



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

**CERTIFIED MAIL - RETURN RECEIPT REQUIRED**

October 16, 2025

Michael Braniff  
Materials Manager  
Ken Sanchez Transit Facility  
8001 Daytona Rd NW  
Albuquerque, NM 87121

City of Albuquerque  
1 Civic Plaza NW  
Albuquerque, NM 87102

**RE: NOTICE OF VIOLATION  
KEN SANCHEZ TRANSIT FACILITY (FORMERLY DAYTONA TRANSIT FACILITY)  
EPA ID# NMR000010686**

Dear Michael Braniff:

On May 8, 2025, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection ("Inspection") at Ken Sanchez Transit Facility (Formerly Daytona Transit Facility) ("KSTF"), located at 8001 Daytona Rd NW, Albuquerque, New Mexico. The facility is an ABQ Ride facility which is part of the transit department of the City of Albuquerque. ABQ Ride provides public transit in Albuquerque and surrounding areas with a fleet of various buses. Waste streams generated by KSTF includes paint related waste, waste solvents, waste diesel and gasoline fuels, lead-acid batteries, waste aerosols, universal wastes, used oil and used oil filters.

Based on observations and review of the information obtained, NMED has determined that KSTF was a Small Quantity Generator ("SQG") of hazardous waste as defined in 40 Code of Federal Regulations ("CFR") 262.13 at the time of inspection. Furthermore, NMED has determined that KSTF 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 of a generator to complete an accurate hazardous waste determination and maintain records supporting its hazardous waste determinations. Specifically, NMED observed numerous commercial chemical products and paint related waste that had been deemed waste at the time of inspection but had not had an accurate hazardous

waste determination conducted. The waste mentioned above was being stored in the facility Central Accumulation Area ("CAA") and the various Satellite Accumulation Areas ("SAAs") throughout the facility. No waste determination documentation for any waste streams generated could be provided at the time of inspection. During facility interviews it was stated that a break cleaner containing toluene and methanol is possibly used in the parts washers and mixed with the parts washer fluid. Through facility interviews it was determined that approximately 100 air filters coated with paint waste are being disposed of as solid waste at least monthly without an accurate hazardous waste determination. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.11(f).

**Corrective Action:** KSTF has provided a new written policy for making determinations at the point of generation to NMED. NMED requests a record of the hazardous waste determination for the following waste items that were present at the time of inspection:

- a. Waste air filters from the paint booth
  - b. Thirty containers of paint related waste ranging in size from 1-pint to 1-gallon in the paint booth SAA.
  - c. Waste gasoline stored in the white mobile storage container located in the maintenance bay.
  - d. Eighteen 5-gallon paint containers and ten 1-gallon paint containers stored in the CAA.
  - e. Twelve 1-gallon containers of Hardwater Spot Remover being stored outside of the CAA.
  - f. Two 55-gallon drums of Solvent 142 being stored at the fueling station SAA.
  - g. Three 5-gallon containers of paint and twenty-five containers of paint related waste ranging from 1-pint to 1-gallon in the maintenance shop SAA.
  - h. Parts washer fluid disposed of on 05-19-2025 or current parts washer fluid being stored at the facility.
  - i. Hazardous waste determination documentation for all waste transported on 07-11-2025 that were not previously stated above.
2. Failure to mark or label a container with the words "Hazardous Waste" at or near the point of generation. Specifically, NMED observed the following unlabeled containers identified to be storing hazardous waste at the time of inspection:
- a. Ten unlabeled 55-gallon drums storing hazardous waste aerosol cans stored at Satellite Accumulation Areas (SAA) throughout the facility.
  - b. Two unlabeled 55-gallon drums storing hazardous waste at the Paint Booth SAA.
  - c. One 100-gallon unlabeled portable container storing waste gasoline in the maintenance bay SAA.

This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.15(a)(5)(i).

**Corrective Action:** KSTF has provided documentation of a written process for marking hazardous waste containers appropriately when storing hazardous waste on 07-08-2025. Additionally, KSTF has disposed of all waste onsite during the inspection. Therefore, no further action is required.

3. Failure to mark or label a container with an indication of the hazards of the contents at or near the point of generation. Specifically, NMED observed the following containers identified to be storing hazardous waste at the time of inspection and were not labeled with an indication of the hazards of the contents:
  - a. Ten 55-gallon drums storing waste aerosol cans stored at SAAs throughout the facility.
  - b. Two 55-gallon drums storing paint related waste in the Paint Booth SAA. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.15(a)(5)(ii).

**Corrective Action:** KSTF has provided documentation of a written process for marking hazardous waste containers appropriately when storing hazardous waste on 07-08-2025. Additionally, KSTF has disposed of all waste onsite during the inspection. Therefore, no further action is required.

