

US EPA ARCHIVE DOCUMENT

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INTRODUCTION

Through this application, the State of New Mexico seeks revision to authorization of its hazardous waste management program. The State received final authorization for the base RCRA Program from the United States Environmental Protection Agency (EPA) in January, 1985.

Pursuant to 40 Code of Federal Regulations (CFR) Section 271.21, the State is submitting this application to reflect recent program revisions to document that the authorized state hazardous waste program remains equivalent to the federal hazardous waste program under the Resource Conservation and Recovery Act (RCRA).

The State has amended its regulations to incorporate the July 1, 1993 Code of Federal Regulations Parts 260-271. Amended State regulations are equivalent to those of EPA, and amended state statutes also allow the adoption of more stringent regulations if certain conditions are met during the regulation promulgation process.

This application replaces the application to EPA for HSWA Cluster I and HSWA Cluster II without Corrective Action submitted on 01/10/94. Furthermore, this application also requests authorization for those revisions identified as RCRA Cluster III.

PROGRAM DESCRIPTION NEW MEXICO HAZARDOUS WASTE PROGRAM

This narrative has been developed as outlined in 40 CFR 271.6 and demonstrates that the State's Hazardous Waste Management Program (HWMP) is equivalent to the Federal Program and that the State has the resources to implement the provisions for which it is seeking authorization.

HWMP is comprised of three programs in the Hazardous and Radioactive Materials Bureau, Water and Waste Management Division, New Mexico Environment Department which is responsible for regulating businesses/ facilities involved in generating, storing, transporting, treating and/or disposing of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). The three (3) programmatic sections are: Permitting, Inspection/Enforcement and Technical Compliance.

The Permitting program along with the Technical Compliance program are responsible for reviewing all hazardous waste permit applications for their administrative and technical completeness. After the administrative/technical completeness determination is made, if there are any deficiencies, a Notice of Deficiency (NOD) is issued and resolved before a draft permit is developed and public noticed. Comments received during the public notice are

SCOPE

The New Mexico HWMP is based upon the New Mexico Hazardous Waste Act, NMSA 1978, Sections 74-4-1 et. seq., as amended. This Act granted the New Mexico Environment Department (NMED) authority to regulate hazardous waste in New Mexico by empowering the Environmental Improvement Board (EIB) to adopt regulations for the management of hazardous waste no less stringent than federal regulations adopted by the Federal Environmental Protection Agency pursuant to RCRA.

These adopted regulations include: 1) Toxicity Characteristic (TC) rule correction. 2) Treatment standards under the land disposal restrictions (LDR). 3) Refining of Coke by products from coal to the 40 CFR 261, Subpart D., this rule adds seven wastes (K141-K145, K147 and K148) 4) Technical clarification amendments and corrections to the final rule for boilers and industrial furnaces burning hazardous waste. 5) Address Consolidate Liability requirement changes. 6) Clarification and correct unintended consequences of the Boilers and Industrial Furnaces (BIF) rule. 7) Adding three hazardous waste source codes (K149, K150, and K151) from Chlorinated Toluenes Production Waste Listing. 8) Hazardous Soil Case-by-Case Capacity Variance. 9) Reissuance of the Mixture and Derived-From Rules. 10) Toxicity Characteristic (TCLP) correction. 11) Wood preserving; Amendments to Listing and Technical Requirements. 12) Hazardous debris and soil contaminants with Third Third wastes on Land Disposal Restrictions. 13) Land disposal restriction treatment standards for certain ignitable and corrosive wastes that are not managed.

Since the State of New Mexico NMED has adopted and incorporated the 1993 Code of Federal Regulation, 40 CFR Parts 260-271 which are equivalent to the Federal RCRA criteria for hazardous waste management, the scope and coverage of New Mexico's hazardous waste program is virtually identical to the Federal RCRA program. However, the State regulations do not incorporate the 40 CFR Parts 279 and 124 standards. Standards equivalent to 40 CFR 124 comprise Part IX of the New Mexico Hazardous Waste Management Regulations.

PROGRAM STRUCTURE

Since New Mexico has been operating a hazardous waste program for sometime, the organizational structure of its program is firmly in place. The HWMP is located in the Hazardous and Radioactive Materials Bureau, Water and Waste Management Division. The Bureau is subdivided into the following programs:

- I. Hazardous Waste Management Program (HWMP)
 - a. Permitting Section
 - b. Inspection/Enforcement Section
 - c. Technical Section
 - d. Information Management (under the

Inspection/Enforcement)

- II. Radiation Program (RP)
 - a. Radiologic Technologist Certification
 - b. Radioactive Materials Licensing
 - c. X-Ray Registration
 - d. Radon
 - e. Vendor Certification

The Hazardous Waste Management Program's responsibilities are primarily based upon the negotiated State Grant Work Plan between NMED/EPA and the Laws of the State of New Mexico.

A. The Permit Section staff reviews all permit applications for administrative and technical completeness. Notices of Deficiency (NOD) are issued on incomplete applications. After completeness is determined a draft permit is public noticed. If necessary staff will testify at Public Hearings and submit recommendations to the Secretary of the (NMED) New Mexico Environment Department regarding the issuing, denying or revoking of permits. A similar process is also involved in reviews of all permit modifications, closure and post closure plans.

B. The Inspection/Enforcement inspectors conduct Compliance Evaluation Inspections (CEI) on generators, treatment facilities, storage and/or disposers of hazardous waste throughout the State of New Mexico. If the facility is found out-of-compliance the inspector will issue an enforcement Letter of Violation (LOV) to a medium or a low priority violators, or may issue a Compliance Order (CO) to high priority violators. If necessary these inspectors will testify at settlement meetings or formal hearings.

The data management group is directed under the Inspection Enforcement Section and is responsible for entering, updating and managing all required information into the RCRIS Data Management System and also the Biennial Reports (BRS) with the exception of the CAP Report. This group has the responsibility for compiling all necessary information needed for a complete Authorization Package which consists of all Checklists, Program Description, the Attorney General's Statement, Memorandum of Understanding (MOU), Memorandum of Agreement (MOA), the Statues, and 20 NMAC 4.1 (hazardous waste regulations), and submit by deadlines regulated by EPA. They assist the program managers in presenting all new regulations to the Environmental Improvement Board, respond to all on the Freedom of Information Act (FOIA) requests. They review, process and maintain the data base for the Annual Hazardous Waste Generator Fees, and also review and process 8700-12 notification forms.

C. The Technical Staff works very closely with the Permitting Section in reviewing all permit applications, permit modifications, closure plans, and corrective actions. They conduct comprehensive Ground-water Monitoring Evaluations (CME), and any Operation and Maintenance Inspections (O&M) on regulated facilities throughout New Mexico.

HWMP receives support and expertise from other bureaus and divisions within NMED. The additional entities are discussed in this document under "Organization and Structure of State Agencies".

PROGRAM COVERAGE

The State program is essentially identical to the federal program, and incorporates by reference with a few exceptions the 40 CFR parts 260-271. Therefore, the State regulates the same universe of generators, transporters, and facilities that treat, store and/or dispose of hazardous waste. The State inspects, enforces and consults with this universe of facilities in accordance with New Mexico Hazardous Waste Management Regulations, excluding the components of RCRA for which the state has not received authorization.

The State is currently authorized for the base program, recent requirements, most rules in Non-HSWA Cluster I-VI, and RCRA Cluster I.

Generators of hazardous wastes in New Mexico are required to file a notification of their activities with the NMED-Hazardous & Radioactive Materials Bureau if they have not previously notified EPA pursuant to Section 3010 of RCRA. The authority of requiring generators to comply with reporting and recordkeeping procedures is found in the New Mexico Hazardous Waste Act, NMSA 1978, 74-4-4.B as amended.

Specifically, the Act has required the EIB to promulgate regulations establishing standards for generators which require:

1. recordkeeping practices that accurately identify the quantities of such hazardous waste generated, the constituents thereof which are significant in quantity or in potential harm to human health or the environment, and the disposition of such waste;
2. proper labeling of hazardous wastes;
3. use of safe containers;
4. furnishing of information on the general chemical composition of such hazardous waste;
5. use of manifest system;

6. submission of reports to the Secretary at such time as the Secretary deems necessary, setting out the quantities of hazardous waste that he has generated during a particular time period, and the disposition of all such hazardous waste reported.

New Mexico has adopted regulations equivalent to 40 CFR 262, making New Mexico's generator standards which the regulations include as follows:

1. recordkeeping concerning all hazardous waste transported, and its source and delivery points;
2. transportation of hazardous wastes only if properly labeled;
3. compliance with manifest system; and
4. transportation of hazardous wastes only to the hazardous waste management facility designated on the manifest form.

