



**Certified Mail – Return Receipt Requested No. 7020 3160 0000 0515 4857**

April 2, 2024

Paula Chacon  
City Manager  
P.O. Box 1188  
Tucumcari, NM 88041

Re: Notice of Violation – Tucumcari Landfill

Dear Paula Chacon,

On February 20, 2024, Jaime Rodriguez, Senior Enforcement Officer, Solid Waste Bureau (“SWB”), New Mexico Environment Department (“NMED”), inspected the Tucumcari Landfill, located at 30652 US Highway 54, Tucumcari, 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, trash/litter was seen along the top of the unused cell, the north, east and south slopes. Large amounts of trash/litter were also seen piled up along the east fence line. Facility personnel mentioned that litter has blown over the property boundaries and onto private properties causing complaints and a nuisance.

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, trash/litter was seen along the top of the unused cell, the north, east and south slopes. Large amounts of trash/litter were also seen piled up along the east fence line. After the tour and interviews with employees present, it was documented that facility does not have the manpower/enough employees to alleviate the significant litter problem.

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 train employees on waste screening, how to conduct random load inspections and keep records at the facility** - The inspection documented the failure to produce records of training employees on waste screening and random load inspections as required by the SWR and as specified in the facility's permit. Accordingly, there was no record of the training in the operating record.

The SWR, 20.9.5.8.B(2)(d) NMAC, requires owners and operators of a solid waste facility to implement a plan approved by the secretary to inspect loads to detect and prevent the disposal of unauthorized waste. The plan must include the inspection frequency, inspection personnel, method of inspection, and a training program for facility employees in the identification of unauthorized waste.

4. **Failure to train employees on when and how to implement the Contingency Plan and document this training in the operating record** – The inspection documented the failure to produce records of training employees on implementing the Contingency Plan as required by the SWR and as specified in the facility's permit. Accordingly, there was no record of contingency plan training in the operating record.

The SWR, 20.9.5.8.B(7) NMAC, requires owners and operators of a solid waste facility to train employees when hired and at least annually thereafter on when and how to implement contingency plans and to document such training in the operating record.

5. **Failure to implement a methane monitoring program and submit results to the SWB within 30 days of the end of each quarter** – The inspection documented the failure to produce records of methane monitoring for any quarter in 2022 and 2023. Only one record in January of 2024 was produced for methane monitoring.

The SWR, 20.9.5.9.C NMAC, states that all municipal waste landfill owners and operators shall implement a routine methane monitoring program. The SWR, 20.9.5.9.C(2) NMAC, states that the minimum frequency of monitoring shall be quarterly.

6. **Failure to measure leachate head on the liner and sump pump and maintain records on a quarterly basis** – The inspection documented the failure to produce records of any leachate monitoring from November of 2022 until the day of the inspection. There was also no record of quarterly monitoring logs submitted to the SWB during that same period.

The SWR, 20.9.5.9.K NMAC, states that all municipal waste landfill owners and operators shall measure leachate head on the liner and sump pump and maintain records on a quarterly basis.

7. **Failure to properly cover the active face with six inches of earth or specifically approved alternate cover at the conclusion of each day** – During the inspection, municipal solid waste (MSW) was seen sticking out of the cover surface on areas next to the current working face. 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.

**8. Failure to provide proper intermediate cover on areas of the landfill 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. These include the north, east and south slopes, as well as the top section of cells one, two and three. 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.

**9. Failure to amend the Contingency Plan with updated emergency coordinator information** – The inspection documented the failure to amend the Contingency Plan with updated emergency response (ER), coordinator information. When asked about the coordinators listed in the plan, facility personnel mentioned that the current ER coordinator was on “long term” medical leave and the back-up was no longer employed at the landfill.

The SWR, 20.9.5.15.E(4) NMAC, requires owners and operators of all solid waste facilities to amend the contingency plan immediately, if necessary, whenever the list of emergency coordinators changes.

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 Shirlene Sitton, Solid Waste Bureau Chief, NMED – Solid Waste Bureau, P.O Box 5469, Santa Fe, New Mexico 87502-5469. 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 Mrs. Sitton at (505) 695-5908 or [shirlene.sitton@env.nm.gov](mailto:shirlene.sitton@env.nm.gov).

Sincerely,

Shirlene Sitton  
Chief, Solid Waste Bureau

RS: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]*  
William Schueler, Environmental Specialist, Solid Waste Bureau *[via electronic mail]*