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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

January 22, 2016

Antonio Jaramillo
Branch General Manager
Safety-Kleen Systems, Inc.
2720 Girard Avenue NE
Albuquerque, NM 87107

Nahid Toossi
Senior Environmental Health & Safety Manager
Safety-Kleen Systems, Inc.
2120 S. Yale Street
Santa Ana, CA 92704

**RE: SECOND NOTICE OF DISAPPROVAL
PERMIT RENEWAL APPLICATION FOR SAFETY KLEEN SYSTEMS, INC.
ALBUQUERQUE CENTER, NEW MEXICO
EPA ID # NMD000804294, HWB-SKAL-13-001**

Dear Mr. Jaramillo and Ms. Toossi:

The New Mexico Environment Department (NMED) has reviewed the revised Permit Renewal Application (the Application) dated July 22, 2015, for the Safety-Kleen Systems, Inc. (Applicant or Safety-Kleen) Albuquerque Center Container Storage and Tank Storage Facility (Facility). The Application is required under the New Mexico Hazardous Waste Management Regulations at 20.4.1.900 NMAC incorporating 40 CFR § 270.30(b) for continuing operation of the Facility, which is located at 2720 Girard Avenue NE, Albuquerque, New Mexico.

Pursuant to its authority under the New Mexico Hazardous Waste Act, N.M.S.A. 74-4-1 *et seq.*, and the regulations promulgated thereunder, NMED has determined that the revised Application is not technically adequate. This Notice of Disapproval (NOD) identifies deficiencies that the Applicant must address before the Application can be further evaluated by the NMED. The Applicant must respond to this NOD in writing by providing replacement pages with, as appropriate, corrected, new, or augmented information that can be incorporated into the Application.

1. **Section A, Page 7, Exhibit A-7, "Topographic Map Depicting 1,000-foot Radius around the Facility, Topographic Contours"**

Section A, Figure A-7, does not satisfy the requirements of 20.4.1.900 NMAC incorporating 40 CFR 270.14(b)(19), which specify the features that must be shown on a topographic map of a hazardous waste management facility. Although the map in Attachment E-1 (Facility Drawings), labelled Figure 2 in the original application, is inadequate, it is better than its replacement map Exhibit A-7, where the features depicted on the latter are indecipherable.

Therefore, in order to meet the regulatory requirements cited in the preceding paragraph, Safety-Kleen must provide a topographic map of the Facility showing the features listed below that occur within a distance of 1,000 feet from the Facility and at a scale of 1 inch equal to not more than 200 feet. Elevation contours must also be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the Facility. The map must clearly show the following features:

- a. Map title, orientation (north arrow), and date;
- b. Surface-waters, including intermittent streams;
- c. Wind rose placed on the topographic map in a manner that does not obscure map details. Alternatively, the wind rose may be included as a separate figure in the revised Application. The wind rose must show prevailing wind-speeds and directions;
- d. The legal boundaries of the Facility;
- e. Access control features (such as fences and gates);
- f. Buildings, tanks and other areas and structures (such as recreation areas, runoff control systems, access and internal roads, storm, sanitary, and process sewage systems, loading and unloading areas, fire control facilities);
- g. Barriers for drainage or flood control;
- h. Location of operational units within the Facility where hazardous waste is, or will be stored or otherwise managed; and,
- i. Horizontal bar scale, in addition to a relational scale (e.g., Scale: 1 inch equals 200 feet).

2. **Exhibit A-9, FEMA 100 YEAR FLOOD PLAIN MAP, Section A, page 5, first full paragraph from the top of the page: "The elevation at the service center is approximately 5,100 feet. The service center is not within a 100-year flood plain."**

Revise Exhibit A-9 to clearly show the 100-year flood plain for the Facility area in accordance with 20.4.1.900 NMAC incorporating 40 CFR 270.14(b)(19)(ii). Include a north arrow on the map to show orientation.

3. Surrounding Land Use

Provide a description of land use at the Facility under the title "Surrounding Land Use", and reference the map shown as Exhibit A-11, to meet the requirements of 20.4.1.900 NMAC incorporating 40 CFR § 270.14(b)(19)(iv). In addition, reference the map in the description.

4. EMERGENCY RESPONSE PERSONNEL - Page 61, Section K.3.1, Emergency Coordinator Responsibilities, Second Sentence, "The Branch Manager typically is the Emergency Coordinator; and the Alternate Emergency Coordinator is a trained employee designated to this position by the Branch Manager."

