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RYAN FLYNN
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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 20, 2015

Randall Wood
Branch General Manager
Safety-Kleen Systems, Inc.
4210A Hawkins Road
Farmington, NM 87401

Jane Kinsey
Owner
Comet Corporation
108 Hummingbird CV
Georgetown, TX 78633

**RE: NOTICE OF DISAPPROVAL
PERMIT RENEWAL APPLICATION FOR SAFETY KLEEN SYSTEMS, INC.
FARMINGTON CENTER, NEW MEXICO
EPA ID # NMD980698849, HWB-SKFA-13-001**

Dear Mr. Wood and Ms. Kinsey:

The New Mexico Environment Department (NMED) has reviewed the Permit Renewal Application (Application) dated March 28, 2013, for the Safety-Kleen Systems, Inc., (hereafter the Applicant or Safety-Kleen) Farmington 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 4210A Hawkins Road, Farmington, New Mexico.

Pursuant to its authority under the New Mexico Hazardous Waste Act, N.M.S.A. 74-4-1 *et seq.*, and promulgating regulations, NMED has determined that the Application is technically incomplete. This notice of disapproval (NOD) identifies the deficiencies that the Applicant must address before the Application can be further evaluated. The Applicant must address the following comments in a revised Application.

1. "TABLE OF CONTENTS", List of Acronyms, Abbreviations, and Pagination:

Provide a "Table of Contents" that includes, in addition to the content in the current table in the Application, a "List of Tables" and a "List of Figures" (figures include maps, plates, and photographs). Also list the appendices in the Table of Contents.

Include a "List of Acronyms and Abbreviations" used in the Application, and insert page numbers on every page of the Application.

In addition, designate the chapters of the revised Application in a logical order. For example, in the current Application, the first chapter is called "Section 1.0, Facility Description", after which all the remaining chapters are titled as Attachments A through G; there is no Section 2 and so forth that should follow Section 1.

2. **PART A PERMIT APPLICATION, EPA Form 8700-12, Page 1, Item # 9, "Legal Owner and Operator of the Site", and Page 1 of 6, "Hazardous Waste Permit Information Form"**: The legal owner is listed as Safety-Kleen Systems, Inc. Also, the Owner Type is not indicated in any of the 8 boxes from which the Applicant must choose.
 - a. Check the appropriate box to indicate whether the *Owner Type* is private, county, district, federal, tribal, municipal or state.
 - b. In the cover letter of the Application, the last line of the Facility's address reads, "Safety-Kleen Systems, Inc. /A Clean Harbors Company" which suggests that the Owner is Clean Harbors and Safety-Kleen is the Operator. Provide the name(s) and address(es) of the legal owner(s) of the Safety-Kleen Farmington Center in Permit Part A, item 9(A) under "*Name of Site's Legal Owner*". The Applicant must submit an updated Part A Application.
 - c. Hazardous Waste Permit Information Form, Page 1 of 6: Fill in the blank in item 4, "*Facility Existence Date*".
3. **DESCRIPTION OF THE FACILITY, Page 1-5 "Regional Description": Unit Location Map, and Scales for all Maps and Figures**
 - a) Provide a regional map of New Mexico showing the Facility's location in San Juan County. Provide an additional map showing the Facility's location in Farmington to help third party reviewers understand where the Facility is located.
 - b) Provide a scale, figure number and north arrow for each of the figures and maps in the Application.
4. **REGIONAL DESCRIPTION, Page 1-6, Section 1.2.1, second sentence in the fourth paragraph**: "*The majority of the vehicular traffic and loading/unloading operations occur at, and, near the return and fill station and this area is paved with asphalt and concrete*".
 - a. Explain how Safety-Kleen conducts loading and unloading of hazardous waste at the Facility, and whether these procedures are performed manually and/or with

equipment, such as forklifts. Provide a depiction of the containment system drainage on Figures 1, E-2, and E-3 in Attachment E.1 (Facility Drawings).

- b. Highlight the hazardous waste loading and unloading areas on Figures 1, E-2, and E-3 of Attachment E.1. The writings and labels of the Figures must be legible.
- c. Figures 1, 2, E-2 and E-3 are the only figures provided in Attachment E-1. Provide Figure E-1 which is missing. Number the "Site Plan" and Floor Plan" found on the next two pages after Figure 1. Label the Figures on the page opposite Figure E-3.
- d. Describe the storage area and containment system(s) design for management of liquids resulting from leaks, spills, or precipitation, and how containers are kept from contact with standing liquids, as required by 20.4.1.900 NMAC incorporating 40 CFR § 270.15(a)(2) and 40 CFR § 270.15(b)(2), and 20.4.1.500 NMAC incorporating 40 CFR § 264.175(b)(2).

