



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUIRED

August 16, 2023

Eric Gandy
Store Manager
Lowe's of Farmington, NM #2501
5451 Pinon Hills Blvd
Farmington, NM 87402

**RE: NOTICE OF VIOLATION AND RESOLUTION
LOWE'S OF FARMINGTON, NM #2501
EPA ID# NMR000025114**

Dear Mr. Gandy:

On May 16, 2023, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection ("Inspection") at Lowe's of Farmington, NM #2501, ("Lowes 2501") located at 5451 Pinon Hills Blvd, Farmington, New Mexico ("Facility"). Lowes 2501 is a retail company specializing in home improvement; hazardous wastes generated consists of waste aerosols; corrosive, basic and inorganic liquids; flammables; toxics; hypochlorite solutions; waste oxygen; propane and various universal wastes consisting of batteries and lawn mower batteries and fluorescent light bulbs collected from the general public for proper disposal. These wastes consist of expired and damaged goods pulled from store inventory, and maintenance activity wastes. Lowes 2501 contracts with an outside firm/company to service light fixtures, therefore, no fluorescent light bulbs are generated as a result of facility operations.

Based on that inspection and review of the information obtained, NMED has determined that Lowes 2501 is a Small Quantity Generator of hazardous waste as defined in 40 Code of Federal Regulations ("CFR") 262.13. Furthermore, NMED has determined that Lowes 2501 has violated the New Mexico Hazardous Waste Management Regulations ("HWMR") 20.4.1 New Mexico Administrative Code ("NMAC") as specified below.

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

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

NMED Inspector observed the following violations:

1. Failure to maintain universal waste lamps in a closed container capable of preventing breakage. Specifically, NMED observed numerous open containers and universal waste lamps stored on shelves not placed in closed containers in the Satellite Accumulation Area ("SAA"). This is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR § 273.13(d) and 40 CFR § 273.13(d)(1).
2. Failure to label universal waste lamps with the words "Universal Waste Lamps" or similar. Specifically, NMED observed numerous unlabeled containers containing universal waste lamps in the SAA. This is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR § 273.14(e) and 20.4.1.1001(B) NMAC.
3. Failure to demonstrate the length of time universal waste has accumulated. Specifically, NMED observed numerous containers of universal waste lamps in the SAA that were not marked with an accumulation start date or associated with an accumulation log. This is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR § 273.15(c) and 40 CFR § 273.15(c)(1).
4. Failure to conduct weekly inspections of the central accumulation area ("CAA"), which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.16(b)(2)(iv). Specifically, Lowes 2501 failed to provide documentation to NMED demonstrating weekly inspections of containers located in the CAA.
5. Failure to post contact name and information of the emergency coordinator. Specifically, NMED observed no contact name and information of the emergency coordinator posted at or near areas directly involved in the generation and accumulation of hazardous waste or facility phones. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.16(b)(9)(ii)(A).
6. Failure to maintain initial and final signed manifests on file and readily available for inspection. Specifically, NMED observed and documented signed manifests were not kept on file and readily available for inspection for 3 years from the date of initial pickup. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.44(a).

NMED has determined that the violations were adequately addressed during the time of inspection; 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 Lowes 2501 being considered for an elevated enforcement action. Also, be aware that any

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corrective action taken during our Inspection, or in response to this letter, does not relieve Lowes 2501 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 Bureau Chief of the Hazardous Waste Bureau. 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,

Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

RM:pg

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

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