



BRUCE KING
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
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Santa Fe, New Mexico 87502
(505) 827-2850

JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

February 24, 1992

Jennifer M. Jendras
Safety-Kleen
777 Big Timber Rd.
Elgin, ILL 60123

Dear Ms. Jendras,

This is to confirm receipt of your notification of a Class I permit modification for the Farmington and Albuquerque Safety-Kleen facilities here in New Mexico. Your letter of November 21, 1991 notified us of a change in labeling procedures such that color coded drums would no longer be used for waste identification. Waste identification labels would, however, continue to be used to identify the contents of a drum.

This letter is to inform you that proper procedures were not followed in notifying NMED about this modification, and you provide no evidence to confirm that the public was properly notified.

Your letter states that you have modified the Part B permit to remove all references to the colors of containers. You do not have the authority to modify the Part B permit. The Part B permit is issued jointly by the State of New Mexico Environment Department and the U.S. Environmental Protection Agency and is the enforceable instrument through which your hazardous waste activities are regulated. Therefore, the modifications you have made to the permit are invalid and if inspected you may be found in violation of your permit as issued.

In order to properly incorporate a Class I modification into your operating permit, you must submit to NMED the following:

Copies of the pages in the permit affected by the modification with the necessary changes underlined, with a header clearly identifying this page as having been modified, and the date of modification clearly indicated at the top of the page. Note that these pages should be numbered for insertion into the permit at the place of the original page.

We will place these pages in the proper order as inserts to the permit and place a statement of permit modification approval in the permit. We will also review the permit for any other changes that

may be necessary related to the modification requested. Since our inspectors review the official copies of the permit that are kept at our offices before inspecting the facility, they will then be aware of the changes.

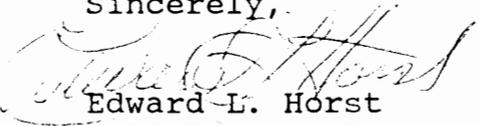
Your justification for this modification is acceptable, but in the letter accompanying the page inserts, you should restate this justification to insure a clear administrative record.

As recognized in your letter of November 21, 1991, public notification of a permit modification is required, but it is not clear that this was properly done. You are required under 40 CFR section 270.42(a) to notify **all** persons on the facility mailing list "**maintained by the Director**", not "interested parties" as your letter states, and there is no evidence that you have used the proper mailing list. We advise you to contact us to insure that you have the proper mailing list for this purpose and, if so, provide us with evidence that all persons on this mailing list were properly notified.

In accordance with EIB/HWFR-1, New Mexico Hazardous Waste Fee Regulations, section 206(B)(1), we are required to assess a \$1,000.00 fee for Class I permit modifications. This fee will be required at the time we approve your modification request.

It is imperative that you act on rectifying these permit modifications immediately to insure that upcoming inspections do not find violations in your operating procedures. If you have any questions regarding proper permit modification procedures, please contact Dr. Herb Grover at (505) 827-4300.

Sincerely,


Edward L. Horst
RCRA Program Manager,
Hazardous and Radioactive Materials Bureau

BG/hdg

xc: Bill Honker, EPA-VI
Benito Garcia, Chief, HRMB/NMED
Herb Grover, RCRA Permit Supervisor