



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUIRED

February 16, 2022

Carlos Branch  
Director of Plant Operations  
Los Alamos Medical Center  
3917 West Road  
Los Alamos, NM 87544

**RE: NOTICE OF VIOLATION AND RESOLUTION  
LOS ALAMOS MEDICAL CENTER  
EPA ID# NMD986671881**

Dear Mr. Branch:

On August 17, 2021, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection ("Inspection") at Los Alamos Medical Center ("LAMC"), located at 3917 West Road, Los Alamos, New Mexico. LAMC is a regional hospital and clinic serving Los Alamos County. Patient care activities at LAMC generate hazardous waste pharmaceuticals.

Based on observations and review of the information obtained, NMED has determined that LAMC is a Very Small Quantity Generator of hazardous waste as defined in 40 Code of Federal Regulations ("CFR") 262.13. Furthermore, NMED has determined that LAMC has violated the New Mexico Hazardous Waste Management Regulations ("HWMR") 20.4.1 New Mexico Administrative Code ("NMAC") as specified below.

NMED inspectors observed the following violations:

1. Failure to perform hazardous waste determinations, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.11. Specifically, LAMC had been reverse distributing expired hazardous waste pharmaceuticals.
2. Failure to store universal waste lamps in a closed container capable of preventing breakage, which is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR § 273.13(d)(1). Specifically, the NMED inspector observed an open box of universal waste fluorescent lamps in the rear parking lot. This violation was corrected at the time of

inspection.

3. Failure to label universal waste lamps with the words “universal waste”, or with other wording to identify contents, which is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR § 273.14(e) and 20.4.1.1001(B) NMAC. Specifically, the NMED inspector observed two unlabeled boxes of universal waste fluorescent lamps in the rear parking lot and FSG trailer. This violation was corrected at the time of inspection.
4. Failure to demonstrate the length of time universal waste has accumulated, which is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR § 273.15(c). Specifically, the NMED inspector observed two unlabeled boxes of universal waste fluorescent lamps in the rear parking lot and FSG trailer. This violation was corrected at the time of inspection.
5. Failure to submit annual hazardous waste fees as a Very Small Quantity Generator by the due date of August 1, 2021, which is a violation of 10.4.3.500 NMAC. Specifically, NMED observed during review of manifests that LAMC was a VSQG during Calendar Year 2020 and offered hazardous wastes for transport during that time. NMED did not have any record of LAMC submitting hazardous waste fees owed at the time of manifest review.

NMED has determined that the violations were adequately addressed from the response dated 09-10-2021; therefore, no further action is required.

This Notice of Violation is considered an informal enforcement response in accordance with NMED’s Enforcement Response Protocol. Please be aware that failure to address the above violations and any future substantial deviations from regulatory requirements may result in LAMC 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 LAMC of its obligation to comply with any and all other applicable laws and regulations.

Pursuant to the NMED Delegation Order dated September 14, 2020, the Cabinet Secretary has delegated the authority to issue Notices of Violation under the Hazardous Waste Act and HWMRs to the Chief of the Hazardous Waste Bureau. If you have any questions regarding this letter, please contact Aaron Coffman of my staff at 505-670-5211 or by email at [aaron.coffman@state.nm.us](mailto:aaron.coffman@state.nm.us).

Sincerely,

**Rick Shean**

Digitally signed by Rick Shean  
Date: 2022.02.16 15:47:27  
-07'00'

Rick Shean  
Chief  
Hazardous Waste Bureau

RS: ac

cc: Rick Shean, NMED HWB  
Aaron Coffman, NMED HWB  
Robert Italiano, NMED District II Manager

file: Library # 0895

**From:** [Branch Carlos](#)  
**To:** [Coffman, Aaron, NMENV](#)  
**Cc:** [Whiteside John](#); [Torresdev Pam](#)  
**Subject:** Hazardous Waste Inspection  
**Date:** Friday, September 10, 2021 3:05:53 PM  
**Attachments:** [IDFORM1.pdf](#)  
[ExitConf2.pdf](#)  
[CorrectiveAction3.pdf](#)  
[FeeReport4.pdf](#)

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We don't cut Checks locally so I will have the fee check by next Tuesday. I will send you a copy of that then, but I wanted to show you the form and the request submitted for it. Let me know if you have any other questions or if anything else is needed. Thanks

The information transmitted via this e-mail is intended only for the person or entity to which it is addressed and may contain confidential and/or proprietary information. Any use, review, retransmission, dissemination or other use of, or pursuing of any action in reliance upon this information by persons or entities other than the intended recipient is strictly prohibited. If you are the recipient of this e-mail transmission in error, please reply to the sender and delete the material from any computer. Thank you.



**LOS ALAMOS  
MEDICAL CENTER**

3917 West Road, Los Alamos, NM 87544

EPA Identification #: NMD986671881

September 9, 2021

**Aaron Coffman, Environmental Specialist  
New Mexico Environmental Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505**

**To Whom It May Concern:**

I would like to take this opportunity to address the deficiencies found by Mr. Coffman at Los Alamos Medical Center during the Hazardous Waste Inspection that was conducted on August 17, 2021.