5. TRAFFIC PATTERN

Traffic pattern was not addressed in the Application.

Provide a description of the road surface composition, traffic pattern(s), estimated volume (i.e., number, types of vehicles), traffic controls (for example signage directing traffic), and load bearing capacity of the access roads leading to and from and at the Facility, as required by 20.4.1.900 NMAC incorporating 40 CFR §270.14(b)(10).

Provide a description of the range of weights of waste conveyed per movement per vehicle for those vehicles used for such purpose.

6. ATTACHMENT E.1, "Figure 2, TOPOGRAPHIC MAP, 1 Mile Radius, Safety-Kleen Systems, Inc. Service Center, Farmington, New Mexico":

Attachment E.1, Facility Drawings, Figure 2, 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 the topographic map of a hazardous waste management facility.

Therefore, in order to meet the regulatory requirements, the Applicant must provide a topographic map of the Facility showing the features outlined below that occur within a distance of 1,000 feet around the Facility and at a scale of 1 inch equal to not more than 200 feet. Topographic 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 and from each operational unit of the Facility. The map must also clearly show the following features:

- a. Map title, scale, 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 or included as a separate figure in the Application. The wind rose must show prevailing wind-speed and direction.
- 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 units within the Facility where hazardous waste is, or will be stored, or otherwise managed.
- i. Horizontal bar scale, in addition to a relational scale (e.g., Scale: 1inch equals 200 feet);

7. **ATTACHMENT E-2, TANK SYSTEM CERTIFICATION, Figure 5: Zoning Map**

Figure 5 is not legible. Revise the figure to make it legible.

8. **Figure 6, 100 YEAR FLOOD PLAIN MAP**

Figure 6 does not contain enough information to equate it to 100-year flood plain map. Further, the text on the map and in the legend is not legible, and the map is therefore unacceptable. More specifically, the hundred-year flood plain is not shown clearly on the map as required by 20.4.1.900 incorporating 40 CFR 270.14(b)(11)(iii).

Revise Figure 6 of Attachment E-2 to clearly show the 100-year flood plain for the Facility area. In addition, ensure that all text on the revised Figure 6 is legible and easily read. Include a north arrow on the map.

9. **Surrounding Land Use**

A map showing surrounding land use (i.e., residential, commercial, agricultural, recreational) was not provided in the Application. Provide such a map meeting the requirements of 20.4.1.900 NMAC incorporating 40 CFR § 270.14(b)(19)(iv). See also Comment 6.

10. **Page A-4, Section "A.2, QUALITY CONTROL PROCEDURES", second paragraph, second sentence: "The composition and quality of these materials are known and Safety-Kleen's operating experiences have shown that the collected materials rarely deviate from company specifications."**

Explain what is meant by the statement that the "quality of these materials are known".

11. **Page A-6, “WASTE ANALYSIS AT THE RECYCLE CENTER”, last paragraph of Section A.3.1, “Solvents”:** *“In addition to the tests listed above, which will be performed on a representative sample from every load received at the recycle center from the Albuquerque service center, a full Toxicity Characteristic Leaching Procedure (TCLP) analysis for all 40 constituents, (except for pesticides and herbicides) will be performed at least once each calendar year.”*

- a. **Sampling Methods:** Sampling methods are not described in the Application. Therefore, the Applicant must submit the following information:
- i. Indicate the methods to be employed when sampling waste (examples of acceptable methods for obtaining representative samples are described in 20.4.1.200 NMAC incorporating 40 CFR Part 261 Appendix I). Provide a detailed description of the proposed sampling method(s) that will be used at the Recycle Center and at the operational units comprising the rest of the Facility.
 - ii. Provide a table listing the 40 constituents which the Applicant plans to analyze for using TCLP and the associated chemical analytical testing method (e.g., EPA Method 8260b, EPA Method 6020).
 - iii. Specify what will be subject to analysis for full TCLP constituents.
- b. **Page A-6, Section A.3.1, First Bullet, “Flash point (must be greater than 90^o F). If the flashpoint is unacceptable, the Albuquerque Branch Manager will be notified immediately and the load will receive appropriate special handling.”**

Explain why the Farmington Application designates the Albuquerque Branch Manager as the decision maker on this matter instead of the resident Farmington Center Branch Manager. Describe the “appropriate special handling,”

- c. **Attachment E, Page E-3, Section E.2, paragraph 4, second sentence states: “The wastes in the container storage area are not handled while on site, and are segregated in properly labeled containers to indicate their contents”.**

Revise the aforementioned sentence to clarify its meaning. For example, is the sentence intended to mean that wastes in the container storage area are not combined with equivalent waste types, or mixed with different waste types, while in storage at the Facility?

