



CERTIFIED MAIL - RETURN RECEIPT REQUIRED

June 20, 2025

Michael Rios
General Manager
Swissport Fueling
3551 Access Rd. C. SE
Albuquerque, NM 87106

**RE: NOTICE OF VIOLATION
SWISSPORT FUELING
EPA ID# NMR000030015**

Dear Michael Rios:

On March 21, 2025, the New Mexico Environment Department (“NMED”) conducted a hazardous waste Compliance Evaluation Inspection (“Inspection”) at Swissport Fueling (“Swissport”), located at 3551 Access Rd. C SE, Albuquerque, New Mexico (“Facility”). Swissport provides commercial airlines with full-service fueling at the Albuquerque International Airport. Waste streams generated by the facility include waste aviation fuel, lead-acid batteries, aerosols and used oil.

Based on observations and review of the information obtained, NMED has determined that Swissport was a Large Quantity Generator of hazardous waste at the time of inspection as defined in 40 Code of Federal Regulations (“CFR”) 262.13. Furthermore, NMED has determined that Swissport 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 mark or label a container storing hazardous waste with the words “Hazardous Waste” at a Satellite Accumulation Area (“SAA”). Specifically, NMED observed a 55-gallon drum identified to be storing hazardous waste in the maintenance bay of the facility that was not labeled with the words “Hazardous Waste.” This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.15(a)(5)(i).

Corrective Action: This potential violation was corrected at the time of inspection. Therefore, no further action is required.

2. Failure to mark or label a container storing hazardous waste with an indication of the hazards of the contents at a SAA. Specifically, NMED observed a 55-gallon drum

identified to be storing hazardous waste in the maintenance bay of the facility that was not labeled with an indication of the hazards of the contents. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.15(a)(5)(ii).

Corrective Action: This potential violation was corrected at the time of inspection; therefore, no further action is required.

3. Failure to mark or label a container storing hazardous with the words "Hazardous Waste" at a Central Accumulation Area ("CAA"). Specifically, NMED observed one portable container ("bowser") identified to be storing hazardous waste that was not labeled with the words "Hazardous Waste." This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.17(a)(5)(i)(A).

Corrective Action: Provide photographic documentation to NMED that shows the bowser has been labeled with the words "Hazardous Waste".

4. Failure to mark or label a container storing hazardous waste with the date upon which accumulation began in a CAA. Specifically, NMED observed one portable container ("bowser") identified to be storing hazardous waste in the CAA of the facility that was not labeled with an accumulation start date. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.17(a)(5)(i)(C).

Corrective Action: Dispose of the hazardous waste stored in the bowser and provide disposal documentation to NMED. Provide NMED with documentation demonstrating that containers storing hazardous waste in the CAA are being marked or labeled with an accumulation start date.

5. Failure to conduct weekly inspections of the hazardous waste CAA. Specifically, the facility could not demonstrate that weekly inspections of the CAA were being conducted. No documentation notating the completion of weekly inspections could be provided. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.17(a)(1)(v).

Corrective Action: Begin conducting weekly inspections of the hazardous waste CAA and provide documentation demonstrating the completion of the required weekly inspections.

6. Failure to dispose of hazardous waste within 90 days of accumulation. Specifically, NMED observed three periods over the previous two years where the time between manifested waste disposals exceeded 90 days while the facility was a large quantity generator of hazardous waste. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.17(a).

Corrective Action: Provide NMED with documentation demonstrating that facility procedures have been updated to properly track the accumulation period of hazardous waste stored at the CAA.

7. Failure of a large quantity generator who ships hazardous waste off-site in an odd numbered year to complete and submit a biennial report. Specifically, the facility shipped hazardous waste off-site for disposal in calendar year 2023 and did not submit EPA form 8700-13A/B to the regional administrator by the March 1, 2024, deadline. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.41(a).

Corrective Action: This potential violation has been corrected by submission of form 8700-13A/B to NMED on March 28, 2025.

8. Failure of a facility's contingency plan to include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. Specifically, NMED observed that the provided SPCC plan serving as the contingency plan for the facility did not include evacuation plans for the maintenance bay, the remote fuel farm and the parking areas of the facility. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.261(f).

Corrective Action: Update emergency procedure documents to include evacuation plans for all areas where there is a possibility that evacuation could be necessary. These areas include the maintenance bay, the remote fuel farm and the parking areas. Provide the amended plan to NMED for review.

9. Failure when amending a facility's contingency plan to provide a quick reference guide ("QRG") of the plan to local emergency responders. Specifically, NMED observed that the provided SPCC plan serving as the contingency plan of the facility was amended in January of 2021, but did not include the creation of a QRG of the plan that could be provided to the local authorities while notified as a large quantity generator of hazardous waste. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.262(b).

Corrective Action: Create a QRG for the contingency plan and provide a copy to local emergency responders and NMED. Provide NMED with documentation demonstrating that the QRG has been provided to local emergency responders. Please refer to the NMED website, at <https://www.env.nm.gov/wp-content/uploads/sites/12/2016/11/LQG-Quick-Reference-Guide.pdf> for an example of a QRG.

10. Failure to immediately amend the contingency plan whenever the list of emergency coordinators changes. Specifically, NMED observed a list of emergency coordinators in the facility's contingency plan that was not amended to include changes in personnel

and their associated contact information. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.263(d).

Corrective Action: Update the contingency plan and QRG to reflect the current emergency coordinator information and provide the amended plan and QRG to NMED for review.

11. Failure to pay annual hazardous waste generator fees for a large quantity generator ("LQG") of hazardous waste. Specifically, the facility generated LQG amounts of waste during calendar year 2023 and has not paid annual hazardous waste generator fees for this year. Hazardous waste generator fees are due by August 1st of the following year the waste was generated. This is a violation of 20.4.3.500 NMAC.

Corrective Action: Please refer to the Hazardous Waste Fee Report Form, available at NMED's website <https://www.env.nm.gov/hazardous-waste/how-to-obtain-and-epa-identification-number/> and enclosed with this correspondence. Information regarding calculation of fees is provided in Sections III, IV, and V, of the form including determining the highest generator category during the year in which fees were incurred and calculation of the current and past due fees owed. Please make payment by check, cashier's 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

NMED is requesting that Swissport provide to NMED within thirty (30) days of receipt of this letter a written description of the actions taken by Swissport 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 Swissport 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 Swissport of its obligation to comply with any and all other applicable laws and regulations.

Michael Rios
June 20, 2025
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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 Ernesto Perea of my staff at (505) 670-9424 or by email at Ernesto.Perea@env.nm.gov. Please address any written response to the attention of Ernesto Perea at the address on the letterhead.

Sincerely,

JohnDavid Nance
Bureau Chief
Hazardous Waste Bureau

JDN: ep

cc: Ernesto Perea, NMED HWB
Neil Dolly, NMED HWB
Aaron Coffman, NMED HWB
Damon Reyes, NMED District I Manager

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