

NMED

New
Mexico
Environment
Department



RADIOACTIVE & HAZARDOUS MATERIALS COMMITTEE

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Overview

- RCRA Permitting Process
- Facilities in NM

RCRA Permitting - Background

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- What is a Hazardous Waste?
 - Can be liquids, solids or sludges
 - Products of manufacturing (e.g., spent solvents)
 - Discarded commercial products (e.g., paints, chemicals)
 - Regulations are written to track wastes from “cradle to grave”

- What is a Hazardous Waste Management Facility?
 - Any facility that receives wastes for treatment, storage or disposal (TSDFs)
 - Treatment: process that alters the character or physical composition (e.g., incineration)
 - Storage: temporarily store wastes until treatment or disposal
 - Disposal: place that permanently contains the waste (e.g., landfill)



RCRA Permitting - Regulations

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- What laws and regulations govern TSDFs?
 - Resource Conservation and Recovery Act (RCRA) 1976
 - Hazardous and Solid Waste Amendments (HSWA) 1984
 - NM obtained authorization for RCRA program in 1985
 - Authority for mixed waste granted by EPA in 1990
 - Implemented by NMED's Hazardous Waste Bureau



RCRA Permitting – The Permit

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- What is a RCRA Permit?
 - Legally binding document
 - Defines waste management activities at facility
 - Conditions/requirements for those waste management activities
 - RCRA Permits contain several elements
 - For example: facility design, training requirements, corrective action requirements
 - NMED has authority to issue or deny a permit



RCRA Permitting – Facilities

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- Who needs a RCRA Permit?
 - Any facility wanting to treat, store or dispose of hazardous waste
 - New TSDFs: must receive permit prior to operating
 - Existing TSDFs: if permit expiring, must submit new application 6 months prior to permit expiration. Facility will operate under existing permit until new permit in place.
 - Interim Status: granted to facilities that were operating prior to enactment of RCRA. Must apply for permit, but allowed to operate while permit being renewed.



RCRA Permitting – Facilities

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- Who doesn't need a RCRA Permit?
 - Businesses/companies that:
 - Generate hazardous waste, but ship off-site
 - Ship hazardous waste
 - Store hazardous waste for less than 90-days



RCRA Permitting – Process

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- ❑ What are the steps in the permitting process?
 - Step 1: Must hold informal meeting with the public
 - Step 2: Submit the permit application
 - The application must address the following:
 - Facility design, construction, maintenance and operations
 - Protocol for emergencies and spills
 - Financial assurance for cleanup
 - Closure of the facility
 - Step 3: NMED begins review of the application and sends notice to mailing list (for new facilities or new units)
 - Step 4: Revisions to application – NMED may require additional information or revisions to the application



RCRA Permitting – Process

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- Step 5: NMED decision to issue or deny permit
 - If NMED denies the permit – will issue “notice of intent to deny”
 - If NMED determines application complete – will issue draft permit for public comment
 - Must send notice to mailing list, place notice in local newspaper and broadcast over the radio
 - Public has a minimum 45 day comment period
 - Can be extended
 - Public can request a public hearing

- Step 6: Final Permit Decision
 - NMED considers all public comment in its decision to approve or deny
 - NMED issues a response to all written comments
 - NMED will specify any changes made to the draft Permit

- Additional Step: Right to Appeal
 - The public or the Facility owner may appeal the Permit



RCRA Permitting – Process

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□ Public Participation?

- The public has the opportunity to participate in the process:
 - Pre-application meeting (for new units/permits)
 - Public comment period
 - Public meetings (during public comment period)
 - Public Hearing (if requested and granted)



RCRA Permitting – Classifications

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- Permit Modification Classifications (for existing permits)
 - Class 1 - Minor changes to the Permit;
 - Keeps it current w/ routine changes to operations
 - Example: Administrative & information changes
 - Class 1* - Minor changes to the Permit
 - Requires NMED approval prior to implementation
 - Example: Removal of provisions no longer applicable



RCRA Permitting – Classifications

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- Class 2 – Moderate to significant changes to the Permit
 - Requires notification to mailing list and 60-day public comment period
 - Example: Changes to waste sampling methods/analysis

- Class 3 – Significant changes to the Permit
 - Requires notification to mailing list; 60-day public comment period; public meeting; public may request a public hearing
 - Example: Addition of a new permitted unit



RCRA Permitting – Corrective Action

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- What is “Corrective Action” under a Permit?
 - Investigate and cleanup spills or other releases of hazardous waste or hazardous constituents to the environment (e.g., soil, groundwater or surface water)
 - Some sites are designated as SWMUs or AOCs
 - Tracked in the Permit
 - Result of past and present activities at a RCRA-regulated facility
 - Cleanup will depend on specific site conditions
 - Corrective action process is flexible – results focused



