NEW MEXICO
ENVIRONMENT DEPARTMENT

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Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 27, 2020

Brian Cochran
Branch Manager
Safety-Kleen Systems, Inc.
4210A Hawkins Road
Farmington, NM 87401

RE: ISSUANCE OF HAZARDOUS WASTE FACILITY PERMIT TO
SAFETY-KLEEN SYSTEMS, INC., FARMNGTON CENTER, NEW MEXICO
EPA Identification Number: NMD980698849

Dear Mr. Cochran:

The Secretary of the New Mexico Environment Department (NMED or the Department) issues the attached Permit, for hazardous waste management and storage, to J.D. Kinsey & Joy M. Kinsey (Owners) and Safety-Kleen Systems, Inc., (Operator) (collectively, the Permittees) of the hazardous waste Container and Tank Storage Units (the Facility) located at 4210 A Hawkins Road, Farmington, San Juan County, New Mexico, pursuant to the New Mexico Hazardous Waste Act (HWA), NMSA 1978, §§ 74-4-1 through 74-4-14, in accordance with the New Mexico Hazardous Waste Management Regulations (HWMR) 20.4.1 NMAC.

The Permit authorizes the Permittees to continue to accept, manage and store off-site generated hazardous waste at the Facility, and establishes the general and specific standards for these activities, pursuant to the HWA and the HWMR. It also establishes standards for closure and

post-closure care of the Facility at Safety-Kleen Farmington (SKFA) Container and Storage Tank Hazardous Waste Management Center and corrective action pursuant to the HWA and HWMR.

This Permit is a renewal of, and supersedes, the permit that was previously issued to the Permittees on September 26, 2003.

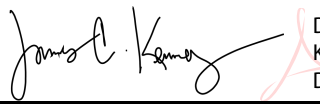
A 60-day public comment period was held from August 16, 2019 to October 15, 2019. The only comments the Department received were those submitted by the Permittees. Those comments and NMED's responses are attached to this cover letter.

This Permit is based on information submitted in Parts A and B of the Permit Application dated March 2013 submitted by the Permittees, and subsequent revisions and supplemental information, herein referred to as the Application.

Any inaccuracies found in the Application may be grounds for the termination, revocation and re-issuance, or modification of the Permit in accordance with 40 CFR §§ 270.41 through 270.43, which are incorporated herein by reference, and for enforcement action.

This Permit shall be effective for a fixed term of ten years from its effective date, except as provided in Permit Section 1.8.3 (40 CFR § 270.50(a) and (b)). The effective date of this Permit shall be 30 days after notice of the Department's decision has been served on the Permittee or such later time as the Department may specify.

Signed this 27th day of August 2020.

By  Digitally signed by James Kenney
Date: 2020.08.27 13:46:01 -06'00'

James C. Kenney
Secretary
New Mexico Environment Department

File: SKFA 2020 Permit

NMED RESPONSE TO PUBLIC COMMENTS ON SAFETY-KLEEN FARMINGTON CONTAINER AND TANK STORAGE CENTER DRAFT PERMIT

AUGUST 2020

The following Table contains all the comments received during the 60-day Public Comment period that began on August 16, 2019 and ended on October 15, 2019. The only comments NMED received were those submitted by the Permittees.

The New Mexico Environment Department's responses to the comments are in the last column of the Table below. NMED has numbered the comments from 1 through 34 for reference.

Comment No.	Draft Permit Section	Original Text and Comment	NMED Response
1.	**A.1**	**Introduction:** This Permit Attachment contains general information pertaining to Safety-Kleen Systems, Inc. Farmington Center (SKAL; the Facility) and the management of hazardous waste Container and Tank storage areas covered by this Permit. ***SKFA Comment:*** *Suggest changing SKAL to SKFA, to reduce confusion with Safety-Kleen Albuquerque.*	**NMED Response:** NMED has corrected the error and replaced the Albuquerque Center acronym "SKAL" with the Farmington acronym "*SKFA*" in the Permit text. **Permit Modification:** NMED has revised the first sentence of Section A.1 to read as follows: "*This Permit Attachment contains general information pertaining to Safety-Kleen Systems, Inc. Farmington Center (SKFA; the Facility) and the management of hazardous waste Container and Tank storage areas covered by this Permit.*"
2.	**A.3.1**	**Parts Cleaner Service** At the end of each day, the solvent is transferred from the drums to a storage tank at the facility and containers of product are prepared for the next day's services. Periodically, a tanker truck is dispatched from one of the recycle centers to deliver a load of clean solvent and collect the used solvent from the Facility. ***SKFA Comment:*** *Suggest adjusting the first sentence of the second paragraph to read: Within 24-hours of receipts ~~At the end of each day~~, the solvent is transferred from the drums to a storage tank at the facility and containers of product are prepared for the next day's services.*	**NMED Response:** NMED agrees with the clarification suggested by the Permittees to transfer waste within 24 hours and not just at the end of the day. **Permit Modification:** NMED has revised the first sentence of the second paragraph of Section A.3.1 to read as follows: *"Within 24-hours of receipts, the solvent shall be transferred from the drums to a storage tank at the facility and containers of product prepared for the next day's services."*
3.	**A.4.4**	**Surrounding Land Use** The Facility is situated in an industrial zone of the City of Farmington and is surrounded by "4 Rivers Equipment" on the north, US Hwy-64 on the south, Wagner Caterpillar Equipment" on the west, and "MBA Training" on the east. ***SKFA Comment:*** *American Equipment Manufacturing is now located on the north and west* boundaries of the facility….	**NMED Response:** NMED will update the site description by adding American Equipment Manufacturing to the text. **Permit Modification:** NMED has revised Section A.4.4 to read, "*The Facility is situated in an industrial zone of the City of Farmington and is surrounded by 4 Rivers Equipment on the north, American Equipment Manufacturing on the north and west boundaries of the facility, Wagner Caterpillar Equipment on the west, US Hwy-64 on the south, and MBA Training on the east.*"
4.	**A.6 Second paragraph**	**CONTAINER (DRUM MANAGEMENT)** Drums of waste that will be emptied into the used solvent tank shall be delivered to an overhead door of the Return and Fill building. The building has an elevated dock (grating). Waste containers that will be placed into storage into this area shall be removed from the route truck via a hydraulic platform lift gate that is on each route truck. The employees shall move containers from the cargo carrying portion of the vehicle onto the lift gate that is extended flush with bed of the truck. The lift gate is then lowered to grade level. The drums shall be moved from the lift gate into the appropriate storage area by forklift, pallet jack, or drum dolly. The area where the route trucks park while unloading is paved.	**NMED Response:** Since the Permittees will be conducting two different processes of offloading the tanks and containers, NMED has revised the second paragraph under the drum management sections as suggested in Comment 4. **Permit Modification:** NMED has replaced the second paragraph of Section A.6 with the suggested language, to read: "*Drums of waste that will be emptied into the used solvent tank shall be delivered to the Return and Fill building. The building has an elevated dock (grating). Waste*

