

New Mexico Environment Department's Response to Public Comments received on the February 9, 2026, Advanced Chemical Treatment (ACT) Draft Permit

The 60-days comment period on the Advanced Chemical Treatment LLC (ACT) draft Permit began on February 9, 2026, and ended on April 10, 2026. The New Mexico Environment Department (NMED) received only comments that were submitted by ACT, the Permittee. The following index lists the members of the public that submitted comments. The next Table summarizes the comments received and NMED's responses. Highlighted sentences denote modified language and the changed numbering of the comments; while strikeout text (for example, ~~strikeout text~~) denotes the text that was deleted.

Index Table for Public Comments Received on ACT's Draft Permit

Commenter	Date Comments Were Submitted	Matrix Comment Numbers
Advanced Chemical Treatment LLC (ACT LLC)	4/10/2026	1-56

Comment Number	Draft Permit Section	Page	Comment	NMED Response
1.	1.2 Permittee and Permitted Activity and 1.4 Effect of Permit, Section I.	12	Please remove reference to Republic/ EES, LLC (Owner) throughout the permit. Advanced Chemical Treatment is both the owner and operator of the facility, as recorded in the Special Warranty Deed with Covenants, eRecorded with Bernalillo County on 9/12/2024. As such, all references to Advanced Chemical Treatment, LLC. (ACT LLC, Operator), and Republic EES, LLC (Owner) (collectively, the Permittee) , should be updated to Advanced Chemical Treatment, LLC. (ACT LLC, Owner and Operator) ... throughout the permit.	<u>NMED's Response:</u> NMED agrees with the recommendation by the Permittee. <u>Permit Modification:</u> NMED has removed the reference to Republic/ EES, LLC (Owner) throughout the permit. Section 1.2 of the Permit now reads: <u>"1.2: PERMITTEE AND PERMITTED ACTIVITY</u> The Secretary of the New Mexico Environment Department issues this Permit for hazardous waste management at 6137 Edith Boulevard Northeast (the Facility), Albuquerque, New Mexico to Advanced Chemical Treatment, LLC. (ACT LLC, Owner and Operator, (hereafter, the Permittee), ~~and Republic EES, LLC (Owner) (collectively, the Permittee)~~ (EPA ID Number NMD002208627)." <u>"1.4: EFFECT OF PERMIT</u> Advanced Chemical Treatment, LLC. (ACT LLC, ~~Owner and Operator as the Facility operator and Republic EES, LLC, as the Facility Owner, collectively,~~ (hereafter "the Permittee")) is allowed to accept, manage, treat, and store hazardous waste at the Facility, and establishes the general and specific standards for these activities, pursuant to the HWA and the HWMR."
2.	1.5 Effects of Inaccuracies in Permit Application	15	This section lists only the application date of March 22, 2017, and an approval date of January 4, 2019. The application was deemed technically complete on January 22, 2026, and this information should likely be added to this section for future reference.	<u>NMED's Response:</u> NMED has added a sentence, which states that the application was deemed technically complete on January 22, 2026, to Permit Section 1.5. as recommended. <u>Permit Modification:</u> NMED has changed Permit Section 1.5 to read: <u>"1.5: EFFECTS OF INACCURACIES IN PERMIT APPLICATION</u> This Permit is based on the information submitted by the Permittee in the Permit Application dated March 22, 2017 (Application) and approved by NMED on January 4, 2019. NMED deemed the application to be technically complete on January 22, 2026."

3.	1.6.1 Permit Modification, Revocation and Reissuance and Termination.	15	The sixth sentence down is missing a parenthesis at the end of (e.g., updated floodplain maps or precipitation data...”	NMED Response: NMED agrees with the recommendation by the Permittee. Permit Modification: NMED has changed Permit Section 1.5 to read: “1.6.1 Permit Modification, Revocation and Reissuance, and Termination. ... climate change-related factors (e.g., updated floodplain maps or precipitation data from federal or state sources that may impact facility operations)”, or §270.43, the Secretary may initiate a modification to the Permit, revoke and reissue the Permit, or terminate the Permit in accordance with those sections.)
4.	1.8 Definitions	16	Definition of Area of Concern – there is an extra period at the end of the last sentence of the paragraph.	NMED Response: NMED agrees with the recommendation by the Permittee. Permit Modification: NMED has changed Permit Section 1.8 to read: “1.8 Definitions Area of Concern (AOC) - ... An AOC may include buildings, structures, and other locations at which releases of hazardous waste, hazardous constituents or other contaminants have not been remediated, including releases resulting from one-time or accidental events.”
5.	1.8 Definitions	17	Definition of Approved Permit Application – the word in the first sentence is missing the letter ‘d’ and should be updated to Advanced Chemical Treatment LLC. In addition, please see the comment above for section 1.5, regarding the date of completeness.	NMED Response: NMED has added the missing letter “d” as observed and recommended by the Permittee. Permit Modification: NMED has changed Permit Section 1.8 to read: “1.8 Definitions Approved Permit Application - means the Advanced Chemical Treatment LLC Resource Conservation and Recovery Act (RCRA) Permit Renewal Application titled “Hazardous Waste Permit Renewal Application”, as received on March 22, 2017, submitted by the Permittee, and approved by NMED on January 4, 2019. NMED deemed the application to be technically complete on January 22, 2026, the issuance date of the Secretary’s official decision that this revision of the applicant’s permit application was complete, including all referenced appendices, documents, and reports.”

