



Certified Mail – Return Receipt Requested No. 7020 3160 0000 0515 4949

May 10, 2024

Pablo Sanchez
RN, Ben Archer Medical Center
3331 Del Rey Boulevard
Las Cruces, NM 88012

Re: Notice of Violation – Ben Archer Medical Center

Dear Pablo Sanchez,

On March 27, 2024, Aaron Blount, Enforcement Officer, Solid Waste Bureau (“SWB”), New Mexico Environment Department (“NMED”), inspected Ben Archer Medical Center 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. **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.”

2. **Incomplete Infectious Waste Management Plan** – The inspection documented the failure to describe labeling, transport of waste within the facility, the exact location of the storage area, and the labeling of rigid containers (when deemed full and placed in storage) in the Infectious Waste Management Plan. In addition, the plan did not reference the person responsible for the management of the infectious waste and their phone number.

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.”

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

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 label rigid containers** – The inspection documented a failure to label rigid containers, when deemed full and placed in storage, with the proper information including the name and address of the generator, contents, date placed in storage and potential health safety, and environmental hazards.

The SWR, 20.9.8.10.C NMAC, states that “[a] generator of [infectious waste] shall assure that all containers of [infectious waste] when deemed full and placed in storage are clearly labeled or marked, indicating the name and address of the generator, contents, date placed in storage and potential health, safety, and environmental hazards associated with the waste.”

5. **Failure to secure full rigid containers** – The inspection documented full rigid containers in the infectious waste storage shed without lids.

The SWR, 20.9.8.13.C(5)(b) and (c) NMAC, state that rigid containers shall be “leak resistant [and] impervious to moisture.”

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.

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]*