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Lieutenant Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Hazardous Waste Bureau*

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Acting Director  
Resource Protection Division

**CERTIFIED MAIL - RETURN RECEIPT REQUIRED**

May 22, 2013

Martin Vargas  
Superintendent, Vehicle Maintenance  
Solid Waste Management Department  
4600 Edith Blvd. NE  
Albuquerque, NM 87105

**RE: NOTICE OF VIOLATION  
SOLID WASTE MANAGEMENT DEPARTMENT  
EPA ID# NMD986682128**

Dear Mr. Vargas:

On March 7, 2013, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at Solid Waste Management Department, located at 4600 Edith Blvd. NE, 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, 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 or mark clearly with the words "Used Oil" or other words that identify its contents. During the facility walkthrough, NMED found the following seven used oil containers unlabeled;
  - a) Two 100-gallon used oil caddy's located at the Preventative Maintenance area,
  - b) One 1000-gallon black metal holding tank located at the used oil collection area south of the mechanic shop,

- c) The secondary containment unit for the 1000-gallon used oil holding tank located at the used oil collection area south of the mechanic shop. The containment unit was approximately 1/3 full of used oil,
- d) An open top white poly container with approximately 15-gallons of used oil located at the used oil collection area south of the mechanic shop, and
- e) Two 55-gallon white poly drums containing used oil located at the fluid top-off station.

The seven containers were not labeled as, or said to be, "Day Use" containers at the time of inspection. 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 respond to the release of used oil to the environment. During the physical inspection of the facility NMED noticed releases at the following four locations;
  - a) An area of approximately 30 feet by 15 feet around the used oil collection area south of the mechanic shop. Although this area is on pavement, the heavily contaminated surface slopes towards Edith Blvd. and has no runoff control,
  - b) An area of approximately 30 feet by 30 feet in the southeast corner of the property where spare hydraulic cylinders are stored. This unpaved area has used oil infiltrating the ground,
  - c) The unpaved area north of the "Fluid Top-off Station" with used oil infiltrating the ground, and
  - d) The unpaved area northwest of the Tire Shop under a 300-gallon metal tank containing transmission oil. At the time of the inspection there was a fresh and visible leak coming from the tank and infiltrating the ground.

Through photos taken during the inspection and discussions with facility personnel, NMED has determined that all used oil releases have been occurring for at least 60 days and the facility has made no effort to prevent or remediate the releases. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR § 279.22(d).

- 3. Failure to cover or close used oil containers while kept outdoors. During the physical inspection of the facility NMED found the following four containers with used oil stored outdoors and uncovered;
  - a) The secondary containment unit for the 1000-gallon used oil holding tank located at the used oil collection area south of the mechanic shop,
  - b) An open top white poly container with approximately 15-gallons of used oil located at the used oil collection area south of the mechanic shop, and
  - c) Two 55-gallon white poly drums containing used oil located at the fluid top-off station.

Used oil was not being added or removed to these containers at the time of inspection. This is a violation of 20.4.1.1003.B(1) NMAC.

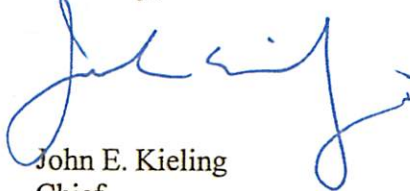
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The NMED requires that Solid Waste Management Department provide to the NMED within (30) days of receipt of this letter a written description of the actions taken by Solid Waste Management Department to address the violations described above and a 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 Solid Waste Management Department of its obligation to comply with any and all other applicable laws and regulations.

If you have any questions regarding this letter, please contact Jaime Rodriguez of my staff at (505) 660-3809 or at [jaime.rodriguez@state.nm.us](mailto:jaime.rodriguez@state.nm.us). Please address any written response to the attention of Mr. Rodriguez at the address in the letterhead.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

JEK:jr

cc: Steve Pullen, NMED HWB  
Jaime Rodriguez, NMED HWB  
William Chavez, NMED District I Manager

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