4. Failure to keep a container holding hazardous waste closed, except when it is necessary to add or remove waste at or near the point of generation. Specifically, NMED observed three containers storing hazardous waste open at the time of inspection. A 55-gallon drum in the paint booth was open and storing paint waste. A portable container in the maintenance bays was said to be storing gasoline and was open at the time of inspection. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.15(a)(4)(i).

**Corrective Action:** Written documentation of a new KSTF policy to ensure containers of hazardous waste are kept closed except when adding or removing was provided to NMED on 07-08-2025. Therefore, no further action is required.

5. Failure to mark or label containers storing hazardous waste in excess of the accumulation limit in a Satellite Accumulation Area ("SAA") with the date in which the excess amount began accumulating. Specifically, NMED observed the following containers in excess of the accumulation limit in a SAA:
  - a. NMED observed two 55-gallon drums identified to be storing waste aerosol cans in the boiler room SAA and neither container was labeled with the date upon which the excess amount began accumulating.
  - b. NMED observed two 55-gallon drums identified to be storing paint-related waste, five 5-gallon containers storing "Finish 1" wash solvent. None of the containers were labeled with the date upon which the excess amount began accumulating. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.15(a)(6)(iii).

**Corrective Action:** Written documentation of a new policy to ensure that waste is moved to the CAA once the 55-gallon accumulation quantity limit is met at a SAA was provided to NMED on 07-08-2025. Additionally, KSTF provided disposal documentation on 07-11-25. Therefore, no further action is required.

6. Failure of an SQG to accumulate hazardous waste on site for no more than 180 days, unless in compliance with the conditions for exemption for longer accumulation. Specifically, through discussions with the on-site generator, it was determined that no hazardous waste disposals have been conducted at the facility over the previous 3 years and the generator stated that the containers identified in the CAA at the time of inspection had been present in the CAA for multiple years and the generator could not account for any hazardous waste disposals being conducted over the previous 3-years. The last recorded hazardous waste disposal being conducted prior to the inspection is reflected on a disposal manifest dated 01/20/2020. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.16(b).

**Corrective Action:** KSTF completed a disposal event as a result of the inspection and provided the Uniform Hazardous Waste Manifest to NMED. A response dated 07-16-2025 has corrected this potential violation. Therefore, no further action is required.

7. Failure to keep containers storing hazardous waste closed during accumulation, except when it is necessary to add or remove waste in a CAA. Specifically, NMED observed one 55-gallon container identified to be storing hazardous paint-related waste in the CAA that was found to be open at the time of inspection. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.16(b)(2)(iii)(A).

**Corrective Action:** Written documentation of a new KSTF policy to ensure containers of hazardous waste are kept closed except when adding or removing was provided to NMED on 07-08-2025. Therefore, no further action is required.

8. Failure of a generator to perform inspections of the CAA at least weekly. Specifically, the facility was unable to demonstrate that weekly inspections of the CAA were being conducted. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.16(b)(2)(iv).

**Corrective Action:** KSTF has provided NMED with documentation of a written procedure to conduct weekly inspections of the CAA. Provide NMED with the two most recently completed weekly inspections of the CAA for review.

9. Failure to mark or label the container with the words "Hazardous Waste" in a Central Accumulation Area ("CAA"). Specifically, NMED observed the following containers identified to be storing hazardous waste in the CAA of the facility that were not labeled with the words "Hazardous Waste":
  - a. One 55-gallon container

- b. Nine 5-gallon containers
- c. Eleven partially full aerosol cans

This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.16(b)(6)(i)(A).

**Corrective Action:** KSTF has provided documentation of a written process for marking hazardous waste containers appropriately when storing hazardous waste on 07-08-2025. Additionally, KSTF provided disposal documentation on 07-11-25. Therefore, no further action is required.

10. Failure to mark or label the container with the indication of the hazards at a CAA. Specifically, NMED observed the following containers identified to be storing hazardous waste and were not labeled with the indication of the associated hazards:

- a. One 55-gallon container
- b. Nine 5-gallon containers
- c. Eleven partially full aerosol cans

This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.16(b)(6)(i)(B).

**Corrective Action:** KSTF has provided documentation of a written process for marking hazardous waste containers appropriately when storing hazardous waste on 07-08-2025. Additionally, KSTF provided disposal documentation on 07-11-25. Therefore, no further action is required.

11. Failure to mark or label a container storing hazardous waste with the date upon which each period of accumulation began clearly visible for inspection at a CAA. Specifically, NMED observed the following containers identified to be storing hazardous waste that were not labeled with an accumulation start date:

- a. One 55-gallon container
- b. Nine 5-gallon containers
- c. Eleven partially full aerosol cans

This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.16(b)(8)(ii)(C).

