



**Certified Mail – Return Receipt Requested No. 7020 3160 0000 0515 4673**

December 18, 2023

Barbera Aragon  
Manager, Sono Bello Albuquerque  
5601 Office Blvd. NE, Suite 200  
Albuquerque, New Mexico 87109

**Re: Notice of Violation – Sono Bello Albuquerque**

Dear Barbera Aragon,

On October 13 and 19, 2023, Ken R. Churan and Daniel R. Galasso, Enforcement Officers, Solid Waste Bureau (“SWB”), New Mexico Environment Department (“NMED”), inspected Sono Bello Albuquerque, a cosmetic surgical clinic, to determine compliance with the New Mexico Solid Waste Rules (“SWR”), 20.9.2 – 20.9.10 NMAC. The following violations were observed:

**1. Improper disposal of infectious waste** – Improper disposal of infectious waste was first reported to the NMED on September 27, 2023, as bags containing infectious waste were observed in a marked recycling bin located in the facility’s parking area. Photographs displayed blood/fluid-stained materials in clear plastic bags mixed with other forms of garbage. During the October 13, 2023 inspection, similar blood-stained materials mixed with other garbage were observed in two clear plastic bags placed in the facility’s trash bin.

The SWR, 20.9.8.13.D NMAC, states that “[a]ll generators of infectious waste shall dispose of the infectious waste at a facility permitted to process, store or dispose of infectious waste.”

**2. Failure to segregate infectious waste** – The October 13, 2023 inspection documented blood-stained materials mixed with other garbage in two clear plastic bags placed in the facility’s trash bin.

The SWR, 20.9.8.13.C(2) NMAC, states that “[i]nfectious waste shall be segregated by separate containment from other waste at the point of origin.”

**3. Failure to prevent leakage of infectious waste and failure to sufficiently lid rigid containers** – The October 13, 2023 inspection documented a dried pool of blood on the floor of the infectious waste storage room and no lids were observed on the rigid waste containers in the storage room.

The SWR, 20.9.8.13.C(5)(b) NMAC, states that “[r]igid containers...shall meet or exceed the

requirements of 49 CFR 173.197 including that the containers be leak resistant.” The SWR, 20.9.2.8.13.C(5)(e), also states that “[r]igid containers shall...[be] sealed to prevent leakage during transport.”

**4. Failure to label special waste containers placed in storage** – The October 13, 2023 inspection documented that full special waste containers, containing infectious waste, were not labeled when placed in the infectious waste storage area.

The SWR, 20.9.8.10.C NMAC, states that “[a] generator of special waste shall assure that all containers of special waste when deemed full and placed in storage are clearly labeled or marked, indicating the name and address of generator, contents, date placed in storage and potential health, safety, and environmental hazards associated with the waste.”

**5. Incomplete Infectious Waste Management Plan** – The inspection documented the facility’s incomplete Infectious Waste Management Plan, which lacked written procedures on proper storage of waste, labeling, waste transportation procedures including manifests, the name of the transporter and disposal facility that will be used, and the disposal methods.

The SWR, 20.9.8.13.E(1) NMAC states the “[e]very person who generates, transports, stores, processes, or disposes, of infectious waste shall prepare and maintain on file a management plan for the waste that identifies the type of waste the person generates or handles, the segregation, packaging, labeling, collection, storage, method of storage, and transportation procedures to be implemented, the processing, transformation or disposal methods that will be used, the transporter and disposal facility that will be used, and the person responsible for the management of the infectious waste.”

Pursuant to the NMED Delegation Order dated March 24, 2023, the Cabinet Secretary has delegated the authority to issue SWB Notices of Violation to the Chief of the SWB in the Resource Protection Division. The NMED is seeking your voluntary cooperation in the immediate correction of these violations. Please respond in writing within 10 calendar days of receipt of this notice as to what action you have taken, or plan to take, to correct the violations. Send your response to Rick Shean, Acting SWB Chief, Enforcement Section, SWB, NMED District I, 121 Tijeras Avenue NE, Suite 1000, Albuquerque, New Mexico 87102-3400. The failure to assure corrective action or continued non-compliance may result in additional enforcement action, which may include the assessment of a civil penalty.

All documentation submitted to NMED’s SWB related to this Notice of Violation must include the following certification, signed by you or a delegated responsible official:

“I certify under penalty of law that this document and all its attachments were prepared under my directions or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for the gathering of the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fines and imprisonment for knowing violations.”

If you have any questions, please contact Mr. Shean at (505) 629-6494 or rick.shean@env.nm.gov.

Sincerely,

Rick Shean  
Director, Resource Protection Division  
Acting Chief, Solid Waste Bureau

Enclosure – Copy of Solid Waste Facility Inspection Report

RS:drg:krc

cc: Daniel R. Galasso, Enforcement Coordinator, SWB *[via electronic mail]*  
Ken R. Churan, Enforcement Officer, SWB *[via electronic mail]*