



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

**CERTIFIED MAIL - RETURN RECEIPT REQUIRED**

March 23, 2023

Garnett Stokes  
President  
University of New Mexico  
MSC05 3300  
1801 Tucker Street NE  
Albuquerque, NM 87131-0001

Melissa Terry  
Chemical Hygiene Officer  
University of New Mexico  
MSC07 4100  
1801 Tucker Street NE  
Albuquerque, NM 87131-0001

**RE: NOTICE OF VIOLATION WITH PROPOSED PENALTIES  
UNIVERSITY OF NEW MEXICO  
EPA ID# NMD980621197**

Dear Ms. Stokes and Ms. Terry:

Beginning on April 11, 2022, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection (Inspection) at the University of New Mexico, main campus (UNM), located at 1801 Tucker Street NE, Albuquerque, New Mexico (Campus). UNM is a public university providing instruction and performing research in a variety of academic areas including physical and medical sciences, arts, and other disciplines. These activities generate a large variety of wastes including laboratory wastes, paint wastes, universal waste, and used oil.

Based on observations and review of the information obtained, NMED has determined that UNM is a Large Quantity Generator of hazardous waste as defined in 40 Code of Federal Regulations (CFR) 262.13. Furthermore, NMED has determined that UNM 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, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.11. Specifically, NMED observed the following instances of wastes that were not properly characterized and for which a hazardous waste determination had not been performed:
  - i. Twenty-two containers ranging from very small to approximately three gallons labeled as "unknown" in a fume hood at the Central Accumulation Area ("CAA"). These containers had not been sampled for hazardous waste

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determination and had been stored in the CAA for up to a month. See Photos #52 and 53 in the attached site photos.

- ii. A 2-Liter glass container of Hydrochloric Acid with Silver Nitrate and Silver Chloride stored at the CAA. Based on review of the waste profile obtained for this container, UNM had not evaluated whether this waste stream contained a silver concentration high enough to carry the D011 waste code. See Photo #54 in the site photos.

*This instance of failure to make a hazardous waste determination was corrected following the inspection.*

- iii. A 3-Liter glass container with Hexane and Hydrogen Peroxide stored at the CAA. UNM could not provide NMED with a waste profile or other documentation of waste characterization for this material. See Photo #55 in the site photos.
- iv. A 250mL container of unknown liquid at Clark Hall (chemistry, Building 22), room 171. The facility representatives present during the inspection stated that the waste had not been characterized to determine the type of hazards present. See Photo #4 in the site photos.
- v. A 2-Liter glass container at Clark Hall (chemistry, Building 22), room 262. The facility representatives present during the inspection stated that the waste had not been characterized. See Photo #22 in the site photos.
- vi. A one-Liter plastic container labeled "chemical treated as hazardous waste EWC code 16 04 03", at the College of Pharmacy (Building 228), room B41. UNM could not provide NMED with a waste profile or other documentation of waste characterization for this material. See Photo #42 in the site photos.
- vii. NMED determined based on interviews with site personnel at the violin workshop at Masley Hall (music, Building 68) that UNM was placing paper towels contaminated with ignitable linseed oil in the trash bin after drying them outside. Masley Hall personnel were unaware that this waste stream was hazardous at the point of generation.
- viii. An open cardboard box containing expired, damaged, and waste pharmaceuticals at the Student Health Center pharmacy (Building 73). UNM could not provide NMED with waste profiles or an inventory for these waste pharmaceuticals. See Photo # 49 in the site photos.
- ix. Several small containers that could not be identified as to whether or not they were hazardous wastes at Fitz Hall (medical sciences, Building 211), room G78C. See Photo #32 in the site photos.  
*This instance of failure to make a hazardous waste determination was corrected following the inspection.*
- x. Approximately 24 chemical containers ranging from very small to approximately 2 Liters of various types that could not be identified as to whether or not they contained hazardous wastes at the Cancer Research Facility (Building 229), room 323. See Photo #34 in the site photos.

*This instance of failure to make a hazardous waste determination was corrected following the inspection.*

- xi. Five small glass containers of waste liquid that could not be identified as to whether or not they were hazardous wastes at the Cancer Research Facility (Building 229), room 325. See Photo #35 in the site photos.

*This instance of failure to make a hazardous waste determination was corrected following the inspection.*

- xii. Several containers of waste liquids that could not be identified as to whether or not they were hazardous wastes at the Research Incubator Building (Building 205), room 250 West. See Photo #36 in the site photos.

