



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

**CERTIFIED MAIL - RETURN RECEIPT REQUIRED**

May 9, 2023

Ken Schwartz  
Manager  
Neumark Landscape Supply  
6811 Huseman Pl.  
Albuquerque, NM 87121

**RE: NOTICE OF VIOLATION AND RESOLUTION  
NEUMARK LANDSCAPE SUPPLY  
EPA ID# NMR000030247**

Dear Mr. Schwartz

On February 20, 2023, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection ("Inspection") at Neumark Landscape Supply ("Neumark") located at 6811 Huseman Place, Albuquerque, New Mexico. Neumark is a supplier of general landscaping materials and gravel.

Based on observations and review of the information obtained, NMED has determined that Neumark is a Very Small Quantity Generator of hazardous waste as defined in 40 Code of Federal Regulations ("CFR") 279.22. Furthermore, NMED has determined that Neumark 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 violation:

1. Failure to respond to the release of used oil to the environment, which is a violation of 20.4.1.1002, incorporating 40 CFR 279.22(d)(3). Specifically, NMED observed several areas of used oil staining on bare dirt throughout the exterior of the facility.

NMED has determined that the violation has been adequately addressed. On February 28, 2023, NMED returned to the facility and confirmed the oil-stained soil had been removed and properly managed.

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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 Neumark 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 Neumark 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](mailto:neil.dolly@env.nm.gov).

Sincerely,

**Ricardo  
Maestas**

Ricardo Maestas  
Acting Chief  
Hazardous Waste Bureau

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Maestas  
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RM: nd

cc: Aaron Coffman, Acting Program Manager, NMED HWB  
Neil Dolly, NMED HWB  
Frank Rodarte, NMED HWB  
Levi Cole NMED District I Manager  
Bruce Baizel, NMED OGC

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