6.	1.8 Definitions	18	Definition of Hazardous Constituents or “ Hazardous Waste Constituents – remove quotes before the word Hazardous.	NMED Response: NMED agrees with the recommendation by the Permittee. Permit Modification: NMED has changed Permit Section 1.8 to read: “1.8 Definitions Hazardous Constituents or Hazardous Waste Constituents”
7.	1.8 Definitions	20	Definition of Permit - means this Permit, EPA ID No. NMD000804294, issued to the Permittee for the Facility pursuant to the HWA and the HWMR, to operate treatment and storage of hazardous waste units and to conduct closure activities, post-closure care and corrective action, as it may be modified or amended. Please update the definition as above. The permit requires closure, but at this time post-closure care is not required nor included in the permit since the facility is expected to be clean closed.	NMED Response: NMED agrees with the recommended update suggested by the Permittee. Permit Modification: NMED has changed Permit Section 1.8 to read: “1.8 Definitions Permit - means this Permit, EPA ID No. NMD000804294, issued to the Permittee for the Facility pursuant to the HWA and the HWMR, to operate treatment and storage of hazardous waste units and to conduct closure activities, post-closure care and corrective action, as it may be modified or amended.”
8.	1.8 Definitions	20	Definition of Permittee - should be updated to “means Advanced Chemical Treatment LLC.”; the section stating “and Republic Services LLC” must be removed.	NMED Response: NMED removed Republic Services from the definition of Permittee since ACT is the owner and operator of the Facility. Permit Modification: NMED changed Permit Section 1.8 to read: “1.8 Definitions Permittee - means Advanced Chemical Treatment LLC. and Republic Services LLC.”
9.	1.9.7 Duty to Provide Information	23	“The Permittee must also furnish the Department, upon request, copies of records required to be kept in accordance with conditions in by this Permit.” Please update the sentence to use either “in” or “by”.	NMED Response: NMED corrected the grammar as suggested by the Permittee. Permit Modification: NMED changed Permit Section 1.9.7 to read: “1.9.7 Duty to Provide Information The Permittee must also furnish the Department, upon request, copies of records required to be kept in accordance with conditions required by this Permit.”

10.	1.9.8 Inspection and Entry, item #1	23	The word activity is used twice. Update the sentence to read “Enter at reasonable times the Facility and/or the Permittee’s premises where a regulated unit is located or regulated activity is conducted...”	NMED Response: NMED has corrected the subject sentence. Permit Modification: NMED has changed Permit Section 1.9.8 by deleting the words “activity” and “or activity” so that it now reads: “1.9.8 Inspection and Entry Enter at reasonable times the Facility and/or the Permittee’s premises where a regulated ~~activity~~, unit, ~~or activity~~ is located or ~~regulated activity is~~ conducted, or where records must be kept under the conditions of this Permit;”
11.	1.9.9 Monitoring and Records	24	Second sentence, inside the bracket needs a space [Refer to 40...]	NMED Response: NMED agrees with the recommendation by the Permittee. Permit Modification: NMED has corrected the spacing in the regulatory citation in Permit Section 1.9.9 as shown below: “1.9.9 Monitoring and Records [Refer to 40 CFR §270.30(j)(1)].
12.	1.10.5.a Twenty-Four Hour Reporting	27	Please verify the New Mexico Department of Public Safety dispatch telephone number. The listed number – (505) 827-9329 appears to be associated with NMED.	NMED Response: NMED verified the listed number for the New Mexico Department of Public Safety (DPS) and has updated the phone number of the DPS in the Permit. Permit Modification: NMED has updated the listed number for the New Mexico Department of Public Safety in Permit Section 1.10.5.a. to read as shown below. “1.10.5.a Twenty-Four-Hour Reporting ... or by calling the New Mexico Department of Public Safety (DPS) dispatch telephone number ~~(505) 827-9329~~ (505) 827-9300 during non-business hours and requesting that the report be forwarded to the NMED spill number (505) 827-9329.
13.	1.10.6 Manifest Discrepancy Report	28	Update to 20 calendar days, in accordance with current federal regulation. Add requirement to submit a Discrepancy Report to the EPA e-Manifest System.	NMED Response: NMED verified the regulations, and since the Department has not adopted the latest 40 CFR in which calendar days were updated from 15 to 20 days, the Department will continue to regulate manifest discrepancy report pursuant to 40 CFR §264.72 and 40 CFR §270.30(l)(7) until the new regulations are adopted. Therefore, the Department declines to accept the suggestion by the Permittee.

				<u>Permit Modification:</u> None
14.	1.10.7 Unmanifested Waste Report	28	Add requirement to submit an Unmanifested Waste Report to the EPA e-Manifest System.	<u>NMED Response:</u> NMED has added the recommended sentence to Section 1.10.7 of the Permit. <u>Permit Modification:</u> Section 1.10.7 of the Permit shall now read: “The Permittee shall also submit an Unmanifested Waste Report to the EPA e-Manifest System.”
15.	1.12.1 Submission of records, etc.	29	Would the NMED be amenable to setting up an online Cloud folder where Advanced Chemical Transport could upload documents rather than providing hard copies? This would be faster and more environmentally friendly than continuing to provide paper copies.	<u>NMED Response:</u> NMED does not currently plan to go paperless by setting up an online Cloud folder where Advanced Chemical Transport could upload documents rather than providing hard copies. This is to remain consistent with NMED’s requirements for all RCRA permitted facilities in the State of New Mexico. <u>Permit Modification:</u> None
16.	1.12.2	29	Update second permit condition reference. All deliverables submitted in paper form pursuant to Permit Condition 1.12.1. must also be submitted in electronic format to the addressee(s) identified in Permit Condition 1.12.3.	<u>NMED Response:</u> After verifying the referenced Permit Condition, NMED has corrected the typo in Section 1.12.2. <u>Permit Modification:</u> NMED changed Permit Section 1.12.2 to read: “1.12.2 All deliverables submitted in paper form pursuant to Permit Condition 1.12.1. must also be submitted in electronic format to the addressee(s) identified in Permit Condition 1.12.3.”
17.	1.15 Information Repository	32	Maintaining an internet-based information repository should not be a requirement; requiring this creates an uneven playing field for the facility. Please update the language in the first paragraph following item 1.15.g as follows: “The information repository must be located and maintained at a site chosen by the Permittee and approved by the Secretary. ~~and must include an electronic, internet-based repository with a backup repository location.~~ If an electronic, internet-based repository is used for the information repository, it must be publicly accessible and maintained by the Permittee to allow public access to the records on as continuous a basis as is technically feasible. [Refer to 40 CFR §124.33 (d) and 40 CFR §270.30(m).]”	<u>NMED Response:</u> NMED agrees with the recommendation by the Permittee. <u>Permit Modification:</u> NMED changed Permit Section 1.15 to read: “1.15 Information Repository The information repository must be located and maintained at a site chosen by the Permittee and approved by the Secretary. ~~and must include an electronic, internet-based repository with a backup repository location.~~ If an electronic, internet-based repository is used for the information repository, it must be publicly accessible and maintained by the Permittee to allow public access to the records on as continuous a basis as is technically feasible. [Refer to 40 CFR §124.33

