



NEW MEXICO
ENVIRONMENT DEPARTMENT



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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 14, 2015

pd 6/1/15 ck

Maximillian Wilson
Manager
ABF Freight Systems, Inc.
4800 Lincoln Rd. NE
Albuquerque, NM 87109

**RE: NOTICE OF VIOLATION
ABF FREIGHT SYSTEMS, INC.
EPA ID# NMD981146210**

Dear Mr. Wilson:

On February 26, 2015, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at ABF Freight Systems, Inc. (ABF), located at 4800 Lincoln Rd. NE, Albuquerque. Based on that inspection and review of the information obtained, NMED has determined that your facility is a Small Quantity Generator of hazardous waste, as defined in the Notification of Regulated Waste Activity Instructions (EPA Form 8700-12), and has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

NMED observed the following violations:

1. Failure to make arrangements to familiarize local police, fire departments, emergency response teams and local hospitals of the hazards associated with the facility. During the inspection, it was discovered that the facility had not notified the local authorities. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(d), referring to 40 CFR § 265.37(a)(1-4).
2. Failure to label a tank storing used oil with the words "Used Oil" or with similar wording. During the inspection, a white 2000-gallon above ground storage tank located on the east side of the building was not labeled as used oil. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR § 279.22(c)(1).

Maximillian Wilson
May 14, 2015
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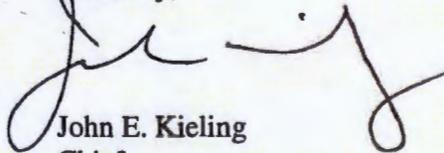
13 months'

NMED requires that ABF provide to NMED within thirty (30) days of receipt of this letter a written description of the actions taken by ABF to address the violations described above and a schedule for implementation of corrective actions not yet completed. Violation #2 was corrected at the time of inspection. ABF will also have to pay Small Quantity Generator Fees by August 1, 2015.

This Notice of Violation is considered an informal enforcement response in accordance with NMED's *Enforcement Response Protocol*. Please be aware that any future substantial deviations from regulatory requirements may result in your facility being considered for an elevated enforcement action. Also be aware that any corrective action taken during our inspection, or in response to this letter, does not relieve ABF of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Don Meyer of my staff at (505) 476-6021 or by email at don.meyer@state.nm.us. Please address any written response to the attention of Mr. Meyer at the address in the letterhead.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

JEK:dm

- cc: Steve Pullen, NMED HWB
Janine Kraemer, NMED HWB
Don Meyer, NMED HWB
Charlotte Duran, NMED HWB
Brian Shutt, ABF
William Chavez, NMED District I Manager

file: **Library #0004**