

US EPA ARCHIVE DOCUMENT

INTRODUCTION

Through this application, the State of New Mexico seeks revision for 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 Title 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, 1994 Code of Federal Regulations Parts 260-270. 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-Corrective Action portion submitted on August 30, 1995. Furthermore, this application also requests final authorization for those revisions identified as RCRA Cluster IV.

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 in the HWMP are: Permitting, Inspection/Enforcement and Technical Compliance.

The Permitting section along with the Technical Compliance section are responsible for reviewing all hazardous waste permit applications for their administrative and technical completeness. During administrative/technical completeness determination, if there are any deficiencies, a Notice of Deficiency (NOD) is issued and resolved before a draft permit is developed and public noticed. All comments received during the public notice are responded to and considered for incorporation into the final permit. All comments, requests for hearings, and the final permit are submitted to the Secretary or his/her designee of the Environment Department for final decision. If the permit is approved and signed by the Secretary or his/her designee, the permit should become effective 30 days after it has been signed. The permit may be appealed within that 30-day period.

The Permitting and Technical Compliance section also review permit modification requests, permit renewals, closure and post closure plan reviews, post closure permit applications, corrective action plans, and issue any necessary enforcement action related to those activities.

The Inspection/Enforcement section is responsible for conducting Compliance Evaluation Inspections (CEI) at facilities which generate, store, treat, transport, and/or dispose of hazardous waste. Facilities range in size from Mom & Pop type shops to large federal facilities. Sampling of environmental media is often necessitated by conditions found at facilities. Complaint investigations are also frequently required. Various types of enforcement actions, from informal warning letters to formal compliance orders with penalties, are initiated against violators of the hazardous waste regulations. The program also conducts activities along the U.S./Mexico border area in New Mexico. These activities include, training of U.S. Customs officials in identification of hazardous waste shipments and monitoring compliance with applicable hazardous waste regulations, conducting inspections of vehicles shipping hazardous materials and wastes into the U.S., and inspecting transfer facilities storing hazardous waste generated in Mexico. Administrative and Special Projects Program also includes the Information Management Section, which maintains the Biennial Reporting System (BRS) and the RCRA Information Management Systems (RIMS, previously known as RCRIS), monitors and submits authorization packages, processes RCRA Notification (8700-12) forms; Annual Hazardous Waste Fee Regulations and forms, responds to and processes Freedom of Information Act requests.

The Technical Compliance section, in addition to their responsibilities addressed under those related to permitting actions, is responsible for conducting Comprehensive Groundwater Monitoring Evaluations (CME) at selected facilities throughout the state and taking necessary enforcement actions. The program also negotiates and provides technical assistance to regulated facilities on the means to achieve compliance and to resolve soil and/or groundwater contamination problems. The program also provides oversight of hydro geological investigations and conducts field inspections. The program additionally has taken lead on selected HSWA Corrective Action activities (RFI process), in anticipation of receiving HSWA authorization.

The program description submitted with this application replaces all prior program descriptions submitted by the state.

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 all required rules for RCRA Cluster IV: 1) Boilers and Industrial Furnaces; Changes for Consistency with New Air Regulations, 2) Testing and Monitoring Activities, 3) Wastes From the Use of Chlorophenolic Formulations in Wood Surface Protection, 4) Recordkeeping Instructions; Technical Amendment, 5) Wood Surface Protection; Correction, and Correction of Beryllium Powder (PO15) Listing, 6) Correction of Beryllium Powder (PO15)

Listing.

Since the State of New Mexico NMED has adopted and incorporated the 1994 Code of Federal Regulations, 40 CFR Parts 260-270 which is equivalent to the Federal RCRA criteria for hazardous waste management, the scope and coverage of New Mexico's hazardous waste program are virtually identical to that of 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 divided into the following programs:

- I. Hazardous Waste Management Program (HWMP)
 - a. Permitting Section
 - b. Inspection/Enforcement Section
 - c. Technical Section
 - d. Administration & Special Projects

