



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUIRED

January 9, 2024

David Dufault
Shop Supervisor
Aeroparts Manufacturing and Repair
431 Rio Rancho Boulevard NE
Rio Rancho, NM 87124

**RE: NOTICE OF VIOLATION AND RESOLUTION
AEROPARTS MANUFACTURING AND REPAIR
EPA ID# NMR000012153**

Dear David Dufault,

On February 24, 2023, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection ("Inspection") at Aeroparts Manufacturing and Repair ("Aeroparts Mfg") located at 431 Rio Rancho Boulevard NE, Rio Rancho, New Mexico. Aeroparts Mfg is a U.S. Federal Aviation Administration-certified repair shop for various commercial and military aircraft repairs and replacement. These activities generate hazardous waste flammable liquids and solids, hazardous waste chromic acid, lead slag sent for recycling, and used oil.

Based on observations and review of the information obtained, NMED has determined that Aeroparts Mfg 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 Aeroparts Mfg has violated the New Mexico Hazardous Waste Management Regulations ("HWMR") 20.4.1 New Mexico Administrative Code ("NMAC") as specified below.

NMED inspectors observed the following violations:

1. Failure to make a hazardous waste determination, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.11. Specifically, during the discussion of waste storage practices, the facility representative described the practice of allowing non-hazardous Alodine rinse water to evaporate. Because this material contains chromium below the regulatory limits at the point of generation, allowing this waste to evaporate its water content could allow chromium concentrations to exceed regulatory limits. The revised hazardous waste determination requirement in 40 CFR

262.11 under the Generator Improvement Rulemaking now requires generators to conduct a hazardous waste determination for any changes to the waste that occur while in storage.

2. Failure to label containers of used oil with the words "used oil", or with other wording to identify contents, which is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR § 279.22(c)(1) and 20.4.1.1003(A) NMAC. Specifically, NMED observed 4 unlabeled containers of used oil at the waste storage area.
3. Failure to pay hazardous waste fees by the due date of August 1, 2022 for wastes generated in 2021. Specifically, NMED did not have record of payment of hazardous waste fees owed for hazardous wastes generated in 2021.

NMED has determined that the violations have been adequately addressed. Improper waste handling practices have been corrected and applicable hazardous waste fees from 2021 were paid. **No further action is necessary.**

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 Aeroparts Mfg 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 Aeroparts Mfg 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 Aaron Coffman of my staff at 505-690-5211 or by email at aaron.coffman@env.nm.gov.

Sincerely,

Ricardo Maestas
Acting Chief,
Hazardous Waste Bureau

RM: ac
cc: Aaron Coffman, NMED HWB CTAP Manager
Levi Cole, NMED District I Manager

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