



NEW MEXICO
ENVIRONMENT DEPARTMENT
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030



www.env.nm.gov

INSPECTION TYPE: ☐ Routine ☒ Complaint ☐ Follow-Up ☐ Compliance Assistance ☐ Pre-Arranged

DATE: 09/11/2024 TIME: 9:00 am

FACILITY NAME New Mexico Highlands Un. EPA ID # NMD986684652/0844

BUSINESS OWNER & ADDRESS NMHU, 800 University Avenue, Las Vegas, New Mexico 87701

MAILING ADDRESS P.O. Box 9000, Las Vegas, New Mexico 87701

PROPERTY OWNER & ADDRESS New Mexico Highlands University (State of New Mexico)

NOTIFIED AS: ☒ N/A

CURRENT STATUS:

- | | |
|---|--|
| <input checked="" type="checkbox"/> CESQG (<100 kg/mo.) | <input type="checkbox"/> CESQG (<100 kg/mo.) |
| <input type="checkbox"/> SQG (100-1000 kg/mo.) | <input type="checkbox"/> SQG (100-1000 kg/mo.) |
| <input type="checkbox"/> LQG (>1000 kg/mo.) | <input checked="" type="checkbox"/> LQG (>1000 kg/mo.) |
| <input type="checkbox"/> Transporter | <input type="checkbox"/> Transporter |
| <input type="checkbox"/> Transfer Facility | <input type="checkbox"/> Transfer Facility |
| <input type="checkbox"/> TSD Facility - Unit Type(s): | <input type="checkbox"/> TSD Facility - Unit Type(s): |
| <input type="checkbox"/> Used Oil: | <input type="checkbox"/> Used Oil: |
| <input type="checkbox"/> Universal Waste Handle: | <input type="checkbox"/> Universal Waste Handler: |

ENTRY CONFERENCE:

Present credentials to facility representative

Cite authority to enter site, conduct inspection, obtain samples, take photos (NMSA § 74-4-4.3)

State reasons(s) for and nature of inspection, objectives and procedures for inspection



RESPONSIBLE OFFICIAL(s):

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INSPECTION PARTICIPANTS:

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5. DATE OF LAST INSPECTION: 03/03/2016 (Facility w/history of Non-Compliance).**03/03/2016: (FUI) inspection w/violations: 40 CFR 262.11 Failure to make hazardous waste determination.****40 CFR 273.15(c) Failure to demonstrate length of Accumulation.****40 CFR 273.13(d)(1) Failure to secure universal waste in container****40 CFR 279: Other miscellaneous used oil violations****09/29/2015: (CEI) inspection w/violations 40 CFR 262.11 Failure to make hazardous waste determination.****40 CFR 273.15(c) Failure to demonstrate length of Accumulation.****40 CFR 273.13(d)(1) Failure to secure universal waste in container.****05/26/2007: (CEI) inspection w/violations: 40 CFR 262.11 Failure to make hazardous waste determination.****40 CFR 270.1(C) Storage of hazardous waste without a permit.****40 CFR 268.34(a) LDR: Prohibitions on Land Disposal.****10/20/2000: (CAV) inspection-No Violations (Outreach)****6. CHECKLISTS COMPLETED: ☐ CESQG ☐ SQG ☐ <90 Day ☐ Used Oil Other: _____****7. History, Size and Nature of Business:**

New Mexico Highlands University is a higher educational institution, that has been in existence since 1893. New Mexico Highlands University campus encompasses approximately 190 acres of real estate consisting of mixed-use facilities, laboratories, classrooms, gyms, facilities, fleet motor pool, facilities and maintenance, recycling center, arts complex, sports complex, golf course, dining facilities, student housing, and other common uses normal in a college and university settings. The number of employees which includes faculty, staff, and students is approximately 1,035. New Mexico Highlands University ("NMHU") is a higher educational institution with multiple educational curriculums, general studies, graduate programs, and other vocational programs for career advancements.

