



**Certified Mail – Return Receipt Requested No. 7020 3160 0000 0515 4956**

May 10, 2024

Joel Zapata  
Office Manager, Las Cruces Primary Care  
1745 Avenida De Mercado  
Las Cruces, NM 88005

**Re: Notice of Violation – Las Cruces Primary Care LLC**

Dear Joel Zapata,

On March 27, 2024, Aaron Blount, Enforcement Officer, Solid Waste Bureau (“SWB”), New Mexico Environment Department (“NMED”), inspected Las Cruces Primary Care LLC, to determine compliance with the New Mexico Solid Waste Rules (“SWR”), 20.9.2 – 20.9.10 NMAC, and the New Mexico Recycling, Illegal Dumping and Scrap Tire Management Rule (“RIDSTMR”), 20.9.20 NMAC. The following violations were observed:

1. **Incomplete Infectious Waste Management Plan** – The inspection documented a failure to include the treatment and disposal methods, as well as labeling requirements for rigid containers, in the Infectious Waste Management Plan.

The SWR, 20.9.8.13.E(1) NMAC, states that “[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.”

2. **Incomplete manifests** – The inspection documented a failure to include the number and type of containers on the manifests and a failure to ensure transporter signatures were on the manifests.

The SWR, 20.9.8.19.A(6) NMAC, states that “[e]ach generator or his authorized agent shall prepare a manifest to accompany each load of special waste, including: the type and number of containers in the shipment.”

(and)

The SWR, 20.9.8.19.B NMAC, states that “[t]he generator or his authorized agent shall sign the

manifest and obtain the signature of the initial transporter and date of acceptance on the manifest, and shall retain a copy of the manifest. Each hauler shall obtain the signature of the individual who accepts the special waste for storage, further transportation or disposal, retain a copy of the manifest, and provide the original manifest to the next hauler or solid waste facility operator who receives the special waste.”

**3. Failure to ensure absorbent material in rigid container** – The inspection documented a failure to ensure absorbent material present in the rigid container.

The SWR, 20.9.8.13.C(9) NMAC, states that “[g]enerators of infectious waste, shall place sufficient absorbent material inside the rigid container or liner of the rigid container sufficient to absorb the entire amount of liquid present in the event of an unintentional release of contents, as specified in 49 CFR 173.197.”

**4. Failure to mark biohazard storage room door** – The inspection documented a failure to ensure the door to the biohazard storage room was properly marked.

The SWR, 20.9.8.13.C(8) NMAC, states that “[s]torage and containment areas shall...be marked with prominent warning signs on, or adjacent to, the exterior doors or gates. The warning signs shall be easily read during daylight from a distance of 25 feet.”

Pursuant to the NMED Delegation Order dated February 19, 2024, 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 Shirlene Sitton, , Solid Waste Bureau Chief, NMED – Solid Waste Bureau, P.O Box 5469, Santa Fe, New Mexico 87502-5469. 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 Enforcement Officer, Aaron Blount at (575) 202-7501 or [aaron.blount@env.nm.gov](mailto:aaron.blount@env.nm.gov).

Sincerely,

Shirlene Sitton  
Bureau Chief, Solid Waste Bureau

Enclosure – Copy of Solid Waste Facility Inspection Report

SS:db:drg:ajb

cc: Daniele Berardelli, Acting Enforcement Manager, SWB, NMED *[via electronic mail]*  
Daniel R. Galasso, Enforcement Coordinator, SWB, NMED *[via electronic mail]*  
Aaron J. Blount, Enforcement Officer, EA-III, SWB, NMED *[via electronic mail]*