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GOVERNOR

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CABINET SECRETARY

Certified Mail - Return Receipt Requested

December 20, 2021

Ms. Pamela K. Harvey
Environmental, Health & Safety Manger
Safety-Kleen Systems, Inc.
610 131st Place
Hammond, Indiana 46327

**RE: REQUIREMENT TO UPDATE
DETAILED ITEMIZED CLOSURE COST ESTIMATE
SAFETY-KLEEN SYSTEMS, INC.
ALBUQUERQUE, NEW MEXICO SERVICE CENTER - EPA ID # NMD000804294
HWB-SKAL-MISC**

Dear Ms. Harvey:

The New Mexico Environment Department (NMED) has reviewed the *Attachment to Comment 4, a. Detailed Itemized Closure Cost Estimates for Albuquerque 2013 and b. Detailed Itemized Closure Cost Estimates for Farmington 2002* as part of Safety-Kleen Systems, Inc. – Albuquerque and Farmington Facilities (the Permittee) *Response to Direction to Modify – Hazardous Waste Facility Liability Insurance, November 2019, Financial Assurance for Closure - New Insurance Policy PEC0055302xx, November 2019, Annual Inflation Increase for Closure Policy PEC0055302xx, February 2020* received via e-mail on July 17, 2020, with a the hard copy received March 11, 2021. In addition, NMED received the Permittee's *Financial Assurance Closure Cost Adjustment for permit renewal*, dated September 11, 2020 and received September 16, 2020. Although the Permittee has met the requirements of the July 1, 2020, Direction to Modify, NMED has determined that the Closure Cost Estimates provided in Comment 4 do not accurately reflect the current closure activities outlined in Attachment G (Closure Plan) of the January 2018 Permit for the Albuquerque Facility and the August 2020 Permit for the Farmington Facility. Because the Farmington Facility is beginning the closure process, the Permittee must address the following comments only for the Albuquerque Service Center in its 2022 submittal.

Comment 1

NMED is requesting that all future e-mailed cost estimates include the pdf copy and the Excel spreadsheets as attachments to facilitate NMED's review.

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Hazardous Waste Bureau - 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505-6313
Telephone (505) 476-6000 - www.env.nm.gov

Comment 2

Under Activity 2 (Underground Storage Tank Decontamination and Removal), the Permittee lists several assumptions to be considered to complete the activities associated with Attachment Section G.2 (Underground Tanks and Associated Piping). Address the following comments:

- a. Bullet item 4 “[a]ssumes excavated soil to remove tank [will be] used as backfill, plus imported backfill to fill tank displacement void.” Attachment G.2.3.e states that “[o]nce all residual contamination present at concentrations greater than residential cleanup levels has been removed from the excavation, backfill the excavations with clean fill materials.” Because it cannot be assumed that soils excavated during tank removal will not be contaminated, clean imported fill material must be used to backfill the excavation. Revise the statement and cost estimate to align with Attachment G.2.3.e.
- b. It appears that the Permittee did not include cost estimates for activities associated with “confined space entry”. In the revised cost estimate, include costs associated with confined space entry activities to include labor and equipment costs. Equipment costs must include, but are not limited to, monitoring equipment, ventilation equipment, equipment for confined space entry (e.g., tripod, cable, harness), and personal protective equipment (PPE) with the appropriate level of protection for confined space entry in accordance with Attachment Sections G.2.1 (Removal of Waste Material and Opening of the Tank) and G.2.2 (Removal of Residual Waste and Cleaning of Tank) of the 2018 Permit.
- c. It is important to discuss the appropriate level of PPE required to complete this activity. Attachment G.2.1 (Removal of Waste Material and Opening of Tank) states that “personal protection related to hazardous waste exposure” will be required. Attachment G.2.2 (Removal of Residual Waste and Cleaning of the Tank) states that “[v]entilation shall be maintained in the tanks to prevent the possibility of explosive atmosphere and supplied air shall be provided to all workers.” The current levels for PPE reported in Activity 2 are Level C and Level D. However, the minimum level of PPE to complete the activity must be Level B for any personnel entering the tank.
- d. Bullet Item 3 “[a]ssumes 6 soil samples required, 1 from each sidewall and 2 from [the] floor.” However, Attachment G.2.3.d states “[s]oil samples also shall be collected from beneath all ancillary equipment, including from locations in ten-foot intervals beneath the piping and at any location within the excavation where field screening evidence indicates the presence of contamination. The samples shall be obtained from the native soils after the tank and pipeline backfill has been removed.” It appears that the Permittee did not include the cost for these additional samples in the cost estimate. Verify that the additional samples were included in the cost estimate or revise the cost estimate to include the additional samples in accordance with Attachment G.2.3.d of the 2018 Permit.

