



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUIRED

November 27, 2024

Nicholas Trumbley
Branch Manager
Banker Building Products LLC
800 Nikanda NE
Albuquerque, NM 87107

**RE: NOTICE OF VIOLATION
BANKER BUILDING PRODUCTS LLC
EPA ID# NMR000031534**

Dear Mr. Trumbley:

On July 15, 2024, the New Mexico Environment Department (“NMED”) conducted a hazardous waste Compliance Evaluation Inspection (“Inspection”) at Banker Building Products LLC (“BBP”), located at 800 Nikanda NE, Albuquerque, New Mexico. BBP Provides home insulation and commercial insulation installation services in New Mexico, Arizona and Washington. BBP is currently storing previously generated universal and hazardous waste including used oil, universal waste lamps, solvents and lead acid batteries.

Based on observations and review of the information obtained, NMED has determined that BBP 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 BBP 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:

1. Failure to make a hazardous waste determination. Specifically, NMED observed a 5-gallon can of what appeared to be waste solvent at the recycled waste pad, and three, 55-gallon drums of what appeared to be waste diesel fuel at the southeast corner of the main lot. BBP could not provide documentation of a waste determination or provide a verbal description of the wastes. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.11.

Corrective Action: Make a hazardous waste determination and provide documentation of the identity of these wastes to NMED.

2. Failure to maintain used oil containers in good condition. Specifically, NMED observed two, 55-gallon metal drums that showed signs of deterioration at the southeast corner of the main lot. One of the drums was actively leaking at the time of inspection. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.22(b).

Corrective Action: Transfer any used oil from a container that shows signs of leakage or significant deterioration to a container in good condition. Provide NMED with photographic documentation demonstrating that used oil containers at the facility are in good condition.

3. Failure to label used oil containers with the words, "Used Oil" or other approved wording. Specifically, NMED observed two, 55-gallon drums containing used oil at the southeast corner of the main lot, and another 55-gallon drum containing used oil at the recycled waste pad that were not labeled with the words "Used Oil" or other approved wording. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.22(c) and 20.4.1.1003(A) NMAC.

Corrective Action: Label used oil containers with the words "Used Oil" or other approved wording. Provide NMED with photographic documentation demonstrating that used oil containers at the facility are properly labeled.

4. Failure to respond to the release of used oil to the environment. Specifically, NMED observed several areas around the facility where bare dirt appeared to be contaminated with used oil. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.22(d).

Corrective Action: Clean up and properly manage the released used oil and other materials. Provide NMED with photographic and any available disposal documentation demonstrating completion of cleanup and proper management of petroleum-contaminated soils.

5. Failure to keep a used oil container located outdoors closed, unless adding or removing used oil. Specifically, NMED observed one, 55-gallon drum containing used oil located outdoors that was found to be open at the time of inspection at the recycled waste pad. This is a violation of 20.4.1.1003(B)(1) NMAC.

Corrective Action: Close the used oil container and provide NMED with photographic documentation demonstrating that used oil containers at the facility are properly closed.

6. Failure to pay Hazardous Waste Generator Fees. Specifically, Very Small Quantity Generator fees for calendar year 2021, 2022, and 2023 have not been paid. Generator fees are due by August 1st every year for waste generated the year prior. This is a violation of 20.4.3.500 NMAC. Please go to the NMED HWB website at:

<https://www.env.nm.gov/hazardous-waste/how-to-obtain-and-epa-identification-number/>

Annual generator fee forms and Information on paying fees is located at the bottom of the page. Please make payment by check, cashiers check, or money order for the full amount due payable to **NMED Hazardous Waste Bureau**. Payment submissions, **including the fee report with payment**, are to be sent to:

NMED – Hazardous Waste Bureau
2905 Rodeo Park Drive East, Bldg. 1
Santa Fe, New Mexico 87505

Corrective Action: Pay past due generator fees.

NMED is requesting that BBP provide to NMED within thirty (30) days of receipt of this letter a written description of the actions taken by BBP to address the 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 BBP being considered for an elevated enforcement action. Please note that your facility will appear on the Department's Enforcement Watch as a result of this NOV (see: <https://www.env.nm.gov/enforcement-watch/>). Further, the Department will issue a press release to local media highlighting your facility as appearing on this webpage. Your facility will remain on the Enforcement Watch website as an active matter until this matter is fully resolved. Also, be aware that any corrective action taken during our Inspection, or in response to this letter, does not relieve BBP of its obligation to comply with any and all other applicable laws and regulations.

Nicholas Trumbley
November 27, 2024
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Pursuant to the NMED Delegation Order dated November 26, 2024, 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 Thomas Collins of my staff at (505) 690-5373 or by email at thomas.collins@env.nm.gov. Please address any written response to the attention of Lead Inspector at the address on the letterhead.

Sincerely,

JohnDavid Nance
Chief
Hazardous Waste Bureau

JDN: tc

cc: Thomas Collins, NMED HWB
Neil Dolly, NMED HWB
Aaron Coffman, NMED HWB
Damon Reyes, NMED District I Manager

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