

GW - 228

ENFORCEMENT

DATE:

APRIL 13, 2001



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2044 A Galisteo, P.O. Box 26110
Santa Fe, New Mexico 87502-6110
Telephone (505) 827-1557
Fax (505) 827-1544

www.nmenv.state.nm.us



PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 13, 2001

Carl Padilla
CIP, Inc.
#51 Road 5570
Farmington, NM 87401



RE: NOTICE OF VIOLATION

Dear Mr. Padilla:

On February 15, 2001 the New Mexico Environment Department (NMED) conducted a hazardous waste inspection at CIP, Inc., #51 Road 5570, Farmington, NM 87401. Based on our inspection and review of the information obtained, NMED determined that CIP, Inc. has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

The following violations were noted:

1. CIP, Inc. failed to perform a hazardous waste determination on;
 - eighteen 55 gallon containers in the welding shop area,
 - thirteen 55 gallon containers north of the Grind shop,
 - twenty seven 55 gallon containers in the large tank area on the north end of the property,
 - ½ full (approximately 300 gallons) bin of unknown liquid on sump pad in the middle of the property,
 - 2 large tanks (at least 1000 gallons each) full of unknown oily substance into which the middle sump pad drains,
 - 1 large tank (at least 1000 gallons) full of unknown oily substance that the sump pad drains into on southwest end of the property, and
 - a 500-gallon tank full of oily substance west of weld shop.

This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR § 262.11.

2. CIP Inc. failed to perform a hazardous waste determination on;
 - five 5 gallon containers in the Welding shop,
 - eight 5 gallon containers in the Grind and Weld area,
 - three 5 gallon containers north of the grind shop,
 - sixty five 5 gallon containers in the large tank area, and
 - an undetermined number of 1-gallon containers mixed in with the 5-gallon containers on the north end of the property.

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This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR § 262.11.

3. CIP Inc. failed to perform a hazardous waste determination on the tank bottom sludge that was allowed to flow out of large tanks when they were opened. CIP Inc. also failed to perform a hazardous waste determination on the tank bottom sludge cleaned out of the tanks and put into the arroyo. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR § 262.11.
4. CIP Inc. failed to perform a hazardous waste determination of stained and contaminated dirt in many places around the property but particularly around and under two sump tanks, one located on the middle of the property and one located on the southwest end of the property and in the large pile of contaminated dirt in the center of the property. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR § 262.11.
5. CIP Inc. failed to prevent the release of hazardous waste or hazardous constituents to the environment, and failed to provide a secondary containment system that would catch the releases, that occurred at many places on CIP property where soil contamination was noted, but in particular from large tanks, and under and around the two sump tank areas, one located on the southwest part of the property and one located on the middle of the property. This is a violation of 20 NMAC 4.1.600, which incorporates federal regulation 40 CFR § 262.34 (d) (3) that incorporates federal regulation 40 CFR § 265.193 (b)(1).
6. CIP Inc. failed to respond to a spill, by containing the flow of hazardous waste to the extent possible, and as soon as is practicable, cleaning up the hazardous waste and any contaminated materials or soil, in particular around the sump tanks and areas around the property where 55 gallon containers were stored and leaked. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR § 262.34 (d) (5) (iv) (B).

7. CIP Inc. failed to stay within the Small Quantity Generator Storage limit of 6,000 kg. or 13,228 lbs without acquiring the necessary permit to exceed this limit. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR § 262.34 (d) (1).
8. CIP Inc. failed to stay within the Small Quantity Generator Storage time limit of 180 days or 270 days if required to send the waste over 200 miles for off-site treatment, storage or disposal without acquiring the necessary permit to exceed this time limit. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR § 262.34 (e) and (f).
9. CIP Inc. failed to keep its containers, 5 gallon, 55-gallon or large tanks, in good condition, not leaking and closed. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR§ 262.34 (d) (2) that incorporates 40 CFR§ 265.170 to 174.
10. CIP Inc. failed to store its wastes in tanks or containers that were labeled as hazardous waste and failed to include the date when the generator began to accumulate waste in that container. This is a violation of 20 NMAC 4.1.300 which incorporates federal regulation 40 CFR § 262.34 (d) (4) which incorporates 40 CFR § 262.34 (a) (2) and (3).
11. CIP Inc. failed to provide documentation as required in the waste analysis plan for the tank bottom sludge and contaminated soils before land disposing of them. This is a violation of 20 NMAC 4.1.300 that incorporates federal regulation 40 CFR § 262.34 (d)(4) that incorporates 40 CFR§ 268.7 (a).
12. CIP Inc. failed to designate and post the name and phone number of the emergency coordinator next to all telephones on site. This is a violation of 20 NMAC 4.1.300 which incorporates federal regulation 40 CFR § 262.34 (d)(5) (i) and (ii) (A).
13. CIP Inc. failed to post the location of the fire extinguishers and spill control material and if present fire alarm and the telephone number of the fire department. This is a violation of 20 NMAC 4.1.300 which incorporates federal regulation 40 CFR § 262.34 (d) (5) (ii) (B) and (C).
14. CIP Inc. failed to have an emergency coordinator that responded correctly when emergencies arose such as in a spill of tank or container contents, clean up and reporting of that spill. This is a violation of NMAC 20.4.1.300 that incorporates federal regulation 40 CFR § 262.34 (d) (5)(iv).

Carl Padilla
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15. CIP Inc. failed to obtain the required EPA ID number that Small Quantity Generators must have. This is a violation of NMAC 20.4.1.300 that incorporates federal regulation 40 CFR § 262.12.

In accordance with Section 74-4-10 NMSA 1978 (Repl. Pamp. 2000), NMED may: (1) issue a compliance order requiring compliance immediately or within a specified time period or assessing a civil penalty for any past or current violation of up to \$10,000 per day of noncompliance with each violation or both; or (2) 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.

CIP, Inc. must provide NMED with a satisfactory resolution to the violation(s) or a detailed plan of corrective action acceptable to NMED within fifteen (15) working days of receipt of this letter. Due to the nature and severity of the violations listed above, a Compliance Order will be issued within 270 days of your receipt of this NOV. The Compliance Order will require a detailed plan of corrective action acceptable to NMED as well as penalties to deter future non-compliance of the regulations. CIP will have the opportunity to challenge the Compliance Order and ask for an administrative hearing.

Any action taken in response to this letter does not relieve CIP, Inc. of its obligation to comply with 20.4.1 NMAC in other activities that it conducts, nor does it relieve CIP, Inc. of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Debby Brinkerhoff at 505-827-1557. Please address your response to her attention at the address on the letterhead.

Sincerely,



for James Bearzi

James P. Bearzi
Chief
Hazardous Waste Bureau

JPB: db

cc: Debby Brinkerhoff, NMED/HWB
Dave Tomko, NMED District I Office, Farmington Field Office
CIP, Inc. file