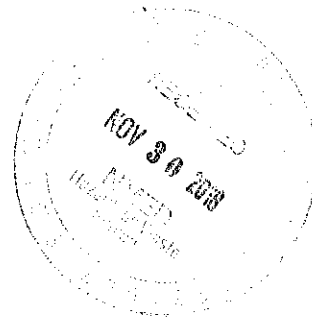




November 26, 2018

John Kieling
Chief, Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building I
Santa Fe, New Mexico 87505-6303



Reference:

Hazardous Waste Treatment and Storage Permit Application
Advanced Chemical Treatment, Inc., EPA ID Number NMD002208627, RNCH-11-001

Subject:

Response to Administratively Incomplete Determination and Technical Comments (Hazardous Waste Treatment and Storage Facility Permit Application, July 1, 2018 Revision)

Dear Mr. Kieling:

Advanced Chemical Treatment, Inc. (ACT Treatment) has reviewed the September 26, 2018 comments from New Mexico Environment Department (NMED) for our Hazardous Waste Facility Permit application. We appreciate the thorough review and the consolidated set of administratively incomplete and technical comments.

We will address the comments in a revised and updated permit application, as indicated in the enclosed "Response to Administratively Incomplete and Technical Comments". We do have questions and we would like clarification for some comments. In particular, we have several questions related to comments on the use of Department of Transportation (DOT) hazard classes and several questions related to the Waste Analysis Plan (WAP).

Written responses may be easiest for some of the questions however we would like to have an in-person working meeting with NMED to address comments related to DOT hazard classes and the WAP. We feel it would be more productive for a small group of NMED and ACT representatives to work through these technical issues in-person. We would be happy to meet in your offices, to host a meeting at ACT Treatment or to meet at another mutually convenient location as soon as NMED would like.

In order to allow time for NMED to respond to our questions, and for the DOT/WAP working meeting, we are also requesting an extension of the deadline for the revised permit application. We would like to extend this deadline for an appropriate interval after the in-person meeting to allow us to incorporate the results of that meeting into the permit application revision.

We look forward to further discussion with your staff. If you have further questions or concerns, please contact me at 505-249-6858; jsmith@actenviro.com or Krista Harsono at 619-571-5737; kharsono@actenviro.com.

Respectfully Submitted,

Advanced Chemical Treatment, Inc.

A handwritten signature in black ink, appearing to read "Jeffrey Smith".

Jeffrey Smith
General Manager



**Response to Administratively Incomplete and Technical Comments,
Hazardous Waste Treatment and Storage Facility Permit Application,
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NMED Comments Paraphrased/Response and ACT Treatment Proposed Responses and Changes to Application	
Administrative Incomplete Comments	
<p>1. <u>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."....Provide a discussion regarding actions to address potential power outages.</u></p>	<p>Actions and procedures regarding potential power outages will be addressed in F.2 of the revised permit application</p>
<p>2. <u>Application figure B.2 identifies three locations where Fuel blending will be conducted.... 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...</u></p>	<p>ACT Treatment considers the entire Facility as one Treatment Unit. A general description of the facility will be included in Section B.1 of the revised permit application and information on specific areas to be used for Fuel Blending will be included in Section D.3.</p>
Technical Comments	
<p>3. <u>...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)...</u></p>	<p>The format of the revised application will be changed to follow the sequence included in 40 CFR 270.</p>
<p>4. <u>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.</u></p>	<p>The form 8700-23 will be updated in the revised permit application to address this as well as other issues.</p>
<p>5. <u>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.</u></p>	



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The process design capacities in form 8700-23 in A.2 will be revised to ensure correct units of measure in the revised permit application

6. ...the applicant states, "The application updated sections...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...

The discrepancy will be corrected. Standard facility safety and PPE practices will be described in Section F.3.2 of the revised permit application.

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...identifies "Housekeeping" criteria as the following: Reducing slips, trips and fall hazards... Provide details addressing how each method above distinguishes standard "housekeeping" criteria from the Section F Contingency Plan Emergency Response subsections.

ACT Treatment would like clarification or an example on what information NMED is seeking for Comment 7.

The housekeeping practices referred to in the Application are general practices for all facility operations and are followed to minimize the likelihood of accidents and to increase safety of facility operations. Should an emergency occur, the Contingency Plan will be implemented and the procedures included in the Contingency plan will be used to respond to the emergency.

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...in each room used for storage or are used for treatment...

The materials used to construct and manage waste in each room will be addressed in B.1 of the revised permit application.

9. Section B Process Description, Subsection B.2.2.3...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.



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ACT Treatment would like clarification on Comment 9 regarding use of DOT hazard classes and would like to discuss this issue in a working meeting with NMED.