**Corrective Action:** UNM submitted documentation to NMED via email on August 12, 2022 showing that UNM is now requiring any laboratory personnel to submit a waste profile form when they are requesting a waste pickup. UNM must ensure that personnel initiate this process in a timely manner, ideally when the process occurring in the laboratory is first authorized. UNM must provide NMED with documentation demonstrating instructions to lab personnel to promptly characterize their hazardous wastes and submit this information in a timely manner once the waste is generated.

- 2. Failure to station satellite storage of hazardous waste at locations that are at or near the point of generation and under the control of the operator of an active process, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.15(a).

Specifically, NMED observed two instances of this violation:

- i. NMED observed several small containers of hazardous waste chemicals that were being stored in a side room of the lab at the Surge Building (Building 226), room 161 in a location that was not at or near the chemical storage area where the wastes were generated. See Photo #39 in the site photos.

*This instance of failure to properly station a satellite accumulation area was corrected at the time of inspection.*

- ii. NMED observed two beakers and a product container of peroxide-forming Tetrahydrofuran hazardous waste, and a 5-gallon metal container of hazardous waste halogenated solvent at Clark Hall (chemistry, Building 22), room 250 that were described by the facility representatives as having originated in a prior process conducted at this laboratory and that was no longer being performed. See Photos # 15 and 16 in the site photos.

**Corrective Action:** UNM must provide NMED with documentation demonstrating correction in procedures to ensure that all hazardous wastes from a prior process no longer occurring at a satellite storage area are properly characterized and brought for storage to the CAA in a timely manner. If treatment must be performed for any such wastes, such treatment must be performed under a waste analysis plan and the waste container must be managed according to CAA standards. If emergency

treatment is needed, such emergency treatment must be under an emergency permit issued by the NMED and performed in a timely manner.

3. Failure to keep containers of hazardous waste stored at or near the point of generation closed, when not adding or removing waste or when necessary for proper operation of equipment, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.15(a)(4). Specifically, NMED observed satellite accumulation area hazardous waste containers at five locations on the Campus that were not properly closed:
  - i. Three metal 5-gallon step cans at the Art Building (Building 84), room 245 that were overfilled with solvent-contaminated rags and paper towels and could not close. See Photo #45 in the site photos.
  - ii. A 1-Liter glass container for HPLC waste at Clark Hall (chemistry, Building 22), room 346 that had a loose hose connection to the waste generating process and did not meet the requirements for a closed container. See Photo # 11 in the site photos.  
*This violation was corrected following the inspection.*
  - iii. An open 5-gallon metal container of hazardous waste non-halogenated solvents at Clark Hall (chemistry, Building 22), room 352. See Photos #12 and #13 in the site photos.  
*This violation was corrected during the inspection.*
  - iv. A 1-Liter glass container for HPLC waste dichloromethane at Clark Hall (chemistry, Building 22), room 368 that had a loose hose connection to the waste generating process and did not meet the requirements of a closed container. See Photo # 14 in the site photos.  
*This violation was corrected following the inspection.*
  - v. A 1-Liter glass container for HPLC waste at Clark Hall (chemistry, Building 22), room B51 that had a loose hose connection to the waste generating process and did not meet the requirements for a closed container. See Photo # 23 in the site photos.  
*This violation was corrected following the inspection.*

**Corrective Action:** UNM must provide NMED with documentation, such as photographs, demonstrating that hazardous waste step cans at the Art Building, room 245 are being properly managed and are closed during storage.

4. Failure to label containers of hazardous waste stored at or near the point of generation with the words "Hazardous Waste", which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.15(a)(5)(i). Specifically, NMED observed the following unlabeled or improperly labeled hazardous waste containers at the Campus:

