



[Record Number: ENTS 18750]

**Certified Mail – Return Receipt Requested No. 9589 0710 5270 0590 7783 79**

January 22, 2025

Dennis Martinez  
P.O. Box 25  
Chamisal, NM 87521

**Re: Notice of Violation - Dennis Martinez Property at 2692 CR 76, Chamisal, New Mexico**

Dear Dennis Martinez,

On December 13, 2024, Jim Chavez, Enforcement Officer, Solid Waste Bureau (“SWB”), New Mexico Environment Department (“NMED”), conducted an inspection of your property, located at 2692 CR 76, Chamisal New Mexico, 87521, 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. County representatives present during the inspection were Edward Martinez, Taos County Solid Waste Director, Bobby Lucero, Taos Count OEM Director, James Hampton, the Taos County Fire Marshall, as well as multiple Taos County Fire Fighters.

The inspection was initiated by a phone call on December 12, 2024, from the offices of Taos County, requesting assistance. The request was made due to a large fire that began accidentally at the residential property of Mr. Martinez and resulted in the complete burn of approximately 1/4 acres which included approximately 2000 scrap tires, discarded furniture, metal and wood scrap, car parts, and household trash, all of which was buried beneath the surface of the property. Two small buildings were also destroyed by the fire. About 200 loose scrap tires remain on the property. A record was entered in the Environmental Notification Tracking System under #18750. The following violations were observed:

- 1. Failure to properly dispose of waste in a manner that does not harm the environment or endangers public health, welfare, and safety.** During the inspection, Mr. Martinez stated that he knowingly dumped solid waste at the rear of his property since 2003. The type of solid waste buried included discarded furniture, mattresses, metal and wood scrap, household trash, car parts, and scrap tires. On December 12, 2024, the buried solid waste caught fire and emergency response was called out to the residence. The underground fire was difficult for the Taos County Fire and Rescue to extinguish and required the use of a heavy excavator to dig and expose additional buried tires and solid waste. It took emergency response crews three days to extinguish the underground fire. Taos County Fire and Rescue expressed concern of the fire spreading to the immediately adjacent USDA Forest Service land and the adjacent neighboring residences. The burned area of solid waste appeared to encroach on an adjacent private

property, which caused firefighting efforts to create runoff into a historical wash on the adjacent property.

The SWR, 20.9.2.10.A(2) NMAC, states that a person shall not dispose of any solid waste in a manner that the person knows or should know will harm the environment or endangers public health, welfare, or safety.

- 2. Failure to dispose of solid waste at a proper solid waste facility.** – During the inspection, Mr. Martinez stated that he had never disposed of solid waste at any landfill or recycling center that he could remember. It was always buried at the rear of the property. On December 12, 2024, the buried solid waste caught fire and emergency response was called out to the residence.

The SWR, 20.9.2.10.A(3) NMAC, states that no person shall dispose of any solid waste in any place other than a solid waste facility that meets the requirements of 20.9.2-2.9.10 NMAC.

- 3. Failure to obtain a permit or registration to store or utilize more than 100 scrap tires in an engineering application**– During the inspection, Mr. Martinez indicated that he had disposed of approximately 2000 scrap tires in the burned area of his property in an engineering effort to control erosion. Mr. Martinez stated that tires were collected while previously operating a tire repair business located on the property. Mr. Martinez also has more than 200 scrap tires remaining on his property. He stated that he had never disposed of tires at a recycling center, only buried them in the back area of his property. A search of the SWB database found no record or permit to store more than 100 scrap tires nor any to operate a tire recycling facility

The RIDSTMR, 20.9.20.8.A NMAC, states that a person shall not store or use in a civil engineering application, except for beneficial agricultural use, more than one hundred scrap tires anywhere in this state, unless the person has a valid permit or registration from the department, or is excluded from the definition of a tire recycling facility pursuant to NN of 20.9.20.7 NMAC.

- 4. Failure to dispose of scrap tires or tire-derived products in a manner that does not create a public nuisance, promote the breeding or harboring of disease vectors or create a potential for fire or other health or environmental hazards.** – During the inspection, Mr. Martinez stated that he understood the potential for fire and the possibility for disease vectors created by the storage of scrap tires on his property. The underground fire was difficult for the Taos County Fire and Rescue to extinguish and required the use of a heavy excavator to dig and expose additional buried tires and solid waste. It took emergency response crews three days to extinguish the underground fire. Taos County Fire and Rescue had to ensure that the buried tires and solid waste were fully extinguished and no longer threatened adjacent properties and forest. The fire, and subsequent extinguishing of the fire did cause damage to adjacent properties.

The RIDSTMR, 20.9.20.8.G NMAC, states that a person shall not dispose of or store scrap tires in a manner that creates a public nuisance, promotes the breeding or harboring of disease vectors or creates the potential for fire or other environmental hazards.

5. **Failure to prevent illegal dumping of scrap tires.** - Mr. Martinez stated he had intentionally dumped and buried 2000 scrap tires on his property and had never taken any scrap tires or considered taking scrap tires to a recycling center or landfill for disposal. He states that the tires were generated from a previous onsite business that had been in operation from 2003 to 2019.

The RIDSTMR, 20.9.20.8.I NMAC, states that a person shall not engage in, maintain, or allow illegal dumping.

Pursuant to the NMED Delegation Order dated November 26, 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 Enforcement Officer, Jim Chavez at (505) 699-7224 or jimmy.chavez@env.nm.gov.

Sincerely,

Shirlene Sitton  
Chief, Solid Waste Bureau

SS:jc:jr

cc: Jaime Rodriguez, Enforcement Manager, SWB, NMED *[via electronic mail]*  
Daniel R. Galasso, Enforcement Coordinator, SWB, NMED *[via electronic mail]*  
Jim Chavez, Enforcement Officer, Area IV, SWB, NMED *[via electronic mail]*