8. Process Description

The facility has several buildings that generate waste streams at this university. Specifically, various laboratory wastes are generated throughout research and instructional areas primarily in the Ivan Hilton Science Technology building which was built in 2004. Other areas of waste generation are in the Art Foundry building, Industrial Arts Building, McCaffrey Historic Trolley building, media arts, Facilities Services, Stu Clark Building, and Lora M. Shields building. No hazardous waste was discovered or observed at the Recycling Center.

The Central Accumulation Area ("CAA") for all hazardous waste is stored and located on the bottom floor of the Ivan Hilton Science Technology building. The CAA and all laboratories and instructional areas within the Ivan Hilton Building have fume hoods and other emergency equipment that were inoperative at the time of this inspection. Many of the Satellite Accumulation Areas ("SAA's") observed during the inspection did not have an active process but were found storing waste. NMED inspectors determined there was very little generator knowledge regarding most waste items, and how much they were generating monthly. In some of the laboratories, hazardous waste containers were found to be open with much of their contents appearing to have evaporated over time. Some of the laboratories had entire cabinets and shelves of chemicals in which the waste

status could not be accounted for. Much of the waste observed during the walkthrough of the Ivan Hilton Building was not stored in accordance with regulations and little to no generator knowledge could be provided. Laboratory chemical hygiene was substandard throughout the Ivan Hilton Science Building. The initial inspection was intended to be a Compliance Assistance Visit ("CAV") inspection but was changed to a Compliance Evaluation Inspection ("CEI") due to an active hazardous waste response emergency that was initiated by the City Las Vegas Fire Departments. The active hazardous waste response emergency resulted in the complete closure and evacuation of the Ivan Hiton Science building and required the fire department to deploy complete hazardous waste material safety equipment, PPE, and other safety related emergency protocols.

9. Waste Streams

See the following page for waste streams, process descriptions and monthly generation estimates.

Waste stream	Waste code	Process, location, container size	Transporter & EPA id # and TSDf w/ EPA id	Monthly generation
Used oil and filters	N/A	Generated in the fleet service bays, discarded in 55-gallon drums.	Taken to local Auto Parts store "O'Reilly Auto Parts" and recycled.	≈ 8 Gal.
Aerosol Cans	D001	Generated in the fleet service bays, discarded in 55-gallon recycling container and discarded as solid waste once empty.	Discarded once empty as solid waste.	≈ 2 lb.
Lead acid batteries	D002 D008	Generated in the fleet service bays and motor pool.	Core exchange with O'Reilly Auto parts on demand, as needed.	≈ 2 cores
Antifreeze	N/A	Generated in the fleet service bays and motor pool, discarded in 55-gallon container and discarded with used oil.	Taken to local Auto Parts store "O'Reilly Auto Parts" and recycled.	≈ 3 Gal.
Waste Flammables, liquid, toxic, corrosives	D001 D002	Unknown: Assumed Legacy hazardous waste inside the (CAA).	Veolia ES Technical Solutions: EPA ID: NJD080631369	40 lbs.
Waste Mercuric Nitrate	D001 D009	Unknown: Assumed Legacy hazardous waste inside the (CAA)	Veolia ES Technical Solutions: EPA ID: NJD080631369	135 lbs.
Waste Toxic Liquids, flammable, organic	D001 U125	Unknown: Assumed Legacy hazardous waste inside the (CAA)	Veolia ES Technical Solutions: EPA ID: NJD080631369	59 lbs.
Waste Toxic Solids, Corrosives, Organic	D003	Unknown: Assumed Legacy hazardous waste inside the (CAA)	Veolia ES Technical Solutions: EPA ID: NJD080631369	39 lbs.
Hydrochloric Acid w/water	D005 D010 P087 P007 U149 U204	Unknown: Assumed Legacy hazardous waste inside the (CAA)	Veolia ES Technical Solutions: EPA ID: NJD080631369	57 lbs.
Waste Bromine	D002	Unknown: Assumed Legacy hazardous waste inside the (CAA)	Veolia ES Technical Solutions: EPA ID: NJD080631369	64 lbs.
Waste Chlorosulfonic acid w/out Sulfur Trioxide Poison Inhalation hazards	D002 D003	Unknown: Assumed Legacy hazardous waste inside the (CAA)	Veolia ES Technical Solutions: EPA ID: NJD080631369	87 lbs.
Facility is an LQG that generates more than 2200 pounds of non-acute hazardous waste or more than 2.2 pounds of acute hazardous waste per month.				

