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**NEW MEXICO  
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***Hazardous Waste Bureau***

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RON CURRY  
Secretary

JON GOLDSTEIN  
Deputy Secretary

June 30, 2008

**RE: PROPOSED REVISION OF THE NEW MEXICO HAZARDOUS WASTE  
MANAGEMENT REGULATIONS, 20.4.1 NMAC**

Dear Interested Person:

The New Mexico Environmental Department (NMED) is proposing amendments to the Hazardous Waste Management Regulations, 20.4.1 NMAC. NMED will be requesting a public hearing in October before the Environmental Improvement Board, the promulgating authority for the Hazardous Waste Management Regulations, who will consider the proposal.

The proposed amendments are for the purpose of updating the Hazardous Waste regulations to bring them into conformity with federal regulations up through July 1, 2008, so that the Environment Department can obtain required authorizations from the EPA for its Hazardous Waste Management Program. The current regulations adopt federal regulations up through July 1, 2002. NMED will propose that New Mexico's Hazardous Waste Management Program include: consistent language for permit modifications with the New Mexico Hazardous Waste Act; management of universal waste including labeling, breaking and crushing of waste lamps; management of aerosol cans; and used oil alternative labeling and storage.

The sections proposed to be amended include the following:

Sections 20.4.1.100, 200, 300, 400, 500, 600, 700, 800, 900, 1000 and 1002 NMAC - The proposed amendments will adopt the federal regulations at 40 CFR and its respective Parts 260 through 270, 273 and 279 through July 1, 2008. In addition, the proposal includes the following:

20.4.1.101 NMAC - Modifications, Exceptions and Omissions. The proposed amendments will omit reference to 40 CFR Part 267.

20.4.1.501 NMAC - Modifications, Exceptions and Omissions. This section is proposed to be amended to be consistent with the format of the regulations regarding modifications, exceptions and omissions. The proposed amendment will adopt requirements for submission of Performance Track member facility Class 1 permit modification requests, semi-annual report submittals, New Mexico licensed Professional Engineer, and maintenance of the facility operating record until closure.

20.4.1.601 NMAC - Modifications, Exceptions and Omissions. This section is proposed to be amended to be consistent with the format of the regulations regarding modifications, exceptions and omissions. The proposed amendment will adopt requirements for semi-annual report submittals, New Mexico licensed Professional Engineer, and maintenance of the facility operating record until closure.

20.4.1.801 NMAC - Modifications, Exceptions and Omissions. This section is proposed to be amended to be consistent with the format of the regulations regarding modifications, exceptions and omissions.

The proposed amendments will adopt requirements for submittal of reports, New Mexico licensed Professional Engineer, and maintenance of the operating record until closure.

20.4.1.901 NMAC - Permitting Procedures. The proposed amendments will adopt consistent language for permit modifications with the New Mexico Hazardous Waste Act, NMSA 1978, 74-4-4.2.

20.4.1.1001 NMAC - Modifications, Exceptions and Omissions. This section is proposed to be amended to be consistent with the format of regulations regarding modifications, exceptions and omissions. The proposed amendments will adopt requirements to address management of universal waste with regards to labeling, breaking and crushing lamps and aerosol cans.

20.4.1.1107 NMAC - Availability of Materials Incorporated By Reference. Amend the name.

The sections proposed to be added include the following:

20.4.1.301 NMAC - Modifications, Exceptions and Omissions. This section is proposed to be added to be consistent with the format of the regulations regarding modifications, exceptions and omissions. This proposed section will provide for the language from 20.4.1.300 NMAC.

20.4.1.701 NMAC - Modifications, Exceptions and Omissions. This section is proposed to be added to be consistent with the format of the regulations regarding modifications, exceptions and omissions. The proposed adoption of these requirements will address maintenance of the operating record until closure.

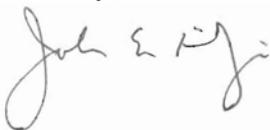
20.4.1.702 NMAC – Omission of 40 CFR Part 267. The addition of this section would omit 40 CFR Part 267.

20.4.1.902 NMAC - Modifications, Exceptions and Omissions. This section is proposed to be added to be consistent with the format of the regulations regarding modifications, exceptions and omissions. The proposed adoption of these requirements will address requirements for New Mexico licensed Professional Engineer, and omit references to the requirements of standardized permits.

20.4.1.1003 NMAC - Modifications, Exceptions and Omissions. This section is proposed to be added to be consistent with the format of the regulations regarding modifications, exceptions and omissions. The section is proposed to address alternative used oil labeling for generators and used oil storage.

For updates and information visit the NMED web site at: [www.nmenv.state.nm.us/hwb/stareg.html](http://www.nmenv.state.nm.us/hwb/stareg.html) or contact John E. Kieling at 476-6000.

Sincerely,



John E. Kieling  
Program Manager  
Permits Management Program  
Hazardous Waste Bureau