

6. The Facility Operations Manual pages are mis-numbered. Pages 8 through 35 are labeled as "Page 7." The page numbers start on Page 36 as "Page 29." Pages 109 through 116 of the Facility Operations Manual were submitted upside down. A page divider labeled "PROFILES" was placed between page 93 (Waste SOP 10) and page 94. Correct these errors in the revised Application.

7. No "waste profiles" were submitted in the Application. The last numbered page of the Facility Operations Manual is page 116. After that, a list of ACT-numbered company names is included but not identified. Correct these errors in the revised Application.

RESPONSE TO OCTOBER 12, 2015 GENERAL COMMENT FOLLOW-UP

8. The responses provided in the October 12, 2015 letter (Letter) should have been incorporated into the Part B portion of the RCRA Permit Application for renewal. Correct this error in the revised Application.

9. Letter Item 5 - While not a permit application-related question, this Letter Item was not adequately addressed. Provide the details of the corrective actions taken (e.g., volume of soil removed, sample locations, sample analytical results, disposition of excavated soils). A response to this question was not submitted with the Application.

10. Letter Item 6 - The geologic map submitted that was intended to comply with 40 CFR 264.18(a) is inadequate for demonstrating seismic considerations. Submit a map that addresses this requirement that includes the facility clearly labeled and all known faults (if any) within 200 feet of the Facility. Also provide written geologic documentation that no faults are located within 200 feet of the Facility. The map must depict the Facility boundaries, the 200 foot radius marked beyond the Facility boundaries, and identify all geologic features within a 3000 foot radius surrounding the Facility. [40 CFR 270.14(b)(11)(ii)(B)]

11. Letter Item 7 - The provided answer is incomplete. While the Application was updated to remove the word "tanks" in Section 6.2, the word "tank" is found in other sections of the Application, on pages 7 and 84 of the Facility Operations Manual.

12. Letter Item 8 - The Application has not been updated to include activities such as compacting that meets the definition of treatment. In addition, some of the waste consolidation practices, as written in the permit (see Section 2.5.3), may meet the definition of treatment. As written, the waste consolidation practices may represent new Points of Generation (POG), therefore placing the Facility in the Large Quantity Generator category. A site visit on June 22, 2016, provided information that the Facility will likely not add a shredder. Update the Application to remove all references to the shredder.

13. Letter Item 9 – Provide a decommissioning schedule for the west dock tank and a description of the tank's secondary containment system that will be used as part of the storage facility's secondary containment system. Update the Application to include all information regarding the decommissioning of the tank and ancillary equipment, the decommissioning schedule, the schedule for submitting decommissioning documentation, and the use of the existing secondary containment system.

14. Letter Item 10 – Provide a detailed 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. The description provided was not adequate. Provide a detailed description in the Application of how regulated RCRA waste is managed separately from non-RCRA regulated waste.

15. Letter Item 12 – No "Attachment 2 Waste Summary" or "Attachment 2 Wastes Streams That Qualify for Fuels Consolidation" was found in the Application. Page 12 looks like a placeholder, but only presents a title. An "Attachment 3" is titled "Justification of ACTreatment Fuels Consolidation Policy." Identify whether Attachment 3 is supposed to be Attachment 2. Provide the requested information, verifying that both generator knowledge and chemical analysis is used to assess British Thermal Unit (BTU) values, from the July 10, 2015 NOD.

16. Letter Item 13 –While the amount of water in a liquid fuel can impede combustion, and therefore is one factor in how well a fuel may perform, water content alone cannot determine the actual BTU value of a fuel. The BTU measures the potential of a fuel to release energy through the release of combustion products and energy. Water content will affect this reaction, but does not fully measure the combustion potential. Provide information to demonstrate how BTU values are determined. To demonstrate that treatment of waste is not being conducted (i.e., mixing waste that is greater than 5000 BTU with waste that is less than 5000 BTU), establish a relationship between BTU values and percent water content for unconsolidated waste (i.e., as generated). Provide the information as requested.