- 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 Permitting 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 developed and public noticed. If necessary, staff will testify at Public Hearings and submit recommendations to the Secretary or his/her designee of the (NMED) New Mexico Environment Department regarding the issuing, denying or revoking of permits. A similar public notice 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) at 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 Administration & Special Project program 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 Descriptions, the Attorney General's Statement, Memorandum of Understanding (MOU), Memorandum of Agreement (MOA), the Statutes, and 20 NMAC 4.1 (hazardous waste regulations), and meeting deadlines requested 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 for technical adequacy. They conduct comprehensive Ground-water Monitoring Evaluations (CME), and any Operations and Maintenance Inspections (O&M) on regulated facilities throughout New Mexico. Additionally technical staff communicates directly with regulated facilities on means to achieve compliance and to expeditiously resolve site-specific contamination problems.

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 260-270. 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, most rules in Non-HSWA Cluster I - VI; HSWA provisions RCRA Cluster I - RCRA Cluster III and HSWA Cluster I - II without Corrective Action.

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, Sec.74-44.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/she 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 included in the regulations 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, Sec. 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 IV (July 1, 1993 - June 30, 1994)

1. RCRA Revision Checklist 125: Boilers and Industrial Furnaces; Changes for consistency with New Air Regulations [58 FR 38816-38884], promulgated on July 20, 1993 (RCRA Cluster IV, HSWA/non-HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. This final rule was promulgated pursuant to the Clean Air Act, rather than the Resource conservation and Recovery Act, and primarily amends the "Guideline on Air Quality Models (Revised)" (referred to as the "Guideline") in 40 CFR Parts 260 and 266 to ensure that the guidelines for air quality modeling and screening for boilers and industrial furnaces burning hazardous wastes are consistent with the guidelines in 40 CFR Part 51. Specifically, EPA is removing Appendix X to 40 CFR Part 266 and is changing references to the Guideline in that Part to refer to 40 CFR Part 51, Appendix W. EPA also revises the "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources" reference at 260.11(a).
2. RCRA Revision Checklist 126: Testing and Monitoring Activities [58 FR 46040-46051], promulgated on August 31, 1993 as amended September 19, 1994, at [59 FR 47980-47982] (RCRA Cluster IV, HSWA/Non-HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. New Mexico does not have a delisting program and does not wish to adopt the Federal delisting program at this time. The August 31, (58 FR 46040) rule replaces the current Second Edition (including Updates I and II) of the EPA-approved "Test Methods

for Evaluating Solid Waste, Physical/Chemical Methods," SW-846, by incorporating by reference the third Edition (and its first update) in Sec. 260.11. This rule also revises Part 261 Appendices II (Method 1311, Toxicity Characteristic Leaching Procedure) and III (Chemical Analysis Test Methods) to refer directly to SW-846; deletes Part 261 Appendix X (Method of Analysis for Chlorinated Dibenzo-p-dioxins and Dibenzofurans); and revises Part 268 Appendices I (Toxicity Characteristic Leaching Procedure) and IX (Extraction Procedure Toxicity Test) to refer to SW-846. In conjunction with these changes, various references to the methods formerly contained in these appendices are changed to refer directly to SW-846. The September 19th (59 FR 47980) rule corrects the unintended removal of text from 40 CFR 268.7(a) by August rule. Paragraph 268.7(a) sets out the generator waste analysis and recordkeeping requirements of the land disposal restrictions under Subtitle C of RCRA. The August rule revised the reference to Appendix IX of Part 268 to refer to SW-846 Methods 1311 and 1310, instead.

