



Certified Mail – Return Receipt Requested No. 7020 3160 0000 0515 4635

August 28, 2023

Mathew Whelan, Director
Solid Waste Management Department
City of Albuquerque
4600 Edith Blvd., NE
Albuquerque, New Mexico 87107

Re: Notice of Inspection – Don Reservoir Convenience Center

Dear Mathew Whelan,

Please excuse the delay in the issuance of this correspondence. On March 30, 2023, Daniel R. Galasso and Ken R. Churan, Enforcement Officers, Solid Waste Bureau (“SWB”), New Mexico Environment Department (“NMED”), inspected the Don Reservoir Convenience Center 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:

Failure to post signs indicating hours of operation – The inspection documented signage where the closing hours of the facility were blocked out with electrical tape.

The SWR, 20.9.5.8.A(3) NMAC, states that “[o]wners and operators of each solid waste facility shall post signs to indicate...the hours of operation...”.

Failure to follow conditions of permit – The permit indicated the facility’s waste receiving hours are from 8 a.m. to 5 p.m., Monday through Sunday. However, some signs indicated that vehicles arriving after 4:30 p.m. will not be admitted. Joaquin Rimbart, Assistant Superintendent and Alexandria Padilla, Supervisor, stated during the inspection that the facility closes at 5:00 p.m., but the facility stops receiving waste from the public at 4:30 p.m. This allows additional time for facility staff to clean up at the end of the day.

The SWR, 20.9.3.20.A NMAC, states that “[a]ny terms or conditions of the permit shall be enforceable to the same extent as a regulation of the board.”

On April 4, 2023, Ms. Daniele Berardelli, Superintendent with the City of Albuquerque, submitted a letter electronically to Mr. Churan and Erica Gordan, Permit Section Manager, Solid Waste Bureau, explaining and clarifying the operating hours at Don Reservoir Convenience Center. The submitted

letter with updated clarification of operating hours was accepted as an addendum to the existing permit and addresses all the violations that were noted during the site inspection on March 30, 2023.

If you have any questions, please call me at (505) 699-7224. You may also contact Daniel R. Galasso, Enforcement Coordinator, Solid Waste Bureau, at (505) 795-1232 or daniel.galasso@env.nm.gov.

Sincerely,

Kenneth
Churan

Digitally signed by
Kenneth Churan
Date: 2023.08.28
15:46:50 -06'00'

Ken R. Churan
Enforcement Officer
Solid Waste Bureau

Enclosure - Copy of Solid Waste Facility Inspection Report

KRC:drg:krc

cc: Rick Shean, Director, Resource Protection Division and Acting Chief, Solid Waste Bureau *[via electronic mail]*
Daniel R. Galasso, Enforcement Coordinator, Solid Waste Bureau *[via electronic mail]*