- e. It appears that the Permittee did not include a cost for the activities associated with collecting and analyzing the rinsate sample(s). Verify that the cost for activities associated with collecting and analyzing rinsate sample(s) is included in the cost estimate or revise the cost estimate to include costs for collecting and analyzing rinsate sample(s).

Comment 3

Under Activity 4 (Decontaminate Container Storage Area(s)), the Permittee lists several assumptions to be considered to complete the activities associated with Attachment Section G.4 (Drum Storage Areas and Warehouse). Address the following comments:

- a. Bullet Item 3 reports that the decontamination of the container storage area (CSA) will include the floor, curbing and containment trenches. The Permittee is reminded that paragraph 2 also states that “[l]arge pieces of equipment shall also be decontaminated using the same methods.” It appears that this additional item may not have been included in the cost estimate under Activity 4. Verify that this additional item has been included in the cost estimate under Activity 4 or revise the cost estimate as necessary to include the decontamination of equipment in accordance with Attachment Section G.4 of the 2018 Permit.
- b. Bullet Item 4 “[a]ssumes 1 rinsate and 2 soil samples required per CSA. The actual number of soil samples will be based on [the] engineer’s inspection.” The Permittee used the *Total CSA Square Footage* (1851 square feet (sq. ft)) to calculate the *Subcontractor Costs* assuming that both CSAs would be decontaminated. However, the Permittee only provides an estimated cost for one CSA when calculating the costs for the collection and analysis of the rinsate and soil samples. The Permittee must revise the estimated costs to reflect the activities for both CSAs.
- c. It appears that the Permittee did not include the costs for wipe samples that must be collected and analyzed following the decontamination of the CSAs. Paragraphs 3 and 4 in Attachment G.4 outlines the requirements for conducting the wipe samples. Verify that the costs for wipe samples have been included in the cost estimate or revise Activity 4 in accordance with Attachment G.4 of the 2018 Permit.

Comment 4

Under Activity 5 (Decontaminate the Flammable Storage Shelter), the Permittee lists several assumptions to be considered to complete the activities associated with Attachment Section G.6 (Flammable Storage Building). Address the following comments:

- a. Bullet Item 5 states that the “[s]quare footage used for decontamination includes [the] dock, structure and containment” and reports 1344 sq. ft as the total. Verify that the calculated total square footage includes the entire building (i.e., the concrete floor, walls

to a height 8 feet, curbing, and containment trenches) in accordance with Attachment Section G.6.

- b. It appears that the Permittee did not include the costs for wipe samples that must be collected and analyzed following the decontamination of the flammable storage building. In addition, Attachment G.6 states that “wipe samples shall be collected from areas where spills were documented and where staining or other evidence of a release is observed prior to clean” based on the *Records Reviews and Structural Assessment*. Attachment G.6 outlines the requirements for conducting the wipe samples. Verify that the wipe samples have been included in the cost estimate or revise Activity 5 in accordance Attachment G.6 of the 2018 Permit.

Comment 5

Under Activity 6 (Containerize, Stage, Transport, and Dispose of Decontamination Wastes), the Permittee summarizes costs for completing the disposal of the decontamination waste associated with the activities from Attachment Sections G.2, G.4, G.5, and G.6. Address the following comments:

- a. There appears to be a typographical error in the reporting of the number of drums for each *Unit Description* under Activity 6. The *Number Drums* is reported as dollars. Correct Activity 6 by removing the dollar sign from the values under the *Number Drums*.
- b. Bullet Item 2 under the *Subcontractor Costs*, the Permittee reports that the *Disposal/treatment cost (per drum – low cost based on lack of hazardous constituents)* is \$3,240. However, based on the Attachment Sections G.2, G.4, G.5, and G.6, the Permittee must manage the decontamination wash water as hazardous waste. If the sample analytical results report hazardous constituents, the Permittee must dispose the decontamination wash water/rinsate as hazardous waste in accordance with Attachment G of the 2018 Permit for the purpose of the cost estimate.

Comment 6

Attachment Section G.7 (Loading Dock Soil Sampling), page 84 states “[a]t a minimum, three samples shall be collected in front of each loading dock from the native soils directly underlying the subgrade beneath the concrete or pavement.” It appears that the Permittee did not include these soil sampling activities in the cost estimate. Verify that these samples have been included in the cost estimate or revise the cost estimate to include the costs to conduct soil sampling and analysis in front of each loading dock in accordance with Attachment G.7 of the 2018 Permit.

The Permittee must address all comments to correct the cost estimate for the Albuquerque Service Center. A response letter and the corrected cost estimates must be submitted to NMED with the 2022 financial assurance submittal.

Ms. Harvey
December 20, 2021
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Should you have any questions, please contact Leona Tsinnajinnie of my staff at (505) 690-7820.

Sincerely,

Rick Shean
Digitally signed by
Rick Shean
Date: 2021.12.20
11:56:55 -07'00'

Rick Shean
Chief
Hazardous Waste Bureau

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

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