



New Mexico Health and Environment Department

GARREY CARRUTHERS  
Governor

DENNIS BOYD  
Secretary

MICHAEL J. BURKHART  
Deputy Secretary

RICHARD MITZELFELT  
Director

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

RE: NOTICE OF VIOLATION  
NMD000804294

August <sup>21</sup>~~14~~, 1990

Mr. Scott Fore  
Vice President, Environment  
Health and Safety  
Safety-Kleen Corporation  
777 Big Timber Road  
Elgin, IL 60120

Dear Mr. Fore:

The Environmental Improvement Division (EID) has reviewed the Part B Application (Part B) for Safety-Kleen's Service Center in Albuquerque. The application includes two container storage units and one underground storage tank and was originally submitted September 16, 1987. Since the original submittal, Safety-Kleen has provided two updated texts, November 7, 1989 and May 4, 1990, in response to EID completeness reviews. Additional document review included the following: (1) The double-walled tank design and installation assessment, (2) the RCRA Facility Assessment Report, (3) the Site Assessment (Fault Analysis Document), and (4) Certification of Liability Insurance issued September 18, 1989.

Based on this review, EID has found the application to be deficient and therefore in violation of the New Mexico Hazardous Waste Management Regulations (HWMR-5, as amended 1989), Part IX, 40 CFR section 270.10. The remainder of this letter is a written delineation of the deficiencies noted and the actions required by Safety-Kleen to correct them.

**Pt. IX, 40 CFR sec. 270.11, Required Signatures**

1. Pt. IX, sec. 270.11 requires that a responsible corporate official sign all permit applications and reports required by permits. They must also include the certification described in Pt. IX, sec. 270.11 (c).

Provide the necessary signatures and statements as described above.

**Pt. IX, 40 CFR sec. 270.13, Contents of Part A**

2. Pt. IX, sec. 270.13 (h) requires the following: (1) a scaled drawing of the facility showing the location of all present, past and future treatment, storage, and disposal areas, and (2) photographs of the facility showing existing structures; existing storage areas; and sites of future storage areas.

Delineate on the site plan the 1500-gallon sump closed in 1983. Provide photographs delineating the above referenced items.

3. Pt. IX, sec. 270.13 (i) requires design capacity information for the processes used to treat, store or dispose of wastes.

Provide an updated version of the Part A. The process design capacity for the container storage units from Part A is listed as 3,684 gallons. Safety-Kleen's Part B permit application lists three units with capacities of 2,592 gallons, 3,456 gallons and 1,092 gallons, totaling 7,140 gallons. Please provide calculations used to determine the separate unit capacities.

4. Pt. IX, sec. 270.13 (j) requires a specification of the hazardous wastes to be treated, stored, or disposed annually, and an estimate of the quantity of such wastes.

a. The Part B of the permit application has listed waste codes for Ignitability (D001), Cadmium (D006), Chromium (D007), and Lead (D008) in the paint waste stream. Please include these in the waste streams listed in the Part A. All wastes that have the ignitable characteristic must be stored in the "Paint Waste Storage Unit" to comply with Pt. V, sec. 264.176 (provide a 50-foot buffer for ignitable waste) and must be included in that waste code determination and its annual quantity estimations.

b. Please provide the estimated annual quantity and the calculations used to determine that quantity for each waste stream listed in the Part A.

**Pt. IX, sec. 270.14, Contents of Part B**

5. Pt. IX, sec. 270.14 (b)(2) requires Safety-Kleen to obtain detailed chemical and physical analyses of a representative sample of each waste stream managed at Safety-Kleen's facility.

