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Certified Mail - Return Receipt Requested



May 9, 2022

Pasquale Paduano
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Advanced Chemical Treatment, Inc.
6137 Edith Boulevard N.E.
Albuquerque, NM 87107

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

**RE: DISAPPROVAL
ADMINISTRATIVELY INCOMPLETE DETERMINATION
HAZARDOUS WASTE TREATMENT AND STORAGE FACILITY PERMIT APPLICATION
ADVANCED CHEMICAL TREATMENT, INC.
EPA ID# NMD002208627
HWB-ACT-18-001**

Dear Mr. Paduano and Ms. Harsono:

The New Mexico Environment Department (NMED, the Department) has completed review of the Advanced Chemical Treatment, Inc.'s (Permittee) December 9, 2019, revised Permit Application. That document was submitted in response to NMED's "Administratively Incomplete Determination" notice. NMED received the document on December 10, 2019. Following review of the responses, NMED hereby issues this Disapproval with the following comments, which pertain to deficiencies in the responses:

1. **ACT's Response to NMED's Comment #2, Page D-2, Section D.1.4, Fuel Blending:** *"Blending of wastes destined for energy recovery will take place in areas with grounding systems, referred to as Fuel and Waste Consolidation areas as shown in Appendix B.1, Hazardous Waste Consolidation Areas."*
 - a) Since the entire loading dock shown on Figure B.1 of the 2019 revised Permit Application is proposed to be used for "Waste Consolidation and Fuel Blending", the Permittee must include the whole "Loading Dock Parking" space south of Storage Area B inside the yellow RCRA permitted line/boundary. To fulfill this requirement, the Permittee must provide an updated Figure B.1 showing the boundary of the corrected yellow RCRA permitted line.

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Hazardous Waste Bureau - 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505-6313
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- b) **Appendix B.1, Figure B.1:** Describe in Section D.1.4 in narrative form what the areas marked C1 through C3 and C7 and the letters D1, E1, F1 through F7 stand for in the storage areas shown on Figure B.1. Explain why there is a break in the sequences, with C4 through C6 missing. Similarly, explain why D3 through D5, E4 through E6, and F4 through F6 are skipped on the same Figure. Further, explain what the acronym "PDL" next to E7 means. Correct the numbering, as necessary. Include the explanation in the legend of the updated Figure B.1.
- c) **Appendix B.1, Figure B.1:** Explain why the Compactor north of the "Loading Dock Parking" will be used for both hazardous and non-hazardous waste consolidation while the Compactor located south of the Loading Dock Parking, marked "Non-hazardous Compactor" could be used for that purpose to avoid generating more hazardous waste by mixing hazardous and non-hazardous waste. This is based on the "Mixture Rule" found at 40 CFR 261.3(a)(2)(iv), which states that "if you mix a listed hazardous waste (one with F, K, P, or U codes) with any other solid waste, the entire mixture is now a listed hazardous waste".
2. **ACT Response to NMED Comment #25, Figure B.3:** *"The Compactor will be moved to the location depicted on Figure B.1 (Hazardous/Nonhazardous Compactor) Secondary Containment described in Appendix D.1, Section 2.1."*

The Permittee must update Figure B.3 also showing all the Secondary Containment Areas at the Fuel and Waste Consolidation Area, the Loading Dock Parking, and the Truck Loading Dock, in case of any emergency incidents such as releases happening while loading/unloading hazardous waste at those areas.

3. **ACT Response to NMED's Comment #26: Section D, Appendix D.2, "Subpart CC, Air Emissions Standards for Tanks, Surface Impoundments, and Containers Standards":**

The Permittee must provide a detailed description of methods that will be used to mitigate fugitive emissions from the compactor that will be used during hazardous waste compacting and consolidation operations. These issues were not addressed or presented in the above referenced section that contains a description of the Air Emission Standards.

4. **ACT Response to NMED's Comment #28, and 2019 Permit Application, Section I, Closure and Post-Closure, Section I.2.3.1, "Sample Collection, Handling, and Quality Control Representative samples of clean and used decontamination wash water and used decontamination rinse water will be collected using appropriate equipment. Sample collection methods for structural surfaces and equipment may include grid sampling, chipping, coring, or drilling, as appropriate."**

The 2019 Permit Application does not contain a closure sample location map. The Permittee must provide an updated Figure B.3, which shows the locations where soil and drill samples both inside and outside the storage units, and swipe samples of the treatment and storage areas will

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be collected during closure activities. Include a description of the closure sample locations in Section I.2.3.1.

- 5. Wind Rose Map:** The Permittee must provide a map of the wind rose of the Facility as part of the response to this NOD. A wind rose diagram for the Facility was not included in the revised 2019 Application.

The Permittee must submit the revised Application, which addresses all comments in this letter. Two hard copies and two electronic copies of the revised Application, including the updated maps must be submitted to NMED. The additional information must be accompanied by a response letter that details where NMED's comments were addressed and cross-references NMED's numbered comments. In addition, the Permittee must submit an electronic redline-strikeout version of the response to this NOD that shows where all the changes were made to the Permit Application. The 2019 response to the NOD did not provide the red line strike-out information requested. The Response must be submitted to NMED no later than **June 30, 2022**.

If you have any questions regarding this correspondence, please contact Cornelius Amindyas of my staff at (505) 690-5859.

Sincerely,

Rick Shean Digitally signed by Rick Shean
Date: 2022.05.09 12:53:37 -06'00'

Rick Shean, Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
C. Amindyas, NMED HWB
L. King, EPA Region 6 (6LCRRC)

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