12. **Page A-8, Section A.5: LAND BAN NOTIFICATION/CERTIFICATION FORMS:**
“In accordance with 40 CFR 268.7(a)(2), Safety-Kleen will provide notification/certification for wastes banned from landfills...”

The statement above does not provide adequate information on land disposal restrictions (LDRs). Specify in greater detail the waste characterization requirements and procedures to be implemented to comply with LDRs, as specified at 20.4.1.800 NMAC incorporating 40 CFR § 268.7. The EPA guidance document “RCRA Land Disposal Restriction: A Guide to Compliance” illustrates an appropriate waste characterization compliance strategy. Note that the “point of waste generation” must be used to determine LDR requirements for a hazardous waste.

13. **ATTACHMENT B, Page B-1, SECURITY MEASURES**

Security procedures and equipment are not described in sufficient detail in Attachment B of the Application. Provide, at a minimum, a description of the following security procedures, as required by 20.4.1.900 NMAC incorporating 40 CFR § 270.14(b)(4) and 20.4.1.500 NMAC incorporating 40 CFR § 264.14.

- a) A 24-hour surveillance system, (e.g., television monitoring, surveillance by guards or facility personnel), which continuously monitors and controls entry onto the active portion of the Facility; or
- b) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the Facility; and

A means to control entry at all times, through the gates or other entrances to the active portion of the Facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

- c) A description that the permanent perimeter fence surrounding the Facility and the entrance to the Facility shall be posted with “Danger: Unauthorized Personnel Keep Out” signs (or signs with equivalent language). The signs shall state the warning in English and Spanish, shall be legible from a distance of 25 feet, and shall be visible from any approach to the Facility. (See 40 CFR § 264.14(c)).

14. **Page C-1, Paragraph a., Tank Inspection,**

Provide information concerning the compatibility of tank construction materials with the wastes that are to be stored in the tanks.

15. INSPECTION PLAN, Page C-2, Section d, “Safety Equipment”, last sentence: “Emergency Equipment information is in Attachment F.”

Although the inspection schedule lists some of the items that the Applicant will inspect, it is incomplete. Provide additional information to include the frequency of inspection and the types of problems that may be identified during an inspection of, but not limited to, 1) safety and emergency equipment, communication and alarm systems, decontamination equipment; 2) operational and structural equipment, and their inspection criteria, and 3) containers and tanks. Provide a table or tables in a format similar to the example table below, and meet all applicable requirements at 20.4.1.900 NMAC incorporating 40 CFR § 270.14(b)(5) and 20.4.1.500 NMAC incorporating 40 CFR § 264.174, 40 CFR § 264.195 and 40 CFR § 264.15. Note that not all inspection parameters are listed in the example table below in this NOD. The example table below is provided merely to show format and provide examples of some inspection parameters, criteria, and frequencies.

ITEM OR PARAMETER	INSPECTION CRITERIA	INSPECTION FREQUENCY
Safety And Emergency Equipment		
Eye wash / shower	Operational, accessible, in good condition	Monthly
Spill control/cleanup items, (mops, brooms, and/or shovels).	Present, and in good condition	Monthly
Operating And Structural Equipment		
Storage area floor	Clean, no spills, cracks, or excessive wear	Weekly
Security Devices		
Warning signs	Present, legible, and in good condition	Monthly
Fence/gates/locks	Present and in good condition	Monthly
Containers		
Integrity	Good condition (i.e., no leaks or deterioration)	Weekly
Tanks		
Integrity	Good condition (i.e., no bulging, leaks, or corrosion)	Each operating day

16. Page E-2, Section “E.1.2, Drum Storage”: This section does not contain a description of the types of drums or other containers the Applicant will use for hazardous waste storage. Provide a description of types and capacity of the containers that will be used to store hazardous waste. Specify the number of containers, their sizes, and how high they will be stacked, if stacked. If stacked, also describe how the containers will be stacked and their resulting configuration. Additionally, discuss whether containers will be used to store free liquids, and provide detailed design specifications and drawings showing the container storage areas, including aisle space and secondary containment systems

