

**MICHELLE LUJAN GRISHAM, GOVERNOR**

James C. Kenney, Cabinet Secretary

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.

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**Enforcement Watch Alert: 203 Enforcement Actions Initiated,
31 Enforcement Actions Resolved in June 2023**

SANTA FE — The New Mexico Environment Department (NMED) released updates for the month of June 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 June, 203 new entries were added to the Active Matters listing and 31 were moved to the Resolved Matters listing.

The new additions to the report included:

- 80 notices of alleged violation issued by the Food Safety Program to retail food establishments that failed to timely pay their permit fee which results in the assessment \$25.00 late fee
- 116 notices of alleged violation issued by the Drinking Water Bureau
- 6 notices of alleged violation issued by the Occupational Health and Safety Bureau
- 1 notice of alleged violation issued by the Environmental Health Bureau for a public pool and spa violation
- 1 administrative compliance order issued by the Air Quality Bureau to Ameredev, an oil and gas company operating in Lea County.

The following enforcement cases were resolved in June:

- 28 enforcement cases by the Drinking Water Bureau
- 2 enforcement cases by the Occupational Health & Safety Bureau
- 1 enforcement case by the Petroleum Storage Tank Bureau

Highlights of alleged violations and resolved cases in June include:

- The Air Quality Bureau issued an [administrative complaint order](#) with over \$40 million in civil penalties to Ameredev, a Texas-based oil company, for egregious air quality violations.
- The Environmental Health Bureau issued a [notice of alleged violation](#) to the Grand Cloudcroft Hotel in Cloudcroft for building a swimming pool and spa without the necessary permits. The notice prohibits use of the facility until plans and specification are submitted to and approved by NMED.
- The Occupational Health & Safety Bureau issued a [citation and notification of penalty](#) of \$28,099 to Hakes Brothers in Las Cruces for three alleged safety violations including failing to provide eye protection for employees who were cutting floor tiles with a tile saw, working at a height greater than 6 feet with an unprotected edge without proper fall protection, and using a ladder that did not reach the minimum requirement of extending 3 feet above the landing surface.
- The Environment Department reached a [\\$8,400 settlement](#) with Inn of the Mountain Gods Resort and Casino, owners and operators of five above ground petroleum storage tanks located at Ski Apache. The settlement agreement resolves the failed payment of tank registration fees by waiving all penalties and interest which amounted to approximately \$220,000.

“The Enforcement Watch provides New Mexicans with a full listing of those businesses and municipalities that are falling short of their duty to comply with state laws, rules and permits that are solely in place to protect public health and the environment,” said **NMED Compliance and Enforcement Director Bruce Baizel**. “With three months of enforcement data available, the public can see the full breadth of our civil enforcement efforts.”

Since launching in April 2023, the Enforcement Watch has gained over 2,100 pageviews and is now the 12th most visited page on the NMED website. The page ranks 7th in total time spent by visitors on the site.

The Enforcement Watch 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>.

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