17. Letter Item 14 – Provide, in detail, documentation and extensive discussion for describing all hazardous wastes generated on-site, including the processes that generate the waste and identify all points of generation. Include full descriptions, specific criteria, and supporting documentation for:

a. the sampling procedures actually used, including collection methods, sampling equipment, sample preservation methods, decontamination methods for reusable equipment, and QA/QC procedures, and
b. the criteria for selecting analytical laboratories and the laboratories currently used.

18. Letter Item 16 – No copy of the Waste Profile form or Waste QA/QC form (as seen on the June 23, 2016 site visit) were included in this Application. Include copies of all forms used.

19. Letter Item 18 – The list and types of hazardous wastes that are not accepted at the Facility must be included in the Application. Include this information and their RCRA waste designations and DOT designations that are prohibited at this facility.

    Identify whether dioxin-containing wastes, wood-treating wastes, or PCB-containing wastes are accepted at this Facility. The Application must identify all RCRA waste codes that may be managed by this Facility.

20. Letter Item 19 – The information requested was not provided in the Permit Application Waste Analysis Plan (WAP). Update the Application to include specific descriptions concerning how waste discrepancies are identified and waste discrepancy corrective actions. Provide complete responses that include detailed documentation of waste segregation, waste identification, discrepancy waste quarantine and storage, discrepancy waste returns/transport, and the criteria for making determinations related to these actions.

21. Letter Item 20 – It was indicated to NMED on the June 22, 2016 site visit that no sampling and analysis, other than for water content of fuels, occurs at this Facility and the Facility does not use any contracted laboratories for chemical analysis; however, the WAP includes sampling methods and random sampling plans. Explain this discrepancy and include the sampling and analysis program used for routine sampling and analyses of wastes in the revised Application.

22. Letter Item 22 – Provide the following information requested for each hazardous waste category.

    a. Subsection a. - Include, for each hazardous waste category, the QA/QC parameters and methods. The Facility's response states that this information is included in WAP Section 7; however, the hard copy Application only contains WAP Sections 1 through 5. A search of the electronic submittal found that only half of the full Application was submitted and the submittal does not include the WAP.
    b. Subsections b. through f., i., k., l., and m. – Provide detailed descriptions of how all waste streams are managed and tracked depending on the regulatory status of the waste. This information must be included in the WAP.

c. Subsection h.i. – Provide documentation (e.g., laboratory data from a contract laboratory providing analytical correlations, peer reviewed journal articles, EPA guidance, other published and proven documentation) to establish a relationship between BTU values and percent water content.
d. Subsection h.ii. – Demonstrate (e.g., laboratory data from a contract laboratory showing analytical correlations, peer reviewed journal articles, EPA guidance, other published and proven documentation) that the representative sampling proposed in WAP Section 4.2 will provide accurate results with regard to the determination of BTU values.
e. Subsections j. and n. – Describe the procedures the Facility uses to determine and confirm the BTU values of wastes upon receipt at the Facility.

23. Letter Item 23 –Provide a detailed description of hazardous waste consolidation and bulking with other similar wastes. In addition, provide a detailed description of procedures for determining new points of generation and waste designations. Describe how the Facility prevents consolidation of hazardous wastes with non-hazardous wastes.

PART A COMMENTS

24. The Part A, dated June 1, 2015, is missing the following information for the RCRA Subtitle C Site Identification Form (OMB#: 2050-0024):

a. Section A.1.b. lists the Facility as an SQG. Explain this designation.
b. Section B.1. indicates that the Facility is a Universal Waste LQG but fails to identify the waste streams.
c. Section D.1 and D.2 are marked neither Yes nor No. Complete Sections D.1 and D.2.
d. Define the unit "T" in Table 1.
e. Table 1 does not specify the "process waste code" and it appears that all wastes accepted at the Facility have the same process waste code "S01." Verify that "S01" is correct for all wastes accepted at the Facility.