- a. Elements are missing from Safety-Kleen's chemical and physical characterization of its waste streams that are needed to provide adequate information to treat, store or dispose of the wastes properly. A waste characterization for each waste stream similar to the characterization of the new Immersion Cleaner provided by your office April 4, 1990 is preferred. Individual analyses from the service center are not necessary; however, records of analyses from the Albuquerque service center provided from the Denton Recycling Center and used to characterize the waste streams are required.
- b. It is not definite that the Immersion Cleaner and the Dry Cleaning Waste are not ignitable. Please provide documentation to determine whether or not they are ignitable. If the documentation shows that this waste stream could demonstrate the ignitable characteristic then provide for regular monitoring of this waste.
- c. Likewise, it is not clear which toxic characteristics the used Immersion Cleaner, Paint Waste, and Mineral Spirit waste streams may demonstrate. What is known regarding the lead, chromium, cadmium content, and the content of the newly listed volatiles for the toxic characteristic for each waste stream? If a possibility exists that any waste not listing those characteristics, might exceed the Toxic Characterization levels, provide for regular analysis of those characteristics. The Toxic Characteristic Leaching Process method for characterizing waste will become effective September 25, 1990 and should be used.
- d. Safety-Kleen maintains some degree of responsibility for its products that have been delivered to its clients. Please describe the training or information provided to Safety-Kleen clients that addresses notification requirements when processes change as required by Pt. V, sec. 264.13 (a)(3)(i) General Waste Analysis.

**Pt. V, sec. 264.16, Personnel Training**

6. Pt. V, sec. 264.6 (a)(3) At a Minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, equipment, and systems.
  - a. A general training outline is provided in the text and Appendices. Please specifically describe the training

program as it applies to the minimum requirements set forth in Pt. V, sec. 264.16 (a)(3). Show that responsible individuals are checked out on emergency equipment for fire and spills and will be able to effectively respond to emergencies.

- b. Provide information on training provided to drivers of the bulk delivery trucks relevant to loading and unloading procedures. Please describe any particular procedures or equipment used to prevent spills or other emergencies.

**Pt. V, sec. 264.17, General Requirements for Ignitable, Reactive, or Incompatible Wastes**

7. Pt. V, sec. 264.17 (b)(1) The owner or operator must document precautions taken to prevent generation of extreme heat or pressure, fire or explosion, or violent reaction.

- a. Describe air monitoring procedures taken to prevent vapor concentrations of waste from becoming explosive. At what levels or conditions do the vapors become explosive? Describe for both the warehouse and the paint storage building, what pressures might build up inside the containers during the summer months in Albuquerque and the precautions taken to prevent hazardous conditions from developing.
- b. EID recognizes that Safety-Kleen wastes are segregated for product control but since spills or other unplanned events occur, please document compatibility of wastes with scientific or other engineering literature. (see also Pt. V, sec. 264, Appendix V.)

8. Pt. V, sec. 264.17 (b)(2) The owner or operator must document precautions taken to prevent generation of toxic fumes or gases in sufficient quantities to threaten human health.

Describe air monitoring procedures and other precautions to prevent vapor concentrations of waste from becoming hazardous to human health. At what levels or conditions do the vapors become asphyxiant or hazardous to human health? EID recognizes that a ventilation fan has been installed in the warehouse, but please describe how the fan is operated to prevent the accumulation of vapors.

**Pt. V, sec.264.15, General Inspection Requirements**

9. Pt. V, sec. 264.15 (b)(1) The owner or operator must develop and follow a written schedule for inspecting monitoring equipment,

Mr. Scott Fore  
August 14, 1990  
Page 5

safety, and emergency equipment that are important to preventing, detecting, or responding to environmental or human health hazards.

- a. Additional information is needed on the leak detection system and the high level alarm system for the underground storage tank system. What monitors are activated by the leak detection system and how will both systems be inspected and tested. At what frequencies will these units be inspected and tested? Include this information on the inspection log sheets.
- b. Include the inspection details and inspection sheets for the paint waste storage unit.
- c. Determine the appropriate number of items to be inspected under each listing on the inspection sheets and include this information on the inspection sheets (i.e. number of fire extinguishers, number of valves or fittings.)

