



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUIRED

May 9, 2023

Kelly Zielbauer
Director of Safety
Albertsons Companies Inc.
6900 S. Yosemite St.
Centennial, CO 80112-1412

**RE: NOTICE OF VIOLATION AND RESOLUTION
SAFEWAY STORE #1438
EPA ID# NMR000020479**

Dear Ms. Zielbauer:

On February 1, 2023, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection ("Inspection") at Safeway Store #1438, ("SS 1438") located at 415 N. Main St., Aztec, New Mexico ("Facility"). SS 1438 is a commercial retail business selling food items and pharmaceuticals. These activities generate waste aerosols, hazardous waste flammable, corrosive and/or toxic damaged commercial chemical products, pharmaceuticals, and universal waste batteries.

Based on that inspection and review of the information obtained, NMED has determined that SS 1438 is a Very Small Quantity Generator ("VSQG") of hazardous waste as defined in 40 Code of Federal Regulations ("CFR") 262.13. Furthermore, NMED has determined that SS 1438 has violated the New Mexico Hazardous Waste Management Regulations ("HWMR") 20.4.1 New Mexico Administrative Code ("NMAC") as specified below.

NMED Inspector observed the following violation:

1. Failure to pay Hazardous Waste Generation fees, which is a violation of 20.4.3.201(A) NMAC. Specifically, SS 1438 generated VSQG amounts of hazardous waste in calendar years 2020 and 2021. Generator fees are due by the 1st of August of the following calendar year. Fees for 2020 were due by August 1, 2021, and 2021 fees were due by August 1, 2022.

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Hazardous Waste Bureau - 2905 Rodeo Park Drive, Santa Fe, New Mexico 87505 - (505) 476-6000
www.env.nm.gov

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NMED has determined that the violations were adequately addressed from the remittance of payment received April 3, 2023; therefore, no further action is required.

This Notice of Violation is considered an informal enforcement response in accordance with NMED's Enforcement Response Protocol. Please be aware that failure to address the above violations and any future substantial deviations from regulatory requirements may result in SS 1438 being considered for an elevated enforcement action. Also, be aware that any corrective action taken during our Inspection, or in response to this letter, does not relieve SS 1438 of its obligation to comply with any and all other applicable laws and regulations.

Pursuant to the NMED Delegation Order dated March 24, 2023, the Cabinet Secretary has delegated the authority to issue Notices of Violation under the Hazardous Waste Act and HWMRs to the Chief of the Hazardous Waste Bureau. If you have any questions regarding this letter, please contact Peter J. Garcia Sr. of my staff at 505-490-5868 or by email at PeterJ.GarciaSr@env.nm.gov.

Sincerely,

Ricardo Maestas

Digitally signed by Ricardo
Maestas
Date: 2023.05.08 10:06:30 -06'00'

Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

RM:pg

cc: Aaron Coffman, Acting Program Manager, NMED HWB
Peter J. Garcia Sr., NMED HWB
Thomas X. Vigil, Acting NMED District II Manager
Bruce Baizel, NMED OGC

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