



New Mexico Health and Environment Department

January 26, 1990

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

**RE: Response to Notice of Violation  
NMD000804294**

Dear Mr. Brinkman:

The New Mexico Environmental Improvement Division (EID) has received Safety-Kleen's initial response dated December 4, 1989 and the follow-up response dated January 8, 1990 addressing the November 17, 1989 Notice of Violation (NOV) letter. Based on the actions taken as outlined in these responses, the EID has determined that Safety-Kleen has adequately addressed the violations cited in the referenced NOV. Therefore, we are closing out the enforcement action regarding the NOV.

Regarding container storage of ignitable waste within fifty feet of the property line, removal of the open drums containing naphtha near the return and fill shelter resolves this violation. Regarding the return and fill shelter, we accept the allegation that this facility is ancillary equipment connected to the waste naphtha underground storage tank. Since the tank integrity assessment conducted by TERA, Inc. included assessment of the return and fill shelter system, the applicable tank requirements have been met. We also understand that Safety-Kleen wishes to relocate this system, and is awaiting the Hazardous Waste Section Permit Unit's approval of the project.

Thank you for your attention and cooperation in this matter. If you have any questions, please contact Mr. Coby Muckelroy at (505)827-2924.

Sincerely,

*Boyd Hamilton*  
Boyd Hamilton  
Program Manager  
Hazardous Waste Section

BH/cm

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

GARREY CARRUTHERS  
Governor

DENNIS BOYD  
Secretary

MICHAEL J. BURKHAR  
Deputy Secretary

RICHARD MITZELFELT  
Director

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5. Lack of fifty foot buffer for storage of ignitable wastes -

It has come to my attention through our telephone conversation that your concern is not with drum storage but rather with the proximity to the fence of our Return and Fill shelter. The fifty foot buffer zone requirement for ignitable waste storage is applicable to containerized waste. Our wet dumpsters are not containers as per the definition of container found in 40 CFR 260.10, for the simple reason that they are not portable. They are fixed units. Safety-Kleen Corporation contends that the buffer zone requirement is not applicable.

As pointed out in my previous letter, we are anxious to relocate that structure such that it is away from the fence line, and await N.M. EID approval for the project.

I hope that this information satisfies your needs. It is our intention to comply and to respond to N.M. EID guidance. Please contact me at 713/261-0429 with further questions or comments.

Sincerely,



J.L. Lanahan  
Environmental Engineer

attachment

cc: 7-008-01 Compliance file  
7-008-01  
Denver Reg. Mgr.  
Lynn Prince, U.S. EPA Region VI (6H-HS)  
B. Wachsmuth