



BILL RICHARDSON
Governor
DIANE DENISH
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Office of the Secretary

Harold Runnels Building
1190 Saint Francis Drive (87505)
PO Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-2855 Fax (505) 827-2836
www.nmenv.state.nm.us



RON CURRY
Secretary
SARAH COTTRELL
Deputy Secretary

October 15, 2010
For Immediate Release

Contact: Marissa Stone Bardino, NMED Communications Director
Telephone: (505) 827-0314

Environment Department Issues Compliance Order and \$817,800 Civil Penalty to Advantage Asphalt & Seal Coating, LLC

(Santa Fe, NM) – The New Mexico Environment Department issued an Administrative Compliance Order with a civil penalty of \$817,000 to Advantage Asphalt & Seal Coating, LLC for its mishandling of asbestos waste in Bloomfield, N.M.

The order alleges the company improperly handled, labeled, contained, transported and disposed of more than 1,000 cubic yards of material containing regulated asbestos waste. The company disposed of that waste in a dumpster at a high school, in a dumpster at another waste hauler's operations yard, and on the ground at an auction yard frequented by the public in Bloomfield.

"The contractor's disposal of asbestos waste in public places – at a public school and close to a city street – is not responsible," said New Mexico Environment Department Secretary Ron Curry. "The company's mismanagement of its waste could have exposed people to asbestos fibers that when inhaled can lead to asbestosis, lung cancer or mesothelioma."

Advantage had a contract in early 2009 with the City of Bloomfield to perform utilities work in the North Frontier Street Project in Bloomfield. During the project, broken, crushed and abraded remnants of asbestos-containing water pipe were excavated from the roadway and mixed with soils. The excavated material, which contained substantially more than one percent asbestos, was classified as special waste that required unique disposal requirements under the New Mexico Solid Waste Rules. Those rules require regulated asbestos waste to be handled in a manner that protects workers and the public from exposure to asbestos.

Properly managed regulated asbestos waste must be moistened, wrapped or contained, labeled, manifested, and disposed. In addition, only permitted haulers and disposal facilities are equipped to safely transport or dispose of that waste. Advantage failed to comply with all of those requirements. In one instance, employees of the company broke up some of the asbestos-containing pipes with heavy equipment and hand implements on a city street after that waste was rejected for disposal at San Juan County Regional Landfill.

Advantage Asphalt has 30 days to respond to the Compliance Order, which was issued September 20. The company's response could include payment of the civil penalty and assurance of future compliance, a request for a public hearing, and/or participation in a settlement conference.

For more information, call Marissa Bardino at (505) 827-0314.