



January 26, 1990
JL 90-216

Allyn M. Davis, Director
Hazardous Waste Management Division (6H)
US Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

Re: Safety-Kleen Corp., NMD000804294

Dear Mr. Davis:

The purpose of this letter is to respond in writing to the matters set forth in your letter of January 10, 1990. Our response is a good faith effort to resolve your agency's concerns. It is our intention and expectation that nothing in this letter shall be construed as an admission or used against the Company in any administrative or judicial proceeding. The Company expressly reserves any and all defenses it might have to the matters set forth in your letter and does not intend to waive any of those defenses by making this response.

The matter at hand is an allegation that Safety-Kleen's Albuquerque, NM facility is operating in violation of 40 CFR 265.13, which, as emphasized in your letter, requires compliance with 40 CFR 268.7. We feel that we are compliant with land disposal restrictions, and hope that this letter will satisfy EPA concerns in this regard.

Safety-Kleen is in the business of providing a closed-loop recycling service whereby our Company distributes specialty solvents to our customers, then collects those solvents from the customer, and recycles it for re-distribution to them. Among those solvents are materials that are F001-F005 listed when generated as waste at the customer location.

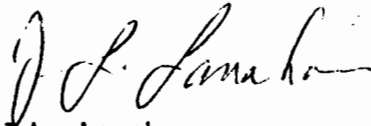
Enclosed is a copy of the land ban notification form used for shipment of restricted waste from generator to TSD and between TSD's. Also enclosed are copies of two (2) pages added to the Waste Analysis Plan at the facility. It is our contention that laboratory analyses, our knowledge of the waste, and the use of these notifications accompanying ALL restricted wastes meet the requirements of 40 CFR 268.7.

Allyn M. Davis
January 26, 1990
Page Two

We recognize that this is a serious matter, and that EPA considers it so. It is Safety-Kleen Corporate Policy to maintain compliance with applicable environmental regulations, of which we clearly understand this to be one. Within the Company there is no exception to the explicit Corporate Policy mandated method by which we handle restricted wastes. This issue has been reviewed by EPA Region VII personnel, who were satisfied with our response.

Again, Safety-Kleen takes this matter seriously. We believe that we are compliant. Please contact me at 713/261-0429 if you have any further comments or questions regarding our handling of restricted wastes. We wish to resolve the matter and to become compliant if we are not.

Sincerely,



J.L. Lanahan
Environmental Engineer
South Central Region

Enclosures

JL/pw

cc: Rick Peoples
Jack Ellvinger, Program Mgr.
Hazardous Waste Section
New Mexico Environment Improvement Division
7-008-01

NOTICE OF LAND DISPOSAL RESTRICTION OF WASTE

TO: Designated Facility

EPA ID No.: Designated Facility

Address

Under manifest number _____ the generator noted below is shipping to you a waste determined to be restricted under 40 CFR Part 268. In accordance with 40 CFR 268.7, the generator hereby provides notice that the waste is restricted and the EPA waste type and the appropriate treatment standards are as follows:

(check all that apply)

LINE NO.	WASTE NAME	EPA WASTE TYPE	RESTRICTED CONSTITUENTS	TREATMENT STANDARD (mg/l)
___	Petroleum naphtha	D001	Halogenated Organic Compounds	1000
			Lead	500
___	Petroleum naphtha (sludge)	D001, D006, D008	Halogenated Organic Compounds	1000
			Lead	500
			Cadmium	100
___	Compound Cleaning Liquid (Immersion Cleaner)	F002, F004	Cresylic Acid 1,2-dichlorobenzene Methylene chloride	0.75 0.125 0.96
___	Tetrachlorethylene	F002	Tetrachlorethylene	0.05
___	Trichlorotrifluoroethane	F002	Trichlorotrifluoroethane	0.96
___	Paint Related Material	F003, F005	Acetone Methyl Ethyl Ketone Methyl Isobutyl Ketone Toluene Xylene	0.59 0.75 0.33 0.33 0.15

The constituent composition is based upon knowledge of the waste.

Generator Name: _____ EPA ID#: _____

Generator Representative Signature: _____

Name & Title of Representative: _____
(print or type)

S-K Sample Number: _____

All D001 mineral spirits wastes, including solvent, sludges, filter bags, and liner bags will be managed as Land Disposal Restricted wastes. The reasons for this are the frequent presences of lead, cadmium, and halogenated solvents within these D001 wastes.

By knowledge of the waste, Safety-Kleen presumes that those D001 petroleum naphtha related wastes managed at the facility exceed treatment standards for California List materials and will attach proper Land Disposal Restriction notification to the manifest as specified in Section 268.7(a)(1).

They will be attached as follows:

1. Printing the Notice language on the manifests - such as for core-business customers to branch shipments; or
2. Special forms for each regularly handled waste types (e.g., IC, perc, freon); or
3. A general form that must be completed for unique of non-standard waste streams.

Notification is required paperwork for all petroleum naphtha related wastes managed at this facility.

Shipments lacking the proper Notice will not be accepted by any Safety-Kleen facility. When a shipment with the proper Notice is received, the Notice is kept in the files of the receiving facility with the manifest or with the pre-print if a manifest is not used. A set of forms is in Appendix D.

All F001 - F005 wastes that Safety-Kleen handles are spent materials that were sold by Safety-Kleen before their use and subsequent generation as waste. By knowledge of the waste, Safety-Kleen presumes that those F001 - F005 wastes exceed treatment standards and will attach proper Land Disposal Restriction notification to the manifest as specified in Section 268.7(a)(1).

They will be attached as follows:

1. Printing the Notice language on the manifests - such as for core-business customers to branch shipments; or
2. Special forms for each regularly handled waste types (e.g., IC, perc, freon); or
3. A general form that must be completed for unique of non-standard waste streams.

Notification is required paperwork for F001 - F005 waste types.

Shipments lacking the proper Notice will not be accepted by any Safety-Kleen facility. When a shipment with the proper Notice is received, the Notice is kept in the files of the receiving facility with the manifest or with the pre-print if a manifest is not used. A set of forms is in Appendix D.