



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lt. Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Hazardous Waste Bureau*

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BUTCH TONGATE  
Cabinet Secretary

BRUCE YURDIN  
Acting Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

October 19, 2018

Donna Sanchez  
Owner  
D & M Autoworks  
1560 Center Court  
Santa Fe, NM 87507

**RE: NOTICE OF VIOLATION  
D & M AUTOWORKS  
EPA ID# NMR000025478**

Dear Ms. Sanchez:

On October 9, 2018, the New Mexico Environment Department (“NMED”) conducted a hazardous waste Compliance Evaluation Inspection (“Inspection”) at D & M Autoworks (“D & M”) at 1560 Center Court, Santa Fe, New Mexico. D & M is an automotive collision repair and paint shop, which paints and repairs automobiles. The facility generates small amounts of waste paint, spent paint gun cleaning solvent and associated wipes.

Based on the Inspection and review of the information obtained, NMED has determined that, at the time of Inspection, your Facility was categorically defined in the Notification of Regulated Waste Activity Instructions Environmental Protection Agency (“EPA”) Form 8700-12, is a Conditionally Exempt Small Quantity Generator of hazardous waste. Furthermore, 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:

- Failure to make a hazardous waste determination, which is a violation of 20.4.1.300 NMAC, incorporating 40 Code of Federal Regulations (“CFR”) 262.11. Specifically,

NMED inspectors observed the waste from the paint gun cleaner was being mixed with absorbent and disposed of in the trash without first determining if the waste is hazardous.

**Corrective Action:** D & M must provide NMED documentation/pictures demonstrating that waste paint and gun cleaning wastes are being managed in accordance with the Hazardous Waste Management Regulations (“HWMR”) and submit disposal documentation.

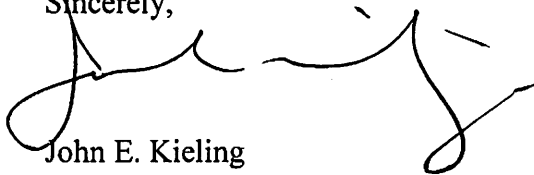
Please note: NMED has not yet adopted the new generator rules promulgated by EPA on May 30, 2017. Currently, 20.4.1 NMAC incorporates by reference the 2008 version of the Code of Federal Regulations, which is reflected in the citations included above.

NMED requires that D & M provide to NMED within thirty (30) days of receipt of this letter a written description of the actions taken by D & M 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 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 D & M 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](mailto:don.meyer@state.nm.us). Please address any written response to the attention of Don Meyer at the address on the letterhead.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

JEK:dm

cc: Janine Kraemer, NMED HWB  
Don Meyer, NMED HWB  
Robert Italiano, NMED District II Manager

file: Library #4780