



BILL RICHARDSON  
GOVERNOR

State of New Mexico  
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Telephone (505) 476-6000  
Fax (505) 476-6030  
www.nmenv.state.nm.us



RON CURRY  
SECRETARY

COMPLIANCE EVALUATION INSPECTION REPORT

Facility: Dunn-Edwards corp. Location: 215 Ross Moore ~~SW~~ SW  
EPA ID #: NMD007106058 Albuquerque, NM 87105  
Ownership: Dunn-Edwards Corp. Mailing Address: Same as above

Facility Representative/Contact: Patrick Archibeque Title: Supervisor  
Date: 8-25-09 Time of Entry: 9:35 AM

Entry Conference:

- Present credentials to facility representative
- Cite statutory authority to enter site (NMSA § 74-4-4.3)
- Cite statutory authority to conduct inspection, obtain samples, take photos (NMSA § 74-4-4.3)
- State reason(s) for and nature of inspection
- State objectives and procedures for inspections
- Schedule exit conference

Participants: PRINT: Name	Title	Phone #
<u>Jaime Rodriguez</u>	<u>Environmental Spec.</u>	<u>476-6067</u>
<u>Charles Aragon</u>	<u>Environmental Health Specialist II</u>	<u>238-1186</u>
<u>Patrick Archibeque</u>	<u>Supervisor</u>	<u>610-2181</u>

Denial of Access (if applicable): \_\_\_\_\_ Time of Denial: \_\_\_\_\_  
Reason(s) for denial of access: \_\_\_\_\_  
Person denying access: \_\_\_\_\_ Title: \_\_\_\_\_  
Facility Signature: \_\_\_\_\_ NMED Signature: \_\_\_\_\_

This Compliance Evaluation Inspection (CEI) was conducted based on:

EPA ID NM0007106258  
 Facility Name Dunn Edwards  
 Date 8-25-09

FY: 10 Grant Requirements EPA

Follow up to Previous CEI \_\_\_\_\_

Citizen Complaint \_\_\_\_\_

Facility was Last Inspected on: \_\_\_\_\_

Observation by Inspector \_\_\_\_\_

Checklists Completed: CESQG, SQG, <90 Day, Transporter, LDR, Tanks, and Containers.

History, Size, and Nature of Business: Dunn Edwards opened their business at this location in 1987. They are housed in a 150,000 ft<sup>2</sup> building that sits on a 6 acre lot. This location used to manufacture and distribute paint but closed down the manufacturing section in December of 2007. They only distribute paint now from this location. They now have 6 employees and are open from 6:00 AM to 4:00 PM Monday thru Friday, and only distribute.

Waste Streams Generated:

Waste Code	Description of Process	Location
D009	Changing out of fluorescent lamps when spent.	Throughout building.
non Haz	Used oil left over from maintaining machinery when manufacturing process was still in use.	Empty Chemical Storage building.
D001	Aerosol cans used to paint over labels or to lubricate with WD40, thrown in trash when empty	Throughout building

EPA ID UMD007106959  
 Facility Name Dunn-Edwards Corp.  
 Date 8-25-09

Results of Inspection: UMED conducted an in-brief conference followed by a walk through of the facility. Manifests and paperwork from final Haz Waste pickup was reviewed followed by an exit conference.

The Following Potential Violations Were Noted:

Potential Violation	Specifics: (location, quantities, documents, photos, etc.)	Regulatory Citation
Failure to Contain <sup>spent</sup> lamps in packages or containers that are structurally sound and adequate to prevent breakage, 12 lamps leaned on the south wall of storage room.		40 CFR 273.13(d)(1)
Failure to label or mark clearly with one of the following phrases, "Universal waste lamps", "waste lamps", or "Used Lamps", 12 lamps lean on the south wall of storage room.		40 CFR 273.14(e)
Failure to label the container with the earliest date that the Universal waste became a waste, 12 lamps leaned on the south wall of storage room.		40 CFR 273.15(c)(1)
Failure to label used oil containers with the words "Used Oil" or other words that identify the contents, 2 metal 5-gallon buckets located on the south wall of storage room.		40 CFR 279.22(c)(1) and 20.4.1.1003(A) NMAC

Exit Conference:

EPA ID NMD007106958  
Facility Name Dunn-Edwards Corp.  
Date 8-25-09

Time of Exit: 11:30 Am

Discussion/Explanation of Potential Violations


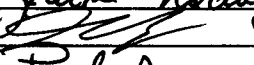
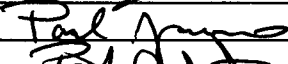
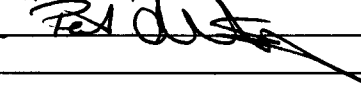
Explain Review Process by NMED/HWB Management ✓

