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**NEW MEXICO  
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Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

February 10, 2017

Mr. Shawn Moudy  
General Manager  
Advanced Chemical Treatment  
6137 Edith Boulevard N.E.  
Albuquerque, NM 87107

**RE: TOTE SPILL IN YARD – OCTOBER 31, 2016  
ADVANCED CHEMICAL TREATMENT, INC.  
EPA ID# NMD002208627  
HWB – ACT - MISC**

Dear Mr. Moudy:

The New Mexico Environment Department (NMED) received the Advanced Chemical Treatment (ACT) written Incident Report concerning the release of hazardous waste that occurred on October 31, 2016, on November 16, 2016.

The timing of the submittal is not in compliance with the current Resource Conservation and Recovery Act (RCRA) permit. Review permit Section I.E.13 (Twenty-Four Hour and Subsequent Reporting). This section requires that a written Incident Report be submitted to NMED “within five (5) calendar days from the time the Permittees become aware of the noncompliance...”

ACT may request that NMED extend the submittal time up to fifteen (15) calendar days; however, submitting the report after five days without an NMED approved extension is a violation of the current RCRA permit. Regardless, the Incident Report was not submitted in compliance with either deadline. Any future violations of this (or other) permit conditions may result in a Notice of Violation and monetary penalty.

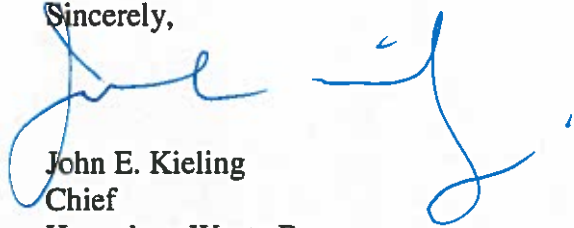
The NMED has reviewed your Incident Report and determined that it is missing significant information regarding the incident on October 31, 2016. Revise the Incident Report to include the following information:

1. Explain why the written Incident Report was not submitted either within five days (as required by permit Section I.E.13) or 15 days (requiring NMED permission) of the incident.
2. Identify what caused the container to leak and why this was not discovered upon the container's arrival at the facility.
3. Clearly identify on a legible map the location of the trailer during the spill. Also clearly identify the suspected location and outline of the spill on the map.
4. Clearly describe:
  - a. the total volume of waste recovered and all location(s) where the waste was recovered,
  - b. the media sampled (for example, asphalt, soil, and/or surface water),
  - c. if 2.5" and 6" represents the sampling depth and whether the depth is relative to the ground surface or below the asphalt surface,
  - d. the analyses conducted on the samples and the rationale for the selected analyses,
  - e. why rush analyses were not selected,
  - f. when analytical results were received, and
  - g. why the attachment(s) to the Chain of Custody (CoC) that were not included with the Report; include the missing CoC attachment(s). Note that a CoC is not a substitute for all or part of the Incident Report.
5. Provide the rationale for choosing the sampling locations as well as the sampling methods used to obtain and test the samples.
6. Identify all constituents and RCRA waste codes associated with this spill.
7. Provide detailed descriptions of how your Contingency Plan will ensure that any future incidents occurring during typical non-work hours are quickly and safely identified and addressed.
8. Fully describe how and where this waste will be managed and disposed. Note that this waste is now considered generated at ACT, as was the waste from the March 2016 incident. Both these waste volumes count toward your generator status.
9. Provide the analytical laboratory report(s) for all sample analytical testing.

Mr. Moudy  
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The NMED is exercising its enforcement discretion by not issuing a Notice of Violation at this time. The Permittee must submit a revised and updated Incident Report to NMED no later than **March 31, 2017**. If you have any questions, please contact Stacie Singleton of my staff at (505) 476-6056.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB  
S. Singleton, NMED HWB  
J. Kraemer, NMED HWB  
P. Paduano, ACT  
K. Harsono, ACT

