

SKAL 2003



Overnight Delivery
Air Borne Airbill
#3941530132

August 29, 2003

Sandra Y. Martin
State of New Mexico
Environmental Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303



Dear Ms. Martin:

Subject: Notice of Violation
Safety-Kleen Systems, Inc. ("Safety-Kleen")
2720 Girard Boulevard NE, Albuquerque, NM 87107
EPA ID # NMD 000804294

The purpose of this letter is to respond in writing to the matters set forth in your letter of August 13, 1998, received in Safety-Kleen's office August 18, 2003. 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 report and does not intend to waive any of these defenses by making this response.

In its letter, New Mexico Environmental Department (NMED) alleges:

1. *Safety-Kleen failed to submit its Biennial Report on time. Specifically, the report for calendar year 2001 was due to be submitted to NMED by March 1, 2002, the report was dated March 14, 2002 and received by NMED on March 25, 2002.*

On February 6, 2002, Karen Turner of Safety-Kleen's Corporate Waste Tracking Department had a phone conversation with Linda Montoya of NMED. Notes of that phone conversation indicated that she was given permission to submit a written request to extend the submittal deadline 30 days. Enclosed please find as Attachment 1, a copy of the written request for a 30-day extension. Safety-Kleen believes that it had been granted a deadline extension to March 31, 2002 and therefore had not failed to submit its Biennial Report on time. Safety-Kleen has initiated procedures to ensure a timely submittal of all reports and will ensure future Biennial Reports are submitted on time.

2. *Safety-Kleen failed to maintain the integrity of secondary containment areas. Specifically at the West Container Storage Unit, the secondary containment in the*

sump floor under the grate had numerous cracks in the sealant, which were concealed by absorbent material.

Safety-Kleen repaired the cracks in the sealant in the identified secondary containment unit on the day of the inspection by applying a chemically impervious epoxy coating over the cracks to make the repair. Subsequent cracks have also been detected and repaired in the normal course of business. Safety-Kleen will continue to monitor the secondary containment units and maintain the storage unit per the requirements of Permit Condition III.G and 20.4.1.500 NMAC incorporating 40 CFR § 264.175(b)(1).

- 3. Safety-Kleen Systems as the generator, failed to date its manifest. Specifically, two manifests, 41646 and 36551, were not dated by Safety-Kleen Systems although the transporter dated them 5/13/02 and 10/22/02, respectfully.*

Safety-Kleen's failure to date the two referenced manifests was an unfortunate oversight. Safe guards in Safety-Kleen's manifest entry system have been improved to ensure the error is not repeated. Safety-Kleen's Albuquerque employees responsible for the completion of manifests have been re-trained on the completion of the manifest to prevent future errors.

- 4. Safety-Kleen Systems failed to document arrangements made between local entities and itself in the Contingency Plan. Specifically, no letters were found with the permit from local entities acknowledging agreement for support in the case of emergencies.*

Enclosed please find as Attachment 2, copies of the letters acknowledging the various agreements for emergency response support between Safety-Kleen and the agencies identified in the Contingency Plan. Copies of these letters will be maintained in the facility's operating record.

- 5. Safety-Kleen Systems failed to provide a complete list of emergency equipment in the Contingency Plan. Specifically, there is no mention of decontamination equipment, such as shower/eyewash stations, fire extinguishers or their specific locations.*

Enclosed please find as Attachment 3, a copy of two Emergency Equipment lists and the Emergency Equipment Location map. The Contingency Plan included lists in Attachment 3, should address the Department's specific concerns raised in the Notice of Violation.

- 6. Safety-Kleen Systems failed to include a facility evacuation plan in the Contingency Plan.*

Enclosed please find as Attachment 4, a copy of the Evacuation Plan map for the Albuquerque facility. The Evacuation Plan map is posted throughout the facility,

it is included in the Contingency Plan, and is specifically referenced the facility's Permit. The Contingency Plan is posted in the facility and is readily available to anyone at the facility at any time. This is the same Evacuation Plan submitted to the Agency in the RCRA Storage Permit Application.

