State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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Santa Fe, New Mexico 87505-6313
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Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

November 20, 2017

Robert Tyk
Chief Executive Officer
Artesia General Hospital
702 N. 13th Street
Artesia, NM 88210

RE: NOTICE OF VIOLATION
ARTESIA GENERAL HOSPITAL
EPA ID# NMD982285454

Dear Mr. Tyk:

Beginning October 23, 2017 thru October 24, 2017, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection at Artesia General Hospital ("AGH") located at 702 N. 13th Street, Artesia, NM. AGH is county hospital run by Artesia Special Hospital District with 49 patient rooms. The hospital generates waste solvent from laboratory processes, waste and expired pharmaceuticals, lead aprons from radiology, and fluorescent bulbs from facility maintenance.

Based on the inspection and a review of the information obtained, NMED has determined that your facility is a Conditionally Exempt Small Quantity Generator of hazardous waste as defined in the Notification of Regulated Waste Activity Instructions (EPA Form 8700-12), and has violated the Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

The NMED inspector observed the following violations:

1. Failure to conduct hazardous waste determinations. Specifically, AGH was sending expired hazardous waste pharmaceuticals to a reverse distributor. Upon review of the Process Order Credit, coumadin (P001), various brands of insulin (D024), physostigmine (P188), various eye drops (D009), silver sulfadiazine (D011), tetanus vaccine (D009) and

various aerosol pharmaceuticals (D001) were found to have been expired and sent to a reverse distributor. Additionally, laboratory wastes were being disposed of down the sink. These are violations of 20.4.1.300 NMAC, incorporating 40 CFR 262.11.

Corrective Action: AGH must characterize the above wastes either by testing or by knowledge of process and provide NMED with waste determination documentation as well as a written procedure describing how the wastes will be managed in the future.

2. Failure to ensure proper delivery to an authorized facility. Specifically, AGH sent hazardous waste pharmaceuticals to a bio-medical waste facility in Kanas. This is a violation of 20.4.1.200 NMAC, incorporating 40 CFR § 261.5(g)(3).

   Corrective Action: AGH must provide NMED with waste written procedure describing how pharmaceutical waste will be managed in the future.

NMED requires that AGH provide to NMED within thirty (30) days of receipt of this letter a written description of the actions taken by AGH to address the violations described above and a schedule for implementation of corrective action not yet completed.

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 action taken during our inspection, or in response to this letter, does not relieve AGH of its obligation to comply with any and all other applicable laws and regulations.

If you have any questions regarding this letter, please contact Janine Kraemer of my staff at (505) 476-4372 or by email at Janine.kraemer@state.nm.us. Please send documentation to the address at the top of the letterhead or by email.

Sincerely,

John E. Kieling
Chief
Hazardous Waste Bureau

JEK: jk

cc: Jed Johnson, AGH
Janine Kraemer, NMED HWB
Robert Italiano, NMED District II Manager

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