		SKFA Comment: *Suggest the following adjustment as this paragraph combined two different offloading processes.* *Drums of waste that will be emptied into the used solvent tank shall be delivered to ~~an overhead door of~~ the Return and Fill building. The building has an elevated dock (grating). Waste containers that will be placed ~~into storage~~ into this area shall be removed from the route truck via a hydraulic platform lift gate that is on each route truck. The employees shall move containers from the cargo carrying portion of the vehicle onto the lift gate that is extended flush with bed of the truck. The lift gate is then lowered to the dock level. When feasible, containers shall be moved using mechanical means such as drum carts or dollies but may be moved manually.* *Drums of waste that will be transferred to the Flam Shed or Container Storage Area are offloaded over paving close to the storage location. The Container Storage Area is at ground level, while the Flam Shed is slightly elevated. Waste containers that will be placed into storage in these areas shall be removed from the route truck via a hydraulic platform lift gate that is on each route truck. The employees shall move containers from the cargo carrying portion of the vehicle onto the lift gate that is extended flush with bed of the truck. The lift gate is then lowered to grade level. When feasible, containers shall be moved using mechanical means such as drum carts, dollies, or fork trucks. The area where the route trucks park while unloading is paved.*	*containers that will be placed into this area shall be removed from the route truck via a hydraulic platform lift gate that is on each route truck. The employees shall move containers from the cargo carrying portion of the vehicle onto the lift gate that is extended flush with bed of the truck. The lift gate is then lowered to the dock level. When feasible, containers shall be moved using mechanical means such as drum carts or dollies but may also be moved manually.* *Drums of waste that will be transferred to the Flam Shed or Container Storage Area are offloaded over paving close to the storage location. The Container Storage Area is at ground level, while the Flammable Shed is slightly elevated. Waste containers that will be placed into storage in these areas shall be removed from the route truck via a hydraulic platform lift gate that is on each route truck. The employees shall move containers from the cargo carrying portion of the vehicle onto the lift gate that is extended flush with bed of the truck. The lift gate is then lowered to grade level. When feasible, containers shall be moved using mechanical means such as drum carts, dollies, or lift trucks. The area where the route trucks park while unloading is paved.*
5.	**A.6:** Third paragraph	**CONTAINER (DRUM MANAGEMENT)** The Container Storage Area in the warehouse is used for the storage of, 1) spent immersion cleaner, 2) dry cleaning wastes, 3) paint waste, 4) photo imaging waste, and 5) aqueous parts washer solvent. Non-hazardous products and Facility products may also be stored in this area. The wastes in the container storage area shall not be opened (except for sampling purposes) or mixed/comingled while on site and shall be segregated in properly labeled containers to indicate their contents. Incompatible wastes or materials shall not be stored in the Container Storage portion of the warehouse. All containers shall be stored on pallets. Ignitable or flammable waste containers shall be stored at least 50 feet from the facility property line. ***SKFA Comment:*** *Suggest adjusting the 2nd paragraph to add 10-Day transfer waste. 10-Day Transfer waste, non-hazardous products and Facility products may also be stored in this area.*	**NMED Response:** NMED agrees with the suggested request to revise the second sentence of the third paragraph of Section A.6. **Permit Modification:** NMED has revised the second sentence in the fourth paragraph, (rather than the third paragraph as cited by the Commenter) of Section A.6 to read, "*Ten-Day Transfer waste, non-hazardous products and Facility products may also be stored in this area.*" In addition, to account for the addition of the 10-day transfer waste the following text has been added to Permit Section 3.5 "*If the Permittee establishes a 10-day transfer unit at the Facility, it shall be clearly marked to distinguish the use from the permitted container storage areas. Waste stored in the 10-day transfer unit shall not be subsequently stored at the Facility."*
6.	**A.8**	**PREVENTION OF CONTAMINATION OF WATER SUPPLIES** The hazardous waste Container and tank storage facility shall be operated in a manner that is protective of water supplies. Containers of waste are stored in an enclosed storage area and the transfer of parts washer solvent to the bulk storage tank is conducted over secondary containment. Bulk aboveground storage tanks are constructed of ¼-inch thick carbon steel and are double-walled with a leak detection system installed in the interstitial space. ***SKFA Comment:*** *Bulk aboveground storage tanks are constructed of ¼-inch thick carbon steel in the lower third of the tank with the upper portion being 3/16-inch ~~and are double-walled with a leak detection system installed in the interstitial space~~. The tanks are located within a secondary containment system.(reference A.12.1)*	**NMED Response:** NMED has revised Section A.8 with the suggested verbiage. **Permit Modification:** NMED has revised the third sentence of Section A.8 to read, "*Bulk aboveground storage tanks are constructed of ¼-inch thick carbon steel in the lower third of the tank with the upper portion being 3/16-inch. The tanks are located within a secondary containment system. More information on hazardous waste storage in aboveground tanks can be found in Permit Attachment A, Section A.12."*
7.	**A.11.3**	**Precautions Taken to Prevent Accidental Ignition or Reaction of Ignitable, Reactive, or Incompatible Wastes**	**NMED Response:** NMED will correct the typo in Section A.11.3.

