

SKAL 97

State of New Mexico

**ENVIRONMENT DEPARTMENT**  
**Hazardous & Radioactive Materials Bureau**

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EDGAR T. THORNTON, III  
DEPUTY SECRETARY

April 24, 1997

ATTN: Mike Freirich  
Safety-Kleen Corporation, Inc.  
2720 Girard Blvd. NE  
Albuquerque, NM 87107

Re: Letter of Violation  
NMD000804294

Dear Mr. Freirich:

On March 6, 1997, the New Mexico Environment Department (NMED) - Hazardous and Radioactive Materials Bureau (HRMB) conducted a compliance evaluation inspection (CEI) at Safety-Kleen Corporation, Albuquerque (SKA). Based on our inspection and review of the information obtained, NMED has determined that SKA has violated the New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1).

At this time, NMED wishes to suspend the enforcement options listed below if SKA can provide NMED with a satisfactory resolution to the violations or a detailed plan of corrective action acceptable to NMED within fifteen (15) working days of receipt of this letter. If NMED does not receive satisfactory information, then NMED reserves the right to initiate formal enforcement action.

The following violations were noted as a result of the inspection:

1. SKA failed to place the accumulation start date on one 30-gallon container of hazardous waste being stored in the H-3 Flammable Storage Building. This is a violation of SKA's permit module III.B.3.b.
2. SKA failed to retain records of hazardous waste determinations on the image processing silver filter canisters. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.40(c).

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3. SKA failed to retain on-site copies of the Land Disposal Restriction notices for the following 21 manifests for the time period ranging from 10/2/96 to 2/19/97: SK212317, SK511929, SK297924, SK212316, SK260841, SK260840, SK260842, SK297923, SK212311, SK384379, SK384270, SK384281, SK384271, SK384272, SK511930, SK297928, SK384357, SK384273, SK384353, SK297925, and SK212312. This is a violation of 20 NMAC 4.1.800, which incorporates federal regulation 40 CFR §268.7(a) (7).

In accordance with §74-4-10 NMSA 1978 (Repl. Pamp. 1993), NMED may: (1) issue a compliance order requiring compliance immediately or within a specified time period or assessing a civil penalty for any past or current violation of up to \$10,000 per day of non-compliance with each violation or both; or (2) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction. Any such order issued may include a suspension or revocation of any permit issued by NMED.

Any action taken in response to this letter does not relieve SKA of its obligation to comply with 20 NMAC 4.1 in other activities which it conducts, nor does it relieve SKA of its obligation to comply with all other applicable laws and regulations.

Once again, should you have any questions regarding this letter, please contact Mr. John Tymkowych of my staff or me at (505) 827-1557. Please address your response to Mr. Tymkowych's attention at the address on the letterhead.

Sincerely,



Benito J. Garcia, Bureau Chief  
Hazardous and Radioactive Materials Bureau

cc: Garth Graves, NMED District I Office  
Carl Will, RCRA Permits Management Section  
Track: Safety-Kleen Albuquerque, 4/17/97, N/A, Freirich,  
HRMB/BJG, LOV, file  
File: blue, Safety-Kleen, Albuquerque, 1997