



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUIRED

February 21, 2024

Ed Swisher Jr.
Store Manager
Walgreens #9067
701 E. 20th St.
Farmington, New Mexico 87401

**RE: NOTICE OF VIOLATION AND RESOLUTION
WALGREENS #9067
EPA ID# NMR000029819**

Dear Mr. Swisher Jr.:

On October 2, 2023, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection ("Inspection") at Walgreens #9067, ("WA 9067") located at 701 E. 20th St., Farmington, New Mexico ("Facility"). WA 9067 is a pharmaceutical business focused on medical prescriptions, beauty products, a small retailer of everyday use products and photo services. 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 WA 9067 is a Very Small Quantity Generator of hazardous waste as defined in 40 Code of Federal Regulations ("CFR") 262.13. Furthermore, NMED has determined that WA 9067 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, WA 9067 generated VSQG amounts of hazardous waste in calendar year 2022. Generator fees are due by the 1st of August of the following calendar year. Fees for 2022 were due by August 1, 2023.

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

NMED has determined that the violations were adequately addressed from the remittance of payment received November 27, 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 any future substantial deviations from regulatory requirements may result in WA 9067 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 WA 9067 of its obligation to comply with any and all other applicable laws and regulations.

Pursuant to the NMED Delegation Order dated February 19, 2024, the Cabinet Secretary has delegated the authority to issue Notices of Violation under the Hazardous Waste Act and HWMRs to the Bureau Chief of the Hazardous Waste Bureau and the Deputy Director of the Resource Protection Division. 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,

Beau Masse
Acting Deputy Director
Resource Protection Division

BM:pg

cc: Aaron Coffman, Program Manager, NMED HWB
Peter J. Garcia Sr., NMED HWB
Tyre Jameson, NMED HWB
Ricardo Maestas, NMED HWB Acting Chief
Thomas X. Vigil, NMED District II Manager

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