17. Page E-3, Section "E.2, WASTE MANAGEMENT PRACTICES"

Waste Minimization

Waste Minimization was not discussed in the Application; therefore include in the application, a description of the waste minimization program that Safety-Kleen has in place for reducing the volume and toxicity of hazardous wastes accepted and stored at the Facility (*see* 40 CFR § 264.73(b)(9)). The waste minimization program must include proposed, practicable methods of storage currently available to the Applicant to minimize any present and future threats to human health and the environment. The Waste Minimization Program shall include the following items:

- a. Plan for reducing the volume and toxicity of hazardous waste at the Facility and recycling of hazardous waste at the Facility;
- b. Employee training designed to identify and implement source reduction and recycling opportunities for all hazardous wastes;
- c. Waste minimization and recycling implemented over the last year and additional waste minimization efforts that could be implemented at the Facility in the next federal fiscal year; and,
- d. Estimated costs devoted to waste minimization and recycling of hazardous waste.

18. BIENNIAL REPORT

Pursuant to 20.4.1 NMAC incorporating 40 CFR § 264.75 the Applicant must prepare and submit a biennial report to NMED by March 1 of each even numbered year. The report must cover the activities during the previous calendar year and must include:

- a. The EPA identification number, name, and address of the Facility;
- b. The calendar year covered by the report;
- c. The identification number of each hazardous waste generator from which the Facility received hazardous waste during the year;
- d. A description of the quantity of each waste the facility received during the year;
- e. Waste minimization and recycling implemented over the last year and additional waste minimization efforts that could be implemented at the Facility in the next federal fiscal year;
- f. The most recent estimated costs devoted to waste minimization and recycling of hazardous waste; and
- g. A report regarding progress made in the waste minimization program in the previous year. The report shall address items 1-4 above, shall show changes from the previous report, and shall be submitted annually by December 15 for the previous fiscal year ending September 30th, as required by 20.4.1.300 NMAC incorporating 40 CFR § 262.41(a)(6-7) and 20.4.1.500 NMAC incorporating 40 CFR § 264.75(h) and (i).

Revise the Application in accordance with the above noted requirements found at 20.4.1.500 NMAC incorporating 40 CFR § 264.75.

19. **ATTACHMENT E-1, Page E-10, “Facility Drawings”, and ATTACHMENT E-2, Page E-17, “Underground Tank Installation Assessment Report”**. Revise Figures 4, 5, 6, and 7 to include the designations for each of the container and tank storage units, and ensure that all text is legible. Provide Figure 3, which is missing from the Application.

NMED recommends that the format for numbering the figures be consistent throughout the Application to avoid confusion.

20. **CONTINGENCY PLAN - Page F-2, Section F.2, Emergency Coordinator and Responsibilities**

a. Provide a list of the names, addresses and office and home phone numbers of all persons qualified to act as emergency coordinator. Where more than one person is listed, one must be named as primary emergency coordinator, and the others must be listed in the order in which they will assume responsibility as alternates. Describe the Chain of Command (e.g., Primary Emergency Coordinator, First Alternate, Second Alternate, Third Alternate,). See 20.4.1.500 NMAC incorporating 40 CFR § 264.52(d).

- b. **Page F-7, Section F.5, “Arrangements with Emergency Response Personnel and Support Agreements**.

Describe what type of support agreements the Applicant has made with the emergency response authorities listed in Attachment F-1. Include a description of how the Applicant plans to familiarize the police, fire department, local hospitals, and emergency response teams with the layout of the Facility. Further, describe how the Applicant will familiarize the police, fire department, emergency response teams, and local hospitals with the types and properties of hazardous waste managed at the Facility, and associated hazards and possible types of injuries or illnesses which could result from fires, explosions, or releases at the Facility, the places where Facility personnel would normally be working, entrances and roads inside the Facility, and possible evacuation routes. These requirements are specified at 20.4.1.500 NMAC incorporating 40 CFR § 264.37(a).

- c. Provide a list of names of the specific agencies/organizations with which the Applicant has a memorandum of agreement (MOA) or memorandum of understanding (MOU) for aid and fire protection.