It is not sufficient to refer to the Alternate loosely as "a trained employee" in lieu of listing a name of a specific employee that will serve as an alternate emergency coordinator. (See 20.4.1.500 NMAC incorporating 40 CFR § 264.52(d)). Provide the alternate's name, address, office and home phone numbers in the revised Application.

5. Aisle Space, Section J.2.2, Page 54, Second paragraph from the bottom of the page, first sentence, "Adequate aisle space will be maintained in the warehouse container storage areas and Flammable Storage Building."

Indicate whether each waste storage unit has aisle space that is wide enough for unobstructed movement of personnel, medical and fire protection equipment, spill control equipment, and decontamination equipment, in case of an emergency, as required by 20.4.1.500 NMAC incorporating 40 CFR § 264.35. Provide a more detailed description of the minimum aisle space that will be maintained (i.e., give a minimum width for aisle space).

6. Exhibit K-5, Emergency Evacuation Map:

- a. Provide or correct, as indicated, the following information on the map comprising Exhibit K-5 (Emergency Evacuation Map):
 - i) Provide a legend that explains that the arrows on the map indicate the evacuation pathways that personnel will take during an emergency;
 - ii) The evacuation route map is dated 2001. Revise Exhibit K-5 to indicate the date that the map was last revised;
 - iii) Indicate alternate evacuation routes in cases where the primary routes could be blocked by releases of hazardous waste or fires or other causes; and,
 - iv) Show on the map the gathering point(s) where a personnel headcount will be taken.
- b. Provide a description of the evacuation plan in Section J.10. Also, reference in the description the Emergency Evacuation Map in Section J.10.

- c. **Attachment L, pages 79 through 81, Section 6.0, Soil Sampling Plan, last sentence, "Soil sampling locations will be determined at closure in consultation with the certifying engineer."**

Section 6.0 did not address the requirement for submittal of a soil sampling map. The proposal that soil sample locations will be determined at closure is not adequate for a closure plan. A complete closure plan must be in place when a permit is issued and for inspection by the public when the permit is issued in draft form and must be submitted with the permit Application (20.4.1.500 NMAC incorporating 40 CFR 264.112(a)). If necessary, a closure plan can be amended at the time of closure should it become necessary. Therefore, as required by (20.4.1.500 NMAC incorporating 40 CFR 264.112(b)(4)), Safety-Kleen must do the following:

- i) Provide a map that depicts proposed soil sample locations. Indicate the number of samples and the depths where the samples will be collected in the vicinity of the buildings and all other areas of the Facility where hazardous waste management activities have been conducted;
- ii) Indicate on the map the locations where background soil samples will be collected. The background samples must be collected from areas that have not been impacted by waste management activities or any other activities that could alter or have altered natural background conditions;
- iii) Provide a description of sample collection methods, sample preservation, handling and shipment, analytical methods, and chain-of-custody control;
- iv) Provide information on target clean up levels consistent with applicable state and federal regulations, in the event that releases of contaminants have occurred; and,
- v) Incorporate into Attachment G a provision for the analysis of soil samples for metals, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and all other hazardous constituents present in the waste types listed in Part A of the Application, which have been, or are anticipated to be, managed at the Facility.

The information required under Comment #6c of this NOD may be provided on an operating unit-specific basis.

The Applicant must submit all information required by this NOD to the NMED in the form of a revised Application that corrects the deficiencies documented in this NOD. The submittal must be in the form of two bound paper copies and two CDs or DVDs containing electronic redline –

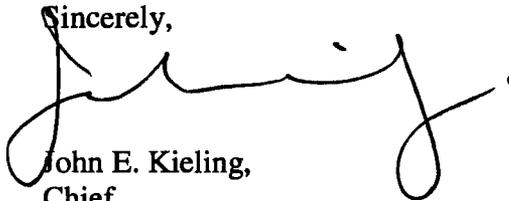
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strikeout files compatible with Microsoft Word™, with added (new) information in highlighted (or underlined) text, and deleted information in strike-out text. Furthermore, in order to expedite review of the responses, provide a table cross-referencing each of NMED's comments and the Applicant's responses with the locations where the corresponding information has been incorporated into the Application.

The Applicant must submit the required information no later than **April 29, 2016**.

If you have any questions, please contact Mr. Cornelius Amindyas of my staff at (505) 222-9543 or at the above letterhead address.

Sincerely,



John E. Kieling,
Chief
Hazardous Waste Bureau

cc: D. Cobrain, HWB NMED
C. Amindyas, HWB NMED
King, Chief, EPA Region VI (6PD-N)

File: SKAL 2016 and Reading

