



**Certified Mail – Return Receipt Requested No. 7020 3160 0000 0515 4598**

August 14, 2023

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 June 26, 2023, Jaime Rodriguez, Ken Churan and Daniel Galasso, Enforcement Officers, 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 proper manner as to 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 north, east and south fence-lines. The trash/litter scattered throughout the northern slope and 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 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 and piled up along the north, east and south fence-lines. Although a very tall “litter control fence” had been installed a couple of months before the inspection, the trash that had been accumulating along that fence had not been picked up or look as if it was being controlled.

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 when and how to implement the Contingency Plan and document this training in the operating record** – The inspection documented the failure to

train 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.

4. **Failure to confine the working face to the smallest practical area** – During the inspection, the area used as the current working face was very large and spread out. The size of the active working face has the potential of causing blowing litter and requiring a larger volume of daily cover or not having enough daily cover.

The SWR, 20.9.5.9.A(1) NMAC, states that all municipal waste landfill owners and operators shall utilize the principles of sanitary engineering to confine the working face to the smallest practical area.

5. **Failure to compact the solid waste to the smallest practical volume** – During the inspection, the area used as the current working face was very large and spread out. The size of the active working face has the potential of causing blowing litter and requiring a larger volume of daily cover or not having enough daily cover.

The SWR, 20.9.5.9.A(2) NMAC, states that all municipal waste landfill owners and operators shall utilize the principles of sanitary engineering to compact the solid waste to the smallest practical volume.

6. **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 seen protruding out of the ground on a large area at the top of the landfill. Facility management explained that those areas were recent working faces and had not had proper alternate cover placed on them.

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.

7. **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 MSW protruding from the ground on the top area of the landfill. The eastern and northern slopes, as well as a southern slope, had no cover at all. Management at the facility stated that those areas had not received waste for 60 days or longer.

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.

**8. Failure to amend the Contingency Plan with updated emergency coordinator information** – The inspection documented the failure to amend the Contingency Plan with updated emergency coordinator information. Records reviewed showed the phone numbers of employees who were no longer employed at the facility but were noted as the emergency coordinator and the alternate emergency coordinator.

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.

**9. Failure to maintain a proper operating record, specifically, the origin of waste on load inspections** – The inspection documented the facility's failure to properly fill out the load inspection sheets. The facility provided documentation to the SWB, however, the provided documentation was insufficient, as it did not identify the origin of waste received on several inspection sheets.

The SWR, 20.9.5.16.A(5)(d) NMAC, requires the owner and operator of a solid waste facility to make and maintain an operating record during the active life of the facility, for each day that operations, monitoring, or closure occurs, including a record of load inspections, specifically, the origin of the waste.

**10. Failure to furnish records at the time of inspection** – The inspection documented the failure to provide records verifying Contingency Plan emergency response training.

The SWR, 20.9.5.16.E NMAC, requires all records and plans required by the SWR to be furnished upon request and made available at all reasonable times for inspection by the NMED.

**11. Failure to have sequential numbering on scrap tire manifests** – The inspection documented the facility's failure to properly fill out scrap tire manifests. The scrap tire manifests reviewed were found without a proper numbering system or left blank.

The RIDSTMR 20.9.20.50.A(7), requires each shipment of ten or more scrap tires generated, recycled or disposed in New Mexico, and transported by a scrap tire generator or hauler to be accompanied by a scrap tire manifest that complies with this section. The manifest form shall include sequential numbering.

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 March 24, 2023, 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 SWB Bureau Chief and Manager, 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 Mr. Shean at (505) 629-6494 or [rick.shean@env.nm.gov](mailto:rick.shean@env.nm.gov).

Sincerely,

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

Enclosure – Copy of Solid Waste Facility Inspection Report

RS:drg:jr

cc:

Daniel R. Galasso, Enforcement Coordinator, Solid Waste Bureau *[via electronic mail]*  
Jaime Rodriguez, Enforcement Officer, EA-IV, Solid Waste Bureau *[via electronic mail]*