7. *Safety-Kleen Systems failed to provide annual certification of its program to reduce volume/toxicity of hazardous waste. Specifically, no record of the annual certification was found for the year 2002.*

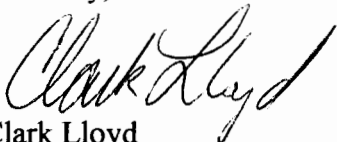
Enclosed please find as Attachment 5, a copy of the 2002 and 2003 Waste Minimization Certifications. A copy of these certifications is on file at the facility in the operating record. Please note that Section 16 on each manifest managed by Safety-Kleen contains a certified statement of Safety-Kleen's program to reduce volume/toxicity of hazardous waste. The Department can rest assured that Safety-Kleen can certify to its waste minimization program.

8. *Safety-Kleen Systems failed to document weekly checks of the underground storage tanks leak detection system. Specifically, checks were not documented for the weeks ending 12/14/01, 12/28/01, 10/12/02 and 9/13/02.*

Safety-Kleen now requires facility management to review the facility inspection records, at least once a week, to ensure inspection records are complete and accurate. Additionally this procedure will ensure deficiencies are documented and corrective actions are completed as soon as possible. Additionally, Safety-Kleen's Environmental Health and Safety Manager will periodically review the inspection records for accuracy and completion. Safety-Kleen believes these steps will ensure the weekly underground storage tanks inspections are documented.

Please contact me with any questions or comments at 801-973-8959.

Sincerely,



Clark Lloyd
Environmental, Health and Safety Manager

Enclosures (5)

Biennial Report Extension Request
Emergency Response Agreement Letters
Emergency Equipment List and Map
Evacuation Plan
Waste Minimization Certifications

ATTACHMENT 1
Biennial Report Extension Request Letter

SAFETY-KLEEN SYSTEM, INC.920 Davis Road, 4th floor, Elgin, Illinois 60123

7000 0600 0025 2319 6577

February 6, 2002

NMED/Hazardous Waste Bureau

Attn: Linda Montoya

P.O. Box 26110

Santa Fe, New Mexico 87502

RE: 30 Day Extension Request for 2001 Biennial Hazardous Waste Report

Dear Ms. Montoya:

I am requesting a 30-day extension for the following Safety-Kleen Systems, Inc. locations:

(700801)	Albuquerque, NM	NMD000804294
(700821)	Farmington, NM	NMD980698849
	Farmington, NM	NMR000002287

Please contact me if there are any questions associated with this request.

I can be reached at 1-800-669-5840 extension 3164 or directly at 1-847-468-3164. You may also reach me via e-mail at kturner@safety-kleen.com.

Sincerely,


Karen TurnerRegulatory Program Manager/Corp. Waste Compliance
Safety-Kleen Systems, Inc.**FILE COPY**



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2905 Rodeo Park Dr. East
P.O. Box 26110

Santa Fe, New Mexico 87502-6110
Telephone (505) 428-2500
Fax (505) 428-2567



PETER MAGGIORE
SECRETARY

NOTICE

Hazardous Waste Report: You are required by Federal Statute to complete and file the 2001 Hazardous Waste Report.

The State of New Mexico has chosen electronic reporting entitled BRSDisk for The Hazardous Waste Reporting Cycle (BRS) for 2001. This program is a Windows based program and should work on most PC's. Included with this letter are the 2001 Hazardous Waste Report Instructions and Forms booklet. Also, to download the program the site address is as follows:

(http://www.dep.state.nm.us/waste/categories/hazardous/pages/BRS_data.htm)

IF YOU NEED HELP WITH THE SOFTWARE OR ASSISTANCE IN COMPLETING THE FORMS, PLEASE ATTEND ONE OF THE FOLLOWING TRAINING SESSIONS:

SESSION 1: January 14, 2002

1:00pm to 4:00pm
NMED/District III Office
(Las Cruces)
1001 North Solano Dr.
Las Cruces, New Mexico
(505) 524-6300

SESSION 2: January 15, 2002

8:00am to 10:00am OR
10:15am to 12:00(noon)
NMED/District I Office Albuquerque
4131 Montgomery N.E.
Albuquerque, New Mexico
(505) 841-9450

NMED/HWB MUST RECEIVE THE DISK AND AN ORIGINAL SIGNED RCRA SUBTITLE C SITE IDENTIFICATION FORM BY MARCH 1, 2002.