**Pt. V, sec. 264.30, Preparedness and Prevention**

10. Pt. V, sec. 264.32 This section details the safety equipment a facility must maintain in order to minimize the possibility of fire and explosion, or unplanned release of hazardous constituents to the environment.

The list of required equipment appears to be adequate. However, determining and inspecting the appropriate locations of the emergency equipment could be facilitated if they were shown on the site plan and inspection forms. The legend on the site plan (drawn November 1989) includes many of these items, yet none are located on the site plan drawing. Please include the spill response and personnel safety equipment listed in the emergency equipment list on the site plan or other location listing.

11. Pt. V, sec. 264.32 (d) requires an adequate volume of water at adequate pressures to supply fire fighting and emergency equipment.

Safety-Kleen has requested certification from the city utility companies of adequate water volumes and pressure for emergency actions. Have the necessary tests and communications been completed?

12. Pt. V, sec. 264.35 The owner or operator must maintain adequate aisle space to allow unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operations.

Written descriptions of the storage areas indicate that a required aisle space of two feet will be maintained, to provide unobstructed movement. Please provide a floor plan drawing of the warehouse storage area delineating those aisle spaces, height and number of stacked containers, and type wastes to be stored, similar to the plan provided for the paint waste storage area.

13. Pt. V, sec. 264.37 The owner or operator must make arrangements with the local authorities to familiarize them with the layout of the facility, properties of hazardous wastes handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to, and roads inside the facility, and possible evacuation routes.

- a. Arrangements with local authorities familiarizing them with pertinent operations at Safety-Kleen have not been adequately addressed.
- b. Please include your agreements which designate primary emergency authority to specific police and fire departments, and agreements with other agencies agreeing to provide support.

**Pt. V, sec. 264.50, Contingency Plan and Emergency Processes**

14. Pt. V, sec. 264.52 The content of the contingency plan must include an up-to-date list of the emergency coordinator and the actions facility personnel must take during emergencies.

- a. Update the "Emergency Information" and the "Employees' Functions During Emergency" lists. The existing lists contains Barbara Rockwell's name as the alternate emergency coordinator and the Warehouseman name is blank.
- b. Please update the "Emergency Information" list to include the Albuquerque Office of Emergency Preparedness under "C. Emergency Team To Be Notified".
- c. Please designate the individual who determines when fires or spills have become uncontrollable and describe how the evacuation warning is to be delivered.

**Pt. V, sec 264.70, Manifest System, Recordkeeping, and Reporting**

15. Pt. V, sec. 264.73 (b) Requires Safety-Kleen to maintain a written operating record and record the following information as it becomes available:

- (1) A description and the quantity of each hazardous waste received, and the method and date of its storage as required by Pt. V, sec. 264, Appendix I;
- (2) The location of each hazardous waste within the facility and the quantity;
- (3) Records and results of waste analyses performed;
- (4) Summary reports and details of all incidents that require implementing the contingency plan;
- (5) Records and results of inspections;
- (6) Monitoring, testing or analytical data, and corrective action where required;
- (7) For off-site facilities, notices to generators as specified in 264.12(b);
- (8) All closure and post-closure cost estimates;
- (9) A certification by the permittee no less often than annually, that the permittee has a program in place to reduce the volume and toxicity of hazardous waste;
- (10) The land ban notices and requirements.

Please indicate that an operating record containing the above information will be maintained, and where it will be maintained.

**Pt. V, sec. 264.110, Closure and Post-Closure**

16. Pt. V, sec. 264.110 (a) describes the applicability of Pt. V, sections 264.111 through 264.115 (which concerns closure) for all hazardous waste facilities.

- a. Additional sampling will be required to determine clean closure for the double-walled tank system. Samples will be taken at the bottom and side walls of the over-excavation pit and analyzed for all waste constituents that had been stored during the use of the tank. Please describe sampling procedures, parameters, and analytical methods expected to be used.
- b. Wastes generated during closure may have to be treated as hazardous waste. Please indicate that Safety-Kleen is prepared to submit documentation on the disposal of

any sludge, rinse water, and cut-up tank pieces. Documentation should include any analyses, quantities, and disposal locations of the wastes.