New Mexico has adopted regulations equivalent to 40 CFR Part 263 making the state's regulatory program equivalent to the Federal regulatory program for transporters of hazardous waste. It should be noted however, that since there is no water transportation of hazardous wastes in New Mexico, those portions of the Federal regulations dealing with this aspect of hazardous waste management have not been incorporated into State regulations.

New Mexico has adopted regulations equivalent to 40 CFR Part 264 and Part 265 which include the interim and final standards for owners operators of hazardous waste treatment, storage and disposal facilities. Existing legislative authority for such regulations is found in the New Mexico Hazardous Waste Act, NMSA 1978, 74-4-4.D as amended. A listing of standards which the regulations include are as follows:

1. maintaining records of all hazardous waste which is stored, treated or disposed of, and the manner in which such waste was treated, stored and disposed of;
2. compliance with the requirements of the manifest system;
3. treatment, storage or disposal of all wastes in accordance with approved operating methods, techniques and practices;
4. requirements respecting the location, design and construction of facilities;
5. contingency plans;
6. requirements governing the maintenance and operation of facilities, qualifications for ownership, continuity of

operation, training of personnel and financial responsibility;
and

7. compliance with permit requirements.

Promulgation and adoption of regulations equivalent to 40 CFR Part 264 and Part 265 has made New Mexico's standards for hazardous waste treatment, storage and/or disposal facilities identical to Federal regulations. Statutory and regulatory requirements are adequate for Final Authorization.

The New Mexico Hazardous Waste Act also requires all persons owning and operating a hazardous waste treatment, storage and/or disposal facility to have a permit issued pursuant to state regulations. In addition, the Act has required the EIB to establish procedures for the issuance, suspension and revocation of such permits and allows for public comment at public hearings. Once again, New Mexico has closely followed EPA regulations with regard to permitting by adopting regulations equivalent to 40 CFR Part 270 thereby making the state's regulations equivalent to Federal standards.

RCRA CLUSTER III (July 1, 1992 - June 30, 1993)

1. RCRA Revision Checklist 108: Toxicity Characteristics Revision; Technical corrections [57 FR 30657]. Promulgated July 10, 1992, (RCRA Cluster III, HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. This rule corrects errors made at the time of the promulgation of the final Toxicity Characteristic (TC) rule (March 29, 1990, 55 FR 11798; Revision Checklist 74). The rule also corrects the regulatory language in 40 CFR 261.4(b)(6)(ii) and 265.301(d)(1) by deleting references to the Extraction Procedure (EP) Toxicity Characteristic and replacing them with references to the TC.
2. RCRA Revision Checklist 109: Land disposal restrictions for Newly Listed Wastes and Hazardous Debris [57 FR 37194-37282]. Promulgated August 18, 1992, (RCRA Cluster III, HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. This rule finalizes treatment standards under the land disposal restrictions (LDR) program for certain hazardous wastes listed after November 8, 1984, pursuant to a proposed consent decree filed with the District court establishing a June 1992 promulgation date (EDF vs. Reilly, Civ. No. 89-0598, D.D.C). This rule also finalizes revised treatment standards for debris contaminated with listed hazardous wastes or debris that exhibit certain hazardous waste characteristics.

3. RCRA Revision Checklist 110: Coke By-Products Listings [57 FR 37284-37306]. Promulgated August 18, 1992, (RCRA Cluster III, HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. The rule adds seven wastes (K141-K145, K147 and K148) generated during the production, recovery, and refining of coke by-products from coal to the 40 CFR 261, Subpart D list of hazardous wastes from specific sources. The rule also finalizes the proposed determination not to list as hazardous, wastewater from coking and tar refining operations.
4. RCRA Revision Checklist 111: Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment III [57 FR 38558-38566]. Promulgated August 25, 1992, (RCRA Cluster III, Both HSWA and Non-HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. This rule makes several technical clarification amendments and corrections to the final rule for boilers and industrial furnaces burning hazardous waste, that was published on February 21, 1991 (56 FR 7134; Revision Checklist 85). This rule is the third correction to that rule. These permit revisions provide clarification and correct unintended consequences of the initial rule.
5. RCRA Revision Checklist 113: Financial Responsibility for Third-Party Liability, Closure and Post-Closure; RCRA Revision Checklist 113.1: Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Liability Converge; RCRA Revision Checklist 113.2 Liability Requirements; Technical Amendment (Non-HSWA). Consolidated Liability Requirements [53 FR 33938-33960]. Promulgated September 1, 1988 [56 FR 30200] July 1, 1991 [57 FR 42832-42844] September 16, 1992, (RCRA Cluster III, Non-HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. This special consolidated checklist addresses changes made to the Federal code by the September 1, 1988 final rule (53 FR 33938, withheld Revision Checklist 51) as well as amendments made by the July 1, 1991 (56 FR 30200, withheld Revision Checklist 93) and the September 16, 1992 (57 FR 42832) final rules.
6. RCRA Revision Checklist 114: Burning of Hazardous Waste in Boilers and Industrial Furnaces, Amendment IV [57 FR 44999-45001]. Promulgated September 30, 1992 (RCRA Cluster III, HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. The notice addressed by this checklist makes several technical amendments to the final rules addressed by Revision Checklist 85 (85 FR 7134, February 21, 1991),

Revision Checklist 94 (56 FR 32688, July 17, 1991), Revision Checklist 96 (56 FR 42504, August 27, 1991), and Revision Checklist 111 (57 FR 38558, August 25, 1992). These revisions provide clarification and correct unintended consequences of the Boilers and Industrial Furnaces (BIF) rule and its previous corrections.

7. RCRA Revision Checklist 115: Chlorinated Toluenes Production Waste Listing [57 FR 47376-47386]. Promulgated October 15, 1992 (RCRA Cluster III, HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. This rule adds to the list of hazardous wastes from specific sources three waste (K149, K150 and K151) generated during the production of alpha- [or methyl-] chlorinated toluenes, ring chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups, collectively referred to in this rule as "chlorinated toluenes." Part 261, Appendix VII is also amended.
8. RCRA Revision Checklist 116: Hazardous Soil Case-By-Case Capacity Variance [57 FR 47772-47776]. Promulgated October 20, 1992 (RCRA Cluster III, HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. On June 1, 1990 (55 FR 22520; Revision Checklist 78), EPA promulgated a final rule establishing prohibitions and treatment standards for Third Third wastes. Because of lack of treatment capacity, EPA granted a two-year national capacity variance for those hazardous soils whose best demonstrated available technology (BDAT) was incineration, retorting, vitrification, as well as for soils contaminated with radioactive mixed waste.
9. RCRA Revision Checklist 117B: Toxicity Characteristic Revision [57 FR 23062-23063]. Promulgated June 1, 1992 (RCRA Cluster III, HSWA Provisions). New Mexico has adopted and incorporated by reference the federal rule. This rule revises the existing toxicity characteristic by replacing the Extraction Procedure (EP) leach test with the Toxicity Characteristic Leaching Procedure (TCLP) for identifying wastes that are defined as hazardous and subject to regulation under Subtitle C of RCRA as indicated in Revision Checklist 74, 108 and 117B.
10. RCRA Revision Checklist 118: Liquids in Landfills II [57 FR 54452-54461]. Promulgated November 18, 1992 (RCRA Cluster III, HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. This rule's purpose is to assure the stability of materials in hazardous waste landfills. It satisfies the HSWA requirement that EPA issue a rule prohibiting disposal in

landfills of liquids that have been sorbed by materials that biodegrade or that release liquids when compressed, as might occur during routine landfill operations.

11. RCRA Revision Checklist 120: Wood Preserving; Revisions to Listings and Technical Requirements [57 FR 61492-61505]. Promulgated December 24, 1992 (RCRA Cluster III, Both HSWA and Non-HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. This rule amends the F032, F034, F035 listings and portions of the Subpart W requirements for drip pads. The administrative stays published on June 13, 1991 (56 FR 27332; Revision Checklist 91) and on February 18, 1992 (57 FR 5859; Revision Checklist 101) are both terminated by this rule. Relative to the requirement stayed by that rule, replacing it with a specific hydraulic conductivity standard. Facilities with existing drip pads must meet this new standard before the compliance date established in the present rule, rather than the October 30, 1992 deadline set in that administrative stay.
12. RCRA Revision Checklist 123: Land Disposal Restrictions; Renewal of the Hazardous Debris Case-by-Case Capacity Variance [58 FR 28506-28511]. Promulgated May 14, 1993 (RCRA Cluster III, HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. This is the fifth rule addressing hazardous debris and soil contaminants with Third Third wastes.
13. RCRA Revision Checklist 124: Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated [58 FR 29860-29887]. Promulgated May 24, 1993 (RCRA Cluster III, HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. This rule amends the land disposal restriction treatment standards for certain ignitable (EPA Hazard code D001) and corrosive wastes (EPA hazards Code D002) that are not managed: 1) in centralized waste water treatment systems subject to the Clean Water Act (CWA), 2) in Class I injection wells regulated under the Safe Drinking Water Act, or 3) by a zero discharger with a waste water treatment equivalent to that used by CWA dischargers, prior to land disposal.