NMED Anticipated Timetable for Notice of Violation Letter ✓

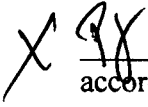
Explain Enforcement Policy and Procedures (incl. pos. penalties) ✓

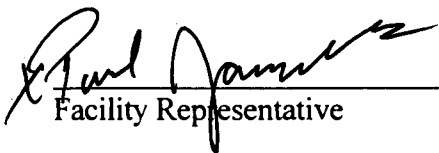
Explain Availability of On Site Technical Assistance ✓

Participants:

Name	Signature	Title	Phone #
Jaime Rodriguez		Env. Spec.	(505) 476-6067
Charles Aragon		Env. Health Spec. II	(505) 238-1186
Paul Jaramilla		Supervisor	(505) 363-9311
Patrick Archibeque		Supervisor	(505) 610-2181

I have been advised that at the time of inspection, no potential violations of 20 NMAC 4.1 were identified. I also understand that I remain obligated to comply with all applicable laws and regulations.

X  I have been advised of the potential violations identified during the inspection. I understand that in accordance with §74-4-10 NMSA 1978 (Repl. Pamp. 2000), NMED may: (1) issue a notice of violation requesting voluntary compliance within a specified time period; (2) issue a compliance order requiring compliance immediately or within a specified time period or assessing a civil penalty for any past or current violations of up to \$10,000 per day of noncompliance with each violation or both; or (3) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction. Any such order issued may include a suspension or revocation of any permit issued by NMED.

  
Facility Representative

## INSPECTION DOCUMENTATION FILE CHECKLIST

Facility: Dunn-Edwards Corp.

Facility Library File #: 1152

Lead Inspector: Jaime Rodriguez

Inspection Type CEI & Date 8/25/2009

Documentation Type	Comments	Completion Date	Final In File
Inspection Report Forms	CEI Report	8-25-09	9-8-09
Photo Sheets	3 sheets, 6 pictures	9-9-09	9-14-09
Violation / Field Worksheets	N/A		
Checklists Completed	CEISO Checklist	9-2-09	9-8-09
Supporting Documentation			
Response Documentation	Response Email Response Photos	9-9-09	9-14-09
Misc. Correspondence / Other	Notifier change request	9-9-09	9-14-09
Field Notes	N/A		
Complaint Form	N/A		
TA In-Compliance Letter	N/A		
CEI In-Compliance Letter	↓		
NOV Letter			
RTC Letter			
NOV / RTC Letter		Mailed on 10-7-09	9-15-09
Compliance Order	N/A		
Stipulated Final Order	N/A		

Completeness Review:

Reviewer:

*John N. Faerber*

Date:

10/22/09

Library Submittal:

Filed by:

*Umessa Bonos*

Date:

