NEWS RELEASE
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Enforcement Watch Alert: 154 Enforcement Actions Initiated,
27 Enforcement Actions Resolved in July 2023

SANTA FE — The New Mexico Environment Department (NMED) released updates for the month of July 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 July, 154 new entries were added to the Active Matters listing and 27 were moved to the Resolved Matters listing.

The new additions to the report included:

- 101 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
- 50 notices of alleged violation issued by the Drinking Water Bureau
- 2 notices of alleged violation issued by the Occupational Health and Safety Bureau
- 1 notice of alleged violation issued by the Air Quality Bureau.

The following enforcement cases were resolved in July:

- 11 enforcement cases by the Drinking Water Bureau
- 6 enforcement cases by the Hazardous Waste Bureau
- 6 enforcement cases by the Food Safety Program
- 4 enforcement cases by the Occupational Health & Safety Bureau

Highlights of alleged violations and resolved cases in July include:
• The Air Quality Bureau issued a notice of alleged violation to Targa Northern Delaware LLC (Targa) for air quality violations at the Red Hills Gas Plant in Artesia.

• The Hazardous Waste Bureau issued a compliance advisory notice to the U.S. Department of Energy and Salado Isolation Mining Contractors LLC for Generator Site Technical Review Reporting at the Waste Isolation Pilot Plant.

“The Enforcement Watch continues to provide transparency for New Mexicans with a list of businesses and municipalities that have not complied with state laws, rules and permits,” said NMED Compliance and Enforcement Director Bruce Baizel. “The best way to stay off the Enforcement Watch is to comply with state requirements.”

In addition to these cases, the department also modified how drinking water enforcement actions are reported on the watchlist. Starting this month, multiple violations in a single enforcement letter are listed as single row instead of multiple rows as previously reported. This change improves clarity of the watchlist and aligns the drinking water enforcement actions with the rest of NMED’s other enforcement programs. This change does not impact the nature of the Drinking Water Bureau’s enforcement actions, and each individual violation still generates a notice of violation for the purposes of the bureau.

The Enforcement Watch provides the public, the business community, environmental nongovernment organizations, and municipal governments with easy access to see which organizations the NMED has alleged are in violation of state regulations, permits, and/or licenses. 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. Enforcement actions issued prior to April 2023 are added to the Enforcement Watch as staffing resources allow.

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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