



State of New Mexico
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 26, 2018

Jeff Smith, 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 (JULY 1, 2018 REVISION)
ADVANCED CHEMICAL TREATMENT, INC. EPA ID#NMD002208627
RNCH-11-001**

Dear Mr. Smith:

The New Mexico Environment Department (NMED) received a revised permit renewal application (Application) for the Hazardous Waste Facility Permit (Permit) from Advanced Chemical Treatment, Inc. on July 1, 2018. NMED has reviewed the Application, submitted by A CT, and has determined that the Application is administratively incomplete. The applicant must address the following comments.

ADMINISTRATIVE INCOMPLETE COMMENTS

1. 40 CFR 264.15 and 270.14(b)(8)(iv) requires a description of procedures, structures, or equipment used at the facility to, “*Mitigate effects of equipment failure and power outages.*”. Section F *Procedures to Prevent Hazards*, subsection F.2 *Inspections* discusses inspections of safety and emergency equipment and remedial actions to correct deterioration/malfunctions of equipment or structures but does not provide any information on power outages. Provide a discussion regarding actions to address potential power outages.

2. Application figure B.2 identifies three locations where Fuel blending will be conducted. Describe the activities that will occur in each location. Provide the descriptions per unit as described in 40 CFR 270.23(a)(1) and (2). The description of each location must include unit dimensions, construction descriptions, the activities to be conducted at each location, and spill containment details (e.g., curbs, temporary berms)

TECHNICAL COMMENTS

In addition to the comments related to administrative completeness NMED is providing the technical comments to facilitate review of the permit application and preparation of the permit. The applicant must address the following comments:

3. As previously stated in NMED's September 2, 2016 Administratively Incomplete Determination letter, the Application format does not follow the sequence included in 40 CFR 270 which 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). Refer to 270.14 *General information requirements* and 270.15 *Specific part B information requirements for containers* with regard to the sequence of presenting information to facilitate review.
4. On the Part A, form 8700-23 *Hazardous Waste Permit Information form* page 2, item 7 *Description of Hazardous Waste*, must provide clarification for the specific location in the part A Application that states "included with above" references for each waste code listed in table 7. Reference the corresponding table item number for each waste code.
5. On the Part A, form 8700-23 *Hazardous Waste Permit Information form* page 2, item 6 *Process codes and design capacities*, the compactor and fuel blending units of measure for the process design capacity appear to be incorrect. Update the design capacities with the appropriate units of measure and volume for the compaction and fuel blending processes.
6. In the response to NMED's July 6, 2017 Administratively Incomplete Determination (2017 Determination), the applicant states, "The application updated sections B.2.2.2, B.2.3.4, B.2.4.3, B.2.5.3, B.2.6.3, B.2.7.2, B.2.8.2, B.2.9.2, B.2.10.2, B.2.11.2, B.2.12.2, B.2.13.2, to include references for sections A.3.1 and A.3.2." The 2018 permit application does not contain subsections A.3.1 or A.3.2. NMED assumes the intention was to refer the readers to sections B.3.1 and B.3.2. Correct the discrepancy and the cross references in subsections B.2.2.2, B.2.3.4, B.2.4.3, B.2.5.3, B.2.6.3, B.2.7.2, B.2.8.2, B.2.9.2, B.2.10.2, B.2.11.2, B.2.12.2, and B.2.13.2
7. Subsection B.2.1.3 *refers* the reader to follow sections B.3.1 *Standard Facility Safety Practices* & B.3.2 *Basic Facility PPE*. Section B.3.1 *Standard Facility Safety Practices* identifies "Housekeeping" criteria as the following: Reducing slips, trips and fall hazards, cleaning-up spills immediately, keeping work areas organized and free of

clutter, and reporting potential hazards immediately. Provide details addressing how each method above distinguishes standard “housekeeping” criteria from the Section F Contingency Plan Emergency Response subsections.

