



CERTIFIED MAIL - RETURN RECEIPT REQUIRED

February 8, 2024

Luis Venegas
Store Manager
Auto Zone #2515
700 S. Main Street
Roswell, NM 88201

**RE: NOTICE OF VIOLATION
AUTO ZONE #2515
EPA ID# NMR000030932**

Dear Mr. Venegas:

On December 13, 2023, the New Mexico Environment Department (“NMED”) conducted a hazardous waste Compliance Evaluation Inspection (“Inspection”) at Auto Zone #2515., (“Auto Zone”), located at 700 S. Main Street., Roswell, New Mexico. Auto Zone generates hazardous waste from damaged and returned retail products, in addition to flammables, corrosive, toxic and other damaged goods from products and inventory kept onsite and used oil for recycling.

Based on that Inspection and review of the information obtained, NMED has determined that Auto Zone is a Very Small Quantity Generator of hazardous waste as defined in 40 Code of Federal Regulations (“CFR”) 262.13. Furthermore, NMED has determined that Auto Zone has violated the New Mexico Hazardous Waste Management Regulations (“HWMR”) 20.4.1 New Mexico Administrative Code (“NMAC”) as specified below.

NMED inspectors observed the following violations(s):

1. Failure to pay Hazardous Waste Generation fees, which is a violation of 20.4.3.201.A NMAC. Specifically, Auto Zone generated Very Small Quantity Generator (VSQG) amounts of hazardous waste in calendar year 2021 and 2022. Generator fees are due by the first of August of the following year. Fees for 2021 were due by August 1, 2022, and 2022 fees were due by August 1, 2023.

Corrective Action: Auto Zone must pay fees for the calendar years 2021 and 2022. Please contact Vanessa Baros at (505) 690-5786 or email at vanessa.baros@env.nm.gov to make payment arrangements.

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2. Failure to respond to the release of used oil to the environment. Specifically, NMED encountered an area near the rear door of the facility facing the alley where soil appeared to be contaminated with used oil, petroleum contaminated soil ("PCS"). This is a violation of 20.4.1.1002 NMAC incorporating 40 CFR 279.22(d)(3).

Corrective Action: NMED requires Auto Zone to remediate and abate the soil that contains spilled oil and provide to NMED the plan of removal and treatment of the contaminated soil and documentation of the vendor used to provide this remediation/abatement service.

NMED is requesting that Auto Zone, provide to NMED within thirty (30) days of receipt of this letter a written description of the actions taken by Auto Zone to address violations described above or 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 failure to address the above violations and any future substantial deviations from regulatory requirements may result in Auto Zone 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 Auto Zone of its obligation to comply with all other applicable laws and regulations.

Pursuant to the NMED Delegation Order dated March 24, 2023, the Cabinet Secretary has delegated the authority to issue Notices of Violation under the Hazardous Waste Act and HWMRs to the Chief of the Hazardous Waste Bureau. If you have any questions regarding this letter, please contact Tyre Jameson of my staff at (505) 690-4884 or by email at tyre.jameson@env.nm.gov.

Sincerely,

Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

RM: tj

cc: Tyre Jameson, NMED HWB
Frank Rodarte, NMED HWB
Aaron Coffman, NMED HWB CTAP Manager
Michael Kessler, NMED District III Manager

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