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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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PUBLIC NOTICE NUMBER 19-04

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO 87505
August 16, 2019**

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A
PUBLIC HEARING ON A DRAFT HAZARDOUS WASTE PERMIT FOR SAFETY-
KLEEN SYSTEMS, INC., FARMINGTON, SAN JUAN COUNTY, NEW MEXICO
EPA ID NUMBER NMD980698849**

The New Mexico Environment Department (NMED) is issuing for public comment a draft Hazardous Waste Facility Permit which would authorize J.D. & Joy M. Kinsey, the Owners, and Safety-Kleen Systems, Inc., the Operators (the Permittees) to continue to manage and store hazardous waste at the Safety-Kleen Container and Tank Storage Facility (Facility) located in Farmington, New Mexico. The draft Permit is a proposed renewal of a permit that was issued to the Permittee in 2003.

Under authority of the New Mexico Hazardous Waste Act (HWA; NMSA 1978 §74-4-1 *et. seq.*) and the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC), the NMED can approve, modify and approve, or deny hazardous waste management permits, permit modifications, and permit renewals. NMED is charged with issuing permits that ensure that the Permittees' hazardous waste operations are conducted in a manner that is protective of human health and the environment.

The Safety-Kleen Systems, Inc., Container and Tank Storage facility is located in the City of Farmington, San Juan County, New Mexico. The facility is located on approximately one acre that contains a 1,530 square foot building with offices and a container storage unit used for drum storage; two 12,600-gallon aboveground storage tanks that store spent solvent or solvent product, two aboveground storage tanks with a capacity of 24,500 gallons and 21,000 gallons used for storage of used oil and antifreeze, respectively, associated loading docks and a solvent Return and Fill station. The address of the facility is: 4210A Hawkins Road, Farmington, New Mexico 87401. The Facility Contact is Mr. Brian Cochran, Area General Manager.

The Facility is an accumulation point for used solvents generated by Safety-Kleen customers. All wastes stored at the Facility are ultimately shipped to a Safety-Kleen recycling facility or a contract reclaimer. The Facility accepts, manages, and stores wastes that are regulated under the Federal

Resource Conservation and Recovery Act (RCRA), and the New Mexico Hazardous Waste Act (HWA) and the New Mexico Hazardous Waste Management Regulations at 20.4.1 NMAC. The draft Permit addresses the storage of hazardous wastes in containers and an aboveground storage tank. The Applicant does not seek, and the NMED is not issuing, a permit for treatment or disposal of hazardous waste.

NMED also announces the availability of a Fact Sheet providing the basis for the proposed action on the draft permit and the significant factual and regulatory issues considered in preparing the draft permit. The Fact Sheet explains the basis for the draft permit and permit conditions, including applicable statutory and regulatory support.

PUBLIC REVIEW OF DRAFT PERMIT

The Administrative Record for this proposed action consists of the Permit application, the draft Permit, this Public Notice, a Fact Sheet, and supporting documentation. The Administrative Record may be reviewed, with prior appointment, at the following location during the public comment period.

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6313
Phone: (505) 476-6000
Monday – Friday: 8:00 a.m. to 5:00 p.m.
Contact: Pam Allen

Copies of the draft Permit, this Public Notice, and Fact Sheet are also available on the NMED website at: <http://www.nmenv.state.nm.us/HWB/skfaperm.html> at the link for *SKFA Draft Permit*. To obtain a copy of the Administrative Record or a portion thereof, please contact Ms. Pam Allen at (505) 476-6000, or at the address given above. NMED will provide copies, or portions thereof, of the Administrative Record at a cost to the requestor.

NMED issues this public notice on **August 16, 2019**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m. MDT, October 15, 2019**. Any person who wishes to comment on the draft Permit or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the respective address below. Only comments and/or requests received before **5:00 p.m. MDT on October 15, 2019** will be considered.

Dave Cobrain, Program Manager
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Ref: SKFA Draft Permit

Written comments must be based on reasonably available information and include, to the extent practicable, all referenced factual materials. Documents in the Administrative Record need not be re-submitted if expressly referenced by the commenter. Requests for a public hearing must provide: (1) a clear and concise factual statement of the nature and scope of the interest of the person requesting the hearing; (2) the name and address of all persons whom the requestor represents; (3) a statement of any objections to the draft Permit, including specific references to any conditions being addressed; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. Written comments and requests for public hearing must be filed with Dave Cobrain on or before **5:00 p.m. MDT, October 15, 2019**. NMED will provide a minimum 30-day notice of a public hearing, if scheduled.

NMED must ensure that the approved draft Permit is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted will be considered in formulating a final decision and may cause the draft Permit to be modified. The NMED will respond in writing to all public comments. This response will specify which provisions, if any, of the draft Permit have been changed in the final decision and the reasons for the changes. All persons presenting written comments or who requested notification in writing will be notified of the decision by mail. These responses will also be posted on the NMED website.

After consideration of all the written public comments received, the NMED will issue, or modify and issue, the Permit. The Permittees will be provided by mail a copy of any relevant modified documents and a detailed written statement of reasons for the modifications. The Secretary of the New Mexico Environment Department will make the final decision publicly available and shall notify the Permittees by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the HWA (Chapter 74, Article 4 NMSA 1978).

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Stephanie Sloman no less than ten days prior to the end of the public comment period at the following address: New Mexico Environment Department, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502-6110, telephone number: (505) 827-9769. TDD or TDY users, please access Ms. Sloman's number via the New Mexico Relay Network at 1 (800) 659-8331.

The NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. The NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kristine Yurdin, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. You may also visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how to file a complaint of discrimination./