		Damage the structural integrity of storage containers, tanks, 5or the Facility. ***SKFA Comment:*** *Correct Typo:* Damage the structural integrity of storage containers, tanks, ~~5or~~ or the Facility.	**Permit Modification:** NMED has revised the sentence in the fourth bullet of paragraph b) of Section A.11.3 to read, "• *Damage the structural integrity of storage containers, tanks, or the Facility.*"
8.	**A.12.1**	**Tank Storage:** The used and product parts washer solvent tanks are equipped with an audio (siren) and visual (strobe light) high-level alarm system which will alert employees when the tank is approximately 600 gallons (or is at 95% capacity) from being full. The two 20,000-gallon used oil and used antifreeze tanks are of similar construction. ***SKFA Comment:*** *Correct the volumes to:* The *21,000-gallon and 24,500-gallon,* ~~two 20,000-gallon~~ used oil and used antifreeze or oily water tanks are of similar construction.	**NMED Response:** NMED corrected the last sentence of the second paragraph in which the capacities of the two storage tanks are stated. **Permit Modification:** NMED will correct the last sentence of the second paragraph in Section A.12.1 to read, "*The two 21,000-gallon and the 24,500- gallon used oil and used antifreeze, respectively, or oily water tanks are of similar construction."*
9.	**A.13.1**	**Artificial Barrier/Means to Control Entry** The facility is secured with a chain link fence with three strands of barbed wire inside a coil of barbed wire surrounding the hazardous waste management areas. All access gates are locked when the facility is unoccupied. Outdoor lights illuminate the area in low light conditions. The fence and gates are inspected at least weekly. Any needed repairs shall be initiated immediately upon detection. ***SKFA Comment:*** *There is no razor wire in SKFA, change to:* The facility is secured with a chain link fence with three strands of barbed wire ~~inside a coil of barbed wire~~ surrounding the hazardous waste management areas.	**NMED Response**: In response to this explanation by the Permittees that there is no coil of barbed wire in the SKFA Facility NMED will make the suggested correction. **Permit Modification:** NMED has corrected the first sentence of the first paragraph in Section A.13.1 to read, "*The facility is secured with a chain link fence with three strands of barbed wire surrounding the hazardous waste management areas*."
10.	**A.13.5**	**Internal and External Communications and Alarm Systems** Because the Facility is small, internal communication within the building and the solvent return/fill area is accomplished by voice. An alarm located on the loading dock alerts other employees in the warehouse that there may be a problem. Telephones shall be used to report a spill or fire and to summon assistance from local and state emergency response agencies (if necessary). ***SKFA Comment:*** *Suggest the last sentence of the paragraph be modified to add cell phones. Telephones, or cell phones shall be used to report a spill or fire and to summon assistance from local and state emergency response agencies (if necessary).*	**NMED Response**: NMED will make the suggested correction by adding that cell phones can be used as an alternative to telephones. **Permit Modification:** The third sentence in the first paragraph of Section A.13.5 has been changed to read, "*Telephones or cell phones shall be used to report a spill or fire and to summon assistance from local and state emergency response agencies (if necessary).*"
11.	**PART A**	**Part A Permit Application** ***SKFA Comment****:* • *Correct fax number on Legal Operator to 505-327-3023* • *Correct C, Process Total Number of Units from 3 to 1 Container Storage Areas under 6. Process Codes and Design Capacities.* • *Correct page numbers in second half.*	**NMED Response**: NMED asked Safety-Kleen, Inc to submit an updated Part A with the information they're recommending be incorporated into the draft Permit. The Permittees resubmitted the updated Part A in response to NMED's request. **Permit Modification:** NMED has incorporated the correct Part A into the final copy of the draft Permit.
12.	**C.3.1.2**	**Quantitative Analysis (Lab Analysis)** All new waste streams generated on- or off-site shall be characterized by laboratory chemical analysis, acceptable knowledge in accordance with Permit Section 2.4.3, or a combination of the two methods. Chemical analyses shall be conducted by a qualified contract chemical analytical	**NMED Response**: NMED will make the suggested changes in the following parts of third paragraph of Section C.3.1.2, a) the first sentence in the third paragraph of Section C.3.1.2 will be revised; b) the suggested highlighted sentence will be added towards the end of the third paragraph. Additionally, the word "permitted"

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<td>laboratory using the appropriate EPA SW 846 analytical methods. Chemical analyses shall, at a minimum include testing for volatile organic compounds (EPA Method 8260D, as updated), semi-volatile organic compounds (EPA method 8270C, as updated), RCRA metals (EPA Method 6010/6020, as updated), flashpoint (EPA Method 1010 or 1020) and pH (EPA Method 9045D, as updated) and any other constituent listed on the product SDS or that could be present as a result of the use of the product.

In addition to the waste characterization procedures included in this Permit, the Permittees shall submit a random sample received during each month to a chemical analytical laboratory for the analyses listed above. The random samples shall be collected from customers who are infrequent generators (e.g., customers that are serviced less frequently than monthly, new customers, or will call customers). One sample each quarter shall be from a solvent-based waste stream. Samples of aqueous cleaner must be collected during each of the other two months of each quarter. The samples shall be analyzed for Total Metals (using EPA SW846 6010), Total Volatile Organic Compounds (using SW846 8260D, as updated), flashpoint and pH. If the sample analytical results indicate the characteristic of ignitability or corrosivity or the D-listed constituents in the samples are detected at concentrations greater than the concentrations listed in 40 CFR 261.24, then the waste stream shall be deemed a hazardous waste and the customer/generator will be converted to a profiled hazardous waste and assigned the appropriate RCRA characteristic codes. The results of the analysis shall be maintained in the Facility Operating Record.