10. Results of Inspection

Upon receiving several anonymous complaints and calls from university members requesting outreach and guidance on how to deal with hazardous waste and other issues of noxious smells coming from the Ivan Hiron Building, NMED-HWB deployed members of the CTAP ("Compliance and Technical Assistance Program") to NMHU on September 11, 2024. NMED's CTAP inspectors arrived to perform a CAV inspection and meet with NMHU staff. Upon arriving and meeting with NMHU staff the inspection team was notified that there was an active hazardous waste release at the Ivan Hiron building and the local fire department was onsite performing an emergency response resulting in the lock-down of the Ivan Hiron Science Building. NMED arrived on-site as the building was being evacuated.

The CAV inspection was immediately cancelled, and the inspection became a Compliance Evaluation Inspection ("CEI") due to the nature of the active hazardous waste emergency response by the City of Las Vegas Fire Department. CTAP inspectors arrived on scene at the Ivan Hiron building and came in contact with the Incident Commander (IC) Captain Daniel Atencio of the Las Vegas Fire Department that informed CTAP inspectors of the presence of obvious noxious fumes coming from the Central Accumulation Area ("CAA") of the Ivan Hiron Science Building and there were hazardous waste contractors onsite who were actively categorizing, identifying, and containerizing all hazardous waste within the CAA of the Ivan Hiron Science building. The Incident Commander ("IC") allowed CTAP inspectors to view the CAA and perform an inspection. Upon entry of the CAA, CTAP inspectors noticed obvious chemical odors within the CAA. NMED's CTAP contacted the Project Manager of Advanced Environmental Services (AES) and was informed that there were significant amounts of acute hazardous waste and other containers storing uncharacterized waste within the CAA. The waste containers were unlabeled, opened, and improperly stored. The project manager informed NMED's CTAP that he and his company would be actively containerizing, identifying, and labeling the hazardous waste for shipment to an approved Treatment, Storage, and Disposal Facility ("TSDF"), but this process was extremely difficult and would take two to three weeks to find an approved TSDF. The fire department personnel and hazardous waste contractors then deployed appropriate PPE and began closing containers to prevent noxious odors venting and vaporizing into the air. This process took place the entire day of September 11, 2024. Contractors worked to secure and containerize all the uncharacterized hazardous waste within the CAA. CTAP inspectors then had a briefing with NMHU administration officials to inform them that the release of fumes appeared to be contained, and that an active and prolonged hazardous waste inspection would be ongoing.

NMHU officials were informed that CTAP inspectors would need direct access to laboratory managers, laboratory owners, or faculty members who were responsible for the laboratories or had generator knowledge of the waste items within the laboratories. CTAP inspectors would need access to these individuals for escorts throughout the Ivan Hiron Science Building while performing the physical walkthrough portion of the inspection. The physical walkthrough of the Ivan Hiron Science Building took place on September 12th and 13th, 2024. During the walkthrough, members of CTAP questioned laboratory owners, responsible officials and/or generators about the hazardous waste generation processes and waste status of chemicals identified throughout the Ivan Hiron Science Building. NMED also questioned escorts about the operability of emergency equipment during the walkthrough. Upon completion of all buildings that generated waste streams at NMHU, the following potential violations were noted.

11. Summary of Potential Violations

Please be aware that the New Mexico Environment Department Hazardous Waste Bureau has full authority to conduct inspection (NMSA § 74-4-4.3).

1. Failure to operate a facility to minimize the possibility of fire, explosion, or sudden or non-sudden releases of hazardous waste constituents, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.251. Specifically, NMED/HWB observed an active hazardous waste response by the Las Vegas Fire Department which resulted in the entire lockdown and evacuation of the Central Accumulation Area ("CAA") and the Ivan Hilton Science building. On September 18, 2024, an emergency permit was issued to NMHU/Las Vegas Fire Department to detonate low level explosives discovered by fire department personnel on September 16, 2024, a "Priority Task List" was then issued to NMHU from NMED to gain successful control of their facility.