3. RCRA Revision Checklist 128: Wastes From the Use of Chlorophenolic Formulations in Wood Surface Protection [59 FR 458-469], promulgated on January 4, 1994 (RCRA Cluster IV, Non-HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. Three categories of wastes (F032, F034 and F035) from wood preserving processes were listed as hazardous in 1990 (55 FR 50450; Revisions Checklist 82). A final listing determination for wood surface protection wastes was deferred due to lack of data (53 FR 53282). This present rule announces that upon reviewing the public comments received on its proposal of April 27, 1993 (58 FR 257907), EPA has decided not to list wastes from the use of chlorophenolic formulations in wood surface protection processes. As a result of this determination, EPA is not mandating in this rule any specific operating or information collection requirements for owners/operators of wood surface protection plants. However, the Agency would very likely re-evaluate this decision not to list if use of chlorophenolic formulations resumes in the future. Although this final rule does not list as hazardous any wastes from wood surface protection processes, EPA believes that certain constituents contained in these wastes warrant inclusion in 40 CFR Part 261, Appendix VIII. Thus, the Agency is adding the following four chemicals to Part 261, Appendix VIII: the sodium and the potassium salts of pentachlorophenol and of tetrachlorophenol. This rule also finalizes the proposed amendment of SW-846 ("Test Methods for Evaluating Solid Waste, Physical/Chemical Methods") to include Method 4010 (Immunoassay Test for the Presence of Pentachlorophenol). NOTE the date (November 1986) given in the FR appears to be an error because the date on the third edition of SW-836 is September 1986 as was indicated in the Federal Register (58 FR 46040; August 31, 1993) addressed by Revision Checklist 126.
4. RCRA Revision Checklist 131: Recordkeeping Instructions; Technical Amendment [59 FR 13891-13893], promulgated on March 24, 1994 (RCRA Cluster IV, Non-HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. This rule amends the recordkeeping instructions in Appendix I of Part 264 and Appendix I of Part 265 so that unit of measurement of codes and handling codes, used by hazardous waste treatment, storage and disposal and disposal

facilities to maintain records on-site, match the codes used by these facilities on the Part A Permit Application Form. This technical amendment also adds handling codes for the proper recording of those processes relating to Boilers and Industrial Furnaces and Miscellaneous Units facilities. The Agency intends this amendment to encourage the consistent recordkeeping and reporting of information by hazardous waste treatment, storage and disposal facilities.

5. RCRA Revision Checklist 132: Wood surface Protection; Correction [59 FR 28484], promulgated on June 2, 1994 (RCRA Cluster IV, Non-HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. This notice corrects inaccurate references to EPA Publication SW-846 in the final rule published January 4, 1994 (59 FR 458; Revision Checklist 128).
6. RCRA Revision Checklist 134: Correction of Beryllium Powder (PO15) Listing [59 FR 31551-31552], promulgated on June 20, 1994 (RCRA Cluster IV, Non-HSWA provisions). New Mexico has adopted and incorporated by reference the federal rule. On April 22, 1988, EPA published a technical correction to the lists of hazardous wastes in 40 CFR 261.33(e) and (f) (Revision Checklist 46, 53 FR 13382). In that notice the work "dust" was inadvertently omitted from the PO15 listing for "beryllium dust" in the 261.33(e) list of hazardous wastes. In addition, the sole manufacturer of this commercial chemical product has since indicated that the term "beryllium dust" is not used by the industry to describe this commercial chemical product; the actual term used by the industry is "beryllium powder." This technical correction, thus, adds "powder" to the PO15 hazardous waste listing for "beryllium" and makes conforming changes to the list of hazardous constituents in Part 261 Appendix VIII and to Table to Sec. 268.42(a). Conforming changes were also made to the CERCLA list of hazardous substances, although only the changes to the RCRA regulations are addressed by this checklist.

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, Sec.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, an 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, an informal public meeting is 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 a decision 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. All permit modification requests must also 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/or 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 plan to 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) at 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, and to ensure compliance with 40 CFR and State Regulations. CEI's are conducted at 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 and a written description of the violation(s) is required.

An effective and efficient enforcement and compliance monitoring section 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 personal 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, manifest 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 labeling and dating is provided. If potential violations are found, a violation worksheet, in addition to field notes 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 routine 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

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.

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

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 as been received by the NMED which has lead 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 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 site of non-compliance to conduct an 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 Violator (LPV). The criteria for what makes a HPV, MPV, or LPV is set out in the Enforcement Memorandum of Understanding 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 records and responsiveness of an 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, Sec. 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 the violator of its failure to comply with such requirements. A compliance order will be issued and penalties will be issued 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 a 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 Act 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) of the New Mexico Rules of Civil Procedure, SCRA, 1-024(a) which allows for interventions 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.

