



Certified Mail – Return Receipt Requested No. 7020 3160 0000 0515 4765

March 12, 2024

Chris Perea
Manager, Sandoval County Landfill
2708 Iris Road
Rio Rancho, New Mexico 87144

Re: Notice of Violation – Sandoval County Landfill

Dear Chris Perea,

On February 14, 2024, Jaime Rodriguez, Senior Enforcement Officer, Solid Waste Bureau (“SWB”), New Mexico Environment Department (“NMED”), inspected the Sandoval County Landfill to determine compliance with the New Mexico Solid Waste Rules (“SWR”), 20.9.2 – 20.9.10 NMAC, and the New Mexico Recycling, Illegal Dumping and Scrap Tire Management Rule (“RIDSTMR”), 20.9.20 NMAC. The following violations were observed:

1. **Failure to operate the facility in a manner that does not cause a public nuisance or create a potential hazard** – During the inspection, large amounts of trash/litter were seen throughout the top of the landfill and piled up along the east and south fence lines. The trash/litter scattered throughout the east fence line is clearly visible from State Highway 347 and has blown over into the residential properties on the east side of the landfill causing complaints and a nuisance for Rio Rancho residents.

The SWR, 20.9.5.8.A(1) NMAC, requires owners and operators of each solid waste facility to operate in a manner that does not cause a public nuisance or create a potential hazard to public health, welfare or the environment.

2. **Failure to control litter** – During the inspection, large amounts of trash/litter were seen throughout the top of the landfill, the corners of the east fence line, along the south fence line and on the eastern slope leading to the water retention pond. A Litter Management and Exposed Waste Control Plan is a condition of the facility’s Final Order. Sandoval County Landfill will need to address the Final Order and make sure all requirements are being met.

The SWR, 20.9.5.8.A(2) and 20.9.5.9.L NMAC, requires owners and operators of each solid waste facility to control and mitigate odor and litter.

3. **Failure to properly cover the active face with six inches of earth or specifically approved alternate cover on a daily basis** – During the inspection, municipal solid waste (MSW) was exposed on several areas at the top of the landfill. Facility management explained that those areas were recent working faces and had not been properly covered.

The SWR, 20.9.5.9.N NMAC, requires all municipal waste landfill owners and operators to cover the active face with a six-inch layer of earth or specifically approved alternate daily cover at the conclusion of each day's operation or more often as conditions may dictate.

4. **Failure to provide proper intermediate cover on areas that have not received waste for 60 days or longer** – During the inspection, inactive areas of the facility were seen with various amounts of exposed MSW on the top area of the landfill and the southern slope near the current active cell. Management at the facility stated that those areas had not received waste for 60 days or longer and were not properly covered.

The SWR, 20.9.5.9.O(1) and 20.9.5.9.O(2) NMAC, requires all municipal waste landfill owners and operators to provide intermediate cover which shall be at least one foot thick and placed on all areas of a landfill that have not received waste for 60 days or longer, or have not reached final elevation.

The SWR, 20.9.3.20.A NMAC, states that any terms or conditions of the solid waste facility permit are enforceable to the same extent as a regulation of the Environmental Improvement Board.

Pursuant to the NMED Delegation Order dated February 19, 2024, the Cabinet Secretary has delegated the authority to issue SWB Notices of Violation to the Chief of the SWB in the Resource Protection Division. The NMED is seeking your voluntary cooperation in the immediate correction of these violations. Please respond in writing within 10 calendar days of receipt of this notice as to what action you have taken, or plan to take, to correct the violations. Send your response to Rick Shean, Acting Solid Waste Bureau Chief, Enforcement Section, Solid Waste Bureau, NMED District I, 121 Tijeras Avenue NE, Suite 1000, Albuquerque, New Mexico 87102-3400. The failure to assure corrective action or continued non-compliance may result in additional enforcement action, which may include the assessment of a civil penalty.

All documentation submitted to NMED's SWB related to this Notice of Violation must include the following certification, signed by you or a delegated responsible official:

"I certify under penalty of law that this document and all its attachments were prepared under my directions or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for the gathering of the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there

are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

If you have any questions, please contact me at (505) 629-6494 or rick.shan@env.nm.gov .

Sincerely,

Rick Shean
Director, Resource Protection Division
Acting Chief, Solid Waste Bureau

Enclosure – Copy of Sandoval County Landfill Final Order

RS:drg:jr:db

cc: Daniele Berardelli, Acting Enforcement Section Manager, Solid Waste Bureau *[via electronic mail]*
Daniel R. Galasso, Enforcement Coordinator, Solid Waste Bureau *[via electronic mail]*
Jaime Rodriguez, Senior Enforcement Officer, Solid Waste Bureau *[via electronic mail]*