



Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6313
Phone (505) 476-6000 Fax (505) 476-6030
www.env.nm.gov



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUIRED

May 7, 2021

Marc Steinberg
Owner
Zia Recycling, LLC
8100 Wyoming Blvd. NE, Suite M4, Box 380
Albuquerque, NM 87113

**RE: NOTICE OF VIOLATION
ZIA RECYCLING, LLC**

Dear Mr. Steinberg:

On March 9, 2021, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection at Zia Recycling, LLC ("Zia Recycling"), located at 2701B 2nd Street NW, Albuquerque, New Mexico. Zia Recycling receives shipments of recyclable materials, primarily metals and lead-acid batteries, for consolidation and arrangements for further shipment to other recycling entities. These activities generate small amounts of waste spill cleanup materials from the management of periodically damaged lead-acid batteries.

Based on observations and review of the information obtained, NMED has determined that Zia Recycling is a Very Small Quantity Generator of hazardous waste as defined in 40 Code of Federal Regulations ("CFR") 262.13. Furthermore, NMED has determined that Zia Recycling has violated the New Mexico Hazardous Waste Management Regulations ("HWMR") 20.4.1 New Mexico Administrative Code ("NMAC") as specified below.

NMED inspectors observed the following violation:

1. Failure to conduct a complete hazardous waste determination on waste spill cleanup materials, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.11. During evaluation of the management of waste streams, the facility staff stated during

the inspection that waste absorbents from damaged lead-acid batteries had been routinely disposed as non-hazardous waste.

Corrective Action: Zia Recycling must ensure that used absorbent from the management of damaged lead-acid batteries is characterized and a hazardous waste determination conducted on this waste stream (i.e. save the material to conduct sampling to determine lead content). Please provide copies of the waste determination to NMED.

NMED is requesting that Zia Recycling provide to NMED within thirty (30) days of receipt of this letter a written description of the actions taken by Zia Recycling to address the violations described above or a schedule for implementation of corrective actions not yet completed.

This Notice of Violation is considered an informal enforcement response in accordance with NMED's Enforcement Response Protocol. Please be aware that failure to address the above violations and any future substantial deviations from regulatory requirements may result in Zia Recycling 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 Zia Recycling of its obligation to comply with any and all other applicable laws and regulations.

Pursuant to the NMED Delegation Order dated September 14, 2020, the Cabinet Secretary has delegated the authority to issue Notices of Violation under the Hazardous Waste Act and HWMRs to the Chief of the Hazardous Waste Bureau. If you have any questions regarding this letter, please contact Aaron Coffman of my staff at 505-670-5211 or by email at aaron.coffman@state.nm.us. Please address any written response to the attention of Aaron Coffman at the address on the letterhead.

Sincerely,

Kevin M. Pierard, Chief
Hazardous Waste Bureau

KP: ac

cc: Janine Kraemer, NMED HWB
Aaron Coffman, NMED HWB
Levi Cole, NMED Acting District I Manager

file: Library # 3160