Administration & Special Projects

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 a 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

The Technical Compliance 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 have groundwater and soil monitoring systems which will detect the release of hazardous wastes or hazardous constituents

from all regulated units. The Technical Compliance Program provides technical assistance through the review of groundwater and soil monitoring systems, sampling and analysis plans, assessment plans, and any required remediation proposals associated with RCRA Permit development or Permit enforcement.

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 Program where appropriate.

To assure adherence with the New Mexico Hazardous Waste Act the process includes conducting a Comprehensive Groundwater 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 Technical Compliance process also includes direct communication with regulated facilities on the means to achieve compliance and to resolve site-specific contamination problems in a timely manner.

ESTIMATED TYPES AND NUMBERS OF REGULATED FACILITIES

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		N/A	
into the state -0-			
out of state	7		
3) Storage/Treatment		See Attachment A	
Onsite -	16	2,666,767.502	Offsite-
	4		
4) Disposal		N/A	

Onsite - -0-
Offsite - -0-

5) Incinerator N/A
Onsite -1-
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 Tanks 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 and 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 program 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 Section

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

1. Administrative and Technical review of applications for operating permits submitted by commercial and federal facilities.
2. Issuance of hazardous waste management permits.

3. Review and approval of closure/post 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 Research Development & Demonstrating (RDD) permits.
9. Issuance of RDD permits
10. Response to inquiries from the public regarding regulatory issues affecting the management of hazardous materials.
11. Meet commitments to a any grants relative to RCRA permitting or RCRA permitting related issues.

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. Reviews 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 requests additional permit information as necessary. Recommends the issuance of NOD'S for those applications determined to be incomplete. Creates an enforcement checklist on those permitted facilities. Recommends the issuance or denial of a permit. Review closure plans/post closure plans for technical completeness. Perform duties assigned by the Bureau Chief/Program Manager as they apply to the Permitting Section.

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.

Inspection/Enforcement Section

The Inspection/Enforcement section 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 inspectors time, although other inspections are performed in response to complaints, referrals from other regulatory agencies, and consultations.

This program consists of one (1) Program Manager, one (1) Water Resource Engineering Specialist I, one (1) Water Resource Specialist III, one (1) Environmental Scientist and three (3) Environmental Specialists, one of which is a state-funded position. Their respective duties and responsibilities are as follows:

Health Program Manager: (one position)

Supervises, directs and monitors all activities performed by the Inspection/Enforcement Staff. Prepares and presents budget requests, mid-year and end-of-year reports, workplan and 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 consults with respective supervisors, hires additional staff.

Water Resource Engineering Specialist I: (one position)

Functions as the supervisor and senior inspector/trainer for the RCRA Inspection Group. This position assist's in the EPA/State Work Grant negotiations, inspection scheduling, inspection file review and evaluation, research, training and supervision

of the staff in their inspection and enforcement duties.

Water Resource Specialist III: (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 III.

Environmental Specialist: (three positions)

The duties of the Environmental Specialist are the same as the Water Resource Specialist III and the Environmental Scientist, with the exception that one of the Environmental Specialists is 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 Section

The Technical Compliance section performs reviews of the specified facilities in the following areas:

- Technical adequacy reviews of operating permit applications and closure/post-closure plans and selected HSWA Corrective Action facility deliverables.
- 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, and one (1) Environmental Specialist; the Work Grant positions include one (1) Geologist III, one (1) Environmental Specialist, and 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, and Work Grant negotiations, determines staff training needs and makes recommendations for training, evaluates staff performance, and 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)

Functions as the supervisor and is 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: (two positions)

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

Environmental Scientist: (one position)

Duties are basically the same as the Environmental Specialist.

Administration

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

Bureau Chief: (one position, part time)

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.

Manager V:

Supervise the following programs: RCRA authorization, radon training and mitigation activities, WIPP training for emergency responses, coordination of mill tailings reclamation at Ambrosia Lake and Radiologic Technologist certification and continuing education activities. In addition, supervise all administrative functions and special projects.

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 submittal. 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 Regulators 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 base 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: (one position)

Perform administrative reports and 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 : (one position)

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, Administrative Services Division staff, Environmental Improvement Board and the Office of General Counsel.