				(d) and 40 CFR §270.30(m).]”
18.	1.16 Compliance Schedule	33	The Permittee must comply with the Compliance Schedule(s) located in Permit Section 1.910.4 and Permit Attachment I of this Permit.	NMED Response: NMED agrees with the recommendation by the Permittee to state the correct reference. Permit Modification: NMED has corrected the typo in the referenced section and Permit Section 1.16 in the Permit now reads: “1.16 Compliance Schedule The Permittee must comply with the Compliance Schedule(s) located in Permit Section 1.910.4 and Permit Attachment I of this Permit.”
19.	2.2.4 Prohibited Wastes	35	Please revise the list to remove the following items, as the facility can manage these safely as drum-in/drum-out wastes: i. Dioxin-contaminated wastes – many wastes which are not regulated may be dioxin-contaminated. The facility can safely manage these wastes as drum-in/drum-out materials. Under no circumstance will dioxin-contaminated wastes be consolidated with other wastes. Storage guidelines are outlined in Permit Condition 3.6.2.	NMED Response: Since the Permittee indicated in its comment that they can manage dioxin-contaminated wastes as drum in/drum out waste safely, NMED has changed the language to allow the Permittee to restrict the Permittee handling of Dioxin-contaminated wastes only as drum-in/drum-out wastes. Permit Modification: NMED declined to delete item i. in Section 2.2.4 in Permit Parts 1-7 but has replaced the original prohibition since facility can manage these safely as drum-in/drum-out wastes. “2.2.4 Prohibited Wastes i. <i>Dioxin Contaminated Waste:</i> The Permittee shall not consolidate dioxin contaminated wastes with other wastes but shall manage such wastes as drum in/drum out.”
20.	2.2.4. Prohibited Wastes	35	iii. Potential unstable fuels: Wastes containing Hydrazine compounds or other rocket fuels-related compounds The facility currently receives hydrazine and materials with hydrazine in lab pack/loose pack containers; the material is consolidated into larger lab pack containers for shipment offsite. Please update the language to remove hydrazine from the description or to indicate that it may be received only packaged in lab pack/loose pack configurations.	NMED Response: Since the Permittee explained that they currently receive hydrazine and materials with hydrazine in lab pack/loose pack configurations, NMED has updated the language regarding management of potential unstable fuels as shown below under Permit Modification. Permit Modification: NMED has updated item iii in Permit Section 2.2.4 to read: “2.2.4 Prohibited Wastes iii. <i>Potential unstable fuels:</i> Wastes containing Hydrazine compounds or other rocket fuels-related compounds may only be received in lab packs/loose pack configurations to be consolidated into larger lab packs for offsite shipment.”

21.	2.2.4. Prohibited Wastes	35	viii. Compressed gases: Gases stored at pressures higher than atmospheric pressure. ACT requests that this prohibition be removed. Section 3.5.1 4 provides requirements for safe storage of cylinders. In addition, the facility safely manages compressed gases in the form or aerosol cans on a regular basis.	NMED Response: Since the Permittee explained in Section 3.5.1 4, Permit provides requirements for safe storage of cylinders and that the Facility safely manages compressed gases in the form or aerosol cans on a regular basis, NMED has removed the prohibition in item viii. Permit Modification: NMED has deleted item viii from Permit Section 2.2.4 as follows: “2.2.4 Prohibited Wastes ~~viii. — Compressed gases: Gases stored at pressures higher than atmospheric pressure.”~~
22.	2.2.4. Prohibited Wastes	35	x. Cyanide or Reactive cyanide – The facility can safely manage these wastes as drum-in/drum-out materials. Under no circumstances will cyanide wastes be consolidated with other wastes. Cyanide wastes will be stored in compliance with Permit Condition 2.10.2.	NMED Response: Although the Permittee explained that they can safely manage cyanide wastes as drum-in/drum-out materials and store them in compliance with Permit Condition 2.10.2, because of the toxic nature of cyanide, NMED has declined to remove the prohibition. Permit Modification: NMED declined to delete item x. in Section 2.2.4 in Permit Parts 1-7, but has replaced the original prohibition since facility can manage these safely as drum-in/drum-out wastes: “2.2.4 Prohibited Wastes ix. Cyanide or Reactive Cyanide: In order to be consistent with Permit Conditions 2.10.2, the Permittee is not allowed to manage cyanide or reactive cyanide since they have the potential to generate hydrogen cyanide”
23.	2.2.5. Waste Characterization Information Provided by the Generator	36	Please remove the following from the list of waste characterization information: vii. a representative sample(s) of the waste, of adequate volume for analysis. The facility may request a sample if it’s deemed necessary, but this should not be required.	NMED Response: NMED agrees with the recommendation by the Permittee since the Section addresses information provided by the generator. ACT can access the information from the Safety Data Sheet provided by the generator. Permit Modification: NMED has deleted item vii from Permit Section 2.2.5 as follows: “2.2.5 Waste Characterization Information Provided by the Generator ~~vii. — a representative sample(s) of the waste, of adequate volume for analysis.”~~
24.	2.2.5. Waste Characterization	36	Please remove the following from the list of requirements for generator submissions of analytical results:	NMED Response: NMED agrees with the recommendation by the Permittee since these are submissions to be provided to them by the

