



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUIRED

July 20, 2023

Daniel Munoz
Operator
Gear Head 505, LLC
103 Main Street SE
Los Lunas, NM 87031

**RE: NOTICE OF VIOLATION AND RESOLUTION
GEAR HEAD 505, LLC.
EPA ID# NMR000028423**

Dear Mr. Munoz,

On August 19, 2021, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection ("Inspection") at Gear Head 505, LLC, ("Gear Head") located at 103 Main Street SE, Los Lunas, New Mexico. Gear Head provides general automotive repair and service. Gear Head generates waste streams to include used oil, aerosol cans, transmission fluid, antifreeze, brake fluid, and lead acid batteries for recycling.

Based on observations and review of the information obtained, NMED has determined that Gear Head 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 Gear Head, 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. Specifically, NMED inspectors observed one white five-gallon container storing unidentified waste located on the west side service bay area. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.11.
2. Failure to label containers storing used oil with the words "Used Oil" or other wording that accurately identifies the contents of the containers. Specifically, NMED inspectors observed several unlabeled containers throughout the property. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.22(c)(1) and 20.4.1.1003(A) NMAC.

3. Failure to keep containers storing used oil located outdoors closed, unless adding or removing used oil. Specifically, NMED inspectors observed several containers not properly closed throughout the property. This is a violation of 20.4.1.1003.B(1) NMAC.
4. Failure to respond to the releases of used oil to the environment upon detection of that release. Specifically, NMED inspectors observed several large used oil releases on the property. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.22(d)(3).

NMED has determined that the violations have been adequately addressed based upon reinspection that occurred on October 3, 2021, and all corrective actions have been implemented. 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 Gear Head 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 Gear Head 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 Tyre Jameson of my staff at 505-660-4884 or by email at tyre.jameson@env.nm.gov.

Sincerely,

Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

RM: tj

cc: Tyre Jameson, NMED HWB
Aaron Coffman, NMED HWB CTAP Manager
Frank Rodarte, NMED HWB
Levi Cole, NMED District I Manager

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