IF YOUR FACILITY IS NOT A RCRA LARGE QUANTITY GENERATOR OR DID NOT TREAT, STORE, OR DISPOSE OF RCRA HAZARDOUS WASTE, PLEASE RETURN THE RCRA SUBTITLE C SITE IDENTIFICATION FORM WITH YOUR UPDATED FACILITY INFORMATION AND STATUS, FOUND IN THE BACK OF THE 2001 HAZARDOUS WASTE REPORT BOOKLET TO:

NMED/HAZARDOUS WASTE BUREAU
P.O. BOX 26110
SANTA FE, NEW MEXICO 87502

PLEASE CALL LINDA MONTOYA AT (505) 428-2503 IF YOU HAVE ANY QUESTIONS.

2/06/02

Can
ask for one in written form
must send written request

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NMED/Hazardous Waste Bureau
 Attn: Linda Montoya
 P.O. Box 26110
 Santa Fe, New Mexico 87502

COMPLETE THIS SECTION ON DELIVERY

Signature
 X *D R Barnes* Agent
 B. Received by (Printed Name) **D R Barnes** Address
 C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



Article Number
 (refer to service label)

7000 0600 0025 23196577

August 2001

Domestic Return Receipt

102585-01-44-2*

ATTACHMENT 2
Emergency Response Agreement Letters

August 28, 2003
(Date)

~~Scott Garino~~ JOHN FITZSIMONS
Rinchem Company
6133 Edith NE
Albuquerque, NM 87107

Mr. Mike Crawford
Safety-Kleen Systems, Inc.
2720 Girard Boulevard NE
Albuquerque, New Mexico 87107

RE: Safety-Kleen Systems, Inc. (7-008-01)
2720 Girard Boulevard NE, Albuquerque, ID 87107
EPA ID # NMD000804294
Contingency Plan Update

Dear Mr. Crawford:

This letter is to acknowledge receipt of the changes for the Contingency Plan for the subject facility. The changes have been reviewed and we will act in accordance with it, should an emergency situation occur.

Sincerely,

Signature



Date

[] Please send a copy of the Contingency Plan for our files.

Tony Hill, RN MS CSP
Director, Safety/Infection Control/Ergonomics



PRESBYTERIAN
Healthcare Services

P.O. Box 26666
Albuquerque, NM 87125-6666
(505) 841-1807
FAX (505) 841-1813 PAGER (505) 724-4963
E-mail thill@phs.org
www.phs.org

082903

(Date)

Tony Hill
Safety Director
Presbyterian Hospital
1100 Central Avenue SE
Albuquerque, NM 87106

Mr. Mike Crawford
Safety-Kleen Systems, Inc.
2720 Girard Boulevard NE
Albuquerque, New Mexico 87107

RE: Safety-Kleen Systems, Inc. (7-008-01)
2720 Girard Boulevard NE, Albuquerque, ID 87107
EPA ID # NMD000804294
Contingency Plan Update

Dear Mr. Crawford:

This letter is to acknowledge receipt of the changes for the Contingency Plan for the subject facility. The changes have been reviewed and we will act in accordance with it, should an emergency situation occur.

Sincerely,

Signature

Date

[] Please send a copy of the Contingency Plan for our files.

