



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.

NEWS RELEASE

For Immediate Release

June 6, 2024

Contact: Jorge Estrada, Public Relations Coordinator
New Mexico Environment Department
505.690.5326 | george.estrada@env.nm.gov

Enforcement Watch Alert: 113 enforcement actions initiated, 36 enforcement actions resolved in May 2024

SANTA FE — The New Mexico Environment Department (NMED) released updates for the month of May 2024 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.

“The Environment Department is taking bold steps to ensure the safety of our food and water across the state,” said **NMED Compliance and Enforcement Director Bruce Baizel**. “Continued disregard of permit requirements by retail food establishments and municipal water systems will be met with escalating fines and penalties.”

In the month of May, 113 new entries were added to the Active Matters listing and 36 were moved to the Resolved Matters listing.

The new additions to the report included:

- 61 notices of 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
- 34 notices of violation issued by the Drinking Water Bureau
- 6 notices of violation issued by the Occupational Health & Safety Bureau
- 5 notices of violation issued by the Air Quality Bureau
- 3 notices of violation issued by the Solid Waste Bureau
- 2 notices of violation issued by the Ground Water Quality Bureau
- 1 notice of violation issued by the Hazardous Waste Bureau
- 1 notice of violation issued by the Surface Water Quality Bureau

The following enforcement cases were resolved in May:

- 18 cases in the Food Safety Program
- 13 cases in the Drinking Water Bureau
- 3 cases Hazardous Waste Bureau
- 1 case in the Air Quality Bureau
- 1 case in the Occupational Health & Safety Bureau

Highlights of alleged violations and resolved cases in May include:

- The Surface Water Quality Bureau issued an [Administrative Compliance Order](#) to the City of Santa Fe for violations of New Mexico Water Quality Act and New Mexico Water Quality regulations, and penalties of more than \$2.3 million, alleging that Camino Real Wastewater Treatment Plant discharged E. coli and nitrogen into the Santa Fe River in quantities that exceed standards protective of cool water aquatic life and primary contact, and that produce undesirable aquatic life and nuisance species.
- The Air Quality Bureau issued a [notice of violation](#) to New Mexico Gas Company, the owner and operator of the Star Lake Compressor Station, for failing to annually inspect equipment and failing to submit an annual emission testing report.
- The Drinking Water Bureau issued a [notice of violation](#) to the Village of Tularosa for Consumer Confidence Report Certifications for 2018, 2019, 2020, 2021 and 2022 Calendar Years.
- The Drinking Water Bureau issued a [notice of violation](#) to the Camino Real Regional Utility Authority for exceeding the arsenic MCL at Industrial Park Arsenic TP during the 2nd quarter of 2024.
- The Food Safety Bureau issued a [notice of violation](#) to the Rio Chama Steakhouse for operating without a permit.
- The Groundwater Quality Bureau issued a [notice of violation](#) to the Town and Country Mobile Home Park in Carlsbad for operating under an expired groundwater discharge permit, in violation of New Mexico Water Quality regulations and the Water Quality Act.
- The Hazardous Waste Bureau issued a [notice of violation](#) to Union Pacific Railroad for violating New Mexico Hazardous Waste regulations by failing to properly label containers of used oil, failing to keep closed containers of used oil stored outdoors, failure to obtain an EPA Identification Number for the storage of hazardous waste, for storing hazardous waste for greater than 90 days, for failing to perform weekly inspections of hazardous waste storage areas, for failing to provide hazardous waste management training for appropriate personnel and for failing to pay hazardous waste fees.
- The Occupational Safety and Health Bureau issued a [notice of violation](#) to American Manufacturing, Inc. for violations of the Occupational Safety and Health Act, including failing to develop a hearing conservation program for employees, for failing to provide a medical evaluation to determine employee compatibility to use respiratory protection, for failing to inform exposed employees of hazardous atmospheric conditions in permit spaces, for exposing employees to a hazardous air contaminant over a permissible exposure limit and for not providing effective information and training on hazardous chemicals to employees.
- The Solid Waste Bureau issued a [notice of violation](#) to the SW New Mexico Regional Landfill for violating the New Mexico Solid waste rules by failing to provide proper intermediate cover on areas that have not received waste for 60 days or longer.

The Enforcement Watch provides the public, the business community, environmental nongovernment organizations, and municipal governments with easy access to see which organizations NMED 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. Organizations remain on 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>.

###

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. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator.

###