PROGRAM PROCESS

The State RCRA activities are primarily implemented by three Program Sections which are: Permitting, Inspection/Enforcement, and Technical.

General Permitting Program Description

The permitting process will insure that all facilities subject to the provisions of the New Mexico Hazardous Waste Act, Sections 74-4-1 et. seq., NMSA 1978, will be required to have a permit issued by the Department pursuant to the regulations.

A permit issued by the Department will be in accordance with the regulations, and in a manner consistent with 40 CFR 124. The permit will require the facility be operated and maintained in accordance with permit conditions, compliance schedules, monitoring requirements and technical standards necessary to insure the protection of the public health and environment.

The State program provides for the modification, suspension and revocation of any such permit pursuant to the Hazardous Waste Act. The State program allows at least 45 days for public comments and review whenever a draft permit or notice of intent to deny has been prepared. During the comment period, and interested party may submit written comments to the Department and/or request a public hearing. If a public hearing is requested, the Department will give a 30 day public notice prior to any scheduled hearing. During the public hearing the permittee and NMED will also be afforded the opportunity to present testimony. Any interested person will be able to submit comments and cross examine witnesses. In addition to formal public hearings, informal public meetings may be held during the permit review process to educate the community and answer questions about the permit.

A final decision by the Secretary becomes effective 30 days after notice of decisions has been served on the applicant or such time as the Secretary may specify. Appeal of a permit decision may be made to the Court of Appeals within 30 days after the decision.

Permitting Procedures

New Mexico's permitting procedures are essentially identical to those of EPA as found within 40 CFR 270, except that any reference to 40 CFR 124 shall be construed to mean Part IX of the New Mexico Hazardous Waste Management Regulations. The State permitting process will insure that all facilities subject to the provisions of the New Mexico Hazardous Waste Act, Sections 74-4-1 et. seq. NMSA 1978 as amended, will be required to have a permit issued by the Department. However, all permit modification requests must be public noticed to allow the public to provide comments and/or request a public hearing.

Any person who is required to have a permit shall complete and sign, appropriate information requirements and any other supplemental information which the Secretary may deem necessary as detailed in 40 CFR 270.

If an application is found to be incomplete, the applicant shall be informed by certified mail of the insufficiency(s) and the need for the submission of additional information.

Once the application is complete, the Secretary shall prepare and issue either a draft permit or a notice of intent to deny in accordance with the requirements detailed in Part IX Section 902.A of the New Mexico Hazardous Waste Management Regulations.

Permit Modification, Suspension and Revocation

The Secretary may modify, suspend, or revoke a permit issued in accordance with the requirements detailed in Part IX Section 902.B or the New Mexico Hazardous Waste Management Regulations.

The Secretary shall public notice issuance of a draft permit or a notice of intent to deny, and of any public hearing scheduled in accordance with the requirements detailed in Part IX Section 902.C of the regulations.

Fact Sheet

The Secretary shall prepare a fact sheet for every draft permit or a notice of intent to deny in accordance with the requirements detailed in Part IX Section 902.D of the regulations.

Public Hearings

The Secretary shall public notice any public hearing at least thirty (30) days prior to the scheduled hearing. Hearings shall be held in Santa Fe or within any area of the state substantially affected by the proceedings and shall be in accordance with the requirements detailed in Part IX Section 902.E of the regulations.

Secretary's Decision

Any person heard or represented at the hearing shall be given written notice of the action of the Secretary. The Secretary shall notify the applicant or permittee of her/his decision and the reasons therefore by certified mail according to Part IX Section 902.F.

Appeals

NMSA 1978, Sec. 74-4-4.14(A) provides that any person adversely affected by a decision of the Secretary concerning the issuance, modification, suspension or revocation of a permit may appeal such decision by filing a notice of appeal with the court of appeals within thirty (30) days after the date the decision is made. In accord with NMSA 1978, Sec. 74-4-4.14(C) the court of appeals shall set aside the decision of the Secretary only if found to be:

1. arbitrary, capricious or an abuse of discretion;
2. not supported by substantial evidence; or
3. otherwise not in accordance with law.

Note: Amendments to procedures governing issuing, modifying, suspending, or revoking hazardous waste permits are being proposed and will be presented to the Environment Improvement Board in 1995.

COMPLIANCE MONITORING, MANIFEST TRACKING AND ENFORCEMENT PROGRAM

The main focus of the Inspection/Enforcement Section is to conduct Compliance Evaluation Inspections (CEI) on facilities that are involved in the generation of, treatment of, storage of, disposal of, and/or the transportation of hazardous waste within the State of New Mexico to ensure compliance with 40 CFR and State Regulations. CEI's are conducted on privately owned businesses, state agencies and/or departments, and federal facilities. All CEI's require a document review and a walk through of the facility. To assist the inspectors during the inspection a checklist is filled out along with a violation worksheet on any violations found. Pictures are to be taken of all violations unless there are special conditions where picture taking is not allowed, then a very detailed written description of the violation(s) is required.

An effective and efficient enforcement and compliance monitoring program is essential to the success of State's HWMP. The enforcement program, as outlined in this section, contains all of the remedies for violations of State program requirements as set forth in 40 CFR 271.16, and are made available by the New Mexico Hazardous Waste Act NMSA 1978, Sec. 74-4-1 et. seq. (Repl. Pamp. 1993); and, the Hazardous Waste Management Regulations.

The compliance and monitoring system as outlined in this section is designed to assess and monitor compliance with the Hazardous Waste Management Regulations.

I. Compliance Monitoring

The HWMP compliance monitoring activities will be divided into the following major categories:

Inspection of hazardous waste generators, transporters, and TSD facilities.

Review of generator and facility reports required to be submitted to the state.

Review and approval of facility plans such as the contingency plan, groundwater monitoring data, financial assurances,

requests for waivers, and closures and post-closure plans.

Provide essential monitoring support in the event of violations and/or emergency situations.

Conducting a non-notifier program using the standard procedures outlined in the inspection and enforcement sections of this document.

Manifest Tracking.

A. Routine Inspections

The HWMP provides for periodic, routine inspections of all facilities and activities subject to the hazardous waste regulations in order to:

determine compliance or non-compliance with interim status standards, issued permit conditions and other program requirements;

verify the accuracy of information submitted by permittee and other regulated persons; and

allow collection of samples for analysis during routine monitoring as necessary.

Routine inspection schedules and facilities to be inspected are determined by the program and negotiated annually during the grant negotiations. Routine compliance inspections will be conducted without prior notification unless circumstances dictate otherwise.

Personnel engaged in compliance inspections have been delegated the authority to enter any site or premise subject to regulation. Access and view records relevant to the program are kept in order to gain access to pertinent records, inspect, monitor or otherwise investigate compliance with the State program, including compliance with permit conditions and other program requirements (NMSA 1978, Sec. 74-4-4.3).

Inspection Procedures

Inspections of hazardous waste facilities, generators and transporters shall vary according to facility type. During the course of routine compliance inspections, if it is deemed necessary to collect samples of waste material(s) and/or groundwater monitoring samples, they will be collected in accordance with the latest edition of Test Methods for Evaluating Solid Waste-Physical/Chemical Methods.

Laboratory analysis will be conducted at a private contract laboratory except for samples collected in conjunction with

emergency response activities. All samples will be handled and analyzed using EPA approved methods.

Routine inspection procedures shall include but not be limited to an in-briefing to inform and acquaint the facility with the purpose of the inspection and the actions to be taken, and a review of all documents maintained by NMED as well as all documents required to be maintained at the facility by the regulations. These documents will be reviewed by the NMED inspection personnel group to ensure their physical presence, adequacy and that all required entries are up to date. Reviewed documents shall include knowledge of process documentation, operating records, waste analysis plans, inspection records and logs, contingency plans, financial assurance documentation, ground-water monitoring plans, manifests and biennial reports, as applicable.

Site Inspections

A visual site inspection of all waste management units and surrounding areas shall be conducted. Items to be checked shall include physical condition of waste management units, evidence of discharges, segregation schemes, containment devices, emergency and security equipment, etc. Also, storage vessels are inspected to ensure that proper labelling and dating is provided. If potential violations are found, a violation worksheet, in addition to fieldnotes in a log book, is completed in order to record important information as to the specifics of the potential violation, such as the number of containers, the type of waste, the specific location, and how long the potential violation has existed. Employee comments are also documented. Photographs are taken when possible to record the potential violation. In some instances, a sample will be collected to verify the existence of hazardous waste and/or to identify the hazardous constituents involved.

