



BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1

Santa Fe, New Mexico 87505-6303

Phone (505) 476-6000 Fax (505) 476-6030

www.nmenv.state.nm.us



RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 20, 2009

Dale Jacoby
Operations Manager
Danlar Collision
221 Dorado Place SE
Albuquerque, NM 87123

**SUBJECT: NOTICE OF VIOLATION
DANLAR COLLISION, EPA ID# NMR000003327**

Dear Mr. Jacoby:

On March 10, 2009, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at Danlar Collision, located at 221 Dorado Place SE, Albuquerque. 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 and has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

The NMED observed the following violations:

1. Danlar Collision failed to label or mark clearly three 55-gallon black metal drums containing paint related waste with the words "Hazardous Waste" located outside behind the main shop area. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(d)(4) referring to 262.34(a)(3).
2. Danlar Collision failed to clearly mark the accumulation start date on three 55-gallon black metal drums containing paint related waste located outside behind the main shop area. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(d)(4) referring to 262.34(a)(2).

3. Danlar Collision failed to label two 55-gallon blue drums and one 55-gallon orange drum located outside behind the main shop area with the words "Used Oil," or similar wording. Containers containing 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.
4. Danlar Collision failed to mark or label one 55-gallon black metal drum containing paint waste with the words "Hazardous Waste" or other words that identify the contents of the container located at the satellite accumulation area in the paint mixing room. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(c)(1)(ii).
5. Danlar Collision failed to close one 55-gallon black metal drum containing paint waste located at the satellite accumulation area in the paint mixing room. Containers must always be closed during storage except when adding or removing waste. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(c)(1)(i) referring to 265.173(a).
6. Danlar Collision failed to post the following information next to the telephone:
 - a) name and phone number of the emergency coordinator;
 - b) location of fire extinguishers and spill control material, and;
 - c) the telephone number of the fire department.This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.34(d)(5)(ii).
7. Danlar Collision failed to pay the New Mexico Annual Hazardous Waste Fees for 2007, which were due August 1, 2008. This is a violation of 20.4.3 NMAC.

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 for 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 requires that Danlar Collision provide a satisfactory resolution of the violations or a detailed plan of corrective action acceptable to the NMED within 15 days of receipt of this letter.

Any action taken in response to this letter does not relieve Danlar Collision of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Brady Christensen of my staff at (505) 476-6026. Please address your written response to the attention of Mr. Christensen at the address on the letterhead.

Dale Jacoby
May 20, 2009
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Sincerely,

A handwritten signature in black ink, appearing to read 'Jm', with a stylized flourish at the end.

James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:bc

cc: Art Vollmer, NMED HWB
Anna Maestas, NMED HWB
Brady Christensen, NMED HWB
Jennifer Ickes, District I

file: **Library #2496**