25. Additional information missing from the June 1, 2015 Part A NMED include:

a. No Hazardous Permit Information Form (OMB#: 2050-0024) was submitted with this Part A. The following is a link to the EPA Instructions and Form: https://www.epa.gov/sites/production/files/2016-04/documents/rcra_hw_part_a_permit_application_instrucitons_and_forms.pdf

b. The Hazardous Waste Information Form includes the following, which were not submitted on June 1, 2015:

i. Scale drawings and photos of the existing TSD areas [40 CFR 270.13(h)]

ii. A written description of the processes conducted at the Facility [40 CFR 270.13(i)]
iii. General description of the processes used for waste management [40 CFR 270.13(j)]
iv. Listing of all permits and approvals [40 CFR 270.13(k)]
v. Topographic map [40 CFR 270.13(l)]
vi. Description of the nature of the business [40 CFR 270.13(m)]

PART B COMMENTS

Facility Description

26. Provide a readable map depicting the legal boundaries of the Facility. [40 CFR 270.14(b)(19)(vii)]

27. Provide a readable map depicting the drainage and flood control barriers. [40 CFR 270.14(b)(19)(xi)]

28. Provide a readable map depicting the location of treatment and decontamination areas for both compactors, the fuel consolidation area, and the waste consolidation(s). [40 CFR 270.14(b)(19)(xii)]

29. No information was provided to identify the uppermost aquifers beneath the Facility, ground water flow direction, the locations of groundwater monitoring wells, and extent of any known groundwater contamination plumes from either the Facility or its neighbors. [40 CFR 270.32(b)(2)]

30. Include a copy of the relevant Federal Insurance Administration (FIA) map for determining the 100-year flood plain. The map provided is a topographic map that does not indicate whether or not it is a true FIA map and does not identify the 100-year flood plain relative to the facility. [40 CFR 270.14(b)(11)(iii)]

31. Provide a figure and discussion of the RCRA permitted areas of the Facility versus the non-permitted facility areas.

32. Provide as-built diagrams that present the floor slopes, drainage, and appropriate construction of building secondary containment. Describe the secondary containment maintenance, such as inspection schedules, coating compatibility, and routine maintenance to ensure that spilled hazardous wastes do not penetrate the concrete floors. [40 CFR 264.175(c)(2)]

Waste Characterization and Waste Analysis Plan (WAP)

33. Only Sections 1 through 4 and a portion of Section 5 of the Waste Analysis Plan (WAP) were provided. Provide the complete, revised WAP, based on the comments below.

34. The following is a link to the EPA guide for developing the Facility's Waste Characterization and WAP:
https://www.epa.gov/sites/production/files/2015-04/documents/tsdf-wap-guide-final.pdf

    This EPA guidance document must be used to develop a thorough, appropriate, and defensible WAP. The guidance contains two sample WAPs; Example 2 (pages 4-36 through 4-59) is for a commercial TSDF storage facility with minimal waste handling (consolidation) that ships the waste offsite for further management and disposal.

    Provide the ten sections of the Content and Organization of the WAP (page 2-3) in the updated WAP and address the key issues (page 2-5) for off-site storage facilities. Incorporate all process descriptions into the WAP.

35. The Waste Analysis and Management Section and WAP must include copies of data generated (in order of priority) by: (a)laboratory testing of the hazardous wastes (analyses initiated by the Facility) for hazardous characteristics and constituents, (b) published analytical data on the hazardous waste, and/or (c) data gathered from similar processes generating hazardous wastes accepted at the Facility. This information was not provided in the Application. Provide this data as well as all hazardous waste profiles (both generator and Facility profiles) and waste QA/QC forms for all hazardous wastes accepted. This data should also cover the hazardous wastes generated on-site. [40 CFR 270.14(b)(2) and 264.13(a)]

36. Describe how the waste characterization data provided by generators is verified to ensure that incoming hazardous waste manifests are accurate. [40 CFR 264.13(a)(4)]

37. Describe the process to verify that accepted hazardous wastes are compatible with container construction materials. This demonstration was not included in the Application. [40 CFR 270.15(d) and 264.172]

38. Provide detailed Facility policies, procedures, and methods for characterizing incoming wastes to accurately determine discrepancies for both chemical and physical parameters. Describe the methods for determining hazardous waste constituents and characteristics when evaluating compatibility for treatment, consolidation, and container type. While the WAP includes a few physical waste parameters, it does not use adequate chemical parameters to identify and confirm hazardous wastes. Fingerprint analyses should be performed regularly on incoming hazardous waste to confirm generator profiles. Fingerprint analyses generally includes (but is not limited to): specific gravity, color, flash point, presence of more than one phase, pH, halogen content, reactive cyanide content, and percent water.