Upon completion of the on-site inspection an out-briefing will be held with the facility to summarize the inspection procedures that were followed and point out any preliminary indications of non-compliance. The inspector may also amplify the need to correct any major instances of non-compliance.

Inspection Review

The inspector after completion of the inspection shall prepare an inspection report that shall include a brief description of the facility, the findings of the inspection, the violations noted with the appropriate regulatory citations, and the enforcement action deemed necessary.

Inspection Frequency

Inspection frequency will be in accordance with established EPA guidance and as agreed upon during grant negotiations.

B. Non-Routine Inspections

Unscheduled inspections will be conducted in response to possible cases non-compliance, and in response to citizen complaints. Non-routine inspections may also be necessary to verify sampling data submitted by facilities.

Typically, non-routine inspections will fall into the following categories:

- reported incident of violations/non-compliance;
- suspected incidence of violations/non-compliance;
- non-notifier activities;
- complaint inspections; and
- sampling inspections.

The need for non-routine inspections may be determined by routing program activities, record reviews, citizen complaints and results of the inspections.

Inspections of possible non-notifiers will routinely be scheduled whenever new information indicating the need is discovered.

Sampling inspections may result after review of facility records as dictated by new information concerning facility operations.

C. Follow-up Inspections

Follow-up inspections to ensure correction of the detected violations will be conducted before, or as soon as deemed necessary, following any designated compliance data. This will depend on the speed of facility response and/or anticipated time of correction.

Follow-up will be prioritized according to type and number of violations detected.

D. Compliance Monitoring/Enforcement Coordination

Individual inspectors are responsible for tracing time frames for compliance, scheduling of follow-up inspections and verification of correction of violations. Escalation of any enforcement proceedings for continued non-compliance will also be initiated by each inspector and channeled through the Hazardous and Radioactive Materials Bureau Chief to the Office of General Counsel for further development, either on an administrative level or in preparation for action in district court.

II. Manifest Requirements

NOTE: The national manifest form is being used. (attached copy)

With the incorporation of the federal regulations governing handling of hazardous waste, the manifest requirements imposed by the Hazardous Waste Program are identical to those of EPA. This includes proper preparation of the manifest form; filing exception reports when a signed copy of the manifest has not been returned to the generator within the set time frame; filing a manifest discrepancy report when significant discrepancies exist between what is listed on the manifest and what is delivered to the facility; and filing a report providing all required information for wastes that are received for treatment, storage and/or disposal not accompanied by a manifest.

The Hazardous Waste Program requires the use of the Uniform Hazardous Waste Manifest.

In the event that the Hazardous Waste Program receives an Exception Report, is notified of a manifest discrepancy or discovers any manifest irregularities during compliance inspections, every attempt shall be made to resolve irregularities. This shall include notification of the appropriate state agencies where these irregularities involve interstate shipments of hazardous waste.

A. Exception Reports

In the event that an Exception report is received by the NMED, the following standard procedures will be followed:

1. In incidents involving the inter-state transport of shipments of hazardous waste, the initial response of the NMED will be the notification of the appropriate state environmental agency in the state to which the shipment was originally designated, or EPA in the case of a state which does not operate an authorized RCRA program.

This initial response shall provide, via telephone conversation, the concerned state agency or EPA, with all information which has been received by the NMED which has led to the filing of an Exception report including:

- a. a description of the efforts taken by the generator to locate the shipment of hazardous waste and the results of those efforts;
- b. a synopsis of all pertinent information contained on the manifest which has been received in conjunction with the Exception Report: and,
- c. any other information the HWMP may have in its files

concerning the past practices of the involved generator, any correlation of the hazardous waste manifested and those previously shipped by the generator and any information relating to the identified transporter.

Copies of the Exception Report and the accompanying manifest shall be provided to the concerned state agency or EPA as soon as possible along with any other information which may contribute to the resolution of the Exception Report.

After this initial notification of any other authorized state agencies or EPA, the NMED will continue its investigation of the submitted Exception Report as described below.

As relevant information becomes available, it again will be relayed to the appropriate state agency or EPA as soon as possible.

2. Incidents involving intra-state shipments of hazardous waste shall be handled by the NMED, with the support of any other state agencies as may be appropriate, and as is outlined below.
3. Following the initial receipt of an Exception Report and the notification of any other authorized state agency or EPA in the case of inter-state shipment, the NMED shall begin the preparation of a case file involving the received Exception Report. This shall involve the review and compilation of any pertinent data the NMED may currently have on file as to the past activities of the generator in question.
4. Once the preliminary file has been established, the NMED will initiate a compliance monitoring inspection of the generator that has submitted the Exception Report to verify the information received and to examine past manifesting practices, transporters contracted with, and previously designated TSD facilities.
5. If the transporter(s) indicated on the manifest is a New Mexico based transporter the NMED will also conduct a compliance monitoring inspection of the transporter(s) in question to again examine and review any appropriate records on file.
6. If the transporter(s) is based in a state other than New Mexico, and since the Exception Report received may involve the violation of NMSA 1978, Sec. 74-4-4.A(3), and may be subject to the penalties contained in Sec. 74-4-11 & 12 NMSA 1978, the NMED may request the assistance of the New Mexico State Police and the New Mexico Department of Transportation in so far as their assistance may lead to the identification and location of any transporter which may or may not be

licensed to operate in the State of New Mexico.

7. If the TSD facility designated on the manifest is located in the State of New Mexico, the NMED will also conduct a compliance monitoring inspection of said facility in order to examine and review any documents or records which describe any previous involvements the facility may have had with the generator in questions and to determine what, if any, involvement the facility may have previously had with the designated transporter(s).
8. Operating under these procedures it is expected that the NMED shall be able to expediently resolve any submitted Exception Report concerning intra-state shipments of hazardous waste and to provide effective support to any other state agency or EPA in the case of shipments involving inter-state transport.

B. Manifest Discrepancies

In the event that a notification of a manifest discrepancy is received by the NMED, the following procedures will be followed:

1. Following the receipt of a manifest discrepancy report, the NMED shall begin the preparation of a case file concerning said report.

The case file shall initially be developed using any information the NMED may currently have on file describing the past activities of the involved generator and transporter(s), as applicable.

2. After the preliminary case file has been developed the NMED shall perform a compliance monitoring inspection of the TSD facility in question to verify the information submitted in the manifest discrepancy report and to examine and review any other pertinent documents and records which may relate to the incident in question, and/or which may describe any previous relationship(s) the facility may have had with the indicated generator and transporter(s).

During the course of any such inspection the NMED may collect samples of the waste shipment in question if it is deemed necessary to further corroborate the information already received.

3. If the indicated generator and transporter(s) are located in the State of New Mexico, the NMED will also perform inspections of said generator and transporter(s) in order to examine and review any documents or records which may relate to the reported incident and which may have a bearing on such items as waste type(s) generated, past shipments of hazardous waste, and previously designated TSD facilities. Such

inspections may require interviews if permissible, with involved employees, drivers, etc., as to their part in the initiation and transportation of the hazardous waste shipment under investigation.

4. If the indicated generator and transporter(s) are located out of state, the NMED may request the assistance of the appropriate state agency or EPA in the case of any unauthorized state, in determining the validity of any information previously received in the manifest discrepancy notification.

This will also serve to alert the appropriate state agency or EPA to possible irregularities in shipping and manifest requirements in the state of origin.

5. Through such investigations, it is expected that the NMED shall be able to reconcile those manifest discrepancies, reported to it and/or expose any intentional or accidental falsifications made concerning the shipment, transportation and receipt of the hazardous waste in question.

III. Enforcement

The State's enforcement program provides for the initiation and follow-up of any enforcement actions necessary.

A. Coordination of the Investigation of Reported or Suspected Violations

In addition to acting upon incidents of non-compliance identified by EPA or the HWMP's inspection program, public input will also be accepted and evaluated. Information regarding suspected hazardous waste violations brought to the NMED's attention will be directed to the HWMP. The validity of the alleged violation will then be investigated. The investigation can include but not be limited to reconnaissance and surveillance by NMED staff, personal interviews with the complainant and communications with interviews with the other Federal, State and local law enforcement, transportation and environmental agencies. If deemed necessary, an inspector from the HWMP may be sent to the alleged city of non-compliance to conduct a compliance monitoring inspection. During such investigations and inspections, appropriate samples may be collected if necessary, and other procedures contained in the EPA RCRA Inspection Manual and appropriate NMED procedures, so that any evidence will be admissible in a court enforcement proceeding.

