



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

**CERTIFIED MAIL - RETURN RECEIPT REQUIRED**

April 9, 2024

Kim Natividad  
Counsel  
Netflix Studios, LLC  
5650 University Blvd SE  
Albuquerque, NM 87106

Anthony Sosa  
Stage Management Specialist  
Netflix Studios, LLC  
5650 University Blvd SE  
Albuquerque, NM 87106

**RE: RESOLUTION OF NOTICE OF VIOLATION  
NETFLIX STUDIOS, LLC  
EPA ID# NMR000012567**

Dear Kim Natividad and Anthony Sosa:

Beginning on August 20, 2021, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection ("Inspection") at Netflix Studios, LLC ("Netflix"), located at 5650 University Boulevard SE, Albuquerque, New Mexico ("Facility"). Based on that Inspection and review of information obtained NMED issued a Notice of Violation with Penalties ("NOVP") dated March 24, 2023.

Enclosed is a copy of the signed Stipulated Final Order to resolve claims of the NMED for civil penalties and other relief for violations specified in the NOVP. As of the date March 26, 2024, all civil penalty payments have been received and all corrective actions required to bring Netflix into compliance have been met. Any action taken in response to this letter does not relieve your facility of its obligation to comply with any and all other applicable laws and regulations.

If you have any questions regarding this letter, please contact Aaron Coffman of my staff at 505-670-5211 or by email at [aaron.coffman@env.nm.gov](mailto:aaron.coffman@env.nm.gov).

Sincerely,

**Ricardo Maestas**

Digitally signed by Ricardo  
Maestas  
Date: 2024.04.09 15:19:10 -06'00'

Ricardo Maestas  
Acting Chief  
Hazardous Waste Bureau

Kim Natividad and Anthony Sosa

April 9, 2024

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RM: ac

cc: Aaron Coffman, NMED HWB  
Andrew Knight, NMED OGC  
Tatiana Engelmann, NMED OGC  
Levi Cole, NMED District I Manager

file: Library # 3552

**STATE OF NEW MEXICO  
ENVIRONMENT DEPARTMENT**

<b>NEW MEXICO ENVIRONMENT</b>	)
<b>DEPARTMENT,</b>	)
<b>Complainant,</b>	)
	)
<b>v.</b>	)
	)
<b>NETFLIX STUDIOS, LLC,</b>	)
<b>EPA I.D. NMR000012567,</b>	)
<b>Respondent</b>	)
<hr/>	)

**STIPULATED FINAL ORDER**

The New Mexico Environment Department (“Department”) and Netflix Studios, LLC (“Netflix”, “Party” or “Respondent”), pursuant to 20.1.5.600.B(2) NMAC, stipulate to resolve the alleged violations specified in the Notice of Violation (“NOV”) issued by the Department to Respondent on March 24, 2023. The Parties have agreed on the terms and conditions specified in this Stipulated Final Order (“Order”).

**BACKGROUND**

1. The Department is an agency of the executive branch of the State of New Mexico pursuant to NMSA 1978, § 9-7A-4. The Department is authorized to administer and enforce the New Mexico Hazardous Waste Act (“HWA”), NMSA 1978, §§ 74-1-1 to -14, and the Hazardous Waste Management Regulations (“HWMR”), 20.4.1 NMAC, including assessing administrative civil penalties for violations thereof.
2. The Respondent Netflix is a for-profit corporation operating a Facility registered as a Small Quantity Generator of Hazardous Waste (“SQG”), EPA I.D. Number NMR000012567, located at 5650 University Boulevard SE, Albuquerque, New Mexico (“Facility”).

3. On August 20, 2021, NMED conducted a hazardous waste compliance evaluation inspection (“Inspection”) at the Facility. During the Inspection, the Department observed potential violations of the HWA and the HWMR.

4. As a result of the Inspection and in consideration of the documentation and information provided, the Department issued a Notice of Violation (“NOV”) to the Respondent on March 24, 2023. On April 13, 2023, the Respondent submitted to the Department correspondence that responded to the NOV, provided additional information, and detailed the corrective actions taken by Netflix to address the alleged violations.

### **ALLEGED VIOLATIONS**

5. The Department alleged the following violations in the NOV, dated March 24, 2023:

a) Failure to label containers of hazardous waste with the words “hazardous waste”, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.16(b)(6)(i)(A).

b) Failure to label containers of hazardous waste with an indication of the relevant hazard(s), which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.16(b)(6)(i)(B).

c) Failure to keep containers of hazardous waste closed when not adding or removing waste, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.16(b)(2)(iii)(A).

d) Failure to attempt to make arrangements with local emergency response authorities, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.16(b)(8)(vi).

e) Failure to properly complete hazardous waste manifests, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.20(a)(1).

f) Failure to retain copies of hazardous waste manifests, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.44(a).

g) Failure to pay annual hazardous waste fees incurred as an SQG in Calendar Years 2018 and 2019, by the due dates of August 1, 2019 and August 1, 2020, which is a violation of 20.4.3.500 NMAC.