ATTACHMENT 3
Emergency Equipment List and Map

**Safety-Kleen - Albuquerque Branch
Available Monitoring, Safety, and Emergency Equipment
Return and Fill and Flammable Storage**

Equipment	Type	Quantity	Capabilities
Soap	SK 666 or equiv.	1 gallon	Decontamination, use with water
Mop and Bucket	-	1	Decontamination, use with water
Shovel	Spark-proof	2	Remove spilled materials
Safety goggles	-	4 pairs	Eye protection
Gloves	Neoprene	4 pairs	Hand protection
Boots	Neoprene/ Steel Toed	4 pairs	Foot protection
Aprons with arms	Saranex or equivalent	4	Body and arm protection
Respirator	Air Purifying	each employee carries his own	Respiratory protection
Respirator Cartridges	Organic vapor and acid vapor combo	4 pair	Respiratory Protection
Sorbent Pad	Pig HazMat or similar	½ box min.	Absorbing spills
Absorbent Socks	Pig HazMat or similar	20 min.	Absorbing spills
Loose Absorbent	Non-organic – vermiculite or similar	2 bags min.	Absorbing spills
95-gallon recovery drum	UN Spec. Steel	1	Containing spill materials

At a minimum, each employee is issued gloves, respirator, and steel-toed boots. Additional boots and gloves are kept in the spill kits. However, each employee carries his own respirator.

Material safety data sheets for all hazardous materials and profiles for hazardous wastes handled at Safety-Kleen show neoprene gloves/boots and NIOSH respirators with organic vapor cartridges appropriate for normal handling and small spill cleanup. For large spills and/or emergencies, Safety-Kleen personnel will evacuate and notify local hazmat team with proper SCBA equipment for response.

The Return and Fill also has a fire extinguisher and a first-aid kit (including an eyewash and shower) on the south wall.

The flammable storage room has fire extinguishers by each doorway and an additional extinguisher on the south wall. The flammable storage room is equipped with an automatic fire suppression system.

Please see the emergency equipment map on the wall in the area for the locations of all emergency equipment.

**Safety-Kleen - Albuquerque Branch
Available Monitoring, Safety, and Emergency Equipment
Container Storage Area (CSA) Building, Two CSAs**

Equipment	Type	Quantity	Capabilities
Soap	- SK 666 or equiv.	1 gallon	Decontamination, use with water
Mop and Bucket	-	1	Decontamination, use with water
Shovel	Spark-proof	2	Remove spilled materials
Gloves	Neoprene	4 pairs	Handling decontamination
Safety glasses	With side shields	4 pairs	Eye protection
Boots	Neoprene/ Steel Toed	4 pairs	Foot protection
Aprons	Saranex or similar	4	Body and arm protection
Respirator	Air Purifying	each employee carries his own	Respiratory protection
Respirator Cartridges	Organic vapor and acid vapor combo	4 pair	Respiratory Protection
Sorbent Pad	Non-organic - Pig HazMat or similar	½ box min.	Absorbing spills
Absorbent Socks	Non-organic - Pig HazMat or similar	20 min.	Absorbing spills
Loose Absorbent	Non-organic - vermiculite or similar	2 bags min.	Absorbing spills
95-gallon recovery drum	UN Spec. Steel	1	Containing spill materials

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The CSA also has a fire extinguisher at the north west doorway and at the southeast doorway.