	on Information Provided by the Generator		c. a brief description of the sampling strategy, d. a description of the sampling technique (i.e., biased or random); e. rationale for selection of the number and location of samples; f. a description of the statistical approach, if any; g. the sample type (e.g., grab, composite); h. identification of the analytical methods that were used and the rationale for the selection of these parameters; These parameters should be determined by the generator and kept as part of their compliance documentation.	Generator of the hazardous waste. Permit Modification: NMED has deleted items c through h from Permit Section 2.2.5 as shown below: “2.2.5 Waste Characterization Information Provided by the Generator ~~e. a brief description of the sampling strategy; d. a description of the sampling technique (i.e., biased or random); e. rationale for selection of the number and location of samples; f. a description of the statistical approach, if any; g. the sample type (e.g., grab, composite); h. identification of the analytical methods that were used and the rationale for the selection of these parameters;”~~
25.	2.2.6. Paperwork Evaluation	37	Please update the section as shown below: The Permittee shall evaluate all the waste characterization paperwork to determine if it adequately represents the physical and chemical characteristics of the waste stream and whether the waste stream is appropriate for management at the Facility. As part of the pre-shipment process, the Permittee shall work with the customer or off-site waste generator to ensure that all necessary waste analyses and waste characterization information are provided to meet the applicable requirements for acceptance. If waste analysis was used to characterize the waste, the Permittee shall evaluate the data to determine that: i. appropriate extraction and preservation techniques were used;	NMED Response: NMED has updated Section 2.2.6 as recommended by the Permittee. Permit Modification: NMED has added the suggested words to the middle sentence of Permit Section 2.2.6 as shown below: “2.2.6. Paperwork Evaluation As part of the pre-shipment process, the Permittee shall work with the customer or the off-site waste generator to ensure that all necessary waste analyses and waste characterization information are provided to meet the applicable requirements for acceptance.”
26.	2.2.6. Paperwork Evaluation	37	Please remove this item. Facility has no way to verify whether the appropriate sampling strategy was used by the generator or their designee. ~~ii. appropriate sampling strategies were used;~~	NMED Response: NMED agrees with the recommendation by the Permittee since the Permittee is evaluating the generator’s submittal. Permit Modification: NMED has removed item ii from Permit Section 2.2.6 as shown below: “2.2.6. Paperwork Evaluation ii. ~~appropriate sampling strategies were used;~~”
27.	2.2.6. Paperwork	37	Please remove this item. Facility has no way to verify whether the appropriate representative sample types were collected by the	NMED Response: NMED agrees with the recommendation by the Permittee since it is evaluation the paperwork of the generator.

	Evaluation		generator or their designee. ~~iii. appropriate representative sample types were collected~~ iv. appropriate parameters were selected for analysis; v. appropriate analytical methods were used; vi. recommended holding times were met; vii. detection limits were below applicable standards (e.g., the LDR standards); and viii. the quality of the analytical data is up to date, valid, and adequate for making a waste determination based on an evaluation of the final laboratory reports. If the data supplied are not adequate to provide a complete characterization of the waste stream, the Facility shall either require additional information from the generator or shall not accept the waste.	Permit Modification: NMED has deleted item iii from Permit Section 2.2.6 as follows: “2.2.6. Paperwork Evaluation ~~iii. appropriate representative sample types were collected”~~
28.	2.2.6 Paperwork Evaluation	37	All of the waste characterization information supplied by the generator shall be maintained in the Facility's Operating Record. In addition, the Facility's evaluation of this information and the results of ~~the any~~ independent analysis shall be maintained in the Operating Record.	NMED Response: NMED has corrected the typo identified by the Permittee. Permit Modification: NMED has modified Permit Section 2.2.6 to read as shown below: “2.2.6. Paperwork Evaluation All of the waste characterization information supplied by the generator shall be maintained in the Facility's Operating Record. In addition, the Facility's evaluation of this information and the results of any independent analysis shall be maintained in the Operating Record.”
29.	2.4.1 General Waste Characterization Requirements	39	Please update paragraph 4 of Section 2.4.1 as follows: If the Permittee determines that the characterization provided by the customer and/or generator is incomplete, the Permittee may reject the waste, or the Permittee shall characterize ~~the~~ waste by using stratified random sampling and analysis methods that are specified in SW-846, or approved by the Department, acceptable knowledge, or a combination of the two. If acceptable knowledge of the waste cannot be obtained and the customer/generator asks that the waste not be rejected, the Permittee shall utilize sampling and analysis to complete that characterization.	NMED Response: NMED agrees with the addition of the language recommended by the Permittee. Permit Modification: NMED has updated Permit Section 2.4.1 to read: “2.4.1. General Waste Characterization Requirements If the Permittee determines that the characterization provided by the customer and/or generator is incomplete, the Permittee may reject the waste, or the Permittee shall characterize ~~the~~ waste by using stratified random sampling and analysis methods that are specified in SW-846, or approved by the Department, acceptable knowledge, or a combination of the two. If acceptable knowledge of the waste cannot

				be obtained and the customer/generator asks that the waste not be rejected, the Permittee shall utilize sampling and analysis to complete that characterization.”
30.	2.4.4 Waste Characterization Review	41	Please update the section as indicated. The Permittee shall ensure that the initial characterization of any hazardous waste is reviewed or repeated according to the frequency established in Permit Attachment C (Waste Analysis Plan) to verify that characterization is accurate and up to date, as required by 40 CFR § 264.13(b)(4). The Permittee shall also: i. Annually review the characterization of ten percent by volume of the hazardous wastes to verify that the characterization is accurate. ii. Require the generator to recharacterize a hazardous waste whenever there is a change in waste-generating processes that may affect the physical or chemical properties, listed status of the waste, or the land disposal restriction status of the waste. iii. Require the generator to recharacterize a hazardous waste whenever the Permittee is notified by an off-site facility that has received a hazardous waste from the Facility that the characterization of the waste received at the off-site facility does not match a pre-approved waste analysis certification or accompanying waste manifest or shipping paper.	NMED Response: NMED agrees with the recommendation by the Permittee to add the suggested verbiage to items ii and iii in Permit Section 2.4.4. Permit Modification: NMED changed Permit Section 2.4.4 to read: “2.4.4 Waste Characterization Review The Permittee shall ensure that the initial characterization of any hazardous waste is reviewed or repeated according to the frequency established in Permit Attachment C (Waste Analysis Plan) to verify that characterization is accurate and up to date, as required by 40 CFR § 264.13(b)(4). The Permittee shall also: i. Annually review the characterization of ten percent by volume of the hazardous wastes to verify that the characterization is accurate. ii. Require the generator to recharacterize the hazardous waste whenever there is a change in waste-generating processes that may affect the physical or chemical properties, listed status of the waste, or the land disposal restriction status of the waste. iv. Require the generator to recharacterize the hazardous waste whenever the Permittee is notified by an off-site facility that has received the hazardous waste from the Facility that the characterization of the waste received at the off-site facility does not match a pre-approved waste analysis certification or accompanying waste manifest or shipping paper.
31.	2.12.4 Mitigating Effects of Equipment Failure and Power Outages	52	Please update the section as indicated below. c) If the Permittee replaces a component of the treatment system to eliminate the leak, that component must satisfy the requirements for new tank systems or components required by 40 CFR §§ 264.192 and 264.193.	NMED Response: NMED has corrected the grammatical error in Section 2.12.4 as observed by the Permittee. Permit Modification: NMED corrected the typo and Permit Section 2.12.4 now reads: “2.12.4 Mitigating Effects of Equipment Failure and Power Outages c) If the Permittee replaces a component of the treatment system to eliminate the leak, that component must satisfy the requirements for new tank systems or components required by 40 CFR §§ 264.192 and 264.193.”