B. Determination of Violations and Enforcement Proceedings

The normal enforcement procedure will involve:

1. The determination of a violation based on any information received or detected by the HWMP, or provided by EPA. Once violations are determined facilities will be classified as a High Priority Violators (HPV), Medium Priority Violators (MPV), or a Low Priority Violators (LPV). The criteria for what makes a HPV, MPV, or LPV is set out in the Enforcement Memorandum of Agreement between NMED and EPA.

Violations, other than those which pose an imminent hazard, will be considered on a case-by-case basis considering such criteria as:

- a. the type and number of violations;
 - b. potential for adverse impacts;
 - c. past compliance record and responsiveness of offender;
 - d. anticipated time required for correction;
 - e. whether the violation is a continuation of a violation previously subject to enforcement action; and,
 - f. whether the facility has notified of its hazardous waste activity.
2. Once the gravity of the violation is determined enforcement actions will proceed as follows:
 - a. For those violations which may create an imminent hazard to public health or the environment in which immediate action should be required, the NMED would pursue enforcement actions under NMSA 1978, 74-4-13 which provides the authority to immediately restrain any activity leading to that condition either through suit in district court or through the issuance of other orders.
 - b. Otherwise, enforcement action would proceed with notification by HWMP to violation of their failure to comply with such requirements. A compliance order will be issued and penalties will be assessed to all high priority violators as described in the NMED's penalty policy. Enforcement action would proceed with notification by the HWMP to the violator of his failure to comply with such requirements. As soon as reasonably possible, but at least within thirty (30) days of any detected violation, a Letter of Violation (LOV) shall be

sent via certified mail to the facility that is not a high priority violator.

The LOV shall state the number and types of violations, along with the appropriate regulatory and/or statutory citations, and shall direct the offender to correct such violations within fifteen (15) days.

If such violation extends beyond the fifteenth (15) day after receipt of notification, the NMED, pursuant to NMSA 1978, Sec. 74-4-10, may issue an order requiring compliance within a specified time period or may commence civil action in district court for appropriate relief, including a temporary or permanent injunction.

Any order issued by the NMED will become final unless, no later than thirty days after the order is served, the person or persons named submits a request for a hearing. The "Rules Governing Appeals From compliance Orders Under the Hazardous Waste Act and The Solid Waste Act" govern all adjudicatory proceedings for the issuance of compliance orders under NMSA 1978, Sec. 74-4-10.

Should the situation arise, however, that satisfactory corrective action does not result in any of the situations described above, the NMED shall proceed with escalation of legal action. If the violator is a holder of a permit administrative proceedings could be commenced to suspend or revoke the permit of the violator.

This will allow the establishment of a strict time frame for effecting all necessary actions. Negotiations and compliance scheduling, as previously described above will be employed whenever possible to avoid lengthy litigation.

3. The NMED is organized in such a manner that there is considerable inter-communication between the respective Bureaus that routinely administer the programs which effect the regulated community. The NMED is also able to maintain a high-profile throughout the state by the staffing of twenty one (21) permanent field offices. It is believed that this wide interaction with the public and private sectors will enable the NMED to effectively identify and bring under the HWMP any person subject to regulation who has failed to comply with the permit application, or notification requirements or who may be subject to such requirements in the future.

Routinely, facilities applying for any NMED permit will be evaluated for their status under the hazardous waste program's

regulatory scheme. In addition, all NMED personnel are asked to inform the HWMP of observations they have made of facilities that may be circumventing the applicable program requirements.

C. Legal Remedies

The New Mexico Hazardous Waste Act, NMSA 1978, Sec. 74-4-1 et. seq., as amended, gives the NMED the authority to conduct investigations and inspections; to hold hearings, to enter upon public or private property for investigations or surveys; to institute proceedings in any court of competent jurisdiction to compel compliance with any violation of the Act or Regulations as issued thereto; and to bring suit in the appropriate district court to immediately restrain any person who may be handling, storing, treating, transporting and/or disposing of any solid waste or hazardous waste in such a manner that it may present an imminent and substantial danger to human health or the environment.

NMSA 1978, Sec. 74-4-4.2.D-G and the New Mexico Hazardous Waste Management Regulations allow the Secretary to modify, suspend or revoke any permit issued under the Hazardous Waste Act for:

1. violation of any permit condition;
2. misrepresentation of, or failure to fully disclose, all relevant facts and information in obtaining the permit;
3. violation of any provision of the Hazardous Waste Act or any regulation promulgated pursuant to it; or
4. in the case of research, development and demonstration permits, upon the determination that termination is necessary to protect human health and the environment.

NMSA 1978, Sec. 74-4-11 provides for criminal penalties of not more than ten thousand dollars (\$10,000) or imprisonment for a definite term not less than one year, or both. If the conviction is for a violation committed after a first conviction of such person under this section, the person shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000) per day of violations, or by imprisonment of not more than two years, or both.

NMSA 1978, Sec. 74-4-12 provides for civil penalties of up to ten thousand dollars (\$10,000) for each day during any portion of which a violation occurs.

NMSA 1978, Sec. 74-4-13 provides that whenever the director is in receipt of evidence that the handling, storage, treatment, transportation or disposal of any solid waste or hazardous waste may present an imminent and substantial danger to health or the environment, he may bring suit in the appropriate district court to

immediately restrain any person contributing to such activity or to take such other action as may be necessary.

NMSA 1978, Sec. 74-4-14 Provides that any person who is or may be affected by any final administrative action of the board or the secretary may appeal to the court of appeals for further relief within thirty days after the action. All appeals shall be upon the record before the board or the secretary.

The assessment of penalties shall be determined by the HWMP in conjunction with the Office of General Counsel. New Mexico has incorporated the RCRA Civil Penalty Policy as a guidance document for use in the assessment of penalties.

E. Public Participation in the Enforcement Process

In addition to the investigations of citizen complaints, public participation in enforcement actions is also provided for by Rule 24(a) the Rules of Civil Procedure, SCRA 1-024(a) which allows for interventions New Mexico of right in civil actions in the state district court. SCRA 1-024(a) is similar to Rule 24(a) of the Federal Rules of Civil Procedure.

Authorization/Data Management

This program element includes those processes associated with general program requirements; such as regulation development, statutory amendments, RCRIS/BRS data management, FOIA, authorization and notification.

Regulations will be amended yearly to coincide with the codification for the federal regulations. The program may petition the Environmental Improvement Board to consider amendments more frequently if appropriate.

Required statutory changes will be prepared by NMED and submitted to the legislature on a biennial basis, unless it becomes necessary to introduce legislation to maintain authorization. In this case, NMED will attempt to introduce the required legislative change(s) during the next legislative session. Legislation may also be introduced independently by individual legislators. Legislation enacted under an emergency clause becomes effective immediately upon signature by the Governor, otherwise legislative changes become effective 90 days after the session in which they were enacted.

All data will be entered into the RCRIS data management system at frequency no less than that negotiated during the grant process, with all incorrect data properly re-entered within seven (7) working days of discovery.

Authorization applications will be submitted pursuant to the "Cluster rule" unless NMED seeks authorization for individual components.

The State uses the EPA prepared notification forms. These forms are provided upon request, and completed forms received by the State are submitted to EPA for processing and entry into the data management system as appropriate. When regulatory changes require the submission of new or amended notification forms by the facility, the State does require submission of these forms within 90 days of the State amending its' regulations.

Technical Compliance Section

The Technical Compliance Section will insure that all facilities subject to the provisions of the New Mexico Hazardous Waste Act, Sections 74-4-1 et. seq., NMSA 1978, will have groundwater and soil monitoring systems which will detect the release of hazardous wastes or hazardous constituents from all regulated units. To assure adherence with the New Mexico Hazardous Waste Act the process includes conducting a Comprehensive Monitoring Evaluation (CME) or Operations and Maintenance inspection (O&M), at each facility required to maintain a groundwater monitoring system. The CME/O&M includes a technical completeness review of groundwater and soil monitoring systems, sampling and analysis plans, assessment plans, and any required remediation proposals. Pertinent information obtained during the CME/O&M is entered into the Resource Conservation and Recovery Information System (RCRIS) for program tracking purposes.

The process also includes the technical completeness review, in cooperation with the U.S. Environmental Protection Agency, of selected RCRA Hazardous and Solid Waste, Amendments (HSWA) corrective actions. These required corrective actions are for releases of hazardous wastes or hazardous constituents from solid waste management units at treatment, storage, or disposal facilities.