- i. A 1-Liter poly container of alcohol waste and a plastic bag of associated hazardous waste wipes at Clark Hall (chemistry, Building 22), room 166. See Photos #5 and 6 in the site photos.
- ii. A 1-Liter poly container labeled as "waste acid" at Clark Hall (chemistry, Building 22), room 170. See Photo #7 in the site photos.
- iii. A glass beaker of hazardous waste peroxide-forming waste at Clark Hall (chemistry, Building 22), room 250. See Photo #15 in the site photos.  
*This instance of failing to label a container of hazardous waste was corrected following the inspection.*
- iv. A 5-gallon metal container of waste methanol and several small waste chemicals at Clark Hall (chemistry, Building 22), room 262. See Photo #21 in the site photos.
- v. Three 1-Liter glass containers of hazardous waste ignitable liquid at Clark Hall (chemistry, Building 22), room 346. See Photos #9 and 10 in the site photos.  
*This instance of failing to label a container of hazardous waste was corrected following the inspection.*
- vi. A small glass container labeled as "waste piranha" at Clark Hall (chemistry, Building 22), room B54. See Photo #29 in the site photos.
- vii. A one-gallon container of hazardous waste containing ethidium bromide at Fitz Hall (medical sciences, Building 211), room 360A. See Photo #38 in the site photos.  
*This instance of failing to label a container of hazardous waste was corrected during the inspection.*
- viii. Small glass containers of hazardous waste liquids at Fitz Hall (medical sciences, Building 211), room G57.  
*This instance of failing to label a container of hazardous waste was corrected during the inspection.*
- ix. Small glass containers of hazardous waste liquids at Fitz Hall (medical sciences, Building 211), room G53.  
*This instance of failing to label a container of hazardous waste was corrected during the inspection.*
- x. Small glass containers of hazardous waste liquids at Fitz Hall (medical sciences, Building 211), room G60.  
*This instance of failing to label a container of hazardous waste was corrected during the inspection.*
- xi. Small glass containers of hazardous waste liquids at Fitz Hall (medical sciences, Building 211), room 216.  
*This instance of failing to label a container of hazardous waste was corrected during the inspection.*
- xii. A one-gallon plastic container of hazardous waste paraformaldehyde solution labeled as an apple juice product at Fitz Hall (medical sciences, Building 211), room 260D. See Photo #33 in the site photos.

- This instance of failing to label a container of hazardous waste was corrected during the inspection.*
- xiii. Several small containers of hazardous waste chemicals at the Surge Building (Building 228), room 161. See Photo #39 in the site photos.  
*This instance of failing to label a container of hazardous waste was corrected during the inspection.*
- xiv. Two 3-gallon plastic containers of corrosive hazardous waste liquids containing heavy metals at the College of Pharmacy (Building 228), room B41. See Photos #40 and 41 in the site photos.  
*This instance of failing to label a container of hazardous waste was corrected following the inspection.*
- xv. Three 150-mL plastic containers of waste Fyrite chemical at the Biomedical Research Facility (Building 253), room 121. See Photo #43 in the site photos.  
*This instance of failing to label a container of hazardous waste was corrected during the inspection.*
- xvi. A 3-Liter glass container of expired methanol at the Biomedical Research Facility (Building 253), room 232. See Photo #44 in the site photos.  
*This instance of failing to label a container of hazardous waste was corrected during the inspection.*
- xvii. A 55-gallon white poly drum of spent photo fixer at the Art Annex (Building 84), room B07. See Photo #46 in the site photos.
- xviii. A 1-gallon poly container of hazardous waste kerosene in the flammable cabinet on the first floor of the Mattox Building (Building 123). See Photo # 47 in the site photos.
- xix. A 55-gallon black metal drum storing waste diesel and gasoline on the east side of the Automotive Center. See Photo # 48 in the site photos.
- xx. A plastic container labeled as “waste xylenes” at Dominici Hall (neuroscience, Building 260), room 1131. See Photo # 30 in the site photos.

**Corrective Action:** UNM must provide NMED with documentation, such as photographs, demonstrating that the hazardous waste containers referenced above in violations 4i, 4ii, 4iv, 4vi, and 4xvii through 4xx have been properly labeled, and that UNM has corrected procedures to ensure that all hazardous waste containers on campus are properly labeled.

5. Failure to label containers of hazardous waste stored at or near the point of generation with an indication of the relevant hazard(s), which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.15(a)(5)(ii). Specifically, NMED observed the following hazardous waste containers at the Campus that were not labeled with sufficient and/or correct hazard indicators:
- i. Several poly containers of hazardous waste cyanide-containing liquids at Clark Hall (chemistry, Building 22), room 113. See Photos #1 through 3 in the site photos.

