State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Telephone (505) 428-2500
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BILL RICHARDSON
GOVERNOR

RON CURRY
SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUIRED

August 17, 2006

Dennis Knox
Chief Executive Officer
Lovelace Medical Center
5400 Gibson Blvd. SE
Albuquerque, NM 87108

SUBJECT: NOTICE OF VIOLATION
LOVELACE MEDICAL CENTER, EPA ID# NMD075769000

Dear Mr. Knox:

On August 23, 2005, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at Lovelace Medical Center, located at 5400 Gibson Blvd. SE, Albuquerque. Based on that inspection and review of the information obtained, the 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.

The NMED observed the following violations:

1. Lovelace Medical Center failed to make a proper hazardous waste determination on approximately 18 to 20 containers of 1 to 5-gallon capacity each, of unknown contents, as well as one 55-gallon drum of hazardous waste labeled xylene/acetone. These containers were located in the hazardous waste 180-day storage shed. This is a violation of 20.4.1.300, incorporating 40 CFR 262.11.

2. Lovelace Medical Center failed to a) enter the date of receipt from the generator and transporter on manifest # 04124, and b) obtain the acknowledgement of receipt of the transporter on the manifest continuation sheet for manifest # 01293. These are violations of 20.4.1.300 NMAC, incorporating 40 CFR 262.20, referring to the appendix instructions for completing the uniform hazardous waste manifest form boxes # 16, 17, and 33, respectively.

3. Lovelace Medical Center failed to submit an exception report to the Administrative Authority within 60 days of the date the waste was accepted by the initial transporter for the following six manifests: # 11234, # 11104, # 09134, # 02054, # 01194, and # 05133. This is a violation of 20.4.1.300, NMAC, incorporating 40 CFR 262.42(b).

4. Lovelace Medical Center failed to mark the accumulation start date on one 55-gallon drum of hazardous waste xylene/alcohol. This drum was located in the hazardous waste 180-day storage shed. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(d)(4) referring to 262.34(a)(2).

5. Lovelace Medical Center failed to place a copy in their file of the required land disposal restriction notices for two hazardous waste manifests, #'s 06065 and 09134. This is a violation of 20.4.1.800 NMAC, incorporating 40 CFR 268.7(a)(2).

6. Lovelace Medical Center failed to close one 42-gallon blue poly drum of mercury-containing thermometers located in the hazardous waste 180-day storage shed. This is a violation of 20.4.1.300, incorporating 40 CFR 262.34(d)(2) referring to 265.173(a).

7. Lovelace Medical Center failed to label one white plastic 5-gallon container of hazardous waste xylene/alcohol distillation sludge with the words "Hazardous Waste" or other words that identify the contents. This container was located in the hospital laboratory in the distillation unit room. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(c)(1)(ii).

8. Lovelace Medical Center failed to implement and document a proper hazardous waste training program for employees who handle hazardous waste. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(d)(5)(iii).

9. Lovelace Medical Center failed to label one 55-gallon drum of used oil with the words "Used Oil." This drum was located in the hazardous waste 180-day storage shed. This is a violation of 20.4.1.1002, incorporating 40 CFR 279.22(c).

In accordance with 74-4-10 NMSA 1978, the NMED may: (1) issue a Compliance Order requiring compliance immediately or within a specified time period, or assess a civil penalty for any past or current violations 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 may include a suspension or revocation of any permit issued by the NMED.

The NMED requires that Lovelace Medical Center provide a satisfactory resolution of the violations or a detailed plan of corrective action acceptable to the NMED within fifteen (15) days of receipt of this letter.

Any action taken in response to this letter does not relieve Lovelace Medical Center of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Mark Coffman of my staff at (505) 222-9569. Please address your written response to the attention of Mr. Coffman at the address in the letterhead.

Sincerely,

James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:mc

cc: Art Vollmer, Manager, Compliance & Technical Assistance Program
Sandra Y. Martin, Environmental Supervisor
Mark V. Coffman, Environmental Specialist
Ana Marie Ortiz, Acting General Manager, District I

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