8. Section B *Facility Description*, Subsection B.1.1 *Facility Design* inadequately describes the materials used to construct the building and each room listed in table B-1 *Facility Storage Areas*. Describe the materials used to construct and manage waste (e.g., shelving, recessed areas, secondary containment) in each room used for storage or are used for treatment. See also comment 17 below for further details concerning construction dimensions.
9. Section B *Process Description*, Subsection B.2.2.3 *Area Where Operation Will Take Place* states, “Consolidation operations are conducted at the warehouse in appropriate areas that are based on the DOT Hazard Class.” Replace DOT Hazard Class with RCRA waste codes and describe: 1) the consolidation activities conducted at each location and 2) The methods used to transport waste to and from each consolidation area.
10. Figure B.11- The topographic map provides depth to groundwater in the monitoring wells located on the map. Revise the figure to report the groundwater elevation data.
11. 40 CFR 270.14(b)(2) and 264.13(a) and (b) requires a detailed chemical and physical analysis of a representative sample of the wastes for each waste stream which must be known to treat, store, or dispose of the waste. Section D *Process Information*, subsection D.3 *Compactor Treatment Units*, see *Appendix D.3 RCRA Solid Fuels Approved EPA Waste Codes for Compactor*, lack detailed information regarding the methods to determine waste stream compatibility for wastes treated by compaction. This information was previously requested in NMED’s 2017 Determination. The application is still missing this detailed information. Provide the methods for characterization of the waste streams to be treated in the compactor prior to compaction to ensure chemical compatibility in the revised application.
12. This Facility is a RCRA-permitted TSDF. Replace all DOT codes with RCRA waste codes.
13. NMED comment 45h dated October 2015 requested that the Facility provide the maximum volumes for each consolidation event as well as Facility consolidation locations. The Application is missing this information. Provide the information in the revised Application.
14. As previously requested in NMED’s October 2015 comment 38, describe fingerprint sampling procedures for incoming hazardous waste streams. The Application, Section C, Waste Analysis Plan, subsection C.5.2 *Waste Analysis*, references fingerprint evaluation which is undefined. Define fingerprint evaluation in the revised application.

15. Section D *Process Information*, subsection D.1.2 *Inspections & Section F Procedures to Prevent Hazards*, subsection F.2 *Inspections* discusses inspection procedures; however, copies of the inspection schedule and inspection forms are not included in the Application. 40 CFR 270.14(b)(5) requires that a copy of the general inspection form and schedule be provided. Provide copies including tables which display the frequency of inspections for all equipment and the inspection form(s) in the revised application.
16. Section F *Procedures to Prevent Hazards*, subsection F.3 *Contingency Plan* discusses the Contingency Plan but does not include a copy of the plan. Provide a copy of the Contingency Plan in the revised application.
17. Section F *Procedures to Prevent Hazards*, subsection F.4.2 *Segregation of Ignitable and Reactive Wastes*, page F-24 removed the last paragraph which states, “[t]he storage portion of the facility is separated into six sections by stem walls and cinderblock walls. Each area has sloped floors to contain any materials within that area should a spill or leak occur.” Reinsert this section and provide details regarding the basic design parameters such as the direction and slope of the floor per 40 CFR 270.15(a)(1) and (2), the floor to ceiling height per room, and all building and room dimensions including the floor slope and doorway dimensions as required by 40 CFR 270.14(d)(1)(iii) in the revised application. See also comment # 8 above for further details concerning construction materials.
18. As required by the October 2015 NMED comment 41, 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. Include documentation for all methods and procedures, such as published literature, trial tests, waste analyses, or similar processes. Provide details regarding the instruments to be used to identify characteristic hazardous wastes.
19. Section B *Facility Description*, subsection B.1.1 *Facility Design* provides information but not enough to satisfy 40 CFR 270.15 because the Application states that the building itself to be “secondary containment.” The building does not constitute secondary containment without additional information to satisfy 40 CFR 270.15. Provide volume capacities, and dimensions including doorway floor heights relative to room floor heights, degree of slope and depth and dimension of recessed floors for each storage room. See also comments numbers 8 and 17.
20. NMED’s October 2015 comment - Part B, *Facility Closure Plan* 74 there remains a discrepancy between the total storage maximum capacity of 100,000 gallons referenced in Subsection B.1.1. *Facility Design* on page B-4 and the total storage capacity listed in Table B-1 *Facility Storage Areas* of 1,056,550 gallons. Also, Page B-5 first paragraph states, “40 C.F.R §264.175(b)(3) requires secondary containment systems to have sufficient capacity to contain 10% of the volume of containers or the volume of the largest container, whichever is greater.” The 10% total secondary containment capacity in gallons provided in table B-1 was 105,655 which also contrasts with the total storage

maximum capacity of 100,000 gallons stated on page B-4. Correct the discrepancies regarding Table B-1 Max Storage Capacity, Secondary Containment Capacity, and the total storage maximum in the revised Application.