<u>SKFA Comment:</u> Suggest adjusting the second sentence in the paragraph to: In addition to the waste characterization procedures included in this Permit, the Permittees shall submit a random sample received during each month to a chemical analytical laboratory ~~for the analyses listed above.~~ This allows the later statement to not be contradicted which starts with “The samples shall be analyzed for Total Metals (using EPA SW846 6010),…”.

In addition, Safety-Kleen suggests a sentence be inserted as the second to last sentence in the paragraph which says: “For example if Total Metals divided by 20 exceed RCRA standards for the sample the waste will be deemed hazardous unless further TCLP testing rebuts this.”

Safety-Kleen also suggests we add the word “permitted” to the sentence: Recharacterization of Safety-Kleen permitted core waste streams shall be conducted a minimum of once per year or in accordance with the Safety-Kleen Annual Recharacterization process and shall include chemical analyses conducted by a qualified contract chemical analytical laboratory using the appropriate EPA SW 846 analytical methods.</td>
<td>will be added to the first sentence in the fourth paragraph of the same Section C.3.1.2.

<u>Permit Modification:</u> The first sentence in the third paragraph of Section C.3.1.2 has been revised to read, “In addition to the waste characterization procedures included in this Permit, the Permittees shall submit a random sample received during each month to a chemical analytical laboratory.”

Subsequently, the following sentence has been incorporated as the last but one sentence in the third paragraph of Section 3.1.2 as follows: “The samples shall be analyzed for Total Metals (using EPA SW846 6010), Total Volatile Organic Compounds (using SW846 8260D, as updated), flashpoint and pH. If the sample analytical results indicate the characteristic of ignitability or corrosivity or the D-listed constituents in the samples are detected at concentrations greater than the concentrations listed in 40 CFR 261.24, then the waste stream shall be deemed a hazardous waste and the customer/generator will be converted to a profiled hazardous waste and assigned the appropriate RCRA characteristic codes. If Total Metals in a solid divided by 20 exceed RCRA standards for the sample, the waste will be deemed hazardous unless further TCLP testing rebuts this. The results of the analysis shall be maintained in the Facility Operating Record.

Recharacterization of Safety-Kleen permitted core waste streams shall be conducted a minimum of once per year or in accordance with the Safety-Kleen Annual Recharacterization process and shall include chemical analyses conducted by a qualified contract chemical analytical laboratory using the appropriate EPA SW 846 analytical methods.</td>
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<td>13.</td>
<td>Table C.2</td>
<td>As nonpermitted core waste streams are terminated at other TSDF’s it is the terminating site’s WAP which takes precedence for these streams.

WASTE STREAMS CURRENTLY INCLUDED IN FACILITY RECHARACTERIZATION PROCESS

<table>
<tr><th>CUSTOMER GENERATED</th><th>SAFETY-KLEEN GENERATED</th></tr>
<tr><td>Immersion Cleaner</td><td>Bulk Solvent</td></tr>
<tr><td>Petroleum-Based Parts Washer Solvent</td><td>Dumpster Sludge</td></tr>
<tr><td>~~Paint Gun Cleaner/Paint Wastes/Clear Choice~~</td><td>Tank Bottoms</td></tr>
</table>
</td>
<td><u>NMED Response</u>: NMED will correct Table C.2 as recommended since the waste generators and Safety-Kleen do not terminate those waste streams. The Permittee must be aware that only the wastes listed in the table may be stored at the facility for greater than 10 days and the 10-day storage area must be clearly marked in the container storage unit.

<u>Permit Modification:</u> Since nonpermitted core waste streams are terminated at other TSDF’s, NMED has deleted the last three rows under the Customer generated Column in the Permit text, leaving the revised Table C.2 as follows:

<table>
<tr><th>CUSTOMER GENERATED</th><th>SAFETY-KLEEN GENERATED</th></tr>
<tr><td>Immersion Cleaner</td><td>Bulk Solvent</td></tr>
</table>
</td>
</tr>
</table>