All of the above mentioned processes are conducted in cooperation with the RCRA Permitting Section where appropriate. The Technical Compliance Section provides technical assistance through the review of groundwater and solid monitoring systems, sampling and analysis plans, assessment plans, and any required remediation proposals associated with RCRA Permit development or Permit enforcement.

ESTIMATED TYPES AND NUMBERS OF REGULATION FACILITIES

Following is an estimate of the number of generators.

Types of Activity	Numbers of Handlers (New Mexico)	Waste Quantities Tons (New Mexico)
1) Generators		
LQG -	56	2,671,101.600
SGQ -	708	365.
2) Transporters		
into the state	-0-	
out of state	7	
3) Storage/Treatment		
Onsite -	16	See Attachment A
Offsite -	4	2,666,767.502
4) Disposal		
Onsite -	-0-	N/A
Offsite -	-0-	
5) Incinerator		
Onsite	-1-	N/A
Offsite	-0-	

(1) Number of individual shipments into or out of New Mexico. (The State does not track individual shipments into or out of New Mexico.)

(2) Number of quantities retrieved from the 1993 Biennial Reports.

ORGANIZATION AND STRUCTURE OF STATE AGENCIES

The Hazardous and Radioactive Materials Bureau of the New Mexico Environment Department is the State's "lead agency" responsible for the hazardous waste management program.

Other NMED programs that have expertise or authority that can be, and are utilized by the HWMP are:

- 1) Air Quality Bureau, which regulates emissions of pollutants to the ambient air;
- 2) Ground Water Protection & Remediation Bureau, which regulates the disposal of contaminants to the environment that have the potential to contaminate the groundwater; also, acts as a contractor to EPA for the investigation

and remediation of CERCLA sites.

- 3) Surface Water Bureau, which regulates discharges of pollutants into the surface waters of New Mexico;
- 4) Solid Waste Bureau, monitors and enforces the state Solid Waste Management Regulations, including transportation and disposal of non-hazardous solid waste and household waste.
- 5) Occupational Health and Safety Bureau, which regulates the health and safety of the work place environment.
- 6) Underground Storage Tank Bureau, which regulates all non-hazardous waste underground storage tanks in New Mexico.

All of the above bureaus are organized within one Department, enabling information sharing and sharing of expertise personnel when possible.

Other agencies within the State that provide assistance to Hazardous and Radioactive Materials Bureau on a contractual or cost share basis are:

- 1) The Office of General Counsel which provides legal support to the bureau with respect to the development of legislation, regulation development and interpretation, permitting and enforcement actions;
- 2) Scientific Laboratory Division (SLD) which provides limited analytical support for identifying contaminants and contaminant concentrations of samples collected during investigations, enforcement actions, clean-up operations, and routine inspections of hazardous waste facilities and generators. The SLD is inspected yearly by EPA. A private contract laboratory is currently being used for analysis for samples collected pursuant to compliance monitoring evaluations;
- 3) New Mexico Department of Agriculture, pursuant to the Hazardous Waste Act, is the lead agency responsible for the enforcement of all hazardous waste regulations regarding hazardous agricultural waste;
- 4) Energy, Minerals and Natural Resources Department administers programs relating to the production of oil, natural gas geothermal energy, and coal;
- 5) Department of Public Safety who administers emergency response coordination in the State of New Mexico.
- 6) Administrative Service Division, which tracks the

financial expenditures and submits the yearly budget reports to EPA for the Hazardous and Radioactive Materials Bureau.

STAFFING AND RESOURCES

HWMP is divided into three (3) main programs, Permitting, Inspection/Enforcement, and Technical. Each section has been staffed with personnel experienced in the respective technical administrative or regulatory requirements of that group. This provides the best protection to the environment as well as service to the public and regulated communities. In support of these three (3) sections is the administrative/data management group.

Permitting Program

The permitting program consists of six (6) federal RCRA grant funded positions: one (1) Health Program Manager, three (3) Environmental Specialists, one (1) Water Resources Specialist II, one (1) Secretary III position; and two (2) State Funded positions: one (1) Water Resources Specialist III and one (1) Environmental Scientist; and one (1) EPA-IPA assignee. Responsibilities of this section are:

1. Administrative and Technical review of applications for operating permits submitted by commercial and federal facilities.
2. Issuance of operating permits.
3. Review and approval of closure plans, submitted by commercial and federal facilities.
4. Approval of closure certifications.
5. Administrative and technical review of post-closure care permit applications submitted by commercial and federal facilities.
6. Issuance of post-closure care permits.
7. Maintenance of existing operating permits, to assure compliance as waste streams or operating procedures change during the course of normal operation.
8. Review of applications for mixed waste units at appropriate federal facilities.
9. Response to inquiries from the public regarding regulatory issues affecting the management of hazardous materials.

The duties and responsibilities of each position are as follows:

Health Program Manager (one position)

Supervises, directs and monitors all activities performed by the Permitting Section. Prepares and present budget requests, mid-year and end-of-year reports, Work Grant negotiations, evaluates staff training needs and makes recommendations for training, evaluates staff performance, conducts public meetings on proposed regulation changes. Prepares and presents regulatory changes to the EIB. Testifies, if necessary, at Public Hearings on issuance of permits. Review all documents prepared by the Permitting Section. Interviews and consults with respective supervisors, hires additional staff.

Environmental Specialist III (four positions)

Review permit applications for administrative and technical completeness and request additional permit information as necessary. Recommend the issuance of NOD'S for those applications determined to be incomplete. Create an enforcement checklist on those permitted facilities. Recommend the issuance or denial of a permit. Review closure plans for technical completeness. Perform duties assigned by the Bureau Chief/Program Manager/Supervisor as they apply to the Permitting Program.

Environmental Scientist (one position)

Basic responsibilities will be the same as the Environmental Specialist.

Water Resource Specialist III (one position)

Basic responsibilities will be the same as the Environmental Specialist.

Water Resource Specialist II (one position)

Basic responsibilities will be the same as the Environmental Specialist.

Secretary III (one position)

Performs clerical work for the RCRA Permitting Program and will report to the Program Manager of the Permitting Program.

EPA-IPA ASSIGNEE

There is one (1) IPA position presently being assigned to the State of New Mexico. The position that is presently filled is very active in the review of permit applications and closure permits in coordination with other staff members. One of the major tasks that the IPA is assigned to perform is the training of New Mexico Permitting Staff in permit application review and permit writing. This position will be replaced with state employee(s) when the IPA assignment terminates.

Inspection/Enforcement Program

The Inspection/Enforcement Program of the Hazardous Waste Management Program, primarily conducts Compliance Evaluation Inspections (CEI) to determine the regulatory and compliance status of hazardous waste facilities. Grant commitment inspections consume most of the inspections time, although other inspections are performed in response to complaints, referrals from other regulatory agencies, and consultations.

This section consists of one (1) Program Manager, one (1) Water Resource Specialist II, one (1) Water Resource Specialist III, one (1) Environmental Scientist and three (3) Environmental Specialists one of which is State funded. Their respective duties and responsibilities are as follows:

Health Program Manager: (one position)

Supervises, directs and monitors all activities performed by the Inspection/Enforcement and Information Management Staff. Prepares and presents budget requests, mid-year and end-of-year reports, work grant negotiations, evaluates staff training needs and makes recommendations for training, evaluates staff performance, conducts public meetings on proposed regulation changes. Prepares and presents regulatory changes to the EIB. Reviews all documents prepared by Hazardous Waste Management Program. Interviews, and in consultation with respective supervisors, hires additional staff.

Water Resource Specialist III: (one position)

Functions as the supervisor and senior inspector/trainer in the section. This position assists in the EPA/State Work Grant negotiations, inspection scheduling, conduction of CEI's, inspection file review and evaluation, research, training and supervision of the staff.

Water Resource Specialist II: (one position)

Conducts hazardous waste inspections, prepares inspection

reports, recommends enforcement action, testifies at hearings as needed and responds to requests for assistance and information from the public regulated community and other agencies.

Environmental Scientist: (one position)

The duties of the Environmental Scientist are the same as the Water Resource Specialist II.

Environmental Specialist: (three positions)

The duties of the Environmental Specialist are the same as the Water Resource Specialist II and the Environmental Scientist, with the exception that one of the Environmental Specialist will be assigned the responsibility to be involved in the International Border Issues and Inspections/Enforcement between the USA and Mexico as it applies to New Mexico.

Technical Compliance Program

The Technical Compliance Program perform reviews of the specified facilities in the following areas:

- Groundwater monitoring data review
- Quality Control/Quality Assurance data review
- Monitoring well installation and location
- Conducting Comprehensive Monitoring Inspection (CME).

