

New Mexico Health and Environment Department

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Secretary

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Deputy Secretary

RICHARD MITZELFELT
Director

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

November 17, 1989

Mr. Don Brinkman, President
Safety-Kleen Corporation
777 Big Timber Road
Elgin, Illinois 60123

**RE: Notice of Violation
NMD000804294**

Dear Mr. Brinkman:

On November 7, 1989 the New Mexico Environmental Improvement Division (EID) conducted a hazardous waste inspection at Safety-Kleen's Albuquerque Service Center (SK-ASC). This letter is EID's notice that, based on our review of the information obtained, EID has determined that SK-ASC has violated the New Mexico Hazardous Waste Management Regulations (HWMR-5, as amended 1989). The purpose of this letter is to delineate the violations in writing and to require SK-ASC to comply with HWMR-5.

The violations are:

1. The facility's personnel training program is directed by a person who has insufficient documentation of his formal training in hazardous waste management procedures. This trainer apparently has not had any formal training since 1985. Failure to demonstrate that the trainer is adequately trained in hazardous waste management procedures is a violation of HWMR-5, Part VI, 40 CFR section 265.16(a)(2).
2. One employee has not had training within six months of being hired. This is a violation of HWMR-5, Pt. VI, sec. 265.16(b).
3. The apparent refusal by the local police and hospital to enter into arrangements as provided in HWMR-5, Part VI, sec. 265.37 has not been documented in the facility operating record. This is a violation of HWMR-5, Pt. VI, sec. 265.37(b).

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4. Two drums containing a small amount of liquid waste naphtha and sludge were being stored open next to the drain and fill station. Failure to keep containers closed is a violation of HWMR-5, Pt. VI, sec. 265.173(a).

5. Containers holding ignitable waste (naphtha) are located within fifty feet of the facility property line. This is a violation of HWMR-5, Pt. VI, sec. 265.176.

6. The facility closure plan does not contain an estimate of the expected year of closure as required by HWMR-5, Pt. VI, sec. 265.112(b)(7).

In accordance with Section 74-4-10 of the New Mexico Statutes Annotated (NMSA), 1978 (1989 Supp.), you have thirty (30) calendar days from the receipt of this notice to provide documentation that the aforementioned violations have been corrected. Within this thirty day period you may request a meeting to discuss the violations, the required corrective actions and/or a settlement agreement. Such a meeting must be held within this thirty day period and will not suspend the thirty day deadline for compliance or settlement.

If you fail to correct the violations cited in this Notice of Violation (NOV) within the specified time frame, you shall be subject to one or more of the following:

1. an order requiring compliance within a specified period, pursuant to Section 74-4-10 NMSA, 1978 (1989 Supp.), and/or an order assessing civil penalties of up to \$10,000 per violation for each day of continued noncompliance, pursuant to Sections 74-4-10 and 74-4-12 NMSA, 1978 (1989 Supp.).

2. a civil action in district court for appropriate relief, including a temporary or permanent injunction, pursuant to Section 74-4-10 NMSA, 1978 (1989 Supp.), and/or the assessment of civil penalties of up to \$10,000 per violation for each day of continued noncompliance, pursuant to Sections 74-4-10 and 74-4-12 NMSA, 1978 (1989 Supp.).

Any settlement reached shall be finalized upon the issuance of a written settlement agreement by the Director of EID. This issuance of a settlement agreement shall constitute a waiver on your part to request a hearing pursuant to this notice.

In addition to the violations mentioned above, apparent violations of the land disposal restriction (LDR) requirements (40 CFR Part 268) regarding the facility waste analysis plan and notification for restricted wastes managed offsite were noted

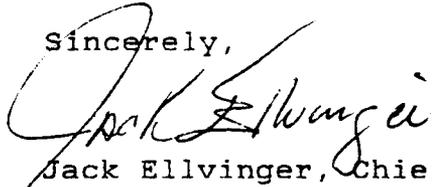
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during the inspection. The authorized State program does not include the LDR regulations which became effective November 8, 1986. Therefore, the U.S. Environmental Protection Agency implements and enforces the LDR regulations. This notice is a courtesy, and does not preclude any future formal or informal enforcement action which the EPA may determine to be appropriate regarding the apparent LDR violations mentioned above.

Compliance with the requirements of this NOV does not relieve SK-ASC of its obligation to comply with HWMR-5 in other activities which it carries on, nor does it relieve SK-ASC of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this notice, please contact Mr. Coby Muckelroy at (505)827-2929 or at our address. Please also address to Mr. Muckelroy's attention the information you provide in response to this letter.

Sincerely,



Jack Ellvinger, Chief
Hazardous Waste Bureau

JE/cm

cc: Lynn Prince, U.S. EPA Region VI (6H-HS)
Dan Vigil, EID District I Office
Dave Rockwell, Safety-Kleen, Albuquerque