		~~*Dry Cleaning Related Streams (Perc and Naphtha, filters, bottoms, and separator water)*~~	*Petroleum-Based Parts Washer Solvent* / *Dumpster Sludge*; *Tank Bottoms*
		~~*Aqueous Brake Cleaner*~~	
14.	**D.3.1**	**Emergency Coordinator List** **Primary** — **Alternate** Kim Holden — Travis Flores Senior Branch Administrative Assistant — Oil Sales and Service Representative ***SKFA Comment:*** *Suggest the sentence be revised to state since the regulation says "(d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator" the sentence be revised to state:* Their home and office addresses and telephone numbers~~, as well as the office telephone number,~~ are listed in Table D.1. *SKFA also suggests the most current submittal of emergency coordinators be used: See attached ATTACHMENT D, TABLE D.1 EMERGENCY COORDINATOR LIST.*	**NMED Response**: Since there are changes to the Emergency Coordinator (EC) list, NMED will update Table D.1 in the Permit as suggested. **Permit Modification:** NMED has updated Table D.1 by including the home and office addresses and telephone numbers of the Primary EC (Brian Cochran) and Alternate EC (Marc Gomez) into the Permit as follows: **TABLE D.1** **Emergency Coordinator List for the Facility** **Primary** Brian Cochran Branch Manager 4210 A Hawkins Road Farmington, NM 87401 Office Phone (505) 608-3550 Cell Phone (505) 386-9666 **Alternate** Marc Gomez Sales and Service Representative 4210 A Hawkins Road Farmington, NM 87401 Office Phone (505) 608-3532 Cell Phone (505) 360-0472 **Home Addresses**: Brian Cochran Branch Manager 2004 Cuervo St. Farmington, NM 87401 Home/Cell Phone: 505-386-9666 Marc Gomez Sales and Service Representative 217 Desert Rose Trail Farmington, NM 87401 Home/Cell Phone: 505-360-0472 Also, the fourth sentence from the end of Section D.3.1 has been revised in the Permit text to read, ~~*"Their home and office addresses and telephone numbers are listed in Table D.1."*~~
15.	**D.4.1.1**	**Fire Control Procedures** If a small fire occurs, personnel may respond quickly with an appropriately rated fire extinguisher to put out the fire before it spreads. If it cannot be extinguished immediately the facility shall be evacuated, and the fire and police departments shall be contacted. It is Safety-Kleen's policy that personnel only respond to incipient fires; that is, those which can immediately be extinguished using a fire extinguisher. Any fire which cannot be brought under control immediately or which has the potential to become uncontrollable shall warrant implementation of the evacuation plan. Ignitable waste at the Albuquerque facility is stored in specially designed tanks or containers and placed in the Flammable Storage Building. ***SKFA Comment:*** *Suggest the last sentence of the paragraph be modified to remove typos: Ignitable waste at the* ~~*Albuquerque*~~ *Farmington facility is stored in specially designed tanks or containers and placed in the* ~~*Flammable Storage Building*~~ *Flammable Storage Shelter or if permitted in the Container Storage Area.*	**NMED Response**: NMED will correct the typos observed by the Commenter. **Permit Modification**: The last sentence of the second paragraph in Section D.4.1.1 has been modified to read, "*Ignitable waste at the Farmington facility is stored in specially designed tanks or containers and placed in the Flammable Storage Shelter or if permitted in the Container Storage Area.*"

16.	**D.4.1.4**	**Explosion** If required, the Albuquerque Fire Department will be notified by Facility personnel, who will evacuate the area and await the Department's arrival. ***SKFA Comment:*** *Suggest the first sentence in the second to last paragraph be modified to replace ~~Albuquerque~~ with Farmington.*	**NMED Response**: NMED will correct the typos by replacing "Albuquerque" with "Farmington" since this is a Farmington Center Permit. **Permit Modification**: The first sentence of the fourth bulleted paragraph has been revised to read as follows: "*If required, the Farmington Fire Department will be notified by Facility personnel, who will evacuate the area and await the Department's arrival.*"
17.	**D.4.1.7**	**Parts Washer Solvent (Petroleum Naphtha)** All minor spills must be reported to the Safety-Kleen Emergency Response Coordinator and the New Mexico Environment Department (if the spill is of a reportable quantity). In the event a container is leaking, the contents shall be transferred to a new container with a portable pump or a wet/dry vacuum ***SKFA Comment****: Suggest the last sentence in the section be modified to state:* In the event a container is leaking, the contents shall be transferred to a new container with a portable pump, a wet/dry vacuum, or placed in a larger DOT approved container.	**NMED Response**: NMED will make the suggested change by adding that if a container is leaking its contents shall be transferred to a DOT-approved container. **Permit Modification**: The last sentence of the last paragraph in Section D.4.1.7 has been revised to read, "*In the event a container is leaking, the contents shall be transferred to a new container with a portable pump, a wet/dry vacuum, or placed in a larger DOT approved container.*"
18.	**D.4.1.9**	**Response to Release from Tanks** The tanks at this Facility are underground storage tanks. Any release will be detected by the interstitial monitoring system (Veeder-Root) or by noting unexplained inventory deviations. ***SKFA Comment****: Suggest we the following changes:* *The tanks at this Facility are aboveground ~~underground~~ storage tanks. Any release will be detected by the Intellipoint containment area leak detection ~~interstitial~~ monitoring system ~~(Veeder-Root)~~ or by noting unexplained inventory deviations.*	**NMED Response**: NMED will correct the typos by replacing "underground" with aboveground" since the Farmington Center doesn't manage underground storage tanks. **Permit Modification**: The first sentence of the first paragraph of Section D.4.1.9 has been revised in the permit to read as follows: "*The tanks at this Facility are aboveground storage tanks.*" The second sentence will be revised by incorporating the language suggested by the Permittees to read, "*Any release will be detected by the Intellipoint containment area leak detection monitoring system or by noting unexplained inventory deviations.*"
19.	**E.2.1**	**Tank Inspections** A liquid sensing leak detector is located between the two walls (secondary containment) of the tanks and the recorder chart must be checked each operating day. Any leaks detected which may indicate a leak or damage to the secondary containment must be noted and repairs initiated. ***SKFA Comment:*** *A liquid sensing leak detector is located in the secondary containment area of the solvent tank farm ~~between the two walls (secondary containment) of the tanks and the recorder chart must be checked each operating day~~ which will sound an audible alarm should liquid be detected.*	**NMED Response**: NMED agrees to make the change in language relating to the alarm sounding upon liquid leak detection as suggested, since the sentence makes more sense than the original verbiage. **Permit Modification**: The first sentence of the second paragraph of Section E.2.1 has been revised to read as follows: "*A liquid sensing leak detector is located in the secondary containment area of the solvent tank farm which will sound an audible alarm should liquid be detected. The liquid sensing leak detector will sound an audible alarm should liquid be detected.*"
20.	**E.2.4**	**Recording of Inspections** The following Tables E-2 through E-7, contain the detailed items the Facility personnel shall inspect for, during their daily and weekly inspections: ***Safety-Kleen Comment 20a:*** *SKFA suggests the forms get updated as they are a mix of old and new inspections forms to all electronic inspection forms. Copies of the suggested forms are attached. It is suggested the following changes be made:* • *Replace Table E-2 & E-3 with the attached Table E-2 CO Safety Security Inspection*	**NMED Response**: NMED asked the Facility to provide the subject Inspection Tables in Word Format. The Permittees referred the Department to the Tables they had provided just after the Public Comment period, and which had not been used during the public comment period, since they (Inspection Tables) were submitted on October 17, 2019, two days after the end of the public comment period. **Permit Modification**: NMED has incorporated the Tables that the Permittees submitted on October 17, 2019 into the Permit.