2. Technical support as provided by other program 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 fees prior to processing a permit application. It is estimated that an average of \$100,000 to \$150,000 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.

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. Ciniza Refining	3.972
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 Missile Range	34.790
11.	US Army White Sands Test Facility	164.661
12.	US Doe Los Alamos Scientific Lab	250.224
13.	US Doe Sandia National Lab	169.276
14.	Phillips Semiconductor	1,164,597.178
15.	US Melrose Air Force Range (Filed CESQG 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

Budget Detail - Attachment B

Travel (FY95)
 Instate travel for EPA & other related meetings, inspections,
 and to participate in US/Mexico HW Work Group meetings
 on Border issues. \$9,000.00

Out of State Travel to participate in US/Mexico
 Hazardous Waste Comm. Work Group meetings and for
 EPA meetings. Data Management Group. \$10,000.00
 Includes gas, oil, vehicle maintenance & insurance,
 and staff travel expenses.

Equipment
 Computer Equipment - 4 personal computers \$18,000.00
 1 Vehicle replacement-estimated cost: \$15,000.00

Supplies
 Field & office supplies, educational supplies, xerox
 maintenance & ISD computer time. \$12,000.00
 Protective clothing: Jackets, safety
 glasses, shoes, coveralls, hats etc. \$2,000.00

Contractual
 EPA for IPA Assignee/Salaries & Benefits \$55,000.00
 Hearing Officer Contractual Services \$15,000.00
 Analytical Technologies, Inc. for sample analysis \$20,000.00
 Baseline Physicals & Spirometry Exam Contractor \$2,000.00
 Legal Services Bureau-Attorney Fees \$30,000.00
 UNM Institute of Public Law for Regulations Review \$13,000.00
 \$135,000.00

Other Expenses
 Printing & Photographic Services \$3,334.00
 Advertising-EPA requested increase in public notices. \$6,000.00
 Postage/Express Mail/Fax \$5,000.00
 Rent of Building \$48,000.00
 Telephone Expense \$8,000.00
 Employee Training & Education-course fees \$8,000.00
 \$78,334.00

Total Other Costs: \$279,334.00
 Total Salaries/Benefits \$684,793.00
 Total Direct Costs:(Salaries & Other Costs) \$964,127.00

Indirect Cost Computation
 Total Direct Costs \$964,127.00
 Less Equipment - 33,000.00
 Less Contracts in excess of 25,000 - 35,000.00
 55,000 - 25,000 30,000 896,127.00
 30,000 - 25,000 5,000
 35,000

Indirect Cost Base 896,127.00 X 15.46% =\$138,541.00
 GRAND TOTAL ESTIMATED PROGRAM NEED FY95:\$1,102,668.00

Attachment C

PERSONNEL - Salaries & Benefits
 - Includes Retirement, Health Benefits, FICA
 - Annual and Sick Leave, Life Insurance

<u>PERMITTING</u>	<u>SALARIES</u>	<u>BENEFITS</u>	<u>FTE</u>
HPM 1	38,820	11,646	1.0
WRS 2	35,150	10,545	1.0
ENV. SPEC	41,974	12,592	1.0
ENV. SPEC	30,032	9,010	1.0
SEC. 3	18,122	5,437	1.0
ENV. SPEC	<u>30,032</u>	<u>9,010</u>	<u>1.0</u>
	194,130	58,240	6.0
<u>INSPECTION & ENFORCEMENT</u>			
HPM 1	37,276	11,183	1.0
WRS 2	30,032	9,010	1.0
WRS 3	34,262	10,279	1.0
ENV. SPEC	32,205	9,010	1.0
ENV. SPEC	27,697	8,309	1.0
ENV. SPEC (Border)	<u>30,919</u>	<u>9,276</u>	<u>1.0</u>
	192,391	57,719	6.0
<u>TECHNICAL & COMPLIANCE</u>			
ENV. SCIEN	27,697	8,309	1.0
GEOLOGIST 3	37,580	11,274	1.0
ENV. SPEC	<u>30,919</u>	<u>9,276</u>	<u>1.0</u>
	96,196	28,859	3.0
<u>INFORMATION/ MANAGEMENT</u>			
MANAGEMENT ANALYST 1	26,152	7,846	1.0
MANAGEMENT ANALYST 3	27,697	8,309	1.0
<u>ADMIN/CLERICAL</u>			
BUREAU CHIEF @25%	13,752	4,126	.25
ADMIN. SEC	13,520	4,056	.50
FINANCIAL SPEC @25%	6,801	2,040	.25
SEC. 3	<u>18,650</u>	<u>5,595</u>	<u>1.00</u>
	106,572	31,972	4.0
TOTAL	\$589,289	176,790	19.0
TOTAL SALARIES & BENEFITS		\$766,079	