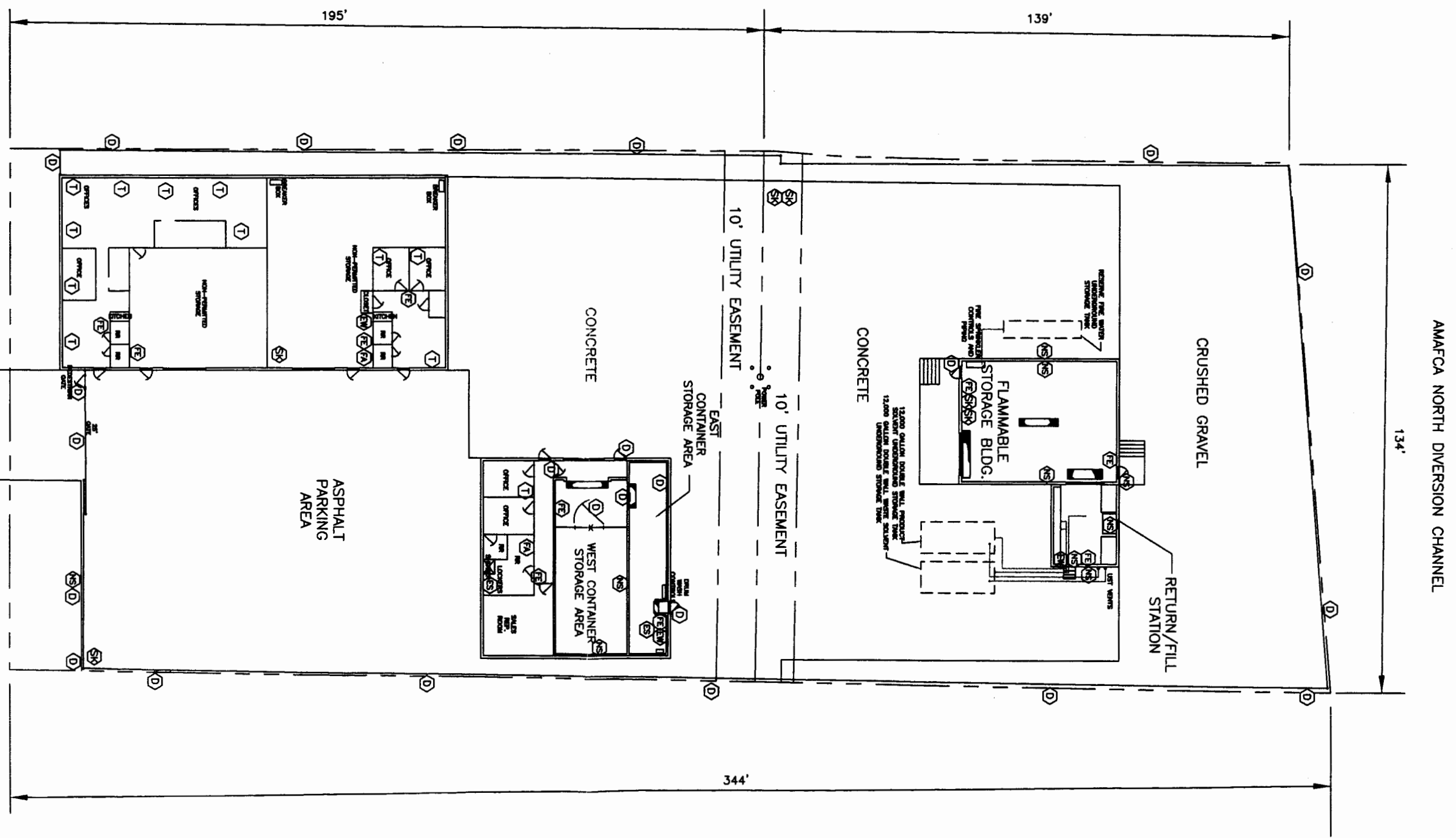
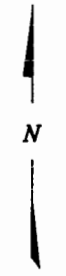
A first-aid kit (including an eyewash and shower) is located by the southeast exit.

A first-aid kit is located in the restroom in this building.

A telephone is located in the office in the very northwest corner of the building.

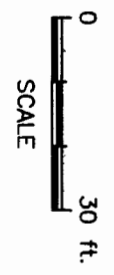
Please see the emergency equipment map on the wall in the area for the locations of all emergency equipment.

A Trihydro Corporation representative conducted a field inspection to verify construction, equipment, components, dimensions and existing conditions on June 26, 2001. Items inaccessible to visual observation were not field verified during inspection. Notes have been added to document results and/or observed modifications (as appropriate) during the June 26, 2001 inspection.