RCRA Permitting – Corrective Action

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□ Components of Corrective Action Process:

- RCRA Facility Assessment (RFA) - compilation of information/document review
- RCRA Facility Investigation (RFI) – field investigation to determine nature and extent of releases
- Interim Measures (IM) – short term actions to control risk while investigation/characterization is being completed
- Corrective Measures Evaluation (CME)/Corrective Measures Study (CMS)– evaluates different alternatives to remediate a site
- Corrective Measures Implementation (CMI)– includes detailed design, construction, operation, maintenance and monitoring of the chosen remedy

KAFB →



RCRA Permitting – Permitted Facilities

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Overview of Permitted Facilities

- Currently 21 Permitted facilities in NM
 - Located all over the State
 - 10 commercial facilities (e.g., oil refineries, chemical companies)
 - 11 Federal facilities (DOE, DOD, NASA)
 - Varying types of units in these permits:
 - 20 treatment units
 - 37 storage units
 - 14 disposal units
 - 15 Post-Closure Care units
 - Nearly all permitted facilities have corrective action units



**New Mexico's Treatment, Storage, and Disposal Facility Summary
August 2015**

| EPA ID # | NM ID # | Facility Name | Location (city/county) | Acreage | Unit Types | | | | |
|--------------|---------|--|---------------------------|------------|------------|---------|----------|--------------|-------------------------|
| | | | | | Treatment | Storage | Disposal | Post-Closure | Corrective Action sites |
| NMD089416416 | 2441 | Western Refining Company – Bloomfield ¹ | Bloomfield / SanJuan | 285 | 1 | | | | 26 |
| NMD000333211 | 2401 | Western Refining Company – Gallup | Jamestown / McKinley | 810 | | | | 1 | 34 |
| NMD048918817 | 2427 | Navajo Refining Company | Artesia / Eddy | 740 | | | | 3 | 44 |
| NMT360010342 | 2498 | PNM Person Generating Station | Albuquerque / Bernalillo | 22 | | | | 1 | 0 |
| NMD002208627 | 2420 | Advance Chemical Treatment | Albuquerque / Bernalillo | 2 | | 1 | | | 0 |
| NMD000804294 | 2344 | Safety-Kleen 7-008-01 – Albuquerque | Albuquerque / Bernalillo | 1.05 | | 4 | | | 0 |
| NMD980698849 | 2504 | Safety-Kleen 7-008-21 – Farmington | Farmington / SanJuan | 0.8 | | 2 | | | 0 |
| NMD083212332 | 2438 | Sparton Technology Inc ² | Albuquerque / Bernalillo | 12 | | | | 1 | 1 |
| NMD986676955 | 1656 | Transwestern - Roswell Compressor Station ^{9 1} | Roswell / Chaves | 71 | | | | 1 | 0 |
| NM0001002484 | 2052 | Gandy Marley Inc Triassic Park | Tatum / Chaves | 480 | NC | NC | NC | | 0 |
| NM4213720101 | 2393 | US AADACEN & Ft. Bliss ³ | Fort Bliss / Otero | 995,000 | | | | | 7 |
| NM7572124454 | 2398 | US Air Force Cannon AFB | Cannon / Curry | 4,500 | | | | | 20 |
| NM6572124422 | 0392 | US Air Force Holloman AFB | Holloman / Otero | 59,639 | 1 | 1 | | | 59 |
| NM9570024423 | 2400 | US Air Force Kirtland AFB | Kirtland / Bernalillo | 51,558 | 2 | | | | 51 |
| NM5572124456 | 2395 | US Air Force Melrose Range ³ | Melrose / Curry | 6,800 | | | | | 7 |
| NM6213820974 | 2397 | US Army Fort Wingate Depot Activity | Fort Wingate / McKinley | 21,812 | 1 | 1 | | 1 | 85 |
| NM2750211235 | 2392 | US Army White Sands Missile Range | White Sands MR / Dona Ana | 21,760,000 | 7 | 1 | 4 | 1 | 69 |
| NM0890010515 | 2390 | US DOE Los Alamos Scientific Laboratory ¹ | Los Alamos / Los Alamos | 28,000 | 4 | 20 | 4 | | 1389 |
| NM5890110518 | 2396 | US DOE Sandia National Laboratories ¹ | Albuquerque / Bernalillo | 2,816 | 2 | 5 | | 1 | 35 |
| NM8800019434 | 2399 | US NASA White Sands Test Facility | Las Cruces / Dona Ana | 60,000 | 2 | | | 5 | 38 |
| NM4890139088 | 2394 | Waste Isolation Pilot Plant | Carlsbad / Eddy | 10,240 | | 2 | 6 | | 0 |
| Totals | | | | 23,002,789 | 20 | 37 | 14 | 15 | 1865 |

Contact Information

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