- d. Provide a table listing the MOAs or MOU's for emergency response between the Applicant and the outside organizations. Include the specific type of service to be provided.
- e. **Emergency Equipment:** Indicate whether portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment are available, and, if so, specify their locations at the hazardous waste management units and Facility, as required by 20.4.1.500 NMAC incorporating 40 CFR § 264.32(c) and 40 CFR § 264.52(e) .
- f. **Water and Fire Control:** Indicate whether adequate water volume and pressure, or foaming equipment, or automatic sprinklers or water spray systems are available, as required by 20.4.1.500 NMAC incorporating 40 CFR § 264.32(d). Describe the fire control systems.
- g. **Testing and Maintenance of Equipment:** Indicate whether communication or alarm systems, fire control equipment, spill control equipment, and decontamination equipment are tested and maintained, as required by 20.4.1.500 NMAC incorporating 40 CFR § 264.33. Provide a description of such testing and maintenance for each system.
- h. **Access to Communication or Alarm System:** Indicate when waste is being handled, that all personnel have access to an internal alarm or emergency communication device, or through visual or voice contact with another employee as required by 20.4.1.500 NMAC incorporating 40 CFR § 264.34. Provide a description of such access.
- i. **Aisle Space :** 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 emergency, as required by 20.4.1.500 NMAC incorporating 40 CFR § 264.35. Provide a description of the minimum aisle space that will be maintained.
- j. **Implementation of Contingency Plan and Control Procedures:** Describe the actions Facility personnel will take in response to fires, explosions, or any unplanned or nonsudden release of hazardous waste or hazardous waste constituent to air, soil, or surface water, as required by 20.4.1.500 NMAC incorporating 40 CFR § 264. 56, and 40 CFR § 264. 52(a).
- k. **Sections F.3, and F.3.3, "Fire Control Procedures and incompatible Waste":** Describe the difference between major and minor spills (provide dimensions and/or amounts of wastes that explain the differences). In consideration of the latter, specify what constitutes an emergency with respect to a spill that requires implementation of the contingency plan. Indicate the actions to be taken until

cleanup is completed to ensure that incompatible waste is not stored together, and that emergency equipment will be decontaminated and fit for its intended use before operations are resumed, as required by 20.4.1.900 NMAC incorporating 40 CFR § 270.14(b)(9) and 20.4.1.500 NMAC incorporating 40 CFR § 264.56(h).

- l. **Evacuation, Figure F-2:** Revise Figure F-2 by including a complete legend and, including arrows that indicate the evacuation pathways personnel will take during an emergency. Change the font of the text next to and left of the plan scale to make it legible. Provide a description of the evacuation plan. This plan must describe signals that will be used to begin evacuation, evacuation routes, and alternate evacuation routes, in cases where the primary routes could be blocked by releases of hazardous waste or fires. This requirement is at 20.4.1.500 NMAC incorporating 40 CFR § 264.52(f).

- m. **Section F.2.4, Chain of Command and Implementation of the Contingency Plan:** This section mentions that the Emergency Coordinator contacts the Safety-Kleen Emergency Response Team and NMED if an emergency arises. Specify when the Applicant will notify federal, state and local authorities before resuming operations, as required by 20.4.1.500 NMAC incorporating 40 CFR § 264.56(d).

Additionally, the Applicant must include information in the Application that the New Mexico Department of Public Safety (DPS) will be verbally notified at phone number 1-505-827-9329 and the National Response Center (NRC) will be notified at 1-800-424-8802, in accordance with 20.4.1.900 NMAC incorporating 40 CFR 264.56(d), if human health or the environment outside the Facility is threatened. The notification shall include a description of the emergency with the following information:

1. Name, and telephone number of the person making the report;
2. Name and address of the Facility;
3. Time and type of incident;
4. Name and quantity of material(s) involved, to the extent known;
5. The extent of injuries, if any;
6. The possible hazards to human health, or the environment, outside the Facility.

Furthermore, the Application must state that the Applicant will provide the information in items 1-6 above to the Department immediately after the DPS and NRC are notified.

- n. **Section F.3.1, Minor Spills, and Section F3.2, Major Spills:** The Applicant must specify whether this section covers spills and leaks from containers, tanks, or containment systems, or some combination of these, or all of them.

- o. **Post-Emergency Equipment Management:** Provide a discussion of the decontamination procedures and other procedures that will be followed for the emergency equipment listed in the Contingency Plan, after a response to an emergency to ensure the equipment is fit for its intended use before operations are resumed, as required by 20.4.1.500 NMAC, incorporating 40 CFR § 264.56(h)(2).
- p. **Copies of Contingency Plan:** Submit information that identifies where copies of the Contingency Plan will be maintained as required by 20.4.1.500 NMAC incorporating 40 CFR §264.53.