5.5.11

**HWB PHOTO SHEET**



**Facility:** Dunn - Edwards

**Photo #:** 1

**Date/Time:** 8/25/09

**Location:** West wall of manufacturing room.

**Description:** 55-gallon drum with left over paint waste (dried up).

**Violation(s):** NONE



**Facility:** Dunn - Edwards

**Photo #:** 2

**Date/Time:** 8/25/09

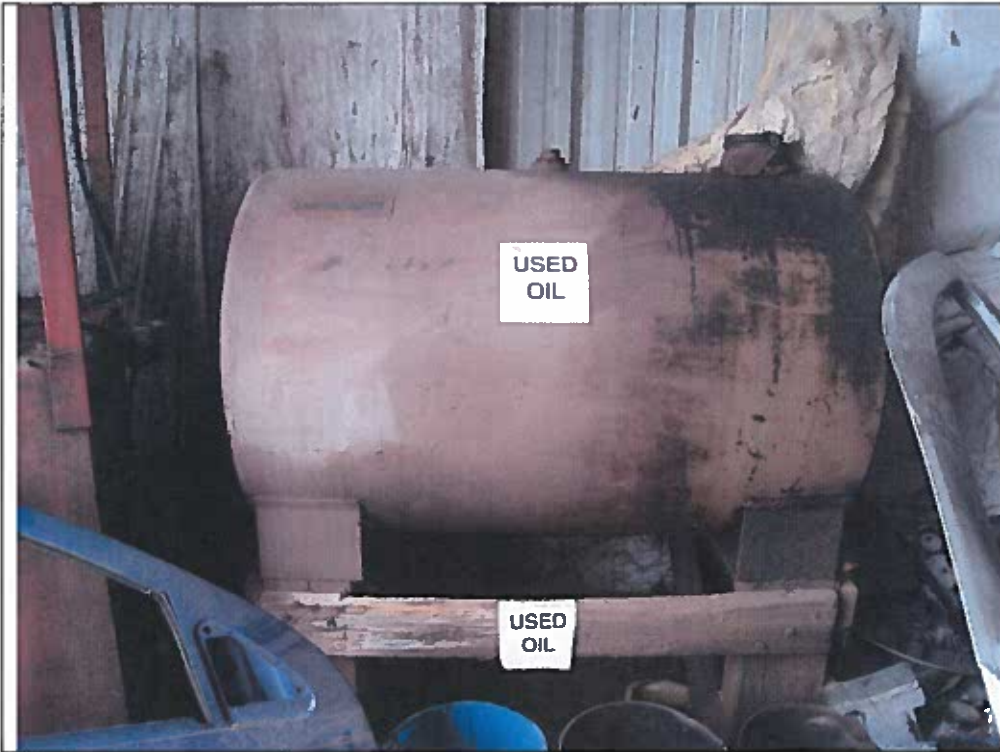
**Location:** Southeast corner of shop area.