		• *Replace Table E-4 Inspection Log Sheet, Container Storage Area with the attached CO CSA Drum Count inspection form* • *Replace Table E-6 Daily Storage Tank System Inspection Log be replaced by CO Branch Bulk Storage Tank Volume and Table E-7 Daily Tank Storage System Inspection be updated to the current Table E-7 daily Tank Systems Inspection.* • *Replace Table E-8 Daily Inspection Log Sheet for the Return and Fill Station with CO Return and Fill Area inspection.* **Comment #20b:** *SKFA would also suggest adding a statement that future inspection items may be added if the currently listed inspection items are also included.* *In addition, SKFA suggests that the following organic air emission inspections (attached) be added to Attachment E:* • *CO Tank Sys BB Equipment Inspection Example* • *CO Tank Sys BB Equip Difficult to Monitor* • *CO Subpart CC Visual Tank Inspection* • *CO Subpart CC Visual End if Week Container Inspection*	
21.	**G.1**	**INTRODUCTION** The Hazardous Waste Management Units (HWMUs) subject to closure include an aboveground storage tank system, a return and fill station with drum washers, two container storage areas, a flammable storage building and associated loading dock areas. The Facility comprises the following 4 structures. 1. One 1,530 square foot warehouse with offices, bathrooms, a sales representative room, a warehouse and a container storage unit used for drum storage; 2. Two 12,600-gallon aboveground storage tanks for clean and used solvent; 3. A new barrel storage area 4. One solvent Return and Fill station with a loading dock, wet dumpster, drum washer, and secondary containment; and 5. One 24,000-gallon, and one 21,000-gallon aboveground storage tanks, with diking used for storage of used oil and antifreeze. ***SKFA Comment:*** *Correct typos to: The Hazardous Waste Management Units (HWMUs) subject to closure include an aboveground storage tank system, a return and fill station with drum washers, one ~~two~~ container storage areas, and a flammable storage shelter ~~building and associated loading dock areas~~.* 5. *One 24,500-gallon, and one 21,000-gallon aboveground storage tanks, with diking used for storage of used oil and antifreeze.*	**NMED Response**: NMED will correct the typos as suggested. **Permit Modification**: The first sentence of the second paragraph of Section G.1 has been revised to read, *"The Hazardous Waste Management Units (HWMUs) subject to closure include an aboveground storage tank system, a return and fill station with drum washers, one container storage area, and a flammable storage shelter."* Additionally, the capacities of the aboveground storage tanks in item 5) of the same paragraph have been corrected to read, "*One 24,500-gallon, and one 21,000-gallon aboveground storage tanks, with diking used for storage of used oil and antifreeze, respectively*."
22.	**G.2.3**	**Removal of the Tanks** Following removal of residual wastes and decontamination activities, the tanks and containment system shall be removed. ***SKFA Comment:*** *Following removal of residual wastes and decontamination activities, the tanks and containment system shall be removed, alternatively they may be left in place should the site owner approve it.*	**NMED Response**: NMED declines to add the sentence suggesting that the tank be left in place should the site owner approve of it. This is because at final closure all equipment must be removed, otherwise the Permittees shall be subject to the post-closure care of the property, which would involve submittal of a post-closure care plan to NMED, as specified at 40 CFR § 264.118. **Permit Modification**: None.
23.	**G.5**	**Solvent Return and Fill Station** Prior to cleaning and removal of the underground storage tanks, the dumpster/drum washers and the dock area shall be thoroughly washed with a detergent solution and high-pressure spray, then	**NMED Response**: NMED agrees to make the changes suggested since the Farmington storage facility does not manage underground storage tanks.

<table>
<tr>
<td></td>
<td></td>
<td>triple rinsed to remove hazardous waste and waste residues

<u>SKFA Comment:</u> Change underground to abovegound.</td>
<td><u>Permit Modification</u>: NMED has revised the first sentence of the second paragraph of Section G.5 to read, “Prior to cleaning and removal of the aboveground storage tanks, the dumpster/drum washers and the dock area shall be thoroughly washed with a detergent solution and high-pressure spray, then triple rinsed to remove hazardous waste and waste residues.”</td>
</tr>
<tr>
<td>24.</td>
<td>Table J-1.1</td>
<td>2. Hazardous Waste Storage in Tanks (Process Code SO2)

<table>
<tr>
<td>~~Two~~ One Aboveground Storage Tank~~s~~, ~~each~~ with a capacity of 12,600 gallons (one tank contains hazardous waste and one tank contains product)</td>
<td>~~25,200~~ 12,600 gallons</td>
<td>Accepts waste from off-site generators. Manages and stores hazardous waste in ~~two~~ One Aboveground Storage Tanks, with diking used for storage of used solvent and products in an area 38.5′ x 23.5′. <u>Total square footage</u>: 905</td>
<td>Outdoors</td>
</tr>
<tr>
<td>~~Two Aboveground Storage Tanks, one with a capacity of 24,500 gallons, and the other 21,000 gallons, respectively (nonhazardous waste)~~</td>
<td>~~45,500 gallons~~</td>
<td>~~Accepts waste from off-site generators. Manages and stores hazardous waste in two Aboveground Storage Tanks, with diking used for storage of used oil and antifreeze in an area 25′ x 52′. *Total square footage: 1,300*~~.</td>
<td>~~Outdoors~~</td>
</tr>
</table>

<u>SKFA Comment:</u> Suggests since only the spent solvent tank is hazardous waste it is not appropriate to have the solvent product tank nor the oil tanks in the SO2 table.</td>
<td><u>NMED Response</u>: NMED agrees to make the changes suggested since the Department does not regulate products.