1. **LAMC Corrective Action:** - Education and Training will be conducted with staff on what is considered Hazardous waste and proper disposal. LAMC is also working with INMAR on a program that they offer called Med Identify which allows us to scan medication NDCs and will identify if the medication should go into reverse distribution or hazardous waste.
2. **LAMC Corrective Action:** A. as indicated on inspection report. Contractor closed, sealed and labeled open box of fluorescent bulbs accordingly at time of inspection.  
B. Carlos Branch, Director of Plant Operations let Inspector know during exit interview that incandescent bulbs in maintenance storage area that were identified as a violation were not used or waste. They are current inventory for existing lighting fixtures in facility.
3. **LAMC Corrective Action:** A. as indicated on inspection report. Contractor labeled and dated sealed boxes of fluorescent bulbs accordingly at time of inspection. B. Carlos Branch, Director of Plant Operations let Inspector know during exit interview that incandescent bulbs in maintenance storage area that

were identified as a violation were not used or waste. They are current inventory for existing lighting fixtures in facility.

4. **LAMC Corrective Action: A.** as indicated on inspection report. Contractor labeled and dated sealed boxes of fluorescent bulbs accordingly at time of inspection.  
**B.** Carlos Branch, Director of Plant Operations let Inspector know during exit interview that incandescent bulbs in maintenance storage area that were identified as a violation were not used or waste. They are current inventory for existing lighting fixtures in facility.
5. **LAMC Corrective Action:** Los Alamos Medical Center has submitted 2020 Hazardous Waste Business Fee report and Fee.

Please let me know if you require any additional information.

Regards,

Carlos Branch, DPO  
Los Alamos Medical Center  
505-661-9441  
carlos.branch@lpnt.net



NEW MEXICO ENVIRONMENT DEPARTMENT  
HAZARDOUS WASTE BUREAU

2020 HAZARDOUS WASTE BUSINESS FEE REPORT

Note: Complete and return report with payment and RCRA Subtitle C Site Identification Form (8700-12)

**SECTION I: FACILITY INFORMATION AND IDENTIFICATION**

Facility Name: Los Alamos Medical Center  
 EPA Identification Number (if applicable): NMD 9866 71881  
 Facility Address: 3917 West Road  
Los Alamos NM 87544  
 Mailing Address: 3917 West Road  
Los Alamos NM 87544  
 Facility Contact: CARLOS BRANCH Phone: 505-661-9441  
 Title: Director of Plant Operations Email: carlos.branch@lplnt.net  
 Reporting Date: 9/9/21 Generator Status: V50E Amount: < 100 kg/mo.

Detailed regulations covering the hazardous waste business fees are defined at 20.4.3 NMAC.  
<https://www.em.nm.gov/hazardous-waste/hazardous-waste-regulation-and-authorization/>

**SECTION II: CERTIFICATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents. I hereby certify that either based on my personal knowledge or my inquiry of those individuals immediately responsible for obtaining the information, the submitted information is true, accurate and complete. I hereby acknowledge that any person who knowingly omits information from or makes any false statement or representation in a fee report may be subject to criminal penalties under the Act.

CARLOS BRANCH DPO  
 Name (printed or typed) Title  
[Signature] 9/9/21  
 Signature Date

Please returned to the address listed below. Make your cashiers check or money order for the full amount due payable to the NMED Hazardous Waste Bureau and mail it to:

NMED - Hazardous Waste Bureau  
 2905 Rodeo Park Drive East, Bldg. 1  
 Santa Fe, New Mexico 87505

See website for guidance when paying with check. Any check not completed accurately will be returned for resubmission.  
<https://www.em.nm.gov/wp-content/uploads/2016/11/Check-Guidance-10-19-2018.pdf>

When you provide a check as payment, you authorize the State of New Mexico to either use the information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.

**SECTION III: BUSINESS FEE**

CHECK THE BOX THAT IS APPLICABLE

- Episodic generators, for each planned or unplanned event: \$500  
 Planned  Unplanned
- Generators or co-generators requesting temporary or emergency EPA identification number: \$100
- Salvage yards, for each compliance assistance visit requested: \$100
- Generators notifying of 40 CFR 262 Subpart K activities: \$100
- Generators notifying of 40 CFR 250.10 (hazardous secondary materials activities): \$100

# Check Request

Invoice Type                      **IN**

FACILITY NAME:	LAMC	COID:	02779
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INVOICE DATE:	090921
INVOICE #:	090921


SPECIAL HANDLE Y or N	Y
Deliver Check to:	Accounting
VENDOR #:	200225
ACCOUNT #:	

<b>Remit To:</b>			
VENDOR NAME:	NMED Hazardous Waste		
ADDRESS-1	PO 5469		
ADDRESS-2			
	City	State	Zip
	Santa Fe	NM	87502-5469

COID	GL ACCT	LINE DESCRIPTION	\$ AMOUNT	1099 Code
02779	830858	Disposal Inspection	201.00	

	Freight
	Shipping & Handling
	Other
	Sales Tax
	TOTAL AMT                      201.00

On Contract: Y or N	
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<b>Check Remittance Comments:</b>	
Approval Signature	Date
	9/10/21