Corrective Action: NMHU must demonstrate and provide NMED/HWB a complete manifest showing all legacy hazardous waste was properly removed to an approved TSDF, and that all emergency equipment of fume hoods, continuous air monitoring systems (CAMS) are operational and approved by an approved HVAC contractor, and a Certificate of Occupancy (C.O.) issued by the local fire department or appropriate government agency.

2. Storage without a permit, which is a violation of 20.4.1.900 NMAC, incorporating 40 CFR 270.1(c). Specifically, NMED determined that NMHU was storing containers of hazardous waste on-site for longer than 90-days without a permit. The last shipment of hazardous waste was on March 7, 2023. Resulting in legacy hazardous waste being onsite at the Central Accumulation Area ("CAA") for longer than 90-days. The first day of the CEI inspection resulted in significant amounts hazardous waste being onsite at the CAA on September 11, 2024.

Corrective Action: NMHU must transport hazardous waste within 90 days or apply for a permit. Please provide NMED with a plan to ensure hazardous waste is not stored on site for longer than 90 days.

3. Failure to conduct weekly inspections of the hazardous waste central accumulation area (CAA), which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(1)(v). Specifically, NMHU was not conducting weekly inspections of containers stored at the CAA during the last manifested shipment on March 7, 2023, through the first day of the emergency response that was initiated by Las Vegas Fire Department on September 11, 2024.

Corrective Action: NMHU must provide NMED with documentation demonstrating weekly inspections of the current hazardous waste central accumulation (CAA's) area(s) are being performed.

4. Failure to make a hazardous waste determination, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.11. Specifically, NMED inspectors observed several containers storing chemicals throughout the Ivan Hilton Science Building that NMHU personnel were unaware as to whether the containers held hazardous waste or chemical products that could be utilized. The origins of the contents of most of these containers could not be accounted for.

Corrective Action: NMHU must conduct hazardous waste determination on these waste streams or provide a thorough report of future waste streams once the laboratories are re-opened. All laboratory owners must provide their process and description of all their waste streams for future curriculum within the Ivan Hilton building. NMHU must provide NMED with documentation of this corrective action, such as photographs, updated policy documents(s), etc.

5. Failure to keep containers of hazardous waste closed, except when adding or removing waste, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(1)(iv)(A). Specifically, NMED observed several containers within several laboratories of the Ivan Hilton Science building with open containers of hazardous waste.

Corrective Action: This violation was corrected at time of inspection by the approved hazardous waste contractor onsite during the inspection. The containers were closed with approved lids and removed to an approved temporary CAA within the Ivan Hilton Building. Therefore, no further action related to this violation is required.

6. Failure to mark containers of hazardous waste with the date upon which accumulation in a CAA began, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(5)(i)(C). Specifically, NMED inspectors observed several blue poly containers within the CAA on the initial inspection on September 11, 2024, with no accumulation start date.

Corrective Action: On September 11, 2024, hazardous waste contractors on-site secured the blue poly drum containers that contained hazardous waste and annotated appropriate start dates on top of each container of hazardous waste within the CAA. Therefore, no further action related to this violation is required.

7. Failure to document the job titles, job descriptions, and hazardous waste training requirements for employees responsible for handling hazardous waste, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(7)(iv). Specifically, NMHU could not provide documentation regarding the job titles, job descriptions, and hazardous waste training requirements for employees who handle hazardous waste.

Corrective Action: NMHU has provided NMED via email future upcoming classes containing the 40-hour HAZWOPER class to be provided by ACME Environmental, Inc. The classes will be provided at NMHU and all employees who handle hazardous waste will be attending the upcoming class. Therefore, no further action related to this violation is required.

8. Failure to have facility personnel complete a program of hazardous waste handling related training, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.17(a)(7)(i). Specifically, NMED inspectors observed substandard practices of employees transporting hazardous waste from the laboratories of the Ivan Hilton building to the Central Accumulation Area (CAA) without any formal hazardous waste training on file.

