



Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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ENTERED



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 19, 2021

Ms. Krista Harsono
Compliance Director
Advanced Chemical Treatment, Inc.
6137 Edith Boulevard N.E.
Albuquerque, NM 87107

**RE: NOTICE OF DISAPPROVAL
PERMIT APPLICATION - PAINT CAN CRUSHER
ADVANCED CHEMICAL TREATMENT, INC., ALBUQUERQUE
EPA ID # NMD002208627
HWB-ACT-MISC**

Dear Ms. Harsono:

The New Mexico Environment Department (NMED) received an electronic submittal from Advanced Chemical Treatment, Inc. (the Permittee) on November 18, 2020 requesting guidance on the purchase of a paint can crusher, and whether NMED will require additional information prior to an equipment purchase for treatment of empty Non-RCRA paint containers. The Permittee stated that this prospective equipment was identified previously in their permit renewal application, but that Permit Application did not provide the new specifications stated in the electronic correspondence.

NMED does not advise permitted facilities on whether or not to purchase equipment but does establish requirements for the use of equipment used to treat hazardous waste. The Hazardous Waste Bureau does not regulate the management of non-RCRA wastes. The Permittee is prohibited from using the paint can crusher to treat hazardous waste at this time. However,

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should ACT decide to treat paint cans that contain residual hazardous waste, the Permittee must amend their permit application in accordance with the applicable permit modification requirements at 40 CFR § 270.42.

Further, since the original Permit Renewal Application did not provide the new specifications stated in the electronic correspondence, the Permittee must amend Appendix D.1 to Section D of the permit application to provide the additional information supplied in the electronic request, if the Permittee intends to use the equipment to treat hazardous waste.

If the permittee intends to use the equipment to treat hazardous waste the amended Appendix D.1 to Section D of the application must be submitted to NMED in the form of two hard copies and one electronic copy. In addition, an electronic redline-strikeout copy of Appendix D.1 must be submitted showing all changes made to the amended permit application. The amended Section D (Appendix D.1) of the permit application must be submitted to NMED no later than **April 30, 2021**. NMED will incorporate the additional information provided into the draft Permit currently in preparation.

If you have any questions, please contact Cornelius Amindyas of my staff at 505-222-9543.

Sincerely,

Kevin
Pierard

Digitally signed
by Kevin Pierard
Date: 2021.03.19
09:03:00 -06'00'

Kevin M. Pierard, Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
C. Amindyas, NMED HWB
V. Colón, NMED HWB
L. King, EPA Region 6 (6PD-N)

File: ACT 2021 and Reading File