EMERGENCY EQUIPMENT


- (T) - TELEPHONE
- (FE) - FIRE EXTINGUISHER
- (FA) - FIRST AID STATION
- (D) - "DANGER" SIGN (May also include "No Smoking" and "Caution" signs)
- (NS) - "NO SMOKING" SIGN
- (EW) - EYE WASH STATION
- (ES) - EMERGENCY SHOWER
- (SX) - SPILL KIT



REVISIONS	
Date	By



TRIHIDRO Corporation
920 Sheridan Street
Laramie, Wyoming 82070

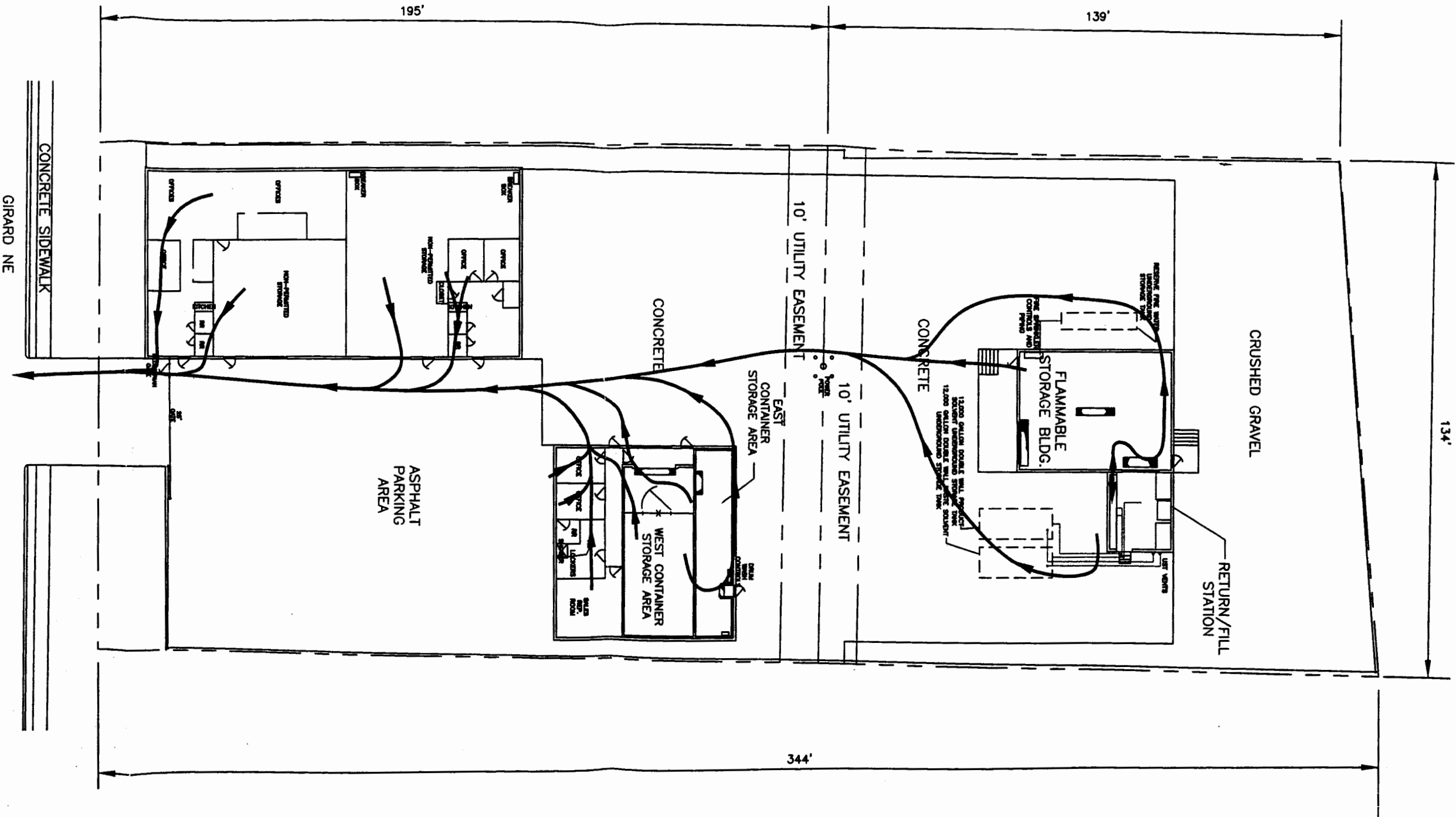


SAFETY-KLEEN SYSTEMS, INC.
1301 North Blvd, Suite 200, Colorado, State, Denver, 80201
Phone: (303) 852-0200

FIGURE F--1
EMERGENCY EQUIPMENT
LOCATION PLAN
2720 GIRARD NE,
ALBUQUERQUE, N.M.


Drawn By: DJR Checked By: BC Scale: SHOWN Date: 7/20/01 Reference: 023SITE

ATTACHMENT 4
Evacuation Plan




A Trihydro Corporation representative conducted a field inspection to verify construction, equipment, components, dimensions and existing conditions on June 26, 2001. Items inaccessible to visual observation were not field verified during inspection. Notes have been added to document results and/or observed modifications (as appropriate) during the June 26, 2001 inspection.

REVISIONS	
Date	By



TRIHIDRO Corporation
920 Sheridan Street
Laramie, Wyoming 82070



SAFETY-KLEEN SYSTEMS, INC.
1201 Grand Blvd., Suite 200, Oklahoma, Tulsa, Oklahoma, 74104
Phone (918) 525-4800

FIGURE F-2
EVACUATION PLAN
2720 GIRARD NE,
ALBUQUERQUE, N.M.

Drawn By: DJR Checked By: BC Scale: SHOWN Date: 7/16/01 Reference: 023SITE

ATTACHMENT 5
Waste Minimization Certifications

**2003
WASTE MINIMIZATION CERTIFICATION**

**SAFETY-KLEEN SYSTEMS, INC.
ALBUQUERQUE, NEW MEXICO SERVICE CENTER
2720 GIRARD BOULEVARD NE
ALBUQUERQUE, NM 87107**

EPA ID # NMD 000 804 294