- ii. A 1-Liter poly container of alcohol waste and a plastic bag of associated hazardous waste wipes at Clark Hall (chemistry, Building 22), room 166. See Photos #5 and 6 in the site photos.
- iii. A 1-Liter glass container of hazardous waste solvents at Clark Hall (chemistry, Building 22), room 249. See Photo #19 in the site photos.
- iv. A glass beaker of hazardous waste peroxide-forming waste, a plastic bag containing hazardous waste solids, and a metal 5-gallon container and four 1-Liter glass containers of hazardous waste solvents at Clark Hall (chemistry, Building 22), room 250. See Photos #15 through 18 in the site photos.  
*This instance of failing to label containers of hazardous waste was corrected following the inspection.*
- v. A 5-gallon metal container of waste methanol and several small waste chemicals at Clark Hall (chemistry, Building 22), room 262. See Photo #21 in the site photos.
- vi. A 5-gallon metal container and 2-Liter glass container of hazardous waste dichloromethane solvent at Clark Hall (chemistry, Building 22), room 272. See Photo #20 in the site photos.
- vii. Three 1-Liter glass containers of hazardous waste ignitable liquid at Clark Hall (chemistry, Building 22), room 346. See Photos #9 and 10 in the site photos.  
*This instance of failing to label containers of hazardous waste was corrected following the inspection.*
- viii. Multiple hazardous waste containers, approximately 20 gallons in total, including a container labeled as "waste piranha" and several with the marking "not on list 9-1-17", at Clark Hall (chemistry, Building 22), room B54. See Photos #24 through 29 in the site photos.
- ix. Three 1-gallon containers at Fitz Hall (medical sciences, Building 211), room 136. See Photo # 37 in the site photos.  
*This instance of failing to label containers of hazardous waste was corrected following the inspection.*
- x. Small glass containers of hazardous waste liquids at Fitz Hall (medical sciences, Building 211), room G57.  
*This instance of failing to label a container of hazardous waste was corrected during the inspection.*
- xi. Small glass containers of hazardous waste liquids at Fitz Hall (medical sciences, Building 211), room G53.  
*This instance of failing to label containers of hazardous waste was corrected during the inspection.*
- xii. Small glass containers of hazardous waste liquids at Fitz Hall (medical sciences, Building 211), room G60.  
*This instance of failing to label containers of hazardous waste was corrected during the inspection.*
- xiii. Small glass containers of hazardous waste liquids at Fitz Hall (medical sciences, Building 211), room 216.

*This instance of failing to label containers of hazardous waste was corrected during the inspection.*

- xiv. A one-gallon plastic container of hazardous waste paraformaldehyde solution labeled as an apple juice product at Fitz Hall (medical sciences, Building 211), room 260D. See Photo #33 in the site photos.

*This instance of failing to label a container of hazardous waste was corrected during the inspection.*

- xv. A one-gallon container of hazardous waste containing ethidium bromide at Fitz Hall (medical sciences, Building 211), room 360A. See Photo #38 in the site photos.

*This instance of failing to label a container of hazardous waste was corrected during the inspection.*

- xvi. Several small containers of hazardous waste chemicals at the Surge Building (Building 228), room 161. See Photo #39 in the site photos.

*This instance of failing to label containers of hazardous waste was corrected during the inspection.*

- xvii. Two 3-gallon plastic containers of corrosive hazardous waste liquids containing heavy metals at the College of Pharmacy (Building 228), room B41. See Photos #40 and 41 in the site photos.

*This instance of failing to label containers of hazardous waste was corrected following the inspection.*

- xviii. A 55-gallon white poly drum of spent photo fixer at the Art Annex (Building 84), room B07. See Photo #46 in the site photos.

- xix. A 1-gallon poly container of hazardous waste kerosene and a 1-quart poly container storing spent paint stripper in the flammable cabinet on the first floor of the Mattox Building (Building 123). See Photo # 47 in the site photos.

- xx. A 55-gallon black metal drum storing waste diesel and gasoline on the east side of the Automotive Center. See Photo # 48 in the site photos.

- xxi. Two plastic containers at Dominici Hall (neuroscience, Building 260), room 1131. See Photo # 30 in the site photos.

**Corrective Action:** UNM must provide NMED with documentation, such as photographs, demonstrating that the hazardous waste containers referenced above in violations 5i through 5iii, 5v, 5vi, 5viii, and 5xviii through 5xxi have been properly labeled with relevant hazard indicators, and that UNM has corrected procedures to ensure that all hazardous waste containers on campus are properly labeled.

