



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

February 7, 2018

Chip Hughes
Environmental Project Manager
Pilot Travel Centers
5508 Lonas Drive
Knoxville, TN 37909

**RE: NOTICE OF VIOLATION AND RESOLUTION
FLYING J TRAVEL PLAZA #689
EPA ID# NMR000022319**

Dear Mr. Hughes:

On January 5, 2018, the New Mexico Environment Department (“NMED”) conducted a hazardous waste Compliance Evaluation Inspection (“Inspection”) at Flying J Travel Plaza #689 (“Flying J”) at 9911 Avalon Rd. NW, Albuquerque, New Mexico (“Facility”). Flying J is a fuel distribution and convenience center for commercial trucks and passenger vehicles. The facility generates wastes related to spills from diesel and gasoline dispensers such as absorbents and materials from the sumps.

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 (“HWMR”) (20.4.1 New Mexico Administrative Code) as specified below.

NMED inspectors observed the following violation:

1. Failure to pay annual hazardous waste generator fees. Small Quantity Generators (“SQGs”) are required to pay hazardous waste generator fees annually. Specifically, Flying J episodically generated SQG amounts of hazardous waste in 2016 and has not

paid fees for 2016, which should have paid by August 1st, 2017. Generator fees are due the 1st of August of the following year. This is a violation of 20.4.3.200.B(1)(a) NMAC.

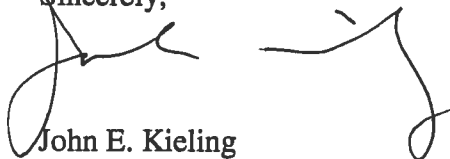
Please note: NMED has not yet adopted the new generator rules promulgated by EPA on May 30, 2017. Currently, 20.4.1 NMAC incorporates by reference the 2008 version of the Code of Federal Regulations, which is reflected in the citations included above.

NMED has determined that the violation was adequately addressed from your response dated January 31, 2018 and therefore no further action is required.

This Notice of Violation is considered an informal enforcement response in accordance with 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 Flying J of its obligation to comply with any and all other applicable laws and regulations.

If you have any questions regarding this letter, please contact Don Meyer of my staff at (505) 476-6021 or by email at don.meyer@state.nm.us.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

JEK:dm

cc: Janine Kraemer, NMED HWB
Don Meyer, NMED HWB
John Rhoderick, NMED District I Manager

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