39. Provide the names, contact information, and certifications of the contract laboratories used by the Facility for fingerprint and representative sample analyses, as described in

ACT's Facility Operations Manual, Section 1.3.1, Section 2.1.2 Analytical Data, and Section 4.3 Chemical and Physical Evaluation and Analysis Descriptions.

40. The table on page 114 lists BTU Calorimetry analyses but does not list an analytical method. The next page then states that the BTU Calorimetry is not conducted at the facility. Provide the method used to determine BTU (e.g., Gas Processors Association (GPA) Method 2261). State whether this procedure was conducted at a contract laboratory (See comment 39).

41. Provide all pH and oxidizer test strip analytical manufacturer's specifications (range, accuracy, precision, etc.). List all analytical methods used in addition to these screening methods for pH and oxidizers and all analytical methods used for identification of all hazardous wastes necessary to confirm hazardous waste generator profiles. Some example target analytes include (but are not limited to): total metals; RCRA metals, volatile and semi-volatile organics; gasoline-, diesel-, and oil-range organics; percent solids, flash point, and toxicity characteristic leaching procedure (TCLP). Include documentation for all methods and procedures, such as published literature, trial tests, waste analyses, or similar processes.

42. Provide appropriate fingerprint and representative sampling procedures for analysis for both physical and chemical parameters for incoming hazardous waste identification and confirmation. It was indicated to NMED on the June 23, 2016 site visit that no sampling took place at the Facility, other than for visual inspection, pH, and percent water. It was also indicated to NMED on the June 23, 2016 site visit that the Facility does not contract with any commercial laboratories for chemical analyses. This information is inconsistent with the permit Application. Correct the discrepancy.

43. Describe the procedures used to evaluate hazardous waste characteristics (i.e., ignitibility, corrosivity, reactivity, and toxicity) when a generator's profile is in question. [40 CFR 261 Subpart C]

Process Information

44. Create a discrete section that describes all pertinent container management, tank management, and miscellaneous treatment management information to facilitate Application review and permit preparation. Information within this section should cover and include (but is not limited to):

    a. facility processes overview;
    b. descriptions of containers;
    c. container management practices and policies; containers with free liquids and testing for free liquids;
    d. tank descriptions and management;
    e. miscellaneous treatment overview;

f. miscellaneous treatment management for compaction, consolidation, and fuel blending;
g. secondary containment design and operation;
h. containment systems drainage and capacity;
i. control of run-on and run-off; and
j. removal of liquids from containment systems.

45. Describe in detail the process for hazardous waste consolidation. All criteria that hazardous wastes must meet to be consolidated, such as (but not limited to):

    a. Lists of all RCRA waste codes combined in each event and in each container,
    b. Physical compatibility,
    c. Chemical compatibility (i.e., specific gravity, pH, hazardous constituents, etc.),
    d. BTU values (as appropriate),
    e. Water content,
    f. Process for reviewing profiles, generator knowledge, fingerprint analyses, and other relevant data, and
    g. Secondary containment at the consolidation location.

    Provide maximum volumes for each consolidation event as well as Facility consolidation locations.

46. The Application must describe, in detail, all Universal Waste treatment, disposal, and recycling activities at the Facility. While Waste SOPs 2, 3, and 5 are helpful, they do not provide detailed information regarding the Facility's Universal Waste program. Specify which universal wastes the Facility is receiving in the Application. From the SOPs, it appears that the Facility is only accepting battery, electronic, and lamp wastes as Universal Waste. Identify whether the Facility also accepts pesticides and other mercury-containing equipment as Universal Waste. If so, these types of wastes must also be addressed.

