



**Certified Mail – Return Receipt Requested No. 7020 3160 0000 0515 4727**

January 17, 2024

Leo Marquez  
Manager, North Central Solid Waste Authority  
P.O. Box 1230  
Española, New Mexico 87532

**Re: Notice of Violation – Alcalde Transfer Station**

Dear Leo Marquez,

On October 26, 2023, Jaime Rodriguez, Enforcement Officer, Solid Waste Bureau (“SWB”), New Mexico Environment Department (“NMED”), inspected the Alcalde Transfer Station 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 train employees on waste screening, how to conduct random load inspections and keep records at the facility** - The inspection documented the failure to produce any records of the waste screening/load inspection training for any employee as required by the SWR and as specified in the facility’s permit, Volume II, Section 6, Part 2.0. This is the fourth occurrence of this violation noted at this facility in the past four years.

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.

**2. Failure to train employees on when and how to implement contingency plans 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, Volume I, Page 5-4. Accordingly, there was no record of contingency plan training in the operating record. This is the fourth occurrence of this violation noted at this facility in the past four years.

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.

3. **Improper storage of used oil** – During the inspection, four 55-gallon drums containing used oil were found outside, uncovered and not on secondary containment. This is the second occurrence of this violation noted at this facility in the past two years.

The SWR, 20.9.5.8.D NMAC, states that recyclable materials such as used oil, antifreeze, paint, or similar materials shall be stored for no longer than twelve months and shall be maintained in a covered area, not exposed to the weather, with secondary containment.

4. **Failure to maintain a current copy of the contingency plan with updated emergency coordinator information at the facility** – The inspection documented the failure to produce a current copy of the contingency plan, on site, with updated emergency coordinator information as required by the SWR and as specified in the facility's permit, Volume II, Section 3, Part 1.

The SWR, 20.9.5.15.B NMAC, requires owners and operators of all solid waste facilities to maintain a current contingency plan at each solid waste facility.

5. **Failure to maintain a proper operating record for each day of operations** – The inspection documented the facility's failure to produce operating records indicating the weight or volume of each load of solid waste received on each day of operations. The facility provided documentation to the SWB; however, the provided documentation was not maintained electronically and each day had insufficient information. Maintaining an operating record on a daily basis is a requirement of the SWR and is specified in the facility's permit, Volume I, Pages 5-13 and 5-14. This is the fourth occurrence of this violation noted at this facility in the past four years.

The SWR, 20.9.5.16.A(1) 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 the type (including special waste) and weight or volume of each load of solid waste received.

6. **Failure to keep a copy of the operating record for the current month and the previous twelve months** – The inspection documented the facility's failure to produce operating records indicating the weight or volume of each load of solid waste received. SWB requested the operating record for the current month during the inspection as well as a random month in the same year of 2023, the documents provided were all insufficient. Maintaining an operating record for the current month and the previous twelve months, at a minimum, is a requirement of the SWR and is specified in the facility's permit, Volume I, Pages 5-13 and 5-14. This is the fourth occurrence of this violation noted at this facility in the past four years.

The SWR, 20.9.5.16.B NMAC, requires the owner and operator of a solid waste facility to keep a copy of the operating record on site for the current month and the previous twelve months, at a minimum.

7. **Failure to submit an annual report** – The inspection documented the failure to submit an annual report by February 14, 2023. The report requested was not found on site or at the facility’s main office. The Outreach Department of the SWB confirmed that the report was never sent to the department. Submitting the Annual Report on time is a requirement of the SWR and is specified in the facility’s permit, Volume II, Section 2, Part 8. This is the second occurrence of this violation noted at this facility in the past two fiscal year inspections.

The SWR, 20.9.5.16.D NMAC, requires owners or operators of solid waste facilities to submit an annual report to the department for each facility or operation, within 45 days from the end of each calendar year, describing the operations of the past year.

8. **Failure to furnish records at the time of inspection** – The inspection documented the failure to provide records of the daily operating log, records verifying employee emergency response training, random load inspection training and annual reports. Furnishing records and plans upon request for the purpose of inspection is a requirement of the SWR and is specified in the facility’s permit, Volume I, Page 5-15. This is the fourth occurrence of this violation noted at this facility in the past four years.

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.

9. **Failure to utilize computer software as noted in the facility permit** – The inspection documented the facility’s failure to produce any electronic copies of the amounts of waste being received on a daily, weekly or monthly basis and all accompanying information. Record keeping information provided to SWB was not acquired through the facility’s computer software, most of which was handwritten and incomplete. This is the second occurrence of this violation noted at this facility in the past two years. Previous violations of the operating record requirements have shown the need for the required computer software and training.

As specified in the facility’s permit, Volume II, Section 6, Paragraph 2.6, the Alcalde Transfer Station will utilize a computer software program to record the waste receiving information required by 20.9.5.16.A(1) through A(5) NMAC.

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 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.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, Senior Enforcement Officer, Solid Waste Bureau *[via electronic mail]*