Corrective Action: NMHU has provided NMED via email future upcoming classes containing the 40-hour HAZWOPER class to be provided by ACME Environmental, Inc. The classes will be provided at NMHU and all employees who handle hazardous waste will be attending the upcoming class. NMHU Human Resources Department has committed to keeping training records on all employees who manage and handle hazardous waste. Therefore, no further action related to this violation is required.

9. Failure to develop a Contingency Plan, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.261. Specifically, NMED inspectors requested a copy of the Contingency Plan to view, NMHU Fire Safety personnel and administration could not produce a copy.

Corrective Action: NMHU must develop a hazardous waste Contingent Plan meeting the regulatory requirements and provide NMED with a copy. NMHU must work with an approved hazardous waste consulting firm to create this contingency plan.

10. Failure to Notify NMED of intent to operate a lamp crusher unit. NMED has no record of any notification from NMHU stating intent to operate the lamp crusher unit observed to be in use at the facilities maintenance building. This is a violation of 20.4.1.1001.C(3) NMAC.

Corrective Action: NMHU has provided NMED via email with the use and notification of the lamp bulb crushing unit to be performed permanently at the facilities maintenance shop. No further action is required relevant to this violation.

11. Failure to demonstrate the length of time that universal waste has been accumulating. Specifically, NMED inspectors observed that the container of crushed lamps associated with the drum-top lamp crusher unit was not marked with the accumulation start date or an associated accumulation log. This is a violation of 20.4.1.1000 NMAC, incorporating 40 CFR 273.15(c).

Corrective Action: NMHU must mark the container of crushed lamps with an approximate accumulation start date and provide photographs to NMED. Please note, all handlers of universal waste, including crushed lamps must send universal waste off-site as recycling within one-year of generation. Keep all recycling receipts of universal waste recycling for three (3) years.

12. Failure to label a container of crushed universal waste lamps with the words "Universal Waste Lamps", or with other wording to identify contents of the container. Specifically, NMED inspectors observed the container of crushed lamps associated with the lamp crusher unit was unlabeled at time of inspection. This is a violation of 20.4.1.1001.C(2)(f) NMAC.

Corrective Action: NMHU must label or mark the container of crushed lamps with the words that identify the contents (e.g. universal-waste lamps, crushed lamps, etc.), and provide photographs to NMED.

13. Failure to label containers of hazardous waste stored at or near the point of accumulation with the words "hazardous waste", which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.15(a)(5)(i). Specifically, NMED observed several containers and small bottles within all the laboratories of the 1st and 2nd floor of the Ivan Hilton building containing hazardous waste that were not labeled with the words "hazardous waste".

Corrective Action: Contractors onsite that were working on the removal of hazardous waste at the Ivan Hilton building at the time of inspection labeled and removed these bottles and stored them in the temporary CAA within the Ivan Hilton building. No further action is required relevant to this violation.

14. Failure to label containers, storing used oil, with the words "Used Oil" or other wording to identify the contents. Multiple drums containing used oil on the exterior of the facilities maintenance bay that were identified as storing used oil, without the required labeling. This is a violation of 40 CFR 279.22(c)(1) and 20.4.1.1003.A NMAC.

Corrective Action: NMHU must label all containers storing used oil with the words "Used Oil" or other wording to identify the contents, for example "Waste Oil" or "Oil for Recycle" and provide photographs to NMED. This includes all drip pans.

15. Failure to keep containers storing used oil located outdoors closed unless adding or removing used oil, which is a violation of 20.4.1.1003.B(1) NMAC. Specifically, NMED inspectors observed multiple containers of used oil not properly closed on the exterior of the facilities maintenance bay.

Corrective Action: NMHU must place some type of lid on the drums, and other containers containing used oil. NMHU must provide photographs once the lids are placed on the used oil containers.

16. Failure to perform testing and maintenance of emergency equipment. Specifically, NMED inspectors observed several eye wash stations, fume hoods, safety showers, and other necessary emergency equipment that was inoperative or lacked monthly maintenance checks. Essential continuous air monitoring systems (CAMS) were inoperative throughout the laboratories of the Ivan Hilton building that are necessary for removing noxious or dangerous fumes related to hazardous waste. This is a violation of 20.4.1.300 NMAC, incorporating 40 CFR 262.253.