**Description:** Used oil burner (empty)

**Violation(s):** NONE

**SCANNED**

# HWB PHOTO SHEET



**Facility:** Dunn - Edwards

**Photo #:** 3

**Date/Time:** 8/25/09

**Location:** Southeast corner of shop area.

**Description:** Metal used oil storage tank.

**Violation(s):** NONE



**Facility:** Dunn - Edwards

**Photo #:** 4

**Date/Time:** 8/25/09

**Location:** South wall of storage room.

**Description:** 5-gallon bucket with used oil.

**Violation(s):** 279.22(c)(1) – Failure to label with the words “Used Oil”.

**SCANNED**

# HWB PHOTO SHEET



**Facility:** Dunn - Edwards

**Photo #:** 5

**Date/Time:** 8/25/09

**Location:** South wall of storage room.

**Description:** spent bulbs leaned against wall.

**Violation(s):** 40CFR 273.13(d)(1), 273.14(e), and 273.15(c)(1). No label, No ASD, and not contained.



**Facility:** Dunn - Edwards

**Photo #:** 6

**Date/Time:** 8/25/09

**Location:** West wall of storage room.

**Description:** 4 metal 55-gallon drums (3 empty) used to store used oil.

**Violation(s):** NONE

**SCANNED**



HWB PHOTO SHEET



**Facility:** Dunn - Edwards

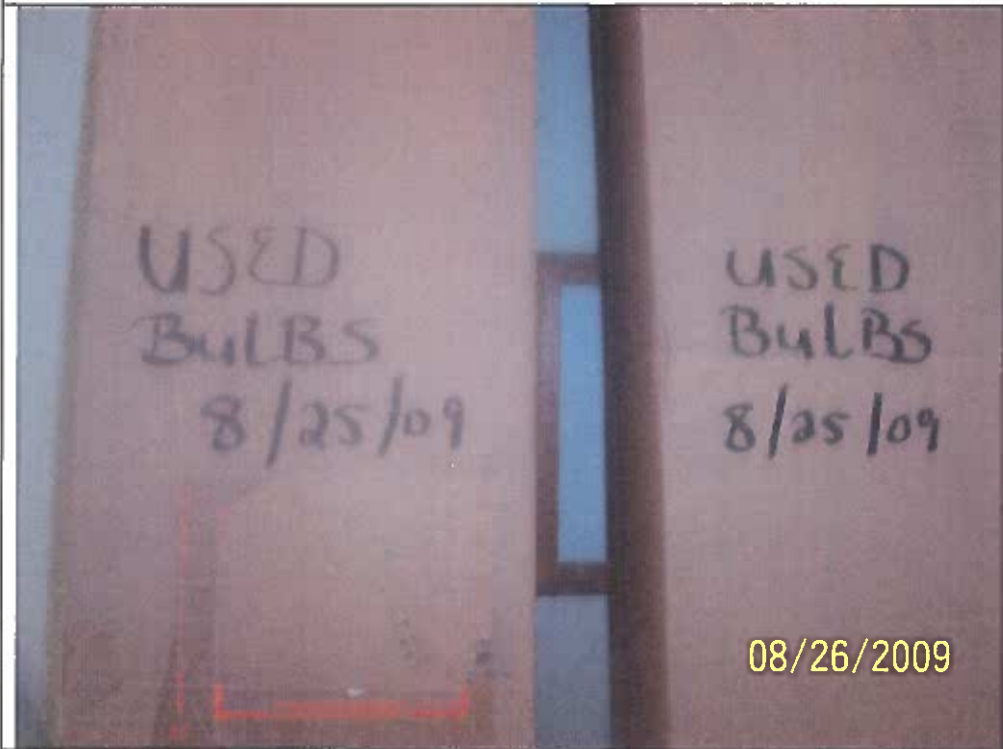
**Photo #:** 7

**Date/Time:** 8/26/09

**Location:** South wall of storage room.

**Description:** Spent bulbs.

**Violation(s):** Corrected on 8/26/09.



**Facility:** Dunn - Edwards

**Photo #:** 8

**Date/Time:** 8/26/09

**Location:** South wall of storage room.

**Description:** Spent bulbs

**Violation(s):** Corrected on 8/26/09.

**SCANNED**

**USED OIL TRANSPORTERS and or DISPOSAL COMPANIES**

Advanced Environmental Solutions  
2318 Roldan Dr.  
Belen, NM 87002  
(505) 861-1700

Envirosolve Waste Services, Inc.  
5338 Williams, SE  
Albuquerque, NM 87105  
(505) 873-0964 or 1-888-840-8475

Safety-Kleen  
2720 Girard, NE  
Albuquerque, NM 87107  
(505) 884-2277 or 1-800-769-5815

Mesa Oil Inc.  
20 Lucero Rd.  
Belen, NM 87002  
1-800-873-3645

Thermo Fluids  
9010 Bates Rd.  
Albuquerque, NM 87105  
(505) 247-9699



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DIANE DENISH  
Lieutenant Governor

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RON CURRY  
Secretary

JON GOLDSTEIN  
Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

October 7, 2009

Paul Jaramillo  
Supervisor  
Dunn-Edwards Corporation  
215 Rossmoor Rd.  
Albuquerque, NM 87105

**SUBJECT: NOTICE OF VIOLATION AND RESOLUTION  
DUNN-EDWARDS CORPORATION, EPA ID# NMD007106958**

Dear Mr. Jaramillo:

On August 25, 2009, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at Dunn-Edwards Corporation, located at 215 Rossmoor Rd., Albuquerque. Based on that inspection and review of the information obtained, the NMED has determined that your facility is a Conditionally Exempt Small Quantity Generator of hazardous waste. Furthermore your facility has chosen to manage the mercury containing fluorescent bulbs as Universal Waste and has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

The NMED observed the following violations:

1. Dunn-Edwards Corporation failed to properly contain twelve universal waste lamps located on the south wall of the storage room. A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. This is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR 273.13(d)(1).

2. Dunn-Edwards Corporation failed to label twelve universal waste lamps located on the south wall of the storage room. Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste Lamps", "Waste Lamps", "Used Lamps" or other words that accurately identify the universal waste material. This is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR 273.14(e), and 20.4.1001.B NMAC.
3. Dunn-Edwards Corporation failed to demonstrate the length of time that twelve universal waste lamps located on the south wall of the storage room have been accumulating. A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. This is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR 273.15(c).
4. Dunn-Edwards Corporation failed to label or mark clearly two metal 5-gallon buckets containing used oil located on the south wall of the storage room. Containers and aboveground tanks used to store used oil must be labeled or marked clearly with the words "Used Oil" or other words that accurately identify the used oil. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.22(c)(1), and 20.4.1.1003.A NMAC.

I have attached a list of pick up and disposal companies for the handling of used oil that has been collected and stored at your facility. Since your facility no longer generates used oil, the NMED recommends that it be properly disposed of to avoid any future violations of the used oil regulations.

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 has reviewed your response to the inspection dated September 3, 2009. Based on the review and actions taken at the time of inspection, the violations cited in the Notice of Violation have been adequately addressed and no further action is required.

Any action taken in response to this letter does not relieve Dunn-Edwards Corporation of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Jaime Rodriguez of my staff at (505) 476-6067. Please address your written response to the attention of Mr. Rodriguez at the address on the letterhead.

Paul Jaramillo  
October 7, 2009  
Page 3

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

JB:jr

Attachments: List of used oil disposal companies

cc: Art Vollmer, NMED HWB  
Anna Maestas, NMED HWB  
Jaime Rodriguez, NMED HWB  
Jennifer Ickes, NMED District I

file: Library #1152