DOT hazard classes are routinely used in the hazard waste industry because all hazardous materials must be managed according to DOT Hazard Classes for both in-bound and out-bound transportation. ACT Treatment is primarily a hazardous waste transfer site and all waste that is received will be repackaged for off-site disposal, so it is consistent to manage wastes within the facility according to DOT hazard classes. Use of DOT Hazard classes for segregation and storage within ACT Treatment is consistent with requirements in 40 CFR 262.30-33. RCRA waste codes and associated processes are provided in Part A of the application.

The description of the consolidation activities conducted at each location and the methods used to transport waste to and from each consolidation area will be addressed in D.3 of the revised permit application.

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.

Appendix B.11 will be revised to show groundwater elevation data in the revised permit application.

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...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.

ACT Treatment would like clarification on Comment 11 regarding the specific requirements for the WAP and would like to discuss this issue in a working meeting with NMED.

The Application includes a waste analysis plan (WAP) in Section C that applies to all Facility operations, including treatment via the compactor. Characterization of waste to be treated by the compactor is addressed in the Application under the WAP. Compatibility was also addressed in the Application, based on DOT requirements in 49 CFR 177.848 – “Segregation Table for Hazardous Materials”, a common practice in the industry.



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12. This Facility is a RCRA-permitted TSDF. Replace all DOT codes with RCRA waste codes.

ACT Treatment would like clarification on Comment 12 regarding use of DOT hazard classes and would like to discuss this issue in a working meeting with NMED.

As noted above in response to comment 9, use of DOT hazard classes for segregation and management of hazardous wastes is standard practice in the hazardous waste industry.

13. NMED...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.

The maximum volume for each consolidation event was provided in Section B.2 of the Application and will be included in Section B.2 of the revised permit application.

14. ...describe fingerprint sampling procedures for incoming hazardous waste streams...subsection C.5.2 Waste Analysis, references fingerprint evaluation which is undefined. Define fingerprint evaluation in the revised application.

ACT Treatment would like clarification on Comment 14 regarding the specific requirements for the WAP and would like to discuss this issue in a working meeting with NMED.

The term “fingerprint analysis” refers to qualitative or field evaluations of wastes, such as the use of pH test strips or visual evaluation of waste properties. This is addressed as “Level 1” analysis in the WAP. See Section C.2 of the revised permit application.

15. Section D ...& Section F...discusses inspection procedures; however, copies of the inspection schedule and inspection forms are not included in the Application...Provide copies including tables which display the frequency of inspections for all equipment and the inspection form(s) in the revised application.

Inspection schedule and example forms will be provided in F.2 of the revised permit application.

16. ...Provide a copy of the Contingency Plan in the revised application.



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The Contingency Plan will be included in the permit application as an appendix in Section F of the revised permit application.

17. ...page F-24 removed the last paragraph which states, "[t]he storage portion of the facility is separated into six sections ..."
Reinsert this section and provide details regarding the basic design parameters such as the direction and slope of the floor... the floor to ceiling height per room, and all building and room dimensions including the floor slope and doorway dimensions...

The referenced paragraph will be reinserted and details will be provided in F.4 of the revised permit application.

18. ...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...

ACT Treatment would like clarification on Comment 18 regarding the specific requirements for the WAP and would like to discuss this issue in a working meeting with NMED.

Table C-3 of Section C of the Permit Application (Waste Analysis Plan) lists the analytical methods to be utilized at the Facility for Level II analysis. If NMED believes an analytical method is missing from this table, in C.4, or is incorrect in any manner, ACT will make the necessary corrections in the revised permit application.

The analytical methods specified in Table C-3 are standard ASTM or U.S. Environmental Protection Agency methods. Please clarify why ACT must provide "published literature, trial tests, waste analyses, or similar processes" for standard, validated test methods that are widely referenced and easily available.

19. ...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"...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...



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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 will be added to B.1 of the revised permit application.

20. ...Correct the discrepancies regarding Table B-1 Max Storage Capacity, Secondary Containment Capacity, and the total storage maximum in the revised Application.

In B.1.1, ACT Treatment is stating that a policy will be implemented to limited storage to a maximum capacity of no more than 100,000 gallons of hazardous waste. Table B-1 shows the maximum storage capacity of each warehouse area but is not intended to represent the amount that will be stored in those areas at any one time. Section B.1.1 of the revised permit application will be updated to clarify this issue.

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.

The incorrect citation will be replaced with the correct citation in F.3 of the revised permit 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...

ACT Treatment would like clarification on Comment 22.

Please clarify what is meant by "base material". The floor of the storage areas is made of epoxy-coated concrete. This information will be added to F.2 of the revised permit application.

23. ...Chemical compatibility for compaction must be based on RCRA waste categories, not the mentioned DOT chemical compatibility guidelines in 49 CFR 177 .848-"Segregation Table for Hazardous Materials"...Revise the Application to reference RCRA waste compatibility and provide a description of the methods that will be used to make compatibility determinations.



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ACT Treatment would like clarification on Comment 23 regarding use of DOT hazard classes and would like to discuss this issue in a working meeting with NMED.