The Technical Program consists of both State General Fund and Work Grant positions. The General Fund positions include one (1) Program Manager, one (1) Environmental Specialist; the Work Grant positions include one (1) Geologist III, one (1) Environmental Scientist. Their respective duties and responsibilities are as follows:

*Health Program Manager: (one position)

Supervises, directs and monitors all activities performed by the Technical Section. Prepares and presents budget request, mid-year and end-of-year reports, Work Grant negotiations, evaluates staff training needs and makes recommendations for training, evaluation of staff performance, conducts public meetings on proposed regulation changes. Prepares and presents regulatory changes to the EIB. Testifies, if necessary, at Public Hearings and reviews all documents prepared by Hazardous Waste Management Program. Interviews and consults with respective supervisors, and recommends hiring of additional staff.

Geologist III: (one position)

May function as the supervisor and one of the senior members of the technical staff. Conducts CME, on those facilities as agreed upon in the Work Grant. Assists in the Work Grant negotiations, training of staff, and in budget preparations. Will testify at public hearings as necessary and will assist both the Permitting Section and the Inspection/Enforcement Section on technical issues. This position reports directly to the Program Manager.

Environmental Specialist: (one position)

Duties are basically the same as the Geologist III with the exception of supervisory duties.

Environmental Scientist: (two positions)

Duties are basically the same as the Environmental Specialist.

Administration

The administration consists of a Bureau Chief (25%), three (3) Program Managers (all ready accounted for in the Permitting, Inspection/Enforcement/Technical Sections), one (1) Management Analyst 3, One (1) Management Analyst 1, one (1) Administrative Secretary (50%), two (2) Secretary 3, and one (1) Financial Specialist (25%). The Responsibility of these positions are as follows:

Bureau Chief: (one position, part time - 25%)

Directs all activities in the Bureau. This position along with the Director and Office of the Secretary are the policy makers for the New Mexico Environment Department, Hazardous and Radioactive Materials Bureau.

Program Managers: (Three (3) positions)

All positions have already been accounted for and responsibilities addressed in the Permitting Section, Inspection/Enforcement and Technical Sections.

Management Analyst III: (one position)

Reports to the Program Manager referred to in the Inspection/Enforcement Section. Will conduct training, assist in budget preparations, mid-year reports and year-end-reports, and Authorization submittals. Will be the Freedom of Information Officer and be responsible to insure that the filing system is maintained. Reviews,

process and maintains the data base on the Annual Hazardous Waste Fees. Will assist in analyzing complex management problems and be responsible to insure all new federal registers have been received and filed.

Management Analyst I: (one position)

Duties will consist of maintaining the data bases for RCRIS and BRS. Performs QA/QC on all data submitted and entered. To conduct the necessary training for staff and the regulated community on how to properly fill out RCRIS or BRS forms. This position will report directly to the Management Analyst III identified in the Inspection/Enforcement Section.

Administrative Secretary: (part time position - 50%)

Perform clerical work for the Hazardous Waste Management Program and will report to the Bureau Chief.

Secretary III: (one position-Enforcement/Inspection Section)

Perform clerical work for the Enforcement/Inspection Section and will report to the Program Manager of the Enforcement/Inspection. The Secretary III will also be trained to be a backup to the Management Analyst I.

Financial Specialist : (part time position - 25%)

The Financial Specialist is responsible for coordinating the Bureau's expenditures, tracking and approving purchase documents prior to submittal, submitting grant applications, completing end-of-year reports, and ensuring that expenditures are conducted in conformance with state regulations and policies and in accordance with federal grant agreements, regulations and policies.

Additional program support is available from various other sources. This support includes:

1. Administrative support from the office of the Secretary, Deputy Secretary, Branch Administrator, Administrative Services Division, Environmental Improvement Board and the Office of General Counsel.
2. Technical support as provided by other programs within and outside NMED.
3. Laboratory support as provided by the Scientific Laboratory Division and legal assistance provided by the Institute of Public Law, University of New Mexico.

The HWMP is primarily funded through RCRA grant allocations from the Region VI, EPA with a 25% match from state general fund as appropriated by the legislature. Anticipated EPA Grant revenues for use by the program are in the range of \$1,000,000 from Federal resources and \$200,000 to \$400,000 from State Resources. Minimal dollar amounts collected under permit and annual hazardous waste fees may enhance the program.

EIB promulgated permit fee regulations that authorize the HWMP to assess fee prior to processing a permit application. It is estimated that an average of \$100,00 to \$150,00 dollars per year will be generated from this source over the next two (2) years. These revenues are utilized to fund one position and permit activities associated with the fees collected.

The following is a detailed breakout for HWMP personnel salaries and benefits, including retirement, health benefits, fica, annual and sick leave and life insurance for FY95.

SECTION/POSITION	SALARIES	BENEFITS	WORK YEARS
Permitting Section			
HPM I	\$36,623	\$10,987	1.00
WRS II	33,160	9,948	1.00
ENV. SPEC.	39,598	11,879	1.00
ENV. SPEC.	28,332	8,500	1.00
ENV. SPEC.	28,332	8,500	1.00
SECRETARY 3	19,968	5,991	1.00
WRS III (*) VACANT			
ENV. SPEC. (**)	29,453	8,836	1.00
ENV. SCI. (*) VACANT			1.00
Inspection/Enforcement & Information Management Section			
HPM I	35,166	10,550	1.00
WRS III	32,323	9,697	1.00
WRS II (VACANT)			1.00
ENV. SPEC.	30,382	9,115	1.00
ENV. SCI.	26,129	7,838	1.00
ENV. SPEC. (*)	32,340	9,672	1.00
ENV. SPEC.	29,169	8,750	1.00
MULTI MEDIA/BORDER ISSUES			
MANAG. ANALYST III	26,129	7,839	1.00
MANAG. ANALYST I	24,672	7,402	1.00
Technical & Compliance Section			
HPM I (*)	33,197	9,960	1.00
GEOLOGIST 3	35,453	10,636	1.00
ENV. SCIENTIST	26,129	7,838	1.00
ENV. SPEC. (*)	33,364	10,010	1.00
ENV. SPEC. (*)	34,175	10,253	1.00
Administration/Clerical			
Bureau Chief @.25 %	12,974	3,892	0.25
Admin. Secretary 50%	12,755	3,826	0.50
Financial Spec. 25%	6,416	1,924	0.25
Secretary III 100%	17,594	5,279	1.00
EPA Funded Staff	\$501,304	\$150,391	19.00
State Funded Staff	\$133,076	\$ 39,895	5.00
(** Permit Fees)	\$ 29,453	\$ 8,836	1.00
TOTAL	\$663,833	\$199,122	25.00
EPA GRANT/75% FUNDING & STATE FUNDING MATCH/25%			
STATE GENERAL FUNDING/100% - CODE (*)			

The following is a detailed breakout for HWMP personnel salaries and benefits, including retirement, health benefits, fica, annual and sick leave and life insurance for FY96.

SECTION/POSITION	SALARIES	BENEFITS	WORK YEARS
<u>Permitting Section</u>			
HPM I	\$38,820	\$11,646	1.00
WRS II	35,150	10,545	1.00
ENV. SPEC.	41,974	12,592	1.00
ENV. SPEC.	30,032	9,010	1.00
ENV. SPEC.	30,032	9,010	1.00
SECRETARY 3	20,878	6,027	1.00
WRS III (*) VACANT			
ENV. SPEC. (**)	31,220	9,366	1.00
ENV. SCI. (*) VACANT			1.00
<u>Inspection/Enforcement & Information Management Section</u>			
HPM I	37,276	11,183	1.00
WRS III	34,262	9,697	1.00
WRS II (VACANT)			1.00
ENV. SPEC.	32,205	9,662	1.00
ENV. SCI.	27,697	8,309	1.00
ENV. SPEC. (*)	34,280	10,252	1.00
ENV. SPEC.	30,919	9,276	1.00
MULTI MEDIA/BORDER ISSUES			
MANAG. ANALYST III	27,697	8,309	1.00
MANAG. ANALYST I	26,152	7,846	1.00
<u>Technical & Compliance Section</u>			
HPM I (*)	35,188	10,558	1.00
GEOLOGIST 3	37,580	11,274	1.00
ENV. SCIENTIST	27,697	8,309	1.00
ENV. SPEC. (*)	35,366	10,611	1.00
ENV. SPEC. (*)	36,766	10,868	1.00
<u>Administration/Clerical</u>			
Bureau Chief @ 25 %	13,752	4,126	0.25
Admin. Secretary 50%	13,520	4,056	0.50
Financial Spec. 25%	6,801	2,040	0.25
Secretary III 100%	18,650	5,595	1.00
EPA Funded Staff	\$531,094	\$158,512	19.00
State Funded Staff	\$141,600	\$ 42,289	5.00
(** Permit Fees)	\$ 31,220	\$ 9,366	1.00
TOTAL	\$703,914	\$210,167	25.00
EPA GRANT/75% FUNDING & STATE FUNDING MATCH/25%			
STATE GENERAL FUNDING/100% - CODE (*)			

Instate travel for EPA & other related meetings, inspections, and to participate in US/Mexico HW Work Group meetings on Border issues. \$ 9,000

Out of State Travel to participate in US/Mexico Hazardous Waste Comm. Work Group meeting and for EPA meetings. \$10,000

Includes gas, oil, vehicle maintenance & insurance, and staff travel expenses.