**Pt. V, Sec. 264.175, Use and Management of Containers**

17. Pt. V, sec. 264.175 (b)(2) All containers are to be elevated to be protected from contact with accumulated liquids resulting from leaks, spills or precipitation.

Most of the waste containers have been described as being stored on pallets. It is not clear that all containers will be maintained on pallets, particularly the Immersion Cleaner wastes. Please describe procedures to ensure that all containers are stored such that they do not have contact with any spilled accumulated liquids.

**Subpart J, Tank Systems**

18. Pt. V, sec. 264.192 and 264.193 Addresses the design and installation of new tank systems, and the containment and detection of releases.

- a. An assessment certified by an independent engineer of the proposed underground hazardous waste tank system design and installation was received April 5, 1990. Please include an update of the tank storage section 3.3.1, and indicate when the single-walled tank will be replaced by the tank described in the assessment.
- b. The tank assessment indicated that the leak detection system used a liquid sensing devise. Please provide additional information on the type of devise and its ability to detect liquids within the secondary container. Describe the warning system and its location. Also describe what methods and frequencies that the system can be tested for continued safe operation.
- c. The plans submitted in the Part B permit application indicate that four specification sheets for Safety-Kleen's Double Walled Tanks were to be included. Only the last three were received, please include sheet number one, particularly if it showed piping details.

19. Pt. V, sec. 264.192 (a)(3)(ii) Requires the owner or operator to provide external corrosion protection to insure integrity of the tank during its use.

Safety-Kleen has planned to installed a system in which no metal is exposed and the tank is isolated from stray



Mr. Scott Fore  
August 14, 1990  
Page 9

electrical currents. Please show how the tank will be isolated from stray electrical currents.

20. Pt. V, sec. 264.195 (a)(1) Aboveground portions of the tank system are to be inspected to detect corrosion or releases of waste.

Underground piping and joints were indicated to be "secondary containment piping", and aboveground piping inspections have been provided for in the inspection check lists, but it is unclear whether all piping is visible from the return and fill drains to the point piping becomes double lined. Please provide piping plans for the return and fill station, flow diagrams and inspection procedures for the aboveground piping not double lined.

21. Pt. V, sec. 264.196 (d) and (f) Any release to the environment must be reported to the Regional Administrator within 24 hours of its detection, and certification of major repairs is required.

Please update section 3.4.4 regarding the tank evaluation and repair plan.

In accordance with Section 74-4-10 of the New Mexico Statutes Annotated (NMSA), you have thirty (30) calendar days from the receipt of this notice to provide the information requested. Within this thirty day period you may request a meeting to discuss the violations, the required information, and/or 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 provide the information requested cited in this Notice of Violation 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 (as amended, 1988), 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, 1987 (as amended, 1988).

2. a civil action in district court for appropriate relief, including a temporary; or permanent injunction, pursuant to Section 74-4-10 NMSA, 1978 (as amended, 1988), 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 (as amended, 1988).

Mr. Scott Fore  
August 14, 1990  
Page 10

3. permit denial, pursuant to Section 74-4-4.2 NMSA, 1978 (as amended, 1988).

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 NOV.

Compliance with the requirements of this notice does not relieve Safety-Kleen of its obligation to comply with HSWM-5 in other activities which it carries on nor does it relieve Safety-Kleen of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this notice, please contact Mr. David Englert at (505) 827-0142 or at the above address. Please also address to David Englert's attention the information you provide in response to this letter.

Sincerely,

Kathi Sisneros  
Bureau Chief  
Hazardous Waste Bureau

*Scanned/mailed & dated 8/21/90*  
*DE*

KS:DE

cc: Rob Omiecinski, Safety Kleen  
Richard Mayer, U.S. EPA Region VI  
Lynn Prince, U.S. EPA Region VI