- 6. Failure to label containers of hazardous waste stored at the Central Accumulation Area 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 two containers of hazardous waste at the CAA that were not properly labeled:



- i. A metal canister of acetaldehyde 99.5% that was labeled as "non-RCRA waste". NMED determined that this violation was the result of a labeling error. See Photos # 58 and 59 in the site photos.
- ii. A plastic container of waste ethanol that lacked a hazardous waste label. See Photo # 60 in the site photos.

**Corrective Action:** This violation was corrected at the time of inspection.

7. Failure to label containers of hazardous waste stored at the Central Accumulation Area with an indication of the relevant hazard(s), which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.17(a)(5)(i)(B). Specifically, NMED observed the following containers of hazardous waste at the CAA that were not properly labeled with an indicator of the relevant hazard(s):
- i. A metal canister of acetaldehyde 99.5%. See Photos # 58 and 59 in the site photos.
  - ii. A plastic container of waste ethanol. See Photo # 60 in the site photos.
  - iii. Three 1 to 2-Liter glass and plastic containers of Dichloromethane waste that were not marked with the toxic indicator. See Photos# 61 and 62 in the site photos.
  - iv. A 2-Liter container of hazardous waste chloroform that was not marked with the toxic indicator. See Photo # 63 in the site photos.
  - v. A 250-mL container of hazardous waste dichloromethane and chloroform that was not marked with the toxic indicator. See Photo # 64 in the site photos.
  - vi. A 5-gallon metal can of hazardous waste halogenated solvent that was not marked with the toxic indicator. See Photos # 65 and 66 in the site photos.

**Corrective Action:** This violation was corrected at the time of inspection.

8. Failure to mark containers of hazardous waste at the Central Accumulation Area 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 five containers that were not marked with an accumulation start date at the Central Accumulation Area:
- i. A 1-gallon plastic container of hazardous waste ethanol, paraformaldehyde, and xylene. See Photo # 67 in the site photos.  
*This violation was corrected at the time of inspection.*
  - ii. A 2-Liter plastic container of hazardous extract waste. See Photo # 68 in the site photos.  
*This violation was corrected at the time of inspection.*
  - iii. A plastic container of waste ethanol. See Photo # 60 in the site photos.  
*This violation was corrected at the time of inspection.*

- iv. A 2-Liter container of waste chloroform. See Photo # 63 in the site photos. *This violation was corrected at the time of inspection.*
- v. A wrapped plastic container of hazardous waste lamps. See Photo # 69 in the site photos.

**Corrective Action:** UNM must provide NMED with documentation, such as photographs or disposal records, demonstrating that violation 8v above has been corrected and that waste lamp containers are properly dated based on the method of management.

9. Failure to properly station spill control and decontamination equipment at Satellite Accumulation Areas, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.252(c). Specifically, NMED observed insufficient stationing of hazardous waste spill control and/or decontamination equipment at the following 7 locations on the Campus:

- i. Clark Hall (chemistry, Building 22), room 170. Access to the eyewash decontamination station was blocked by a large wooden box. See Photo # 8 in the site photos.
- ii. At Fitz Hall (medical sciences, Building 211), in room G78C, facility personnel could not identify the location of spill control equipment related to this accumulation area.
- iii. At Fitz Hall (medical sciences, Building 211), in room G53, facility personnel could not identify the location of spill control equipment related to this accumulation area.
- iv. At the Cancer Research Facility (Building 229), in room 307, facility personnel could not identify the location of spill control equipment related to this accumulation area.
- v. At the Cancer Research Facility (Building 229), in room 319, facility personnel could not identify the location of spill control equipment related to this accumulation area.
- vi. At the Cancer Research Facility (Building 229), in room 323, facility personnel could not identify the location of spill control equipment related to this accumulation area.
- vii. At the Cancer Research Facility (Building 229), in room 325, facility personnel could not identify the location of spill control equipment related to this accumulation area.

**Corrective Action:** UNM must provide NMED with documentation, such as photographs, updated Contingency Plan, and training records sufficient to demonstrate that emergency equipment is stationed sufficient for hazardous waste storage areas on-campus in accessible locations, and that relevant personnel are trained and aware of the locations of this equipment.

10. Failure to maintain sufficient aisle space for hazardous wastes at the Central Accumulation Area, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.255. Specifically, NMED observed several Styrofoam containers of hazardous waste corrosives that were packed into the corner and behind several containers of universal waste aerosols. See Photo # 70 of the site photos.