Equipment

Computer Equipment - 4 personal computers \$18,000

1 Vehicle replacement-estimated cost: \$15,000

Supplies

Field & Office supplies, educational supplies, xerox & computer time. \$12,000

Protective Clothing: Jackets, safety glasses, shoes, coveralls, hats, etc. \$ 2,000

Contractual

EPA for IPA Services/Salaries & Benefits \$55,000

Hearing Officer Contractual Services \$15,000

Analytical Technologies, Inc., for sample analysis \$20,000

Baseline Physicals & Spirometry Exam Contractor \$ 2,000

Legal Services Bureau-Attorney Fees \$30,000

UNM Institute of Public Law \$13,000

\$135,000

Other Expenses

Printing & Photographic Services \$ 3,334

Advertising-EPA requested increase in public notices. \$ 6,000

Postage/Express Mail/Fax \$ 5,000

Rent of Building \$48,000

Telephone Expense \$ 8,000

Employee Training & Education-course fees \$ 8,000

\$78,334

Total Other Costs: \$279,334

Total Salaries/Benefits \$862,955

Total Direct Costs:(Salaries & Other Costs) \$1,142,289

Indirect Cost Computation

Total Direct Costs \$1,142,289

Less Equipment - 33,000

Less Contracts in excess of 25,000

55,000 - 25,000 30,000

30,000 - 25,000 5,000

35,000

- 35,000

\$1,074,289 x 15.46% \$166,085

GRAND TOTAL ESTIMATE PROGRAM NEED FY95. \$1,308,374

Instate travel for EPA & other related meetings, inspections, and to participate in US/Mexico HW Work Group meetings on Border issues. \$12,000

Out of State Travel to participate in US/Mexico Hazardous Waste Comm. Work Group meeting and for EPA meetings. \$15,000

Includes gas, oil, vehicle maintenance & insurance, and staff travel expenses.

Equipment

Computer Equipment - 4 personal computers \$20,000
 1 Vehicle replacement-estimated cost: \$18,000

Supplies

Field & Office supplies, educational supplies, xerox & computer time. \$15,000

Protective Clothing: Jackets, safety glasses, shoes, coveralls, hats, etc. \$ 2,000

Contractual

EPA for IPA Services/Salaries & Benefits \$55,000
 Hearing Officer Contractual Services \$25,000
 Analytical Technologies, Inc., for sample analysis \$20,000
 Baseline Physicals & Spirometry Exam Contractor \$ 5,000
 Legal Services Bureau-Attorney Fees \$30,000
 UNM Institute of Public Law \$13,000
 \$148,000

Other Expenses

Printing & Photographic Services \$ 4,000
 Advertising-EPA requested increase in public notices. \$ 7,000
 Postage/Express Mail/Fax \$ 6,000
 Rent of Building \$50,000
 Telephone Expense \$11,000
 Employee Training & Education-course fees \$ 9,000
 \$87,000

Total Other Costs: \$317,500

Total Salaries/Benefits \$914,081

Total Direct Costs:(Salaries & Other Costs) \$1,231,581

Indirect Cost Computation

Total Direct Costs	\$1,231,581	
Less Equipment	- 33,000	
Less Contracts in excess of 25,000		
55,000 - 25,000	30,000	
30,000 - 25,000	<u>5,000</u>	
	35,000	
	- 35,000	
	\$1,158,581	x 15.46%
		\$179,117

GRAND TOTAL ESTIMATE PROGRAM NEED FY96. \$1,410,698

The following estimated distribution of federal and non-federal funds by object class category for fiscal years 1995 - 1996.

	FY-1995	FY-1994
Personnel/Benefits	\$663,833	\$703,914
Fringe Benefits	199,122	210,167
Travel	19,000	27,000
Equipment	33,000	38,000
Supplies	14,000	17,500
Contractual	135,000	148,000
Other Expenses	78,334	87,000
Total Direct Costs	<u>\$1,142,289</u>	<u>\$1,231,581</u>
Indirect Charges	166,085	179,117
	=====	=====
TOTAL	\$1,308,374	\$1,410,698

ATTACHMENT A

TSD FACILITIES

AMOUNT GENERATED IN TONS IN NEW MEXICO

OFF-SITE

1. Rinchem (Filed SQG for 93 Only)
2. Safety Kleen Corp. - Albuquerque
3. Safety Kleen Corp. - Farmington
4. Resource Protection Inc.

TOTAL

ON-SITE

1. Bloomfield Refinery	165,936.107
2. Climax Chemical Co. (Closed)	
3. Eagle Picher Inds.	
4. Giant Refining Co.	3.972
Ciniza Refining	
5. Navajo Refining Co.	910.484
6. Sparton Southwest Inc.	14.941
7. US Air Force Cannon	59.588
8. US Air Force Holloman	95.686
9. US Air Force Kirtland	55.716
10. US Army White Sands	34.790
Missile Range	
11. US Army White Sands	164.661
Test Facility	
12. US DOE Los Alamos Lab.	250.224
Scientific Lab.	
13. US DOE Sandia National Lab.	169.276
14. Phillips Semiconductor	1,164,597.178
15. US Melrose Air Force Range (Filed CESQG for 93 Only)	
16. US Fort Bliss Range	2.824
17. PNM-Person Station (Filed SQG for 93 Only)	
18. Intel Corp.	1,334,472.055
	=====
TOTAL	2,666,767.502

Figure 2-Federal Uniform Hazardous Waste Manifest Form

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved, OMB No. 2050-0039. Expires 9-30-71

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Document No.	2. Page 1 of	Information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address				A. State Manifest Document number		
4. Generator's Phone ()		6. US EPA ID Number		C. State Transporter's ID		
5. Transporter 1 Company Name		7. US EPA ID Number		D. Transporter's Phone		
7. Transporter 2 Company Name		8. US EPA ID Number		E. State Transporter's ID		
9. Designated Facility Name and Site Address		10. US EPA ID Number		F. Transporter's Phone		
				G. State Facility's ID		
				H. Facility's Phone		
S E R I A L N O.	11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)	12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.
	a					
	b					
	c					
Additional Descriptions for Materials Listed Above				K. Handling Codes for Wastes Listed Above		
16. Special Handling Instructions and Additional Information						
<p>16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.</p> <p>If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.</p>						
Printed/Typed Name				Signature		Month Day Year
17. Transporter 1 Acknowledgement of Receipt of Materials				Signature		Month Day Year
Printed/Typed Name				Signature		Month Day Year
18. Transporter 2 Acknowledgement of Receipt of Materials				Signature		Month Day Year
Printed/Typed Name				Signature		Month Day Year
19. Discrepancy Indication Space						
20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 13						
Printed/Typed Name				Signature		Month Day Year

Printed on Recycled Paper

Figure 4 - Uniform Hazardous Waste Manifest Continuation Sheet

Please print or type. (Form designed for use on elite (12-pitch) typewriter.) Form Approved, OMB No. 2050-0029, Expires 6-30-91

UNIFORM HAZARDOUS WASTE MANIFEST <i>(Continuation Sheet)</i>		21. Generator's US EPA ID No.	Manifest Document No.	22. Page	Information in the shaded areas is not required by Federal law.	
23. Generator's Name				L. State Manifest Document Number		
				M. State Generator's ID		
24. Transporter _____ Company Name		25. US EPA ID Number		N. State Transporter's ID		
				O. Transporter's Phone		
26. Transporter _____ Company Name		27. US EPA ID Number		P. State Transporter's ID		
				Q. Transporter's Phone		
28. US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)	29. Containers		30. Total Quantity	31. Unit Wt/Vol	R. Waste No.	
	No.	Type				
S. Additional Descriptions for Materials Listed Above				T. Handling Codes for Wastes Listed Above		
32. Special Handling Instructions and Additional Information						
33. Transporter _____ Acknowledgement of Receipt of Materials						Date
Printed/Typed Name			Signature			Month Day Year
34. Transporter _____ Acknowledgement of Receipt of Materials						Date
Printed/Typed Name			Signature			Month Day Year
35. Company Identification Space						