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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VI
1445 ROSS AVENUE
DALLAS, TEXAS 75202

JAN 10 1990

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

WARNING LETTER

Mr. Dave Pockwell
Branch Manager
Safety Kleen Corporation
2720 Girard Avenue
Albuquerque, New Mexico 87107

Re: Safety Kleen Corporation
EPA I.D. No. NMD000804294

Dear Mr. Rockwell:

This is a Warning Letter to notify you that your facility may be violating legal requirements of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 66901, et seq.

During the November 7, 1989, inspection of Safety Kleen, Albuquerque, New Mexico, potential violations pertaining to the RCRA land disposal restrictions were noted. The regulations which set out the prohibitions on management of restricted wastes are being promulgated in phases. These regulations can be found at 40 CFR Part 268 and revisions to Parts 260-265 and 270.

The State of New Mexico is authorized by the Environmental Protection Agency (EPA) to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. 66926. However, the authorized State program does not include the provisions of Hazardous and Solid Waste Amendments (HSWA), Public Law No. 98-616., 98 Stat. 3221 (1984), and regulations promulgated thereunder. Therefore, EPA implements and enforces those regulations which are promulgated pursuant to HSWA, including the land disposal restrictions.

I. Waste Analysis Plan

- A. EPA believes that Section 6265.13, which was revised to include provisions for Part 268, has been violated. Section 6265.13 states, in part (emphasis added):

(b)(6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in 68265.13, 265.225, 265.252, 265.273, 265.314, 265.341, 265.375, 265.402, and 268.7 of this chapter.

- B. The waste analysis plan reviewed at the time of the inspection failed to include the land ban restricted waste requirements of 40 CFR 268.7.
- C. The waste analysis plan must be revised to include the 40 CFR 268.7 testing and certification requirements. The amended plan must include:
 - (a)(1) provisions for testing the waste, or an extract, developed using the test method described in Appendix I to Part 268 - Toxicity Characteristic Leaching Procedure (TCLP); and
 - (2) provisions for testing an analysis which provide sufficient information to determine the following:
 - (i) presence of the California List and/or the F-solvent (F001-F005) wastes [e.g., paint stripper waste containing methylene chloride (F002)];
 - (ii) applicable treatment standards for wastes which contain the California List and/or the F-solvents; and
 - (iii) qualification of waste for extension of the effective date; or
 - (b) a statement which says that the facility will, by "knowledge of waste," consider all generated, stored, treated and disposed wastes which contain F-solvents to exceed the treatment standards, and will attach the proper notification to the manifest as specified in Section 268.7 (a)(1).

II. Notification

- A. EPA believes that Section 268.7(a)(1) of RCRA has been violated. Section 268.7(a)(1) states:
 - (a)(1) If a generator determines that he is managing a restricted waste under this part and the waste does not meet the applicable treatment standards set forth in Subpart D of this part or exceeds the applicable prohibition levels set forth in §268.32 or RCRA Section 3004(d), with each shipment of waste the generator must notify the treatment or storage facility in writing of the appropriate treatment standards set forth in Subpart D of this part and any applicable prohibitions set forth in §268.32 of this part or RCRA Section 3004(d). The notice must include the following information.
 - (i) EPA Hazardous Waste Number;
 - (ii) the corresponding treatment standard;
 - (iii) the manifest number associated with the shipment of waste; and
 - (iv) waste analysis data, where available.

- B. Upon review of the RCRA Land Disposal Restriction checklist and State summary for the inspection conducted at Safety Kleen on November 7, 1989, it appears that you have failed to attach notification to the manifests for each shipment of restricted waste off-site.

EPA requires adherence to the regulations found in 40 CFR §268. If you have not already done so, you must take immediate remedial action to implement the 40 CFR (§265 and §268) requirements. You must submit, within twenty (20) days of receipt of this letter, documentation, and a description of the actions you have taken to correct the violations noted above, and to implement the regulations of 40 CFR (§265 and §268). Failure to comply with the requirements of this Warning Letter may subject you to liability for the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance in accordance with Section 3008 of RCRA, 42 U.S.C. §6928.

If you have any questions regarding this Warning Letter, please contact Laurie Pham, U.S. Environmental Protection Agency, Region 6 (6H-CS), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, (214) 655-2192.

Sincerely yours,

/s/
Allan M. Davis
Director
Hazardous Waste Management Division (6H)

cc: Mr. Jack Ellvinder, Program Manager
Hazardous Waste Section
New Mexico Environment Improvement Division