32.	2.13.3 Amendments to Plan	54	7. The Permittee reviews and evaluates their emergency response resources and capabilities with respect to hazardous waste management and finds deficiencies.	NMED Response: NMED has corrected the typos identified by the Permittee. Permit Modification: NMED has changed Permit Section 2.13.3 to read as follows: “2.13.3 Amendments to Plan 7. The Permittee reviews and evaluates their emergency response resources and capabilities with respect to hazardous waste management and finds deficiencies.”
33.	2.14.1 Manifest Systems	57	Please update the section as indicated below. The Permittee shall comply with the record keeping and reporting requirements associated with manifests in accordance with 40 CFR §§ 264.71, 264.72, and 264.76e, whenever a shipment of hazardous waste is either received or shipped from the Facility.	NMED Response: NMED has removed the letter “e” from the citation in Permit Section 2.14.1. Permit Modification: NMED has deleted the letter “e” from Permit Section 2.14.1 as shown below: “2.14.1 Manifest Systems The Permittee shall comply with the record keeping and reporting requirements associated with manifests in accordance with 40 CFR §§ 264.71, 264.72, and 264.76, whenever a shipment of hazardous waste is either received or shipped from the Facility.”
34.	3.1.2 Storage Locations (3rd & 4th paragraphs)	60, 61	Please update the section as indicated below. Hazardous waste containers in each storage warehouse shall display the Generator’s name and address, EPA Identification Number, and the Manifest Tracking Number pursuant to 40 CFR § 262.32 in addition to displaying the EPA hazardous waste characteristic indication of hazard(s), and RCRA hazardous waste code. Such markings are to be located on the front of the containers for inspectors to be able to clearly identify the contents without obstacles impeding visibility of the container. The Permittee shall mark the date upon which each period of accumulation began of receipt and acceptance at the facility on each hazardous waste container clearly to be visible for inspection, as required by 40 CFR § 262.34 (iv)(2).	NMED Response: NMED has updated the 3rd and 4th paragraphs of Section 3.1.2 as suggested by the Permittee. Permit Modification: NMED changed Permit Section 3.1.2 to read: “3.1.2 Storage Locations Hazardous waste containers in each storage warehouse shall display the Generator’s name and address, EPA Identification Number, and the Manifest Tracking Number pursuant to 40 CFR § 262.32 in addition to displaying the EPA hazardous waste characteristic indication of hazard(s), and RCRA hazardous waste code. Such markings are to be located on the front of the containers for inspectors to be able to clearly identify the contents without obstacles impeding visibility of the container. The Permittee shall mark the date upon which each period of accumulation began of receipt and acceptance at the facility on each hazardous waste container clearly to be visible for inspection, as required by 40 CFR § 262.34 (iv)(2).”

35.	3.4 Compatibility of Waste with Containers	61	Please add a space between “by” and “40”. The Permittee shall use containers made of, or lined with materials that will not react with, and are otherwise compatible with the hazardous waste to be stored so that the ability of the container to contain the waste is not impaired as specified by 40 CFR § 264.172.	NMED Response: NMED agreed with the recommendation by the Permittee to add a space between the 40 and the word “by” in the regulatory citation in Section 3.4. Permit Modification: NMED will change Permit Section 3.4 to read: “3.4 Compatibility of Waste with Containers The Permittee shall use containers made of, or lined with materials that will not react with, and are otherwise compatible with the hazardous waste to be stored so that the ability of the container to contain the waste is not impaired as specified by 40 CFR § 264.172.”
36.	3.5.1 Storage Configuration and Required Aisle Space	62	Please update the section as indicated below. 3. The stacking configuration of waste containers shall not exceed the load-bearing capacity of the floor or metal grating. Containers stacked on metal shelving shall only occur on the first and second tiers; containers placed on the third tier shall be stored on pallets.	NMED Response: NMED agrees with the recommendation by the Permittee to place third-tier containers on pallets. Permit Modification: NMED has changed Permit Section 3.5.1 to read: “3.5.1 Storage Configuration and Required Aisle Space 3. The stacking configuration of waste containers shall not exceed the load-bearing capacity of the floor or metal grating. Containers stacked on metal shelving shall only occur on the first and second tiers; containers placed on the third tier shall be stored on pallets.”
37.	3.7 Inspections	65	Please update the section as indicated below. 2. For containers subject to air emission standards in 40 CFR §264.1086(c), when a defect is detected for the container cover or closure devices, the Permittee shall make first efforts at repair of the defect no later than 24 hours after detection, and repair shall be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the container shall be overpacked in a container meeting the requirements of 40 CFR §264.1086(c), or the hazardous waste shall be removed from the container, and the container shall not be used to manage hazardous waste until the defect is repaired.	NMED Response: NMED agrees with the suggestion by the Permittee and has added the language suggested in item number 2. Permit Modification: NMED changed item 2 in Permit Section 3.7 as shown below: “3.7 Inspections 2. For containers subject to air emission standards in 40 CFR §264.1086(c), when a defect is detected for the container cover or closure devices, the Permittee shall make first efforts at repair of the defect no later than 24 hours after detection, and repair shall be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the container shall be overpacked in a container meeting the requirements of 40 CFR §264.1086(c), or the hazardous waste shall be removed from the container, and the container shall not be used to manage hazardous waste until the defect is repaired.”