Budget Detail - Attachment D
(FY96)

Travel

Instate travel for EPA related meetings, inspections, and for US/Mexico
US/Mexico Border issues. \$12,000.00

Out of State Travel to participate in US/Mexico
Hazardous Waste Comm. Work Group meetings and for EPA
meetings. Includes gas, oil, vehicle maintenance & insurance,
and staff travel expenses. \$15,000.00

Equipment

Computer Equipment - 4 personal computers \$20,000.00
1 Vehicle replacement-estimated cost: \$18,000.00

Supplies

Field & office, & educational supplies, office machine
maintenance & ISD computer time. \$15,000.00

Protective clothing: Jackets, safety glasses, \$2,500.00
shoes, coveralls, hats etc.

Contractual

EPA for IPA Assignee/Salaries & Benefits \$294,537.00
Hearing Officer Contractual Services \$25,000.00
Analytical Technologies, Inc. for sample analysis \$20,000.00
Baseline Physicals & Spirometry Exam Contractor \$5,000.00
Attorney Fees \$30,000.00
UNM Institute of Public Law for Regulations Review \$13,000.00
\$387,537.00

Other Expenses

Printing & Photographic Services 4,000.00
Advertising-EPA requested increase in public notices. 7,000.00
Postage/Express Mail/Fax 6,000.00
Rent of Building 50,000.00
Telephone Expense 11,000.00
Employee Training & Education-Course Fees 9,000.00

\$ 87,000.00

Total Other Costs: \$ 557,037.00

Total Salaries/Benefits \$ 766,079.00

Total Direct Costs: (Salaries & Other Costs) \$1,323,116.00

Indirect Cost Computation

Total Direct Costs	\$1,323,116.00
Less Equipment	- 30,000.00
Less Contracts in excess of >25,000	<u>-274,537.00</u>
Contracts 25,001 to 294,537	\$1,018,579.00
Base for Indirect Cost	X 20.79%= \$211,763.00
GRAND TOTAL ESTIMATED PROGRAM NEED FOR FY96	\$1,534,879.00

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 9-30-91

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			
		B. State Generator's ID			
4. Generator's Phone ()	5. Transporter 1 Company Name		6. US EPA ID Number	C. State Transporter's ID	
				D. Transporter's Phone	
	7. Transporter 2 Company Name		8. US EPA ID Number	E. State Transporter's ID	
				F. Transporter's Phone	
9. Designated Facility Name and Site Address		10. US EPA ID Number		G. State Facility's ID	
		H. Facility's Phone			
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)			12. Containers		13. Total Quantity
			No.	Type	14. Unit Wt/Vol
a.					
b.					
c.					
d.					
e.					
15. 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					
18. Transporter 2 Acknowledgement of Receipt of Materials			Signature		Month Day Year
Printed/Typed Name					
19. Discrepancy Indication Space					
20. Facility Owner or Operator. Certification of receipt of hazardous materials covered by this manifest except as noted in item 19.					
Printed/Typed Name			Signature		Month Day Year

Printed on Recycled Paper

EPA Form 8700-22 (Rev. 9-84) Previous editions are obsolete.

4-Uniform Hazardous Waste Manifest Continuation Sheet

Please print or type. (Form designed for use on elite (12-pitch) typewriter.) Form Approved, OMB No. 2050-0039, Expires 9-30-91

UNIFORM HAZARDOUS WASTE MANIFEST (Continuation Sheet)		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				
a.						
b.						
c.						
d.						
e.						
f.						
g.						
h.						
i.						
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. Discrepancy Indication Space

