



GARY E. JOHNSON
GOVERNOR

SKFA 99
State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
2044 Galisteo Street
P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-1557
Fax (505) 827-1544



PETER MAGGIORE
SECRETARY

Certified Letter
Return Receipt Requested

January 15, 1999

ATTN: Joe Birkby
Branch Manager
Safety-Kleen
4200 A Hawkins Rd.
Farmington, NM 87416

Re: Letter of Violation
NMD 980 698 849

Dear Mr. Birkby:

On August 4, 1998, the New Mexico Environment Department (NMED), Hazardous and Radioactive Materials Bureau (HRMB), conducted a hazardous waste compliance inspection at Safety-Kleens permitted facility in Farmington, (SKF). Based on our inspection and review of the information obtained, NMED has determined that SKF has violated the New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1) as specified below.

The following violations were noted:

1. SKF, has failed to date manifest #80676. This is a violation of 20 NMAC 4.1.500, which incorporates federal regulation 40 CFR Part 264.71(a)(1).
2. SKF, has failed to have a written job description for each position at the facility for:

Joe Birkby - Branch Manager
Kelvin Fowler - Materials Handler
Fermin Archuleta - Service Representative
Brad Cartwright - Service Representative
Tim Mirabal - Oil Service Representative
Kim Holden - Branch Administrative Secretary

This is a violation of 20 NMAC 4.1.500, which incorporates federal regulation 40 CFR Part 264.16(d)(2). Additionally, this is a violation of the Permit Requirement Attachment D-1.

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3. SKF has failed to have a working alarm system at the dump and fill station. This is a violation of 20 NMAC 4.1.500, which incorporates federal regulation 40 CFR Part 264.32(a). Additionally, this is a violation of the Permit Requirement Attachment E-8.

In accordance with Section 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.

At this time, NMED is suspending the enforcement options listed above if Safety-Kleen Farmington provides NMED with a satisfactory resolution to the violation(s) 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. Any action taken in response to this letter does not relieve SKF of its obligation to comply with 20 NMAC 4.1 in other activities which it conducts, nor does it relieve Safety-Kleen Farmington of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Mr. John Tymkowych of my staff (505) 827-1508. Please address your response to Mr. Tymkowych's attention at the address on the letterhead.

Sincerely,



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

BJG:JT:am

cc: David Tomko, Farmington Field Office
Bill Bartels, Albuquerque District I Office