



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6313
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BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

December 1, 2017

Philip Lovato
President
Philip & Sons Mechanic and Tire Service
P.O. Box 27287
Albuquerque, NM 87125

**RE: NOTICE OF VIOLATION AND RESOLUTION
PHILIP & SONS MECHANIC AND TIRE SERVICE
EPA ID# NMR000009290**

Dear Mr. Lovato:

On August 31, 2017, the New Mexico Environment Department (“NMED”) conducted a hazardous waste Compliance Evaluation Inspection at Philip & Sons Mechanic and Tire Service, (“P&S”) located at 2501 Aztec Rd. NE, Albuquerque, New Mexico. P&S is a maintenance and repair shop for large trucks and heavy machinery. Hazardous waste generated at this facility include waste gasoline/diesel mix, parts washer solvent, spent lead acid batteries and spent mercury containing lamps.

Based on that inspection and review of the information obtained, 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.

NMED observed the following violation:

1. Failure to label or mark containers clearly with the words “Used Oil” or other words that identify its contents. During the inspection, NMED identified one 15-gallon drum containing used oil that was not labeled. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR § 279.22(c)(1), and 20.4.1.1003.A NMAC.

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Please note: NMED has not yet adopted the new generator rules promulgated by the U.S. Environmental Protection Agency ("EPA") on May 30, 2017. 20.4.1 NMAC currently incorporates by reference the 2008 version of the Code of Federal Regulations, which is reflected in the citations included above.

NMED has determined that the violation was adequately addressed during the Compliance Evaluation Inspection and therefore no further action is required.

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 P&S 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) 222-9569 or by email at jaime.rodriguez@state.nm.us.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

JEK: jr

cc: Janine Kraemer, NMED HWB
Frank Rodarte, NMED HWB
Jaime Rodriguez, NMED HWB
John Rhoderick, NMED District I, Manager

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