**Corrective Action:** UNM must provide NMED with documentation, such as photographs, to demonstrate that sufficient aisle space is maintained at areas of hazardous waste storage at the CAA.

11. Failure to develop a waste analysis plan for hazardous wastes that must be treated on-campus, which is a violation of 20.4.1.800 NMAC, incorporating 40 CFR § 268.7(a)(5). Specifically, at Clark Hall (chemistry, Building 22), room 250, NMED observed hazardous waste peroxides stored in a fume hood. Based on interviews with facility personnel and review of the information obtained, these wastes have remained from a former process but have remained at this location because they were deemed to have been too hazardous to transport to the CAA without future planned treatment by a hazardous waste disposal vendor, and that these activities periodically occur when wastes are known to be or are potentially too dangerous to transport from a laboratory. See Photo # 15 of the site photos.

**Corrective Action:** UNM must develop and provide NMED with a copy of a waste analysis plan that describes any routine treatment activities that are occurring on the Campus. These activities must strictly be conducted under the conditions of hazardous waste storage and management in 40 CFR Parts 262 and 268, as well as others. Such treatment may only be performed in containers regulated under CAA standards.

12. Treatment of hazardous waste without a permit, which is a violation of 20.4.1.900 NMAC, incorporating 40 CFR § 270.1(c). Specifically, NMED observed a small open container labeled "EtOH waste (to evaporate)" at Dominici Hall (Building 260), room 1124. Based on interviews with facility personnel and review of the information obtained, ethanol waste from the process in this room was placed in this container to evaporate off the ethanol portion. See Photo # 31 in the site photos.

**Corrective Action:** UNM must provide NMED with documentation, such as revised lab procedures for this location and/or training documentation, showing that lab personnel do not perform any impermissible treatment of hazardous waste, and only perform treatment of hazardous waste in accordance with a fully compliant Waste Analysis Plan.

13. Failure to label universal waste lamps as "universal waste", or with other wording to identify the waste, which is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR §

273.14(e) and 20.4.1.1001(B) NMAC. Specifically, NMED observed seven unlabeled boxes of universal waste lamps at the Physical Plant, Building 276. See Photo # 50 of the site photos.

**Corrective Action:** UNM must provide NMED with documentation, such as photographs, demonstrating that universal waste lamps are properly labeled while in storage.

14. Failure to label universal waste aerosols with clearly identifying wording, which is a violation of 20.4.1.1001(D)(2)(b) NMAC. Specifically, NMED observed several bins of universal waste aerosols at the CAA that were not clearly labeled. See Photo # 71 of the site photos.

**Corrective Action:** UNM must provide NMED with documentation, such as photographs, demonstrating that universal waste aerosols are properly labeled while in storage.

15. 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 seven unlabeled boxes of universal waste lamps at the Physical Plant, Building 276, that were not associated with a waste accumulation log. See Photo # 50 of the site photos.

**Corrective Action:** UNM must provide NMED with documentation, such as photographs or a copy of a waste accumulation log, demonstrating that universal waste lamps accumulation times are properly tracked while in storage.

16. Failure to label containers of used oil with the words “used oil”, or with other wording to identify the 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 the following unlabeled containers of used oil:

- i. Three 1-quart poly bottles in a flammable cabinet at Mattox building (Building 123), first floor. See Photo # 47 in the site photos.
- ii. A 500-gallon tank at the northwest corner of the Ford Utilities building (Building 116). See Photo # 51 in the site photos.

**Corrective Action:** UNM must provide NMED with documentation, such as photographs, demonstrating that used oil containers and tanks are properly labeled.

NMED is requesting that UNM provide to NMED within thirty (30) days of receipt of this letter a written description of all actions taken by UNM to address violations 1, 2, 3v, 4i, 4ii, 4iv, 4vi, and 4xvii through 4xx, 5i through 5iii, 5v, 5vi, 5viii, and 5xviii through 5xxi, 8v, and 9 through 16 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, a settlement privileged document in accordance with NMED's Civil Penalty policy, dated March 2017.

Any action taken in response to this letter does not relieve UNM of its obligation to comply with any 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@state.nm.us](mailto:aaron.coffman@state.nm.us). 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

Attachments

cc: Aaron Coffman, NMED HWB  
Levi Cole, NMED District I Manager

file: Library #2501