

**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: 129 Enforcement Actions Initiated,
15 Enforcement Actions Resolved in September 2023**

SANTA FE — The New Mexico Environment Department (NMED) released updates for the month of September 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 September, 129 new entries were added to the Active Matters listing and 15 were moved to the Resolved Matters listing.

The new additions to the report included:

- 41 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 of a \$25.00 late fee
- 79 notices of alleged violation issued by the Drinking Water Bureau
- 3 notices of alleged violation issued by the Occupational Health & Safety Bureau
- 2 notices of alleged violation issued by the Air Quality Bureau
- 1 administrative compliance order issued by the Ground Water Quality Bureau
- 1 notice of alleged violation and 1 administrative compliance order issued by the Hazardous Waste Bureau
- 1 notice of alleged violation issued by the Solid Waste Bureau

The following enforcement cases were resolved in September:

- 13 cases in the Food Safety Program
- 1 case in the Hazardous Waste Bureau
- 1 case in Surface Water Quality Bureau

Highlights of alleged violations and resolved cases in September include:

- The Ground Water Quality Bureau issued a [Notice of Violation](#) to the New Mexico Department of Cultural Affairs for violations of the Water Quality Control Commission regulations at Fort Stanton Historic Site.
- The Occupational Health and Safety Bureau issued a [Serious Citation and Notice of Penalty](#) to the New Mexico Department of Transportation for workplace safety issues related to flagging operations near Clovis, which resulted in the fatality of a NMDOT employee who was injured while taking a break during flagging operations near Clovis on March 30, 2023. The citation carries a fine of \$15,543 which is the maximum penalty allowed for this type of violation.
- The Air Quality Bureau issued a [Notice of Violation](#) to White Sands Missile Range for failure to limit emission rates and violating emission limits a total of 105 times.
- The Hazardous Waste Bureau issued a [Notice of Violation](#) and \$6,000 civil penalty to Jeffco, Inc., DBA La-Z Boy Distribution Center for violations of the New Mexico Hazardous Waste Management Regulations related to making waste determinations for spent PFAS chemicals used in applications for consumer goods like furniture and rugs.
- The Hazardous Waste Bureau reached a [\\$84,345 settlement](#) with Western Refining, Southwest Inc. for alleged violations of the New Mexico Hazardous Waste Act and Hazardous Waste Management Regulations at their Gallup Refinery.

“The Environment Department continues to hold the private and public sector accountable for compliance with laws, rules and permits,” said **NMED Compliance and Enforcement Director Bruce Baizel**. “We will not shy away from holding those who violate the law accountable.”

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 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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