I hereby certify under penalty of law that personnel under my direction and supervision at this facility are undertaking specific steps in accordance with a program in place to minimize the amount of toxicity of hazardous wastes generated at this facility to a degree economically practicable and that the method utilized for the treatment, storage or disposal of hazardous wastes is the practicable method currently available to this facility which minimizes the present and future threat to human health and the environment. I am aware that there are significant penalties for false certification, including the possibility of fine and imprisonment for flagrant falsifications.



Signature

Mr. Mike Crawford
Name

Branch Manager
Title

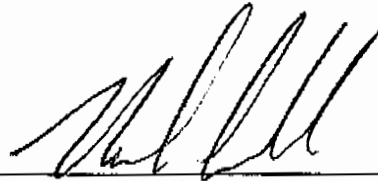
2/24/03
Date

**2002
WASTE MINIMIZATION CERTIFICATION**

**SAFETY-KLEEN SYSTEMS, INC.
ALBUQUERQUE, NEW MEXICO SERVICE CENTER
2720 GIRARD BOULEVARD NE
ALBUQUERQUE, NM 87107**

EPA ID # NMD 000 804 294

I hereby certify under penalty of law that personnel under my direction and supervision at this facility are undertaking specific steps in accordance with a program in place to minimize the amount of toxicity of hazardous wastes generated at this facility to a degree economically practicable and that the method utilized for the treatment, storage or disposal of hazardous wastes is the practicable method currently available to this facility which minimizes the present and future threat to human health and the environment. I am aware that there are significant penalties for false certification, including the possibility of fine and imprisonment for flagrant falsifications.



Signature

Mr. Mike Crawford

Name

Branch Manager

Title

7/7/02

Date