38.	4.1 General Conditions for Waste Treatment by Fuel Blending	67	Please update paragraph 2 with these additional waste codes: D001, D002, D004 – D008, and D010 – D043	NMED Response: The Permittee is already authorized to treat the listed codes, which are included in Permit Attachment B. Therefore, NMED declines to add the waste codes to paragraph 2 of Permit Section 4.1 to avoid duplication. Permit Modification: None.
39.	4.1.1 Condition of Tanker Trucks	69	Please update the type in the first paragraph, second sentence to be the same size as the other type in the paragraph. Please update the next to last sentence in the first paragraph to the following: If there is a question concerning potential incompatibilities with the waste stream and other material in the storage tank, the facility must ~~perform a bench-scale collect a sample and send it to a certified lab for~~ compatibility testing; compatibility must be verified prior to the transfer.	NMED Response: NMED agreed with the recommendation by the Permittee and has changed the font of the second sentence in the first paragraph of section 4.1.1 and added the language suggested there. Permit Modification: NMED has also updated Permit Section 4.1.1 as shown below: “4.1.1 Condition of Tanker Trucks If there is a question concerning potential incompatibilities with the waste stream and other material in the storage tank, the facility must ~~perform a bench-scale collect a sample and send it to a certified lab for~~ compatibility testing; compatibility must be verified prior to the transfer.”
40.	4.1.1 Condition of Tanker Trucks	70	Please update the last sentence of the third paragraph to the following: If there is a question concerning potential incompatibilities with the waste streams and other materials to be fuel blended, the facility shall ~~perform a bench-scale collect a sample and send it to a certified lab for~~ compatibility testing; compatibility must be verified prior to transferring the waste into the tanker truck.	NMED Response: NMED has updated Section 4.1.1 as recommended by the Permittee. Permit Modification: NMED has re-written Permit Section 4.1.1 as shown below: “4.1.1 Condition of Tanker Trucks If there is a question concerning potential incompatibilities with the waste streams and other materials to be fuel blended, the facility shall ~~perform a bench-scale collect a sample and send it to a certified lab for~~ compatibility testing; compatibility must be verified prior to transferring the waste into the tanker truck.”
41.	4.3 Prohibitions	71	Please update the following items as indicated: (5) The Permittee shall not comingle nonhazardous and household hazardous waste with RCRA inherently fuel-like waste during the treatment process ~~in order to dilute the waste and bring it below any RCRA regulatory limit.~~	NMED Response: NMED agrees with the Permittee and has added the suggested language in items (5) and (7) of Permit Section 4.3. Permit Modification: NMED has updated items (5) and (7) in Permit Section 4.3 as shown below: “4.3 Prohibitions

			(7) No ~~heavy-metals mercury~~ or solids/debris should be included in the fuel blending, and no F006- F012 and F019. – There are some high BTU value materials that may contain heavy metals at levels that would be regulated. These materials are not prohibited from being consolidated and sent to a fuel blender for energy recovery.	(5) The Permittee shall not comingle nonhazardous and household hazardous waste with RCRA inherently fuel-like waste during the treatment process in order to dilute the waste and bring it below any RCRA regulatory limit. (7) No ~~heavy-metals mercury~~ or solids/debris should be included in the fuel blending, and no F006- F012 and F019. – There are some high BTU value materials that may contain heavy metals at levels that would be regulated. These materials are not prohibited from being consolidated and sent to a fuel blender for energy recovery.”
42.	4.4 Tanker Truck Maintenance	70	Please update the following items as indicated: (1) The Permittee shall ensure ~~either~~ that tanker truck repairs are performed in accordance with 40 CFR §§264.196(e)(2) through (4)., ~~or that the system be closed in accordance with the closure requirements presented in Permit Part 5 (Closure Requirements) and 40 CFR §264.197.— A tanker truck is not fixed equipment and would not be closed in accordance with 40 CFR 264.197 but would rather be cleaned in accordance with RCRA regulation and then sent for scrap or disposed.~~	NMED Response: NMED agrees with the recommended change in language since a tanker truck is not a fixed equipment. Permit Modification: NMED changed Permit Section 4.4 to read: “4.4 Tanker Truck Maintenance (2) The Permittee shall ensure ~~either~~ that tanker truck repairs are performed in accordance with 40 CFR §§264.196(e)(2) through (4)., ~~or that the system be closed in accordance with the closure requirements presented in Permit Part 5 (Closure Requirements) and 40 CFR §264.197.— A tanker truck is not fixed equipment and would not be closed in accordance with 40 CFR §264.197 but shall be cleaned in accordance with RCRA regulations and then sent for scrap or disposed of accordingly.~~ ”
43.	5.3.6.1 Decontamination	80	Please update the reference in paragraph 1 from Permit Section 7.10.12.11(Tables) to 7.8.2.14 (Decontamination Procedures).	NMED Response: NMED has replaced the referenced Permit Section as suggested by the Permittee. Permit Modification: NMED has replaced the wrong reference in Permit Section 5.3.6.1 with the correct Section as shown below: “5.3.6.1 Decontamination ...Small hand tools shall be decontaminated utilizing the decontamination procedures for sampling and measuring equipment at Permit Section ~~7.10.12.11~~ 7.8.2.14.”
44.	5.3.10 Other Methods and Procedures	84	Please verify that the following Permit Section references are correct: 7.10.4.8 (Chemical and Analytical Data Results), and 7.10.3 (Investigation Report).	NMED Response: NMED verified the reference and determined that the correct reference should be Permit Section 5.10. Permit Modification: NMED has changed the first sentence of Permit Section 5.3.10 to read:

