

**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: 115 Enforcement Actions Initiated, 11 Enforcement Actions Resolved in October 2023

SANTA FE — The New Mexico Environment Department (NMED) released updates for the month of October 2023 on [Enforcement Watch](#). 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 were adjudicated in a court of law or administratively resolved. Enforcement Watch also provides tools for the public to report alleged environmental or workplace safety violations.

In October, NMED added 115 new entries to the Active Matters listing and moved 11 to Resolved Matters.

The new additions to the report included:

- 62 notices of alleged violation issued by the Food Safety Program to retail food establishments that failed to pay their permit fee on time which results in a \$25.00 late fee;
- 32 notices of alleged violation issued by the Drinking Water Bureau;
- 16 notices of alleged violation issued by the Occupational Health & Safety Bureau;
- 2 notices of alleged violation issued by the Air Quality Bureau;
- 1 notice of alleged violation issued by the Ground Water Quality Bureau;
- 1 notice of alleged violation issued by the Hazardous Waste Bureau;
- 1 notice of alleged violation issued by the Solid Waste Bureau.

NMED resolved the following enforcement cases in October:

- 9 cases in the Drinking Water Bureau;
- 1 case in the Hazardous Waste Bureau;
- 1 case in the Air Quality Bureau.

Highlights of alleged violations and resolved cases in October include:

- The Occupational Health & Safety Bureau issued a [Serious Citation and Notification of Penalty](#) to Hakes Brothers in Las Cruces for four alleged violations of the Occupational Safety and Health

Act related to fall hazards. The citation carries a fine of \$36,9244.

- The Hazardous Waste Bureau issued a [Notice of Violation](#) to Duke City Redi-Mix in Albuquerque for multiple alleged violations of Hazardous Waste Management Regulations, including the improper storage and labeling of oil containers, the release of used oil, and failure to pay Hazardous Waste Generator Fees.
- The Ground Water Quality Bureau issued a [Notice of Violation](#) to Vision Mobile Home Park in Kirtland for alleged violations of the Water Quality Control Commission regulations related to failing to submit required monitoring reports since April 2020.
- The Solid Waste Bureau issued a [Notice of Violation](#) to the City of Alamogordo for multiple alleged violations of New Mexico Solid Waste Rules at the Otero/Greentree Regional Landfill including failure to control litter, failure to report fires within 24 hours, failure to conduct contingency plan training, failure to have a Disposal Management Plan on file, failure to have current sludge analysis approvals for sludge disposal, failure to complete waste screening and daily load inspections, and failure to comply with conditions of the permit.
- The Hazardous Waste Bureau reached a [\\$214,000 settlement](#) with Los Alamos National Laboratory for alleged violations of the Hazardous Waste Act and Hazardous Waste Management Regulations, including failure to dispose of hazardous waste within ninety days or obtain a permit at Bikini Atoll Road, SM-30.
- The Air Quality Bureau reached a [\\$34,320 settlement](#) with Durango Midstream, LLC for alleged violations of the Air Quality Control Act, Air Quality Control Regulations, and Air Quality Permits.

As part of NMED's commitment to protecting public health and the environment, the Department recently issued a [guidance memo to recover administrative costs](#) associated with enforcement of the laws and regulations governing NMED programs.

"The Enforcement Watch helps us achieve our objectives and legal mandates while ensuring fair and equitable treatment of the regulated community," said **NMED Compliance and Enforcement Director Bruce Baizel**. "Our new guidance memo provides a way for the department to get reimbursed for the hefty costs associated with ensuring compliance on the complicated and technical enforcement cases."

The Enforcement Watch provides the public, the business community, 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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