Containers

47. Identify the RCRA waste codes when describing all hazardous wastes.

48. Describe the design and operation for the containment system, including (but not limited to) diagrams and as-built engineering drawings or plans, capacity, management and maintenance, and testing procedures. [40 CFR 264.175(a) through (d) and 270.15(a) through (e)].

49. Describe how each type of containerized hazardous waste is managed. Because page 9 states that low BTU organic liquids, waste oil, and liquid fuels will be consolidated in "totes or tank trailers" all descriptions of container management and secondary containment must include provisions for using tank trailers. EPA considers tank trailers to be containers that must meet all container requirements.

50. Provide complete descriptions of containers for (but not limited to) numbers, sizes, and specifications of containers. Provide information demonstrating that each waste type is compatible with container construction materials. [40 CFR 264.171 and 264.172; 270.14(b)(1) and 270.15(a)(1)]

51. Provide a figure that demonstrates that all containers holding ignitable or reactive waste are always located at least 50 feet (15 meters) from the Facility's property line. [40 CFR 264.176]

52. Re-evaluate the secondary containment calculations and volumes provided in Table 1 on page 7. A total maximum storage capacity of over five million gallons seems high for the size of the Facility. Using the dimensions provided, the total secondary containment capacity should be approximately 43,947 gallons, not the 501,627.5 gallons listed. Revise Table 1 as necessary.

53. Air emissions standards for containers are not addressed in the permit Application. 40 CFR 264.179 states that "The owner or operator shall manage all hazardous waste placed in a container in accordance with the applicable requirements of subparts AA, BB, and CC of this part." Describe Facility compliance with 40 CFR 264 Subparts BB and CC.

Tanks

54. Provide documentation to show that the existing tank and connecting floor drains will be decommissioned and are not currently in use. Tanks are still referenced in the Facility Operations Manual on page 7 in section 11.7.3 and on page 84, Liquid Fuels Waste SOP 8, section 8.3.5, which states "optional storage may be in tanks if the TSD is equipped to do so."

    Provide a schedule for decommissioning the tank and ancillary equipment. If the tank can be used, or there are plans to use the tank, the Facility must comply with 40 CFR 270.16 and 40 CFR 264.191-194. [40 CFR 270.16 and 40 CFR 264 Subpart J]

Miscellaneous Treatment Units

55. Provide the following information, in detail, for the compactor treatment unit:

    a. a treatment overview and description;
    b. a detailed description of the unit, including manufacturing specifications;
    c. a detailed description of the secondary containment system for this unit, including as-built diagrams and impervious coating specifications;
    d. volumes and concentrations of all wastes that will treated in the unit and release volume potential;
    e. a detailed description of all hazardous and non-hazardous wastes that may be treated in the unit and waste compatibility;

f. a detailed description of how the unit will be managed and cleaned between treatment of incompatible wastes and regulated/non-regulated wastes;
g. a list by RCRA code the hazardous wastes intended for this treatment;
h. a detailed description all wastes potentially generated by this treatment process and their designation and management; and
i. monitoring and inspection program as well as maintenance schedules for the unit.

Include a discussion of treatment, performance standards, standards to be maintained to protect human health and the environment (e.g., emissions controls), and air monitoring. [40 CFR 270.23, 40 CFR 264.601, and 40 CFR 264.602]

56. Provide complete and detailed information of the Facility's fuel consolidation program:

    a. Describe and document in detail how fuel consolidation or bulking is conducted.
    b. Describe and list which wastes are consolidated or bulked during this process and provide all RCRA waste codes applicable to each batch. Also provide the maximum batch volumes and a figure showing locations where consolidation is conducted.

57. Describe how the Small Quantity generator status was determined and provide documentation of this calculation. The inventory must include all hazardous wastes generated, including those generated from all treatment activities (e.g., compacting, container compacting, spills, consolidation, etc.). Include any wastes generated during hazardous waste compaction and hazardous waste drum or container compaction.

