



MICHELLE LUJAN GRISHAM
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CABINET SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUIRED

March 17, 2023

Jordan Creel
Director of Quality
Aersale, Inc.
703 E Challenger
Roswell, New Mexico 88203

**RE: NOTICE OF VIOLATION WITH PROPOSED PENALTIES
AERSALE, INC.
EPA ID# NMR000003483**

Dear Mr. Creel:

On April 7, 2021, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection ("Inspection") at Aersale Inc. ("Aersale"), located at 511 E Challenger, Roswell, New Mexico ("Facility"). Aersale is an aircraft storage, disassembly, maintenance, and overhaul facility at the Roswell Municipal Airport. Aersale generates hazardous waste paint related materials, spent oxygen generators, and used oil.

Based on observations and review of the information obtained, NMED has determined that Aersale is a Large Quantity Generator of hazardous waste as defined in 40 Code of Federal Regulations ("CFR") 262.13. Furthermore, NMED has determined that Aersale 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 conduct hazardous waste determinations, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.11. Specifically, NMED observed multiple containers of unlabeled, expired materials in the Central Accumulation Area ("CAA") that facility personnel could not identify. See attached photo sheet, photos #2, 3, and 4.

Corrective Action: Aersale must provide NMED with waste profiles for these wastes.

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Hazardous Waste Bureau - 2905 Rodeo Park Drive East, Building 1 Santa Fe, New Mexico 87505-6313
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2. Failure to keep containers of hazardous waste closed during accumulation, except when adding or removing waste, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.17(a)(1)(iv)(A). Specifically, NMED observed two open 55-gallon containers of hazardous waste paint-related material in the CAA. See attached photo sheet, photo #7.

Corrective Action: Aersale must provide NMED with documentation, such as photographs, of the CAA demonstrating proper waste container closure practices.

3. Failure to conduct weekly inspections of the CAA, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.17(a)(1)(v). Specifically, Aersale was not conducting weekly inspections of containers stored in the CAA.

Corrective Action: Aersale must provide NMED with documentation demonstrating weekly inspections of the CAA are being conducted.

4. Failure to label containers of hazardous waste with the words "hazardous waste", which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.17(a)(5)(i)(A). Specifically, NMED observed six 55-gallon containers of hazardous waste paint related material, a 55-gallon container of unused waste methyl ethyl ketone, and a 55-gallon containers of unused waste stripper in the CAA that were not labeled with the words "hazardous waste". See attached photo sheet, photos #5 , 7, and 10.

Corrective Action: Aersale must provide NMED with documentation, such as photographs, of the CAA demonstrating proper waste container labeling practices.

5. Failure to label containers of hazardous waste with an indication of the hazard(s) presented by the waste, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.17(a)(5)(i)(B). Specifically, NMED observed eight 55-gallon containers and 1 Cubic Yard Box of hazardous wastes in the CAA that were not marked with the relevant hazard indicators. See attached photo sheet, photos #5, 6, 7, and 10.

Corrective Action: Aersale must provide NMED with documentation, such as photographs, of the CAA demonstrating proper waste container labeling practices.

6. Failure to mark containers of hazardous waste with the date upon which accumulation began, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.17(a)(5)(i)(C). Specifically, NMED observed eight 55-gallon containers and one cubic yard box of hazardous wastes in the CAA that were not marked with an accumulation start date. See attached photo sheet, photos #5, 6, 7, and 10.

Corrective Action: Aersale must provide NMED with documentation, such as photographs, of the CAA demonstrating proper waste container dating practices.

7. Failure to develop and submit a Quick Reference Guide to emergency response authorities, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.262(b). Specifically, Aersale had not developed a Quick Reference Guide section for the Facility Contingency Plan.

Corrective Action: Aersale must revise the Facility Contingency Plan to include a Quick Reference Guide containing content specified in 40 CFR § 262.262(b), submit copies to local emergency response authorities that have entered agreements for emergency services, and provide NMED a copy of the Quick Reference Guide and documentation of submittal to local emergency response authorities.