**Corrective Action:** KSTF has provided documentation of a written process for marking hazardous waste containers in the CAA with an accumulation start date on 07-08-2025. Additionally, KSTF provided disposal documentation on 07-11-25. Therefore, no further action is required.

12. Failure of a generator to equip the CAA with required emergency equipment including portable fire extinguishers and decontamination equipment. Specifically, NMED did not observe any fire extinguishers or decontamination equipment in the CAA. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.16(b)(8)(ii)(C).

**Corrective Action:** KSTF provided photographic documentation on 08-21-2025 of required emergency equipment installed in the CAA. Additionally, KSTF has created a new CAA posting to show the location of emergency equipment. Therefore, no further action is required.

13. Failure of a generator to have at all times at least one employee either on the premises or on call with the responsibility of coordinating all emergency response measures. Specifically, NMED noted that when interviewing facility representatives that the emergency coordinator was unknown at the time of inspection. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.16(b)(9)(i).

**Corrective Action:** KSTF has provided documentation that an emergency coordinator for the facility has been updated and their contact information is posted on the Spill Response Plan posters by a response to NMED dated 08-13-2025. Therefore, no further action is required.

14. Failure of a generator to have the Emergency Coordinator contact information, location of fire extinguisher and spill control, telephone number of fire department or location of fire alarm posted near a phone or in an area directly involved in the accumulation of hazardous waste. Specifically, NMED observed no posting of contact information at the CAA where hazardous waste was being stored at the time of inspection. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.16(b)(9)(ii).

**Corrective Action:** Provide photographic documentation of the posting of the required information CAA.

15. Failure of a generator to maintain records documenting arrangements with local authorities. Specifically, the facility was unable to provide records of arrangements with local authorities at the time of inspection. This is a violation of 20.4.1.300 NMAC incorporating 40 CFR 262.16(b)(8)(vi)(B).

**Corrective Action:** NMED was provided with a record of an attempt to contact local authorities by KSTF in a response dated 08-29-2025. Therefore, no further action is required.

16. Failure of a small quantity handler of universal waste to label a container storing universal waste lamps with the words "Universal Waste-Lamps" or other approved wording. Specifically, NMED observed four boxes identified to be storing universal waste lamps in the building maintenance shop. The boxes were not labeled with the words "Universal Waste-Lamps" or other approved wording. This is a violation of 20.4.1.1000 NMAC incorporating 40 CFR 273.14(e) and 20.4.1.1001.B NMAC.

**Corrective Action:** NMED was provided with a new documented policy to properly label universal waste lamps. Additionally, KSTF provided disposal documentation dated 07-11-25. Therefore, no further action is required.

17. Failure of a small quantity handler of universal waste to demonstrate the length of time that a universal waste has accumulated from the date it becomes a waste. Specifically, NMED observed four boxes identified to be storing florescent light bulbs in the building maintenance shop. The boxes were not labeled with an accumulation start date and the facility was unable to demonstrate the length of time the universal waste lamps have been accumulating. This is a violation of 20.4.1.1000 NMAC incorporating 40 CFR 273.15(c)(1).

**Corrective Action:** NMED was provided with a new documented policy to properly label universal waste lamps with the date it becomes a waste. Additionally, KSTF provided disposal documentation dated 07-11-25. Therefore, no further action is required.

18. Failure to label containers storing used oil with the words 'Used Oil' or other approved wording. Specifically, NMED observed 15 containers identified to be storing used oil throughout the facility 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)(1) and 20.4.1.1003.A NMAC.

**Corrective Action:** Provide photographic documentation of the nine oil caddies used in the maintenance bay being labeled appropriately. Provide photographic documentation of the two secondary containment bins in the Q room labeled appropriately.

19. Failure to pay annual hazardous waste generator fees for a Small Quantity Generator. Specifically, the facility was notified as an SQG for calendar years 2021, 2022, 2023, had accumulated SQG quantities of hazardous waste at the time of inspection and has not paid SQG fees. 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 KSTF provide to NMED within thirty (30) days of receipt of this letter a written description of the actions taken by KSTF 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 KSTF 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 KSTF of its obligation to comply with any and all other applicable laws and regulations.

Pursuant to the NMED Delegation Order dated June 23, 2025 the Cabinet Secretary has delegated the authority to issue Notices of Violation under the Hazardous Waste Act and HWMRs to the Chief of the Resource Protection Compliance and Enforcement 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](mailto:Ernesto.Perea@env.nm.gov). Please address any written response to the attention of Ernesto Perea at the address on the letterhead.

Sincerely,

Kyle Staggs

Digitally signed by  
Kyle Staggs  
Date: 2025.10.16  
10:02:10 -06'00'

Kyle Staggs  
Bureau Chief  
Resource Protection Compliance and Enforcement Bureau

KS: ep

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

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