58. Describe release response procedures for the compactor (e.g., spill containment and procedures to respond to releases of waste), as a permitted unit not located within a built structure.

Procedures to Prevent Hazardous

59. Provide a detailed description of all precautions taken by the Facility to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required by 40 CFR 264.17, including documentation demonstrating compliance with 40 CFR 264.17(c). [40 CFR 270.14(b)(9)]

60. Provide inspection information regarding schedules for testing and maintenance of safety and emergency equipment, PPE, security devices, and operating and structural equipment as required by 40 CFR 264.15(b)(1).

61. Provide a schedule for regular testing and maintenance of all equipment (each piece of equipment) used for hazardous waste treatment, storage, and management. [40 CFR 264.33]

62. Provide a description of staff access to communications or alarms as required by 40 CFR 264.34.

63. Provide documentation of arrangements with local emergency authorities and scheduled updates for emergency response to the Facility. If any entity refuses to enter into a coordination agreement, this must be documented and included in the Application. [40 CFR 264.37(a) and (b)]

64. Demonstrate that physical contact with the waste, structures, or equipment within the active portion of the Facility will not injure unknowing or unauthorized persons which may enter the active portion of the Facility. [40 CFR 264.14(a)]

Personnel Training

65. For each position that works with hazardous waste, provide a complete description (required classes, on-the-job training topics, hours spent in training, outline of the complete training program) of both the classroom and on-the-job training that is required to comply with the requirements of 40 CFR 264.16.

66. Provide a resume or credential requirements for the training director to ensure the training director is adequately trained in hazardous waste management procedures, including contingency plan implementation. [40 CFR 264.16(a)(2)]

67. Demonstrate how the Facility's training program meets all requirements of 40 CFR 264.16(a)(3)(i) through (vi) and 40 CFR 264.16(a)(4).

68. Describe training records and management procedures to meet requirements of 40 CFR 264.16(b) and (c).

69. Describe the records and management procedures to comply with 40 CFR 264.16(d).

70. Describe the Operating Record management procedures. [40 CFR 264.16(e)].

Financial Assurance

71. The financial assurance section is incomplete. No financial assurance mechanism is provided for closure. The liability insurance certificate [40 CFR 264.147] provided appears to be for operations only, not for closure. Establish and document financial assurance for closure of the facility, using one of the six mechanisms found in 40 CFR 264.143(a) through (f). [40 CFR 264.143]

Facility Closure Plan

72. The Closure plan must include the proposed methods for decommissioning and removal of containers and decontamination of the container storage area. Include descriptions (and

demonstrations, to the extent possible) of how remaining containers, liners, bases, and soils contaminated with hazardous waste or hazardous waste residues will be decontaminated or removed. [40 CFR 264.178]

73. Update the closure cost estimate relative to the current (2016) dollars. For the purposes of the permit Application, submit a draft final closure cost estimate using third-party cost estimates. [40 CFR 261.142]

74. NMED notes on page 30 that the cost estimate for the 'maximum amount of waste at facility at any given time' is 150,000 gallons. Page 7 of the Application states the maximum storage capacity of the facility is 5,016,275 gallons, which is likely an error. However, given the assumed corrected containment capacity of 43,947 gallons (or 10% of the maximum capacity), the associated maximum storage capacity would be about 439,470 gallons. The corrected maximum storage capacity is the correct volume to be used in determining closure costs.

The New Mexico Hazardous Waste Permit and Corrective Action Fee regulations, Section 20.4.2.201.D, require the assessment of a fee to renew a permit when NMED determines that a permit Application is administratively complete. A renewal fee for container storage was paid by the Applicants on February 2, 2012. The Applicant has added hazardous waste treatment to the Application, which requires a reassessment of the Application for completeness.

After the Applicants submit an administratively complete Application, NMED will begin its technical review of the Application. However, in order to expedite this Application review, NMED has included preliminary technical comments to facilitate the permitting process. Links to guidance documents and guidance attachments have been included to further expedite the process.