<u>Permit Modification</u>: NMED has revised Table J.1.1 in Permit Attachment J, to limit the requirements to the management of hazardous waste.</td>
</tr>
<tr>
<td>25.</td>
<td>1.14.1</td>
<td>Information Submittal
The original plans, reports, notifications and other submissions shall be submitted as two paper (hard) copies and two electronic copies, respectively, to the NMED by certified mail, courier/delivery service or hand delivery.</td>
<td><u>NMED Response</u>: The NMED declines to change the requirements for paper copies and CDs in the Permit, because the copies are required for its administrative record. Therefore, the NMED will not accept an emailed electronic copy instead of a CD.</td>
</tr>
</table>

		SKFA Comment: *Electronic copies may include being sent via email to a representative(s) designated by the NMED.*	**Permit Modification**: None.
26.	**2.5**	**WASTE MINIMIZATION PROGRAM** The Permittees shall implement and maintain a waste minimization program to reduce the volume and toxicity of hazardous wastes generated at the Facility (see 40 CFR § 264.73(b)(9)). The waste minimization program shall include proposed, practicable methods currently available to the Permittees to minimize the present and future threat to human health and the environment. The Waste Minimization Program shall include the following items: 1. Plan for reducing the volume and toxicity of hazardous waste at the Facility and recycling of hazardous waste at the Facility; 2. Employee training designed to identify and implement source reduction and recycling opportunities for all hazardous wastes; 3. 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 4. Estimated costs devoted to waste minimization and recycling of hazardous waste. The Permittees shall submit to the Department 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 ***SKFA Comment:*** 40 CFR § 264.73(b)(9) requires a certification by the permittee no less often than annually, that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined by the permittee to be economically practicable; and the proposed method of treatment, storage or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment. ***SKFA suggests*** *items 2, 3, & 4 are not required of TSDF as we do not generate waste in the production of a product, rather the waste we handle is our business. Other states have dropped this requirement as it is not a requirement of a TSDF, rather it is a requirement of a generator. The amount of waste we produce is directly related to the amount of waste we collect/handle from generators. In addition, rather than submitting a report each year a certificate of waste minimization shall be updated annually and available to inspectors.*	**NMED Response**: 40 CFR 264 provides the "Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities" and is not restricted specifically to generators of hazardous waste. Therefore, NMED declines to make the changes suggested. The New Mexico Hazardous Waste Act and the New Mexico Hazardous Waste Management Regulations requirements apply to all the permitted hazardous waste management facilities in the State of New Mexico, including the Safety-Kleen Farmington Container and Tank Storage Center. **Permit Modification**: None.
27.	**2.7.2**	**Warning Signs** The permanent perimeter fence surrounding each permitted unit and the entrance to the unit 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 each Permitted Unit as required by 40 CFR § 264.14(c). ***SKFA Comment:*** *Suggest "Danger: Unauthorized Personnel Keep Out" warnings would be appropriate in English, Spanish and Navajo and consistent with A.13.3.*	**NMED Response**: NMED agrees to make the changes suggested to add the warning signs in Navajo. **Permit Modification**: NMED has revised the second sentence in Permit Section 2.7.2 to read, "*The signs shall state the warning in English, Spanish and Navajo, shall be legible from a distance of 25 feet, and shall be visible from any approach to each Permitted Unit as required by 40 CFR § 264.14(c).*"
28.	**2.8**	**GENERAL INSPECTION REQUIREMENTS** Electronic versions of inspection records shall match the inspection forms included in Permit Attachment E. ***SKFA Comment:*** *SKFA would like to replace the old inspection forms with current electronic forms used throughout our company. We believe the questions cover the necessary topics to properly inspect the site. In addition, the sentence above will be adjusted to state:*	**NMED Response**: NMED declines to make the changes suggested since the original language is self-explanatory requiring that all electronic versions of inspection Forms contain the same information as that in the Permit. Additional inspection points may be added but modifications to, or elimination of, the current required questions may only be made through Permit modification. **Permit Modification**: None.

