

**MICHELLE LUJAN GRISHAM, GOVERNOR**

James C. Kenney, Cabinet Secretary

**NEWS RELEASE***For Immediate Release***September 19, 2023**

*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.*

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

**Environment Department issues enforcement action to Advanced Chemical Treatment for hazardous waste compliance issues**

*Hazardous waste storage facility with history of issues cited for multiple violations, jeopardizing their hazardous waste operating permit*

**ALBUQUERQUE** — The New Mexico Environment Department (NMED) announced that it issued an enforcement action against Advanced Chemical Treatment (ACT) for alleged violations observed during an inspection of the facility performed February 17, 2021. ACT operates a treatment, storage, and disposal facility located at 6137 Edith Boulevard NE in Albuquerque, New Mexico for hazardous wastes received from around the nation. According to its website, ACT operates 17 locations which service the western and southwestern regions of the U.S. and is headquartered in San Jose, California.

NMED cited ACT for alleged violations of their operating permit including the storage of hazardous waste outside of designated areas, improperly recorded facility inspections, inaccurate waste reporting, and not sufficiently characterizing hazardous wastes accepted by the facility.

As a result of the history of noncompliance at this facility and given the severity of these alleged violations, NMED assessed a civil penalty of \$745,000. In addition, NMED initiated proceedings to revoke ACT's hazardous waste operating permit. In order to continue to operate in New Mexico, ACT must fully address the current violations and develop a plan that will address the nearly ten years of compliance issues at this location.

“Operating a hazardous waste treatment, storage, and disposal facility must exceed New Mexico Environment Department’s rules and permits,” said **Compliance and Enforcement Director Bruce Baizel**. “The alleged violations and history of non-compliance demonstrate an unacceptable threat to public health and the environment in Albuquerque.”

“ACT’s business model is to receive, manage and store hazardous waste,” said **Compliance and Technical Assistance Program Manager Aaron Coffman**. “ACT is not safely managing these responsibilities.”

ACT has 30 days to respond to NMED’s enforcement action and provide a plan to demonstrate rehabilitation of its organizational waste management practices. If ACT demonstrates the ability to manage hazardous waste in a safe and compliant manner moving forward, NMED and ACT may negotiate a conditional permit to allow for continued operation of the facility. If ACT is unable to correct organizational waste management practices that resulted in these actions, NMED will engage in legal proceedings, including public notice and the opportunity for a public hearing, prior to a final

determination of permit revocation. If the permit is revoked without a conditional permit in place to allow for continued operation, ACT will be required to begin closure.

From [July 2022 through July 2023](#), the compliance rate for facilities managing hazardous waste across New Mexico averaged 25%.

To read the ACT enforcement action, click [here](#).

###

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](mailto: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.

###