Note: To view an example of the scope of information in a Contingency Plan that NMED expects the Applicant to include in the revised Application see the Sandia National Laboratories Permit Attachment D (*Contingency Plan*), which is available on the NMED website at: www.nmenv.state.nm.us/HWB/snlperm.html under *SNL Permit and Corrective Action Complete*.

21. **PROCEDURES TO PREVENT HAZARDS**

The Applicant must include a description of the following items (a) through (f), as they were not discussed in the Application.

- a. **Unloading Procedures:** the procedures used to prevent hazards in loading and unloading operations, as required by 20.4.1.900 NMAC incorporating 40 CFR § 270.14(b)(8)(i).
- b. **Runoff:** the procedures used to prevent runoff from hazardous waste management areas as required by 20.4.1.900 NMAC incorporating 40 CFR § 270.14(b)(8)(ii).
- c. **Water Supplies:** the procedures, structures and equipment used to prevent contamination of the water supply, to meet the requirements of 20.4.1.900 NMAC incorporating 40 CFR § 270.14(b)(8)(iii).
- d. **Equipment and Power Failure:** the procedures used to mitigate the effects of equipment failure and power outages in compliance with 20.4.1.900 NMAC incorporating 40 CFR § 270.14(b)(8)(iv).
- e. **Personnel Protection Procedures:** the procedures, structures and equipment used to prevent undue exposure to hazardous waste as required by 20.4.1.900 NMAC incorporating 40 CFR § 270.14(b)(8)(v).
- f. **Procedures to Minimize Releases to the Atmosphere:** the procedures, structures and equipment used to prevent hazardous waste from being released to the atmosphere as required by 20.4.1.900 NMAC incorporating 40 CFR § 270.14(b)(8)(vi).

22. PREVENTION OF REACTION OF IGNITABLE, REACTIVE, AND INCOMPATIBLE WASTE

The Applicant must include a description of the following items (a) through (f), as they were not discussed in the Application.

- a. **Precautions to prevent ignition or reaction of Ignitable or Reactive Wastes:** Describe the precautions to be taken to prevent accidental ignition, including sources of spontaneous ignition and radiant heat as required by 20.4.1.900 NMAC incorporating 40 CFR § 270.14(b)(9) and 20.4.1.500 NMAC incorporating 40 CFR § 264.17(a) and (b).
- b. **General Precautions for Handling Ignitable or Reactive Waste and Mixing of Incompatible Waste:** Describe precautions to be taken by the Applicant to prevent reactions that generate heat, produce flammable by-products, cause risk of fire or explosion, threaten structural integrity, or pose a threat to human life or the environment, as required by 20.4.1.900 NMAC incorporating 40 CFR § 270.14(b)(9) and 20.4.1.500 NMAC incorporating 40 CFR § 264.17(a).
- c. **Management of Ignitable or Reactive Wastes in Containers:** Indicate whether ignitable wastes are stored no closer than 50 feet (15 meters) from the Facility property line as required by 20.4.1.900 NMAC incorporating 40 CFR § 270.15(c) and 20.4.1.500 NMAC incorporating 40 CFR § 264.176.
- d. **Management of Incompatible Wastes in Containers:** Describe procedures to ensure that incompatible wastes and materials are not placed in the same container as required by 20.4.1.900 NMAC incorporating 40 CFR § 270.15(d) and 20.4.1.500 NMAC incorporating 40 CFR § 264.177 and 40 CFR § 264.17.
- e. **Management of Ignitable or Reactive Wastes in Tank Systems:** Describe operational procedures and how ignitable or reactive wastes are stored in tanks to achieve compliance with the requirements of 20.4.1.500 NMAC incorporating 40 CFR § 264.198.
- f. **Management of Incompatible Wastes in Tank Systems:** Indicate the procedures that will be followed to ensure that incompatible wastes and materials are not stored in the same tank, thus meeting the requirements of 20.4.1.500 NMAC incorporating 40 CFR § 264.199.

23. PERSONNEL TRAINING

Provide information on both the introductory and continuing training programs for Facility personnel. The job descriptions in Attachment D-2 of Application did not

specify at minimum what type of emergency procedures, emergency equipment, and emergency systems personnel handling hazardous waste must be familiar with at the Facility in order to meet the requirements of 20.4.1.900 NMAC incorporating 40 CFR §270(14)(b)(12) and 20.4.1.500 NMAC incorporating 40 CFR § 264.16(a)(3). Provide this information.