8. Failure to properly complete a hazardous waste manifest, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.20(a). Specifically, Aersale and the hazardous waste transporter, Heritage Crystal Clean, had the incorrect address and EPA identification number on the manifests for this Facility.

Corrective Action: Aersale must provide NMED with documentation demonstrating Aersale has ensured all current hazardous waste transporters use the correct EPA Identification Number and generator address for this Facility.

9. Failure to store universal waste lamps in closed containers capable of preventing breakage, which is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR § 273.13(d)(1). Specifically, NMED observed several spent fluorescent lamps in open bins in the CAA. See attached photo sheet, photo #8.

Corrective Action: Aersale must provide NMED with documentation, such as photographs, demonstrating proper universal waste lamp storage practices.

10. Failure to label universal waste lamps with the words "universal waste", or with other wording to identify the waste, which is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR § 273.13(e) and 20.4.1.1001(B) NMAC. Specifically, NMED observed several spent unlabeled fluorescent lamps in open bins in the CAA. See attached photo sheet, photo #8.

Corrective Action: Aersale must provide NMED with documentation, such as photographs, demonstrating proper universal waste lamp labeling practices.

11. Failure to demonstrate the length of time universal waste has accumulated, which is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR § 273.15(c). Specifically, NMED observed several spent fluorescent lamps in open bins in the CAA not associated with a log or marked with an accumulation start date. See attached photo sheet, photo #8.

Corrective Action: Aersale must provide NMED with documentation, such as photographs, demonstrating proper universal waste lamp labeling practices.

12. Failure to respond to the release of used oil, which is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR § 279.22(d). Specifically, NMED observed a used oil release in the CAA. See attached photo sheet, photo #9.

Corrective Action: Aersale must provide NMED with documentation, such as photographs, of the current used oil storage area.

13. Failure to label containers of used oil with the words "used oil", or with other wording to identify contents, which is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR § 279.22(c)(1) and 20.4.1.1003(A) NMAC. Specifically, NMED observed three unlabeled 55-gallon containers and several unlabeled 5-gallon buckets of used oil in the CAA. See attached photo sheet, photos #1 and 9.

Corrective Action: Aersale must provide NMED with documentation, such as photographs, of the used oil storage area demonstrating proper used oil labeling practices.

14. Failure to keep containers of used oil being stored outdoors closed when not adding oil, which is a violation of 20.4.1.1003(B) NMAC. Specifically, NMED observed several open 5-gallon buckets of used oil in the CAA. See attached photo sheet, photo #1.

Corrective Action: Aersale must provide NMED with documentation, such as photographs, of the used oil storage area demonstrating closed used oil containers.

NMED is requesting that Aersale provide to NMED within thirty (30) days of receipt of this letter a written description of the actions taken by Aersale to address the violations described above or a schedule for implementation of corrective actions not yet completed.

In accordance with New Mexico Statutory Authority 1978, Section 74-4-10, NMED may: (1) issue a Notice of Violation requesting voluntary compliance within a specified time period; (2) issue a Compliance Order requiring compliance immediately or within a specified time period or assess a civil penalty for any past or current violations of up to \$10,000 per day of non-compliance for each violation, or both; or (3) commence a civil action in District Court for appropriate relief, including a temporary or permanent injunction.

Due to the nature of the violations listed above, NMED will propose a civil penalty for these violations in a separate Notice of Proposed Penalty letter (attached), a settlement privileged document in accordance with NMED's Civil Penalty policy, dated March 2017.

Mr. Creel
March 17, 2023
Page 5 of 5

Any action taken in response to this letter does not relieve Aersale of its obligation to comply with all other applicable laws and regulations. If you have any questions regarding this letter, please contact Aaron Coffman of my staff at (505) 690-5211 or by email at aaron.coffman@env.nm.gov. Please address any written response to the attention of Aaron Coffman at the address in the letterhead.

Sincerely,



Dave Cobrain
Acting Chief
Hazardous Waste Bureau

cc: Aaron Coffman, NMED HWB
Michael Kesler, NMED District III Manager
David Archibeque, Aersale, EH&S Manager

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