



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUIRED

May 31, 2023

Rick George
Counter Administrator
Ace Auto Parts Inc.
4320 Broadway SE
Albuquerque, NM 87105

**RE: NOTICE OF VIOLATION AND RESOLUTION
ACE AUTO PARTS INC.
EPA ID# NMR000008151**

Dear Mr. George:

On January 31, 2023, the New Mexico Environment Department ("NMED") conducted a Compliance Evaluation Inspection ("Inspection") at Ace Auto Parts Inc. ("AAP") located at 4320 Broadway SE, Albuquerque, New Mexico. AAP is a vehicle salvage company that provides refurbished and salvaged vehicle parts. AAP also provides services to include the following: oil changes, mechanical repair, transmission rebuilding, radiator, and engine repair. The facility is a generator of used oil.

Based on observations and review of the information obtained, NMED has determined that AAP 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 AAP 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 respond to the release of used oil to the environment, which is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.22(d)(3). Specifically, NMED noted several areas of oil-stained soil around the premises.

Corrective Action: AAP removed the contaminated soil on February 13, 2023, and is managing the removed petroleum contaminated soil or "PCS" per regulatory requirements.

2. Failure to pay Hazardous Waste Generator fees, which is a violation of 20.4.3.201.A NMAC. Specifically, generator fees for calendar years 2020 and 2021 have not been paid. Generator fees are due by the first of August of the following year.

Corrective Action: NMED received the hazardous waste generator fee payments from Ace Auto Parts for calendar years 2020 and 2021 on May 9, 2023.

NMED has determined that the violations have been adequately addressed. No further action is required at this time.

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 AAP 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 AAP 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 Neil Dolly of my staff at 505-660-9488 or by email at neil.dolly@env.nm.gov.

Sincerely,

Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

RM: nd

cc: Neil Dolly, NMED HWB
Aaron Coffman, NMED HWB CTAP Manager
Frank Rodarte, NMED HWB
Levi Cole NMED District I Manager

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