



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUIRED

May 31, 2023

Cody Chavez
Plant Operations Manager
Cibola County Hospital
1016 E. Roosevelt Avenue
Grants, NM 87020

**RE: NOTICE OF VIOLATION AND RESOLUTION
CIBOLA COUNTY HOSPITAL
EPA ID# NMR000030049**

Dear Mr. Chavez:

On January 10, 2023, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection at the Cibola County Hospital ("Cibola Hospital"), located at 1016 E. Roosevelt Avenue, Grants, New Mexico. Cibola Hospital is a regional hospital serving Cibola County and includes an emergency room with trauma center and physicians' offices. These operations generate hazardous waste pharmaceuticals and maintenance wastes.

Based on observations and review of the information obtained, NMED has determined that Cibola Hospital 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 Cibola Hospital 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 obtain an EPA Identification Number prior to offering hazardous waste for shipment as a Large Quantity Generator. Specifically, review of the information obtained shows that Cibola Hospital generated Large Quantity Generator amounts of waste in 2020. NMED had no prior record of Cibola Hospital requesting an EPA ID# for disposal of this waste. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.18(a).

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Hazardous Waste Bureau - 2905 Rodeo Park Drive East , Building 1 Santa Fe, New Mexico 87505-6313
Telephone (505) 476-6000 - www.env.nm.gov

2. Failure to pay hazardous waste fees to the State of New Mexico by August 1 of the Calendar Year following generation of the hazardous waste. Specifically, review of the information obtained shows that Cibola Hospital generated hazardous waste in Calendar Years 2020 and 2021. NMED had no prior record of Cibola Hospital submitting hazardous waste fees due on August 1, 2021 and August 1, 2022, respectively. This is a violation of 20.4.3.500 NMAC.

NMED has determined that these violations were adequately addressed from responses dated February 1, 2023 and April 5, 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 Cibola Hospital 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 Cibola Hospital 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 505-670-5211 or by email at aaron.coffman@env.nm.gov.

Sincerely,

Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

RM: ac

cc: Aaron Coffman, NMED HWB
Levi Cole, NMED District I Manager
Bruce Baizel, NMED OGC

file: Library # 6005