24. CLOSURE PLAN, SECTION G

The closure plan in Section G lacks the necessary detail and conformity with the regulatory requirements at 20.4.1.900 NMAC incorporating 40 CFR §264.111 through §264.115, and must be revised.

Provide a revised Closure Plan that contains the following information:

- a. **Closure Performance Standards** specified at 20.4.1.500 NMAC incorporating 40 CFR § 264.111, must be addressed with respect to how they will be achieved. Describe how closure will minimize the need for further maintenance, and will control, minimize, or eliminate the post-closure escape of hazardous waste, hazardous constituents, contaminated runoff, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere; and how closure will comply with the applicable closure requirements of 20.4.1.500 NMAC incorporating 40 CFR § 264.111(c).
- b. **Amendment of the Closure Plan** must be described, should it become necessary, including the situations where an amendment is required as found at 20.4.1.500 NMAC incorporating 40 CFR § 264.112(c)(2).
- c. **Disposal or Decontamination of Equipment, Structure, and Soil**

Pursuant to 20.4.1.500 NMAC incorporating 40 CFR § 264.112(a)(4), provide a detailed description of the steps needed to remove or decontaminate all hazardous waste residues, containment system components, equipment, structures, and soil during closure, including, but not limited to, procedures for cleaning equipment and removing as necessary contaminated soil, methods for sampling and analysis of soil, and criteria for determining the extent of decontamination required to satisfy the closure performance standard specified at 20.4.1.500 NMAC incorporating 40 CFR § 264.111. Pages G-3 and G-4 do not contain the required information.

d. **Maximum Waste Inventory**

Provide an estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the Facility and a detailed description of the methods to be used during partial and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all hazardous wastes, and identification of the types of the off-site waste management units to be used, if applicable, as required by 20.4.1.500 NMAC incorporating 40 CFR § 264.112(b)(3).

- e. Indicate that any hazardous waste constituents (i.e., the constituents listed in Appendices VII and VIII in 40 CFR Part 261) that remain in environmental media when a unit or the Facility is closed will not pose an unacceptable risk to human health or the environment.

- f. **Section G.3, Page G-4, Drum Storage Areas in Warehouse.** Second sentence in the second paragraph, "*A sample of the final rinsate will be analyzed for volatile organic compounds to determine the effectiveness of the cleaning.*"

The NMED requires wipe sampling to be conducted at closure to demonstrate that a unit has been adequately decontaminated. Revise the closure plan to include wipe sampling in lieu of the sampling of wash and rinsate waters. An example of the scope of information on wipe sampling that NMED expects the Applicant to include in the revised Application can be found in the Sandia National Laboratories Permit Part 6, which is available on the NMED website at: www.nmenv.state.nm.us/HWB/snlperm.html under the link *SNL Permit and Corrective Action Complete*. See in particular SNL Permit Part 6, Section 6.3.10.1.

g. **Section G.6, Facility Closure Schedule**

Provide a closure schedule in form of a table, showing the progression of closure activities beginning with notification to NMED on initiation of closure, through completion of closure and certification of closure as specified at 20.4.1.500 NMAC incorporating 40 CFR § 264.112(b)(6) and 40 CFR § 264.113. The time required for the various major closure activities, such as removal of wastes, records review and structural assessment must be included in the schedule.

h. **Structural Assessment**

A Structural assessment is a visual inspection and evaluation of the storage Unit's physical condition, with the intent of identifying areas of contamination or potential contamination. A structural assessment is required to meet the intent of 20.4.1.500 NMAC incorporating 40 CFR § 264.111. An example of the type of

information the Applicant must include in the revised Application on structural assessment is that found in the SNL Permit, issued in January 2015, which is available on the NMED website at: www.nmenv.state.nm.us/HWB/snlperm.html under the link *SNL Permit and Corrective Action Complete*. See SNL Permit Part 6, Section 6.3.5.

i. **Records Review**

NMED requires a records review to be conducted to meet the intent of 20.4.1.500 NMAC incorporating 40 CFR § 264.111. The records review must be completed before the structural assessment. The Applicant is expected to review the Operating Record for the Facility to perform two functions: 1) the identification of all hazardous wastes and hazardous constituents of concern managed at the Facility, and 2) the identification of all known releases at the storage units. An example of the type of information in a records review that must be included in the revised Application can be found in the SNL Permit in Permit Part 6, which is available on the NMED website at: www.nmenv.state.nm.us/HWB/snlperm.html under the link *SNL Permit and Corrective Action Complete*. See SNL Permit Part 6, Section 6.3.5.2.

j. **Closure of Hazardous Waste Container Storage Unit**

Revise Section G.3, which describes the storage areas in the warehouse. The Applicant must address the following to meet the requirements of 20.4.1.500 NMAC incorporating 40 CFR § 264.112(b)(3) and 40 CFR § 264.178 and 20.4.1.900 NMAC incorporating 40 CFR §270(14)(b)(13).