The Applicant must submit a revised Permit Application no later than **January 15, 2017**. In addition, the Applicant must submit a table cross-referencing NMED's numbered comments with the locations in the Application where each comment was addressed.

If you have any questions regarding this letter, please contact Stacie Singleton at (505) 476-6056.

Sincerely,

John Kieling
Chief
Hazardous Waste Bureau

Enclosure

cc: D. Cobrain, NMED HWB
S. Singleton, NMED HWB
K. Wood Harsono, ACT
L. King, EPA Region 6 (6MM-RC)

File: RNCH-11-001

ATTACHMENT A

Suggested format for RCRA TSDF Permit Application Parts A and B

This outline provides a brief description of the section order and expected general categories to be included in RCRA permit applications for treatment, storage, and disposal facilities (TSDF). This information provided is a starting place; permit applications will include much more information than the outline below. This outline is intended to provide guidance for assembling a permit and for facilitating review and processing. The permit review and processing time is dependent on the completeness and technical adequacy of the information provided by the permittee.

Part A –

EPA RCRA Hazardous Waste Part A Permit Application Instructions and Form:
https://www.epa.gov/hwpermitting/resource-conservation-and-recovery-act-hazardous-waste-part-permit-application-form

Permit Section A

1. Form 8700-23
2. Form 2050-0034
3. Description of activities conducted which require the facility to obtain a RCRA permit and brief description of the nature of the business
4. Detailed descriptions of processes to be used for treating, storing, and disposing of hazardous waste
5. Topographic map
6. Facility drawing
7. Current facility photographs
8. Additional comments

Part B –

Useful guidance documents:

1. *Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF) Regulations(2014):* https://www.epa.gov/sites/production/files/2015-08/documents/tsdf-ref-doc.pdf
2. *Waste Analysis at Facilities that Treat, Store, and Dispose of Hazardous Wastes (2015):* https://www.epa.gov/sites/production/files/2015-04/documents/tsdf-wap-guide-final.pdf

Section B. Facility Description

1. General Description and Information
2. Application type and status
3. Facility location information
4. Topographic Map and other maps (provide as many maps as needed)

5. Facility siting criteria
6. Seismic requirements
7. Flood plain requirements and copy of Federal Insurance Administration or other Flood Map (if facility is in 100-year flood plain, additional information is required)
8. Traffic Patterns, estimate of average number, weight, type and size of vehicles used to transport hazardous waste
9. Facility compliance history, applicant experience, site history, neighboring facilities)

Section C. Waste Characteristics and Waste Analysis Plan (WAP)

1. Waste Analysis Plan
2. Chemical and physical analyses
3. Wastes in regulated units
4. Test methods
5. Sampling methods
6. Frequency of analyses
7. Additional requirements
8. Waste analysis requirements pertaining to Land Disposal Restrictions (LDR)
9. Notification, certification, and recordkeeping requirements
10. Exemptions, extensions, and variances to LDR

Section D. Process Information – Containers, Tanks, Treatment Units, and Miscellaneous Treatment

1. Containers
    a. Containers with free liquids
    b. Containers without free liquids
    c. Containment and detection of releases
    d. Controls and practices to prevent spills and overflows
2. Tanks
    a. Tank systems
    b. Existing tank systems
    c. New tank system
    d. Containment and detection of releases
    e. Controls and practices to prevent spills and overflows
3. Treatment units
    a. Description
    b. Process description
    c. Containment and detection of releases
    d. Controls and practices to prevent spills and overflows

Section E. Groundwater Monitoring

Section F. Procedures to Prevent Hazards

1. Security
2. Inspections
3. Preparedness and Prevention

- Contingency Plan
- Health and Safety Plan

4. Prevention of Reaction of Ignitable, Reactive, and Incompatible Wastes

Section G. Personnel Training Requirements

1. Outline of the training program
2. Management and records
3. Annual training program review
4. Job title/job description for each position
5. Job title/job description and experience required for trainers
6. Training records

Section H. Financial Assurance Requirements

1. Operational
2. Closure
    a. Closure cost estimate
    b. Financial mechanism

Section I. Closure and Post-Closure