21. Section F *Procedures to Prevent Hazards*, subsection F.3.16 *Required Reports* incorrectly refers to 40 CFR 264.56(j). Replace the citation with 40 CFR 264.56(i) in the revised Application.
22. Section F, *Procedures to Prevent Hazards*, subsection F.2.2 *Monthly Inspections*, fifth bullet point lists the facility floor as a containment system and states it is, “sealed and free of cracks” but does not provide a description of the base material that underlies the containers. Provide how this subsection complies with 40 CFR 264.175 regulations. See comments numbered 8 and 17 above.
23. Section D, *Process Information*, subsection D.3.4 *Description of All Hazardous and Non-Hazardous Wastes and Waste Compatibility* last paragraph states, “Chemical compatibility of hazardous wastes to be compacted will be based on the DOT chemical compatibility guidelines in 49 CFR 177.848- “Segregation Table for Hazardous Materials.” Chemical compatibility for compaction must be based on RCRA waste categories. Refer to sections 40 CFR 264.172, 40 CFR 264.177, and 40 CFR 264.17. Revise the Application to reference RCRA waste compatibility and provide a description of the methods that will be used to make compatibility determinations. See also comments 11 and 12 above.
24. NMED October 2015 comment 15 requested information verifying that both generator knowledge and chemical analysis was used to assess British Thermal Unit (BTU) values. Application, Subsection C.5.4 *Additional Level 1 Analysis for DOT Class 3 Flammable Waste* third bullet identified the use of the ASTM D240 to be the final determinant of BTU values for blended wastes. Provide a copy of the ASTM method as supporting reference material with the revised application.
25. Section D, *Process Information*, subsection D.3.2 *Secondary Containment Systems for the Existing Compactor* states, “Secondary containment for the compactor consist of a chemical resistant epoxy coated consolidation collection pan for liquids,” with a holding capacity of 66 gallons. The compactor system also states that it is, “mounted in a stationary secondary containment basin” which holds about 1,432 gallons. The last paragraph states, “ if any residual liquids are released from the roll-off bin, they will be adequately contained in the existing 3-sided secondary containment basin.” 40 CFR 264.175(c) & 40 CFR 270.15(b) require containment that is designed and operated to contain spills, leaks, and accumulated precipitation and/or require containers to be elevated/protected from contact with accumulated liquid. The stationary secondary containment basin and the consolidation collection pan for liquids do not provide secondary containment. In addition, the three-sided secondary containment basin must include a measure of containment to prevent potential run on and/or run off from spills,

leaks, or precipitation. Provide a detailed description how the secondary containment requirement will be met in the revised application.

26. Section D, *Process Information*, subsection D.3.3 *Existing Compactor Volumes and Concentrations of Wastes* second paragraph states, “only de-minimis amounts of liquid waste will be generated. Any de-minimis liquids that are released from the bin will be collected in the closed side of the secondary containment basin and absorbed or contained. Any de-minimis quantities that are generated will be removed immediately following compaction of the batch and managed as facility generated waste.” Provide in detail how generated liquids will be removed following compaction, including liquids released from the roll-off bin. In addition, define de-minimis.
27. Describe the process to verify that accepted hazardous wastes are compatible with their container construction materials. [40 CFR 270.15(d) and 264.172]. As requested in NMED’s October 2015 comment 50, provide information demonstrating that each waste type is compatible with container construction materials.
28. Section I, *Facility Closure Plan*, subsection I.2.3. *Sampling & Analysis Plan* lacks detailed information. 40 CFR 264.112(b)(1) requires, “A description of how each hazardous waste management unit at the facility will be closed in accordance with §264.11.” Provide detailed procedures for sample collection and chemical analytical methods proposed for each unit. to ensure compliance with 40 CFR 264.112(b)(1) in the revised application.
29. NMED’s October 2015 comment 59 requested that the applicant provide a detailed description of all precautions taken by the Facility to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes are required by 40 CFR 264.17, including documentation demonstrating compliance with 40 CFR 264.179(c). For example, add an inspection schedule, provided on a separate page, to Table F-2 *Emergency Equipment at ACT Treatment Facility* Page F-18, subsection F.3.15 in the revised application.
30. As requested in NMED’s October 2015 comment 67, describe how the training program meets the requirements of 40 CFR 264.16(a)(3)(i) through (vi).
31. As requested in NMED’s October 2015 comment 55f, provide a detailed description of how the compaction unit will be managed and cleaned between treatment of incompatible wastes and regulated and non-regulated wastes.

PART A COMMENTS

1. 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)]

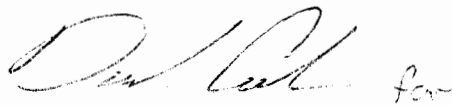
2. Provide specific fingerprint and representative sampling and analysis procedures for both physical and chemical parameters for incoming hazardous waste identification and confirmation. It was indicated to NMED on the June 23, 2016 site visit that no sampling took place at the Facility, other than 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.

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 **December 7, 2018**. 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. The revised Application must be submitted as two hard copies and electronic copy on disc.

If you have any questions regarding this letter, please contact Vanessa Colón at (505) 476-6058.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

Enclosure

cc: D. Cobrain, NMED HWB
V. Colón, 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