				<u>“5.3.10 Other Methods and Procedures</u> The Permittee shall document closure activities as specified at Permit Section ~~7.10.4.8 and 7.10.3~~ 5.10.”
45.	5.3.10.3 Quality Assurance	86	Please update the Permit Section reference in the last sentence from 7.10.3.2 (Executive Summary) to 7.8.3.2 (Quality Assurance Procedures).	<u>NMED Response:</u> NMED has updated the permit Section reference as observed and recommended by the Permittee. <u>Permit Modification:</u> NMED has corrected the typo and changed the reference in the last sentence of Permit Section 5.3.10.3 to read as shown below: <u>“5.3.10.3 Quality Assurance</u> Data shall be validated and evaluated for quality in accordance with Permit Section ~~7.10.3.2~~ 7.8.3.2.”
46.	5.8 Corrective Action	88	Please verify and update the highlighted permit section; the Permit does not contain Section 7.8.5. If after removal of contaminated soil or base materials in accordance with Permit Section 5.3.8 the Permittee finds that the soil or other materials (e.g., base materials) continue to pose an unacceptable risk to human health and the environment, the Permittee shall initiate and conduct corrective action in accordance with Permit Section 7.8.5 and shall amend the closure plan in accordance with Permit Section 5.6 to describe the proposed corrective action.	<u>NMED Response:</u> NMED has reviewed and verified that the reference in section 5.8 should be Permit Section 7.3. <u>Permit Modification:</u> NMED has changed the reference in Permit Section 5.8 by deleting Section 7.8.5 as shown below : <u>“5.8 Corrective Action</u> If after removal of contaminated soil or base materials in accordance with Permit Section 5.3.8 the Permittee finds that the soil or other materials (e.g., base materials) continue to pose an unacceptable risk to human health and the environment, the Permittee shall initiate and conduct corrective action in accordance with Permit Section ~~7.8.5~~ 7.3 and shall amend the closure plan in accordance with Permit Section 5.6 to describe the proposed corrective action.”
47.	7.3 Corrective Action Procedures	96	Please update the first sentence as shown below: The Permittee shall conduct corrective action ~~at areas of the sites~~ where releases of hazardous waste or hazardous constituents have occurred.	<u>NMED Response:</u> NMED has updated the four words in Section 7.3 as recommended by the Permittee. <u>Permit Modification:</u> NMED changed Permit Section 7.3 to read: <u>“7.3 Corrective Action Procedures</u> The Permittee shall conduct corrective action ~~at areas of the sites~~ where releases of hazardous waste or hazardous constituents have occurred.”

48.	Attachment C (Waste Analysis Plan): C.3.1 Waste Characterization Information Provided by the Generator	68	Please make the following updates: Remove item #vii and items c through h from the lists in this section. These are items the generator should manage.	NMED Response: NMED has removed items vii and items “c” through “h” since it is the generator’s duty to manage these items, not the Permittee. Permit Modification: NMED has made the recommended changes to Permit Attachment C Section C.3.1 as shown below: “C.3.1 Waste Characterization Information Provided by the Generator i. a representative sample(s) of the waste, of adequate volume for analysis. If waste analysis is used to characterize the waste, the generator must supply, at a minimum, the following waste analysis data for each representative sample: a. identification of the sample medium (e.g., liquids, sludge, soil). b. information about waste stratification. ~~e. brief description of the sampling strategy;~~ ~~d. a description of the sampling technique (i.e., biased or random);~~ ~~e. rationale for selection of the number and location of samples;~~ ~~f. a description of the statistical approach, if any;~~ ~~g. the sample type (e.g., grab, composite);~~ ~~h. identification of the analytical methods that were used and the rationale for the selection of these parameters.~~ c. final laboratory reports including case narratives, waste analyses, and QA/QC analyses; and d. identification of the laboratory that performed the waste analyses.”
49.	C.3.3.3	69	Please remove this section. This is over and above what is required under RCRA regulation and is over and above what other TSD facilities are performing; this creates an uneven playing field.	NMED Response: NMED agrees with the recommendation by the Permittee to remove the requirement from Permit Attachment C, Section C.3.3.3 for consistency with requirements for other permitted facilities. Permit Modification: NMED has deleted Permit Attachment C Section C.3.3.3 as shown below: “C.3.3.3 Representative Sample Assessment ~~After evaluation and approval of the sample representativeness and waste characterization data paperwork, the representative sample submitted by the generator shall be analyzed by a qualified laboratory~~

				that is not the same laboratory as that used by the generator. Based upon the Facility's evaluation of the information supplied by the generator, the Facility shall inform the laboratory of the type of medium (e.g., aqueous, solid) and the appropriate parameters for chemical analyses. The rationale for selection of the parameters shall be maintained in the Facility's Operating Record. The generator's Waste Profile Form/Sheet shall be compared with the results of the laboratory analyses of the representative sample and with the Facility's permit to ensure that the waste is acceptable for management and transfer by the Facility. Should there be a discrepancy between the analytical results and the generator information, the Facility shall contact the generator to resolve the discrepancy. The generator shall not be authorized to ship the waste to ACT until all discrepancies have been resolved. If the discrepancies cannot be resolved with the information provided by the generator, the Facility may request a new Waste Profile Form and any additional information that may be required to characterize the waste adequately or reject the waste stream for disposal. In addition, the Facility may require the generator to submit additional samples of the waste for analyses. If the generator cannot supply adequate information to provide a complete characterization of the waste stream, the Facility will not accept the waste. The generator shall submit a new Waste Profile Form for each new waste stream and for an existing waste stream if the composition of the waste stream changes significantly."
50.	C.4.3 – Waste Analysis for Incoming Shipments	73	Please update as shown below: Waste analysis for incoming shipments shall include fingerprint tests, ~~analysis of initial five shipments of each waste stream, and an annual analysis to ensure correct characterization of each waste stream, and visual verification~~ as described in Sections C.4 and C.5 of this Permit Attachment.	NMED Response: NMED has updated Section C.4.3 of Attachment C as recommended by the Permittee. Permit Modification: NMED has made the changes to Permit Attachment C Section C.4.3 as shown below: "C.4.3 Waste Analysis for Incoming Shipments Waste analysis for incoming shipments shall include fingerprint tests, ~~analysis of initial five shipments of each waste stream, and an annual analysis to ensure correct characterization of each waste stream, and visual verification~~ as described in Sections C.4 and C.5 of this Permit Attachment."

