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Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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RYAN FLYNN
Cabinet Secretary - Designate

BUTCH TONGATE
Deputy Secretary

TOM BLAINE, P.E.
Director
Environmental Health Division

CERTIFIED MAIL - RETURN RECEIPT REQUIRED

June 24, 2013

Kerry Bassore
Water & Energy Conservation Planner
Bernalillo County Public Works
2400 Broadway Blvd. SE
Albuquerque, NM 87102

**RE: NOTICE OF VIOLATION
BERNALILLO COUNTY PUBLIC WORKS
EPA ID# NMD982760142**

Dear Mr. Bassore,

On April 11, 2013, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at Bernalillo County Public Works, located at 2400 Broadway Blvd. SE, 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 and a Transporter of Used Oil, 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 label used oil containers with the words "Used Oil" or other wording to identify the contents. During the inspection NMED found three unlabeled used oil containers, the catch container located under the used oil filter crusher in the Fleet Maintenance Shop and two 5-gallon white buckets in the Land Management Maintenance Shop. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR § 279.22(c)(1) and 20.4.1.1003.A NMAC.

2. Failure to notify the NMED Hazardous Waste Bureau of the intent to crush fluorescent bulbs. A major bulb replacement throughout County owned buildings began in 2011 and continued through the Spring of 2012. During the inspection NMED found that the bulbs had been crushed on-site and the facility was unable to provide a copy of a notice to NMED of this crushing operation. This is a violation of 20.4.1.1001.C(3)(b) NMAC.
3. Failure to develop a written procedure specifying how to safely break or crush spent fluorescent bulbs. During the inspection NMED found that the facility was unable to provide a copy of a written procedure specifying how to safely crush bulbs. This is a violation of 20.4.1.1001.C(2)(b) NMAC.
4. Failure to properly contain spent fluorescent bulbs in a container or package that is structurally sound and closed at all times. During the inspection NMED identified two containers of spent bulbs in open containers, a 55-gallon black metal drum containing four 4-foot bulbs located in the Fixed Assets yard and a dumpster containing fifteen 8-foot bulbs located south of the Fleet Maintenance Shop. This is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR § 273.13(d)(1).
5. Failure to mark or label containers storing spent fluorescent bulbs with the words "Universal Waste" or other wording to identify the contents. During the inspection NMED identified two unlabeled containers of spent bulbs, a 55-gallon black metal drum containing four 4-foot bulbs located in the Fixed Assets yard and a dumpster containing fifteen 8-foot bulbs located south of the Fleet Maintenance Shop. This is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR § 273.14(e) and 20.4.1.1001.C(2)(f) NMAC.
6. Failure to apply the accumulation start date on containers storing spent fluorescent bulbs. During the inspection NMED identified two containers of spent bulbs without an accumulation start date, a 55-gallon black metal drum containing four 4-foot bulbs located in the Fixed Assets yard and a dumpster containing fifteen 8-foot bulbs located south of the Fleet Maintenance Shop. This is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR § 273.15(c).
7. Failure to make a hazardous waste determination. During the inspection the NMED found that the contents of one 55-gallon black metal drum and one 20-gallon blue & white metal drum, both located under the canopy of Facility Maintenance, could not be identified by facility personnel. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.11.
8. Failure to notify the NMED Hazardous Waste Bureau as a Used Oil Transporter. The facility utilizes a maintenance vehicle to provide services to heavy equipment at project sites. This vehicle holds a 100-gallon capacity used oil tank which transports the used oil from project sites back to the facility. The transportation of used oil in

Kerry Bassore
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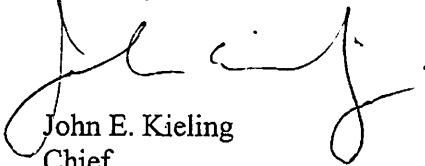
excess of 55-gallon must be reported per RCRA Section 3010 and NMED does not have such a report from your facility. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR § 279.42(a).

The NMED requires that Bernalillo County Public Works provide to the NMED within (30) days of receipt of this letter a written description of the actions taken to address the violations described above and a schedule for implementation of corrective actions not yet completed.

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 Bernalillo County Public Works 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 at doug.hopinkah@state.nm.us. Please address your written response to the attention of Mr. Hopinkah at the address in the letterhead.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

JEK:dh

cc: Steve Pullen, NMED HWB
Sandra Martin, NMED HWB
Doug Hopinkah, NMED HWB
William Chavez, NMED District I

file: Library #1501