Corrective Action: NMHU must demonstrate that all emergency equipment of fume hoods, continuous air monitoring systems (CAMS), safety showers, and eye wash stations are operational and approved by an approved HVAC contractor and provide documentation of services rendered, obtain a Certificate of Occupancy (C.O.) issued by the local fire department or appropriate government agency prior to re-opening the Ivan Hilton building.

12. BMPS: BETTER MANAGEMENT PRACTICES

1. Keep all waste containers properly labeled and closed.
2. Ensure you continually enhance your hazardous waste training protocols, consider sending employees to a rigorous in-person hazardous waste class.
3. Ensure NMHU pays all Hazardous Waste Generator fees no later than August 1st of each calendar year to NMED/HWB.
4. Prepare for two years of unannounced inspections by NMED/HWB to ensure that NMHU has a grasp of hazardous waste compliance and accountability. Ensure NMHU understands all their RCRA responsibilities as a Large Quantity Generator (LQG) of hazardous waste.
5. Keep all disposal records, hazardous waste manifests, and other required records for three (3) years. Ensure these documents are readily available for regulatory review and inspection.
6. Please remember to properly overpack containers if structural deficiencies are encountered. Continue to annotate weekly inspections of substandard drums or containers and input work orders to ensure corrective actions are tracked on weekly inspections.
7. Please ensure that all recyclable materials are appropriately managed, and that speculative accumulation does not occur. Ensure you understand the importance of handling Universal Waste correctly.
8. Purchase and utilize an aerosol can crusher in the maintenance bay and follow the appropriate user manual for proper use.

9. Please ensure that contact information on postings at hazardous waste storage areas are kept current.
10. Create a new department that is not part of the "Faculty" to manage, create oversight, and accountability of all chemicals to include hazardous waste within NMHU. This department should have competent staff with the appropriate hazardous waste background to properly function safely and effectively. This department must also have control over the "Chemistry Stock Room" and have assigned staff manage this stock room.
11. Please be aware of the proposed rule regarding regulation of PFAS as a hazardous constituent and evaluate site remediation projects accordingly. Please design some level of potential policy related to potential PFAS handling guidelines and or methods.
12. Create, establish, and maintain a list of all Satellite Accumulation Areas ("SAA's"). Track SAA's for activity and ensuring storage requirements are met. Ensure volume limitations are not exceeded in SAA's.
13. Manage used oil correctly at the facilities maintenance building, and golf course. If used oil containers are kept outdoors, they must be kept closed. All used oil containers must be labeled with the words "used oil" or other approved wording.
14. Ensure removal of hazardous waste, used oil, universal waste, and used batteries for recycling at least twice a year. Perhaps in the months of May or December of every calendar year. These proactive measures will reduce potential legacy waste durationally being stored in any building of NMHU, which appeared to be the case recently at the Ivan Hilton Science building during the of month of September 2024.
15. Facilities maintenance personnel must be trained to troubleshoot and provide preventive maintenance of fume hoods, continuous air monitoring systems (CAMS), and other HVAC systems necessary in evacuating noxious fumes in all buildings within NMHU that generate hazardous waste.

Exit Conference

Date of Exit Conference:10/18/2024

Time of Exit: 9:00 am

Discussion/Explanation of Potential Violation(s):☒Explain Review Process by NMED/HWB Management:☒NMED Anticipated Timetable for Possible Enforcement Action(s):☒Explain Availability of On-Site Technical Assistance:☐

☐ Advised Facility Representative, no potential violation(s) of 20 NMAC 4.1 were identified. Also, explained that Facility remains obligated to comply with all applicable laws and regulations.

☒ Advised Facility Representative of the potential violation(s) identified during the inspection. Explained that in accordance with § 74-1-10 NMSA 1978 (Repl. Pam. 2000), NMED may: (1) issue a Notice of Violation requesting voluntary compliance within a specified time period; (2) issue a Compliance Order requiring compliance immediately or within a specified time assessing a civil penalty for any past or current violations of up to \$10,000 per day of noncompliance with each violation or both; or (3) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction. Any such order issued may include a suspension or revocation of any permit issued by NMED.

Participants:

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