Please see Comments 9 and 12. DOT requirements are based on general chemical and physical properties and ACT Treatment believes that use of these DOT requirements are adequate for establishing compatibility. If the NMED has an example based on other factors that it can share from another permit, ACT will consider the example and modify D.3 of the revised permit application.

24. ...Application, Subsection C.5.4 Additional Level I 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.

A copy of ASTM D240 will be provided in C.5 as supporting reference material for the determination of BTU values for blended waste.

25. ...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.

ACT considers the collection pan to be secondary containment for the compactor unit

The primary container for the compactor is the compactor bin. Empty containers and other wastes in solid form will be treated in the compactor. Containers to be compacted will be emptied as much as is practicable since liquids cannot be compacted, however small amounts of liquids may be released from the compacted waste. If liquids were to escape the primary container (the compactor bin), they would accumulate in the collection pan, which acts as secondary containment for the compactor.

The current 3-sided basin provides additional secondary containment and we do not believe modifying the current basin is necessary to prevent release of liquids. In addition, adding a 4th side to the current basin would make it more difficult to move the compactor bin in and out of the area.



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26. ...D.3 .3 Existing Compactor Volumes and Concentrations of Wastes...provide in detail how generated liquids will be removed following compaction, including liquids released from the roll-off bin. In addition, define de-minimis.

ACT does not anticipate generation of significant amounts of liquids from the compactor unit (“de minimis” amounts)

As described above (comment 25), only minimal (“de minimis”) amounts of liquids could be generated from the compaction process. Those liquids will be evaluated and disposed of as described in C.8 Characterization of ACT Treatment Generated Waste in the Permit Application. The word de-minimis is used in the Application as the ordinary meaning of the term.

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]...

ACT Treatment would like clarification on Comment 27 and would like to discuss this issue in a working meeting with NMED.

As described above, hazardous wastes at the facility will be segregated, packaged, and managed according to DOT requirements. This is consistent with the requirements in 40 CFR 262.30 which requires generators to package the waste in accordance with the applicable Department of Transportation regulations on packaging under 49 CFR parts 173, 178, and 179 before transporting hazardous waste or offering hazardous waste for transportation off-site. The 49 CFR citations include specific guidance for containers types and container materials based on the different hazard classes and chemical properties included in the hazardous materials table in 49 CFR 172.101. Waste type and container material compatibility methods will be discussed in B.1

28. ...I.2 .3. Sampling & Analysis Plan... 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.

Detailed procedures for sample collection and associated chemical analytical methods proposed for each unit will be added to Section I of the revised permit application.



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29. ...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)...

A detailed description of all precautions taken by the Facility to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes will be added to F.3 of the revised permit application.

30. ...describe how the training program meets the requirements of 40 CFR 264.16(a)(3)(i) through (vi).

The training program at ACT Treatment addresses emergency procedures, emergency equipment, and emergency systems to ensure personnel are capable of responding effectively to emergencies, consistent with their job description and role within the facility. Section G.1 of the revised permit application will be revised to ensure this is clear.

31. ...provide a detailed description of how the compaction unit will be managed and cleaned between treatments of incompatible wastes and regulated and non-regulated wastes.

A detailed description of how the compaction unit will be managed and cleaned between treatment of incompatible wastes and regulated and non-regulated wastes will be added to D.3 of the revised permit application.

Part A Comments

1. In the Waste Analysis and Management Section and WAP, provide copies of data generated (in order of priority) by: (a) laboratory testing... (b) published analytical data on the hazardous waste, and/or (c) data gathered from similar processes generating hazardous wastes accepted at the Facility. Provide... all hazardous waste profiles (both generator and Facility profiles) and waste QNOC forms for all hazardous wastes accepted. This data should also cover the hazardous wastes generated on-site...

ACT Treatment would like clarification on Comment A-1; ACT feels this request is excessively burdensome.

ACT can provide additional examples of QA/QC forms and profiles beyond what is included in the permit application, however providing copies of all profiles and QA forms would be excessively burdensome. There are thousands of such completed forms and associated data



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that have been generated since operations began at the Facility, and new ones are generated each day of operations. Providing all such information is an unnecessary burden to ACT. Please clarify the comment, as it seems NMED is asking that the Facility provide in the Application all characterization data, including all analytical data, as well as all waste profile and QA/QC forms.

- 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... Facility does not contract with any commercial laboratories for chemical analyses...**

ACT Treatment would like clarification on Comment A-2; this information is provided in the Waste Analysis Plan.

Procedures for evaluation of waste at the facility are described in Section C (Waste Analysis Plan) of the Permit Application, including fingerprint and representative sampling. Please clarify and give more specific examples as to what the NMED is seeking for additional information. Regarding the site visit findings concerning sampling and laboratory contracts, there is no discrepancy with the Application. ACT, in its Application, has committed to conduct more sampling and analysis than in the past, and to contract as necessary with third party laboratories to provide analytical services. ACT will comply with the final permit requirements for sampling and analysis, and will use contract services as necessary to meet its obligations under the final permit.