



## Certified Mail – Return Receipt Requested

November 1, 2021

Mr. Bernabe Marquez  
c/o Mr. Karl Roepke, Esq.  
Roepke Law Firm, LLC  
2501 San Pedro NE, Suite 205  
Albuquerque, NM 87110  
[khr@roepkelaw.com](mailto:khr@roepkelaw.com)

Re: Notice of Violation, former Karler Packing Facility, 9111 Broadway SE, Albuquerque, New Mexico

Dear Bernabe Marquez,

The New Mexico Environment Department (NMED) hereby issues this Notice of Violation (NOV) for the former Karler Packing Facility, located at 9111 Broadway SE in Albuquerque, New Mexico (Site) for failure to submit a modified Stage 1 Abatement Plan (S1AP) proposal. The NMED notified you in correspondence dated March 1, 2019, of your obligation to submit a modified S1AP proposal by May 14, 2019, to comply with the Water Quality Control Commission Regulations 20.6.2.4000 through 20.6.2.4115 NMAC and cure one or more deficiencies noted in the Notice of Deficiency (NOD) dated February 13, 2019. To date, NMED has not received a modified S1AP proposal for the Site.

Though the NMED Petroleum Storage Tank Bureau designated the Site as a State-Lead site in April 2020 in accordance with 20.5.121.2103 NMAC, this designation applies only to contamination from underground storage tank release(s) and does not absolve the Site from addressing other types of contamination at the Site. Therefore, NMED requires you to submit a modified S1AP proposal to NMED for approval within 14 days of receipt of this correspondence. The modified S1AP proposal should address all deficiencies noted in the NOD.

Failure submit a modified S1AP proposal to NMED in the timeframe noted above may result in heightened oversight and a formal enforcement action, including the issuance of an administrative compliance order and civil penalties of up to \$10,000 per day per violation of the New Mexico Water Quality Act, NMSA 1978, §§74-6-1 to -17 and regulations adopted pursuant to the Act.

Pursuant to the NMED Delegation Order dated May 24, 2021, the Cabinet Secretary has delegated the authority to sign NOV's under the New Mexico Water Quality Act to the Chief of the Ground Water Quality Bureau with concurrence from the Director of the Water Protection Division. For any questions or concerns relating to this matter, please contact Kate Herrell of the Remediation Oversight Section (ROS) at 505-670-1796 or [kate.herrell@state.nm.us](mailto:kate.herrell@state.nm.us).

Sincerely,

Justin Ball, Acting Chief  
Ground Water Quality Bureau

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cc: Karl H. Roepke, [khr@roepkelaw.com](mailto:khr@roepkelaw.com)  
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