



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Hazardous Waste Bureau*

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DAVE MARTIN  
Secretary

BUTCH TONGATE  
Deputy Secretary

JAMES H. DAVIS, Ph.D.  
Director  
Resource Protection Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 26, 2012

Vicki Griego  
Assistant Manager  
Sam's Club #6347  
4500 E. Main St.  
Farmington, NM 87402

**RE: NOTICE OF VIOLATION AND RESOLUTION  
SAM'S CLUB #6347, EPA ID# NMR000001479**

Dear Ms. Griego:

On July 16, 2012, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at Sam's Club #6347, located at 4500 E. Main St., Farmington. 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. Failure to make a hazardous waste determination. This violation is associated with expired hazardous waste pharmaceuticals being sent to GENCO Distribution System, Inc. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.11(b).
2. Failure to enter hazardous waste codes on a Uniform Hazardous Waste Form. Four manifests (008791065 JJK, 008291921 JJK, 007549191 JJK, and 005439414 FLE) did not contain the appropriate waste code, P001. P001, the code for Coumadin (Warfarin), was entered on manifests for the previous three years, as required. This is

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a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.20(a)(1), referring to the Appendix to Part 262, Item #13.

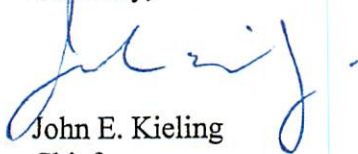
NMED has determined that the violations were adequately addressed during the Compliance Evaluation Inspection. No further action is required at this time.

NMED requires that expired pharmaceuticals listed in 40 CFR 261, Subpart D be managed as hazardous waste. NMED does not recognize the reverse distribution of expired hazardous pharmaceuticals.

This Notice of Violation is considered an informal enforcement response in accordance with the 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 Sam's Club of its obligation to comply with any and all other applicable laws and regulations.

If you have any questions regarding this letter, please contact Doug Hopinkah of my staff at (505) 222-9542 or [doug.hopinkah@state.nm.us](mailto:doug.hopinkah@state.nm.us). Please address any written response to Mr. Hopinkah not in the form of an e-mail to the address in the letterhead.

Sincerely,



John E. Kielling  
Chief  
Hazardous Waste Bureau

JEK:dh

cc: Steve Pullen, NMED HWB  
Sandra Martin, NMED HWB  
Doug Hopinkah, NMED HWB  
Robert Italiano, District II Manager

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