52.	Table D.2 List of Government Agencies and Local Authorities to be notified in an Emergency	101	Please update the last entry as follows: New Mexico Environment Department Report uncontrolled releases, fires, and explosions.	NMED Response: NMED has incorporated the word “uncontrolled” into the last entry of Table D.2. Permit Modification: NMED changed the last entry of Permit Attachment D Table D.2. as shown below: “Table D.2: List of Government Agencies and Local Authorities to be notified in an Emergency <table><tr><td>New Mexico Environment Department</td><td>Report uncontrolled releases, fires, and explosions.</td></tr></table>	New Mexico Environment Department	Report uncontrolled releases, fires, and explosions.
New Mexico Environment Department	Report uncontrolled releases, fires, and explosions.					
53.	D.4.1.2 Container Storage Unit Fire Control Procedure	103	Please update the section as follows: A small fire in this area can be assessed by Facility personnel, and if deemed safe to handle, may be extinguished using an ABC-rated a fire extinguisher appropriate for the waste; ABC-rate fire extinguishers are present in this area. Should the automated suppression system activate, personnel shall leave the area and allow the system to extinguish the fire.	NMED Response: NMED has amended the first sentence of Permit Attachment D, Section D.4.1.2 as suggested by the Permittee. Permit Modification: NMED has updated Attachment D Section D.4.1.2 by incorporating suggested the verbiage as shown below: “D.4.1.2 Container Storage Unit Fire Control Procedure A small fire in this area can be assessed by Facility personnel, and if deemed safe to handle, may be extinguished using an ABC-rated a fire extinguisher appropriate for the waste; ABC-rated fire extinguishers are present in this area. Should the automated suppression system activate, personnel shall leave the area and allow the system to extinguish the fire.”		
54.	D.6 Post Emergency Actions	108	Please update the section as follows: Immediately after an emergency, the Emergency Coordinator must ensure that the following activities are not conducted in the affected area(s) of the Facility:	NMED Response: NMED has removed the word “not” in the cited sentence from Section D.6 of Attachment D as recommended by the Permittee. Permit Modification: NMED deleted the word “not” from the cited sentence of Permit Attachment D Section D.6 as shown below: “D.6 Post Emergency Actions Immediately after an emergency, the Emergency Coordinator must ensure that the following activities are not conducted in the affected area(s) of the Facility:		
55.	Table D.3 List of Facility Emergency	109	Please remove the following item from the table. The facility does not have a fixed Fuel Blending Tank and there is no alert horn/strobe light to indicate that a tank is at 95% capacity.	NMED Response: Since the facility does not have a fixed Fuel Blending Tank, NMED has removed the suggested entry from Table D.3 of Permit Attachment D.		

	Response Equipment at the ACT Facility			Alert horn/strobe light	Fuel Blending Tank	1	Sounds and flashes when tanks are at 95% capacity.	Permit Modification: NMED has deleted reference to fixed Fuel Blending Tank as shown below: “Table D.3 List of Facility Emergency Response Equipment at the ACT Facility <table><tr><td>Alert horn/strobe light</td><td>Fuel Blending Tank</td><td>1</td><td>Sounds and flashes when tanks are at 95% capacity.</td></tr></table>	Alert horn/strobe light	Fuel Blending Tank	1	Sounds and flashes when tanks are at 95% capacity.
Alert horn/strobe light	Fuel Blending Tank	1	Sounds and flashes when tanks are at 95% capacity.									
56a.	Additional general comments	7, 98, 115, 117	Use of the term “Branch Manager” – please update all instances of “Branch Manager” to “Operations Manager”, as Branch Manager is no longer a title used within the company. These references are found in the following sections of the permit attachments: Table of Contents, D.1, F.2.1, F.4.1, F.4.2, and F.4.4.					NMED Response: NMED has globally replaced the word “Branch Manager” with “Operations Manager as recommended by the Permittee. Permit Modification: NMED has made the appropriate changes to the following sections of the Permit Attachments: Table of Contents, Sections D.1., F.2.1, F.4.1, F.4.2, and F.4.4 to now read: “Table of Contents F.4.2 Training of New Branch Manager Operations Managers D.1 Purpose The Branch Manager Operations Manager shall ensure that the Contingency Plan is updated whenever a change is made. F.2.1 Branch Manager Operations Manager The Branch Manager Operations Manager (or designate) is ultimately responsible for the operations at the Facility. The sales representatives, administrator, and Material Handler report to the Branch Manager Operations Manager and he in turn must provide the training and materials necessary for the facility employees to execute their duties. With respect to environmental compliance, the Branch Manager Operations Manager must: ... F.4.1 Training of New Branch Managers Operations Managers F.4.2 Training of New Branch Administrators Additional training shall be overseen by the Branch Manager Operations Manager and shall be done within six months of starting the job, if needed. F.4.4 Training of Newly Hired Hazardous Waste Management Personnel The Contingency Plan shall be reviewed with the Branch Manager Operations Manager before the new hazardous waste management				

				personnel formally begins his/her new position, and annually thereafter.”
56b.	Additional general comments		Advanced Chemical Treatment requests the opportunity to update A.5 – Facility Photographs following the close of the public comment period. Due to the length of the permit renewal period, this log has photos of some units, such as the compactor, which are no longer present at the facility.	NMED Response: NMED has replaced the previous photos with the new photos that the Permittee submitted to the Department. Permit Modification: NMED has replaced Appendix M-1, Facility Photographs A-5 from page 154 through 167, Permit Attachment M (Figures) – with the updated photos submitted by the Permittee.