		Electronic versions of inspection records shall include all the questions noted in the inspection forms included in Permit Attachment E. Additional inspection points may be added without permit modifications if all the current questions are included.	
29.	**2.10.2**	**Incompatible Waste Precautions** The Permittees shall not store U.S. DOT Class 8 (corrosive) liquids above or adjacent to ~~Class 3 or~~ 4 (flammable) or Class 5 (oxidizing) wastes except when it is known that the mixture of the wastes could not cause a fire or a dangerous evolution of heat or gas. ***SKFA Comment:*** *Remove Class 3 from the above precaution as DOT incompatibility charts allow class 3 and class 8 to be stored adjacent to each other.*	**NMED Response**: NMED declines to make the changes since the precautions are necessary to be protective of human health of personnel working in the storage facility. The facility has sufficient space to store the subject wastes separately. **Permit Modification**: None.
30.	**2.11.1**	**Required Equipment** The Permittees shall maintain required equipment, including internal communications or alarm systems; devices to summon emergency assistance; fire control, spill control, and decontamination equipment; and adequate water volume and pressure for fire suppression equipment at each Permitted Unit. The Facility shall be equipped with fire suppression systems. The Permittees shall maintain portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment as required by 40 CFR § 264.32(c). ***SKFA Comment:*** *SKFA has a dry chemical fire suppression system in the flam shed. Fire extinguishers are used in the other storage areas. A city-maintained fire hydrant is located 112-feet from the southeast corner of the fence. Change the verbiage in the first sentence of the above paragraph to read: "The Permittees shall maintain required equipment, including internal communications or alarm systems; devices to summon emergency assistance; fire control, spill control, and decontamination equipment; and adequate water volume and pressure for fire suppression equipment ~~at each Permitted Unit~~."*	**NMED Response**: Since the Permittees have pointed out that the storage unit has the equipment necessary for fire suppression, NMED will make the changes suggested. **Permit Modification**: NMED has revised the first sentence of Section 2.11.1 to read, "*The Permittees shall maintain required equipment, including internal communications or alarm systems; devices to summon emergency assistance; fire control, spill control, and decontamination equipment; and adequate water volume and pressure for fire suppression equipment*."
31.	**2.13.2**	**Distribution** The Permittees shall ensure that evacuation routes for the Facility are prominently posted at each Permitted Unit. (40 CFR § 264.52(f)). ***SKFA Comment:*** *Per 40 CFR § 264.52(f) remove "posted at each Permitted Unit" and replace with "Facility".*	**NMED Response**: NMED will make the changes suggested by the Commenter **Permit Modification**: NMED has revised the last sentence of Permit Section 2.13.2 to read, "*The Permittees shall ensure that evacuation routes for the Facility are prominently posted at each hazardous waste management area of the Facility. (40 CFR § 264.52(f)).*"
32.	~~**2.32.2**~~ There is no Section 2.32.2 in the Permit, NMED believes it should be **2.13.4**	**Emergency Coordinator** The Permittees shall notify the NMED in writing of changes to the personnel designated as Emergency Coordinators (EC) and listed with their telephone numbers in Attachment D (Contingency Plan), Table D-1 within five business days of making a change. ***SKFA Comment:*** *Safety-Kleen believes five business days is too short a time and suggests five to be replaced with fifteen. Language of fifteen to thirty days are more common in permits in other states.*	**NMED Response**: NMED will make the changes suggested by the Commenter, since the regulations specify 15 days and not 5 days. However, the Commenter cited the wrong Section of the Permit. It should be Section 2.13.4, "*Emergency Coordinator*" rather than Section 2.32.2, which is not in the Permit. **Permit Modification**: NMED has revised the first sentence of the last paragraph of Permit Section 2.13.4 to read, "*The Permittees shall notify the NMED in writing of changes to the personnel designated as Emergency Coordinators (EC) and listed with their telephone numbers in Attachment D (Contingency Plan), Table D-1 within fifteen business days after the incident, as required by 40 CFR § 264.56(i).*
33.	**4.5**	**TANK SYSTEMS SECONDARY CONTAINMENT** The Permittees shall ensure that the secondary containment system comprised in part by floor, wall, or joint sealants, is installed and maintained in accordance with the sealant manufacturer's recommendations and shall maintain documentation of this fact in the Facility Operating Record. This documentation shall include a copy of the manufacturer's recommendations and a certification from a registered engineer stating that the Permittees' installation and maintenance	**NMED Response**: NMED declines to make the changes suggested by the Permittees. NMED notes that the Permittees will still have 120 days, from the date they receive the newly issued Permit, to apply the epoxy (i.e., 30 days from the date the Permit is issued and becomes effective, plus the 90 days specified by 40 CFR § 264.193).

		procedures were performed in accordance with the recommendations. Secondary containment systems utilizing sealants existing at the time of the effective date of this Permit but not having associated sealant manufacturer's recommendations or an associated certification statement shall be re-sealed within 90 days of the effective date of this Permit. The Permittees shall ensure that all ancillary equipment have secondary containment in accordance with 40 CFR § 264.193(f). The aboveground waste piping, including welded flanges, joints, and connections, shall be inspected for leaks each operating day (*i.e.*, each day that waste is present in a tank). ***Safety-Kleen Comment:*** **1.** *Suggest changing the timing from 90-days to 240-days as epoxy coatings can only be applied during dry weather and a specific range of temperature if adherence is expected to be maintained.* *Secondary containment systems utilizing sealants existing at the time of the effective date of this Permit but not having associated sealant manufacturer's recommendations or an associated certification statement shall be re-sealed within ~~90~~ 240-days of the effective date of this Permit.* **2**. *Request removal of second sentence below as all piping in Farmington is in secondary containment, thus this sentence does not apply. "The Permittees shall ensure that all ancillary equipment have secondary containment in accordance with 40 CFR § 264.193(f). ~~The aboveground waste piping, including welded flanges, joints, and connections, shall be inspected for leaks each operating day (i.e., each day that waste is present in a tank).~~"*	**Permit Modification**: None.
34.	**5.2**	**FINANCIAL ASSURANCE** The Permittees shall maintain financial assurance to cover the cost of closure conducted by a third party during the active life of the facility. The cost of closure shall be calculated based on the activities required in the Closure Plan included in Permit Attachment G and in accordance with 40 CFR § 142(a). The cost estimate for closure shall be submitted within 60 days after the effective date of this Permit. The closure cost estimate shall be adjusted annually to reflect inflation, in accordance with 40 CFR § 264.142(b). The annual adjusted cost estimates shall be submitted by March 1 of each calendar year while this Permit is in effect. The Permittees shall also continuously maintain coverage for sudden accidental occurrences in accordance with 40 CFR § 264.147. ***SKFA Comment:*** *Suggests the annual adjusted cost estimates due date be changed from March 1 to "within 60 days of the anniversary date of the financial assurance mechanism.*	**NMED Response**: NMED declines to make the proposed changes because it is a regulatory requirement that the Permittee submit the annual adjusted cost estimate for closure, the Certificate of Insurance and the Facility Certificate of Liability Insurance concurrently with the financial assurance mechanism by March 1 of each Calendar year. The cost estimate adjustment must coincide with the financial assurance mechanism submittal to allow for concurrent comparison. **Permit Modification**: None.