Describe hazardous waste removal and disposal.

k. **Closure of Hazardous Waste Tanks**

Revise Section G.2. The description must address the following topics as required by 20.4.1.500 NMAC incorporating 40 CFR § 264.112(b)(3) and § 264.197, and 20.4.1.900 NMAC incorporating 40 CFR §270(14)(b)(13).

- i) Waste removal from the storage tanks and equipment;
- ii) Decontamination of all ancillary components;
- iii) Verification of decontamination; and
- iv) Disposal of wastes and residues.

1. **Closure Soil Sample Locations and Cleanup Standards:**

Provide maps of the Facility that depict proposed soil sample locations. Indicate the number and depths of samples that will be collected around the buildings and the paved areas of the Facility where hazardous waste management activities have been conducted. Include the locations where background soil samples will be collected. The latter should be from areas that have not been impacted by waste management activities. In addition, include the following:

- a. A description of sample collection method, sample preservation, handling and shipment, analytical methods, and chain-of-custody control;
- b. Provide information on what will constitute acceptable clean up levels consistent with all applicable state and federal regulations.
- c. 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 wastes (and their associated hazardous constituents) listed in Part A of the Application and all other wastes (and their associated hazardous constituents) which have been, or are anticipated to be managed at the Facility. The information may be presented on an operating unit by operating unit basis.

m. **Closure Report and Certification:** Include the following information in the Application:

Within 60 days of the completion of final or partial closure, the Applicant shall submit by registered mail a closure report for NMED approval. The closure report shall contain a certification that the Facility (or unit in the case of partial closure) has been closed in accordance with the specifications in the approved closure plan in compliance with 20.4.1.500 NMAC incorporating 40 CFR §264.115. The certification shall be signed by a New Mexico registered professional engineer.

25. **Attachment C-2, Subpart CC Compliance Plan, Paragraph 6, “Point of Waste Origination”:**

a) **Paragraph 7, “Tanks”:** *“Tanks which manage organic wastes at this facility are described in detail in the Operation Plan/Permit.”*

Provide a detailed description of the tanks that manage hazardous wastes at the Facility. The Application must not reference the current permit.

b) **Tanks:** **Paragraph 8, Last sentence,** *“Documentation for the basis of this determination is found in the Waste Characteristics portion of the Operation Plan/Permit.”*

Provide the documentation concerning the maximum organic vapor pressure. The Application must not reference the current permit.

26. Financial Assurance and Annual Submittal

Pursuant to 20.4.1.500 NMAC incorporating 40 CFR Part 264 Subpart H, as part of the Application, provide information concerning cost estimates, financial assurance mechanisms, and liability coverage for closure of the Facility. Include in the application, that during the active life of the Facility, the Applicant will maintain the latest closure cost estimate at the Facility, and that the estimate shall be prepared and adjusted and submitted in accordance with the requirements at 20.4.1.500 NMAC incorporating 40 CFR§264.142 and 40 CFR § 264.143.

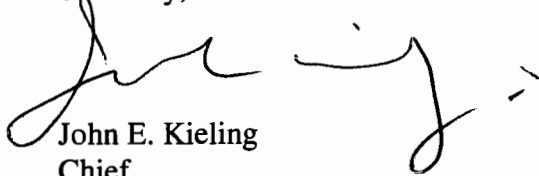
Final Direction

Submit the required information 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 compatible with Microsoft Word™, indicating added information in highlighted text, and deleted information in strike-out text. Furthermore, in order to expedite review of the responses, provide a table showing each of NMED's comments and the Applicant's responses, and where the appropriate information has been incorporated into the revised Application.

The Applicant must submit the required information no later than **September 24, 2015**. The Applicant may request an extension to this deadline, for good cause, in writing to NMED.

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

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: D. Cobrain, HWB NMED
W. Moats, HWB NMED
C. Amindyas, HWB NMED
L. King, Chief, EPA Region VI (6PD-N)
File: SKFA 2014 and Reading