



February 8, 2024

Melissa Terry
Hazardous Material Specialist
University of New Mexico
705 Gurley Avenue
Gallup, NM 87301

**RE: NOTICE OF VIOLATION AND RESOLUTION
UNIVERSITY OF NEW MEXICO – GALLUP CAMPUS
EPA ID# NMR000025502**

Dear Melissa Terry:

On February 9, 2023, the New Mexico Environment Department (“NMED”) conducted a hazardous waste Compliance Evaluation Inspection at the University of New Mexico – Gallup Campus (“UNM Gallup”), located at 705 Gurley Avenue, Gallup, New Mexico. UNM Gallup is a comprehensive career technical and transfer academic institution that offers certificates in 12 disciplines and associate degrees in 18 programs. Instruction and maintenance operations on-site generate various flammable, corrosive, and toxic hazardous wastes, used oil, and universal waste spent fluorescent lamps.

Based on observations and review of the information obtained, NMED has determined that UNM Gallup 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 UNM Gallup 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, UNM Gallup could not provide documentation of hazardous waste determinations for wastes observed at several locations, including:
 - a. Several waste products were observed in and on top of the flammable cabinet at the art lab.

- b. Two containers in the chemical storage room of the health sciences building labeled as “unknown”.
2. Transfer of universal waste to an unregistered waste treatment and destination facility, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.14(a)(5)(vii). Specifically, UNM Gallup campus maintenance staff provided the McKinley County Schools maintenance facility as the location receiving universal waste fluorescent lamps from UNM Gallup for the purpose of lamp crushing. NMED has no record of McKinley County Schools providing notification to the State of New Mexico of the intent to operate a lamp crushing unit. Therefore, McKinley County Schools is not an acceptable universal waste destination facility.

NMED has determined that these violations were adequately addressed from information obtained from the response dated January 17, 2024; 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 UNM Gallup 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 UNM Gallup 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

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