



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUIRED

August 1, 2023

Brad Larson
President
Sweatt Construction Inc.
2401 Pecos Avenue
Artesia, NM 88210

**RE: NOTICE OF VIOLATION AND RESOLUTION
SWEATT CONSTRUCTION INC.
EPA ID# NMR000030577**

Dear Mr. Larson,

On June 15, 2023, the New Mexico Environment Department ("NMED") conducted a hazardous waste Compliance Evaluation Inspection ("Inspection") at Sweatt Construction Inc. ("Sweatt") located at 2401 Pecos Avenue, Artesia, New Mexico. This inspection was prompted due to a complaint alleging release of "oils" into the sewer and soil around the premises. Sweatt offers construction and maintenance services for oilfield drilling pads, lease roads and reserve pits.

Based on observations and review of the information obtained, NMED has determined that Sweatt 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 Sweatt 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 label containers, storing used oil, with the words "Used Oil" or other wording to identify the contents. Specifically, NMED observed multiple drums, and containers throughout the facilities interior/exterior that were identified as storing used oil, without the required labeling. This is a violation of 20.4.1.1002 NMAC, incorporating 40 CFR 279.22(c)(1) and 20.4.1.1003(A) NMAC.

2. Failure to keep containers storing used oil outdoors closed, unless adding or removing used oil. Specifically, NMED observed several containers of used oil throughout the facility that were not properly closed. This is a violation of 20.4.1.1003(B)(1) NMAC.
3. Failure to respond to the release of used oil to the environment. Specifically, NMED observed several areas of used oil staining on bare dirt throughout the exterior of the facility. 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. On June 20, 2023, and June 27, 2023, NMED received documentation from the facility showing corrective action was taken. 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 Sweatt 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 Sweatt 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
Frank Rodarte, NMED HWB
Levi Cole NMED District I Manager

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