### **COMPROMISE AND SETTLEMENT**

6. All actions required to maintain or restore Respondent's compliance have been completed.

7. The Respondent does not admit to any of the allegations in the NOV. To avoid further legal proceedings, the Department and the Respondent agree to the terms and conditions in this Order to resolve the alleged violations in the NOV.

8. The Respondent admits to the jurisdictional allegations of this Order and consents to the relief specified in the Order including the civil penalty.

9. In compromise and settlement of the alleged violations in the NOV, the Parties agree that the Respondent shall owe a civil penalty of \$20,260.00 which shall be paid in a lump sum.

Respondent shall pay the civil penalty to the State of New Mexico within 60 days after the effective date of this Stipulated Final Order. Payment shall be made by certified check or other guaranteed negotiable instrument, payable to the "State of New Mexico-Hazardous Waste Emergency Fund," and shall be delivered to the Department at the following address by either hand delivery or U.S. Postal Service:

Bureau Chief  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505

10. Payments of the civil penalty shall be accompanied by a transmittal letter referencing this Order.

11. If the Respondent fails to make timely and complete payments of the civil penalty, the Respondent shall pay interest on the outstanding balance at the rate established for judgements and decrees under NMSA 1978, § 56-8-4.

## **OTHER TERMS AND CONDITIONS**

### **ENFORCEMENT**

12. Except as provided in Paragraph 15 (Covenants Not to Sue), the Department reserves all of the powers, authorities, rights, and remedies, whether administrative or judicial, civil or criminal, legal or equitable, to enforce the requirements of the HWA, HWMR, or Permit, for any past, present or future violations not addressed in the NOV. In any such action, the Respondent reserves the right to assert any defenses that it may have.

13. The Department retains its right to enforce this Order by administrative or judicial action, and the Respondent reserves the right to assert any defenses that they may have.

14. In the event that the Department elects to file a judicial action to enforce this Order, the Department shall file such action in the First Judicial District Court of Santa Fe County, New Mexico. The Respondent will not challenge that jurisdiction or that the venue lies with the First Judicial Court of Santa Fe County, New Mexico.

### **COVENANTS NOT TO SUE**

15. The Department covenants not to sue or take any administrative or civil action against the Respondent under the HWA, HWMR, and Agreement for any of the facts or violations alleged in the NOV or this Order. This covenant not to sue extends to Respondent and its respective officers, directors, agents, employees, successors, and assigns and does not extend to any other

person. This Covenant does not extend to future violations of the same HWA or HWMR requirements or violations of this Order.

16. Respondent covenants not to sue the State of New Mexico for any claims deriving from the NOV.

#### **EFFECTIVE DATE**

17. This Order shall become effective on the date it is approved and signed by the Department Secretary.

#### **INTEGRATION**

18. This Order merges all prior written and oral communications between the Department and the Respondent concerning the subject matter of the Order and contains the entire agreement between the Department and the Respondent.

#### **BINDING EFFECT**

19. This Order shall be binding upon the Department and its successor agencies and shall be binding upon the Respondent and on its successors.

#### **AUTHORITY OF SIGNATORIES**

20. The persons executing this Order represent that they have the requisite authority to bind either the Department or the Respondent, as appropriate, to this Order, and that their representation shall be legally sufficient evidence of actual or apparent authority to bind the Department or the Respondent to this Order. The Hazardous Waste Bureau Chief signs pursuant to the authority granted by the March 24, 2023 Delegation Order and with concurrence of the Resource Protection Division Director.

For: **NEW MEXICO ENVIRONMENT DEPARTMENT**

By: **Ricardo Maestas** Digitally signed by Ricardo Maestas  
Date: 2023.12.21 13:37:52 -07'00' Date: 12/21/2023  
RICARDO MAESTAS  
ACTING CHIEF  
HAZARDOUS WASTE BUREAU  
NEW MEXICO ENVIRONMENT DEPARTMENT

For: **NETFLIX STUDIOS, LLC**

By: DocuSigned by:  
**Tammy McCann** 742C8A7882AF403... Date: January 17, 2024  
TAMMY MCCANN  
DIRECTOR, STUDIO MANAGEMENT  
UCAN

**APPROVAL OF STIPULATED FINAL ORDER**

Pursuant to 20.1.5.600.B(2) NMAC, this Order, agreed to by the Department and Respondent, is hereby APPROVED as a FINAL ORDER.

DocuSigned by:  
**James Kenney** 55675B6F3B62408...  
JAMES C. KENNEY  
SECRETARY OF ENVIRONMENT  
Date: January 23, 2024