



ENFORCEMENT WATCH ALERT

The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.

NEWS RELEASE

For Immediate Release

June 2, 2023

Contact: Matthew Maez, Communications Director
New Mexico Environment Department
505.670.8911 | matthew.maez@env.nm.gov

Enforcement Watch Alert: 221 Enforcement Actions Initiated, 15 Enforcement Actions Resolved in May 2023

SANTA FE — The New Mexico Environment Department (NMED) released updates for the month of May 2023 on the [Enforcement Watch](#). The Enforcement Watch is a listing of all active and resolved enforcement cases. Active cases involve an alleged violation of a regulation, rule, permit, license, etc. Resolved cases are those that were adjudicated in court of law or administratively resolved. The Enforcement Watch also provides tools for the public to report alleged environmental or workplace safety violations.

In the month of May, 221 new entries were added to the Active Matters listing and 15 were moved to the Resolved Matters listing. May is also the first month the Department posted the Drinking Water Bureau notices of alleged violation, of which the bureau issued 199.

The new additions to the report included:

- 199 notices of alleged violation issued by the Drinking Water Bureau
- 12 notices of alleged violation issued by the Food Safety Program
- 7 notices of alleged violation issued by the Occupational Health & Safety Bureau
- 1 notice of alleged violation issued by the Hazardous Waste Bureau
- 1 notices of alleged violation issued by the Radiation Control Bureau
- 1 notices of alleged violation issued by the Surface Water Quality Bureau

The following enforcement cases were resolved in May:

- 15 enforcement cases resolved by the Hazardous Waste Bureau

Highlights of alleged violations and resolved cases in May include:

- R Marley, LLC in Roswell, NM was issued a [notice of alleged violation](#) of \$44,850 related to the unauthorized release of 2,000 gallons of asphalt emulsion into Jaybird Canyon, a tributary of Meadow Creek and Sapillo Creek, in the Gila National Forest in Grant County.
- Of the 199 notices of alleged violations related to drinking water, 39% were issued to three entities as follows: 50 notices were issued to the National Solar Observatory in Otero County, 15 notices were issued to Loma Escondida Water Association in Valencia County, and 12 notices were issued to Raton Pass Camp in Colfax County.
- The Radiation Control Bureau issued a [notice of alleged violation](#) to Lotus LLC, an Andrews, Texas-based company specializing in the handling of Naturally Occurring Radioactive Materials (NORM). Lotus failed to obtain a license for handling such material and failed to provide notice to NMED associated with the alleged removal of 34 barrels low-level radioactive sludge from an oil and gas facility in Eddy County, New Mexico.
- The Environment Department reached a [\\$20,000 settlement](#) with the Department of Energy (DOE), TRIAD National Security, and Newport News Nuclear BWXT-Los Alamos, LLC for alleged violations of the Hazardous Waste Act that include multiple failures to properly manage hazardous waste.

“The Enforcement Watch provides New Mexicans with transparency of our enforcement efforts across the state to protect health, safety and environment,” said **NMED Secretary James Kenney**. “As we integrate the Enforcement Watch into department processes, expect to see more historic data, greater access to enforcement documents and improved transparency of our enforcement efforts.”

The Enforcement Watch was launched in January 2023 to provide the public, the business community, environmental nongovernment organizations, and municipal governments with easy access to see which organizations the New Mexico Environment Department has alleged are in violation of regulations, permits, and/or licenses administered by the Department. It is updated as when violations are alleged or resolved. Retrospective enforcement matters are added as staffing resources allow. Importantly, organizations remain on the Enforcement Watch until the alleged violations are corrected to the satisfaction of the Department. The easiest way for an organization to avoid appearing on the Enforcement Watch is to stay off it in the first place by remaining in full compliance with applicable regulations. NMED encourages organizations that are unclear of their regulatory responsibilities to contact a consultant and conduct a third-party compliance audit and disclose potential violations.

NMED provides detailed compliance and enforcement metrics in the Compliance Measures section of the [Quarterly Performance Report](#).

The full Enforcement Watch can be viewed at <https://www.env.nm.gov/enforcement-watch>.

###

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED’s non-discrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator | NMED | 1190 St. Francis Dr., Suite N4050 | P.O. Box 5469 | Santa Fe, NM 87502 or (505) 827-2855 or nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator.

###