Certified Mail – Return Receipt Requested No. 7020 3160 0000 0515 3607

June 10, 2024

Danette Cabber
Interim Director
Estancia Solid Waste Authority
P.O. Box 736
Estancia, NM 87106

Re: Notice of Violation – Vaughn Construction and Demolition (C&D)/Asbestos Landfill

Dear Danette Cabber,

On May 15, 2024, Enforcement Officers, Jaime Rodriguez and Ken Churan, Solid Waste Bureau ("SWB"), New Mexico Environment Department ("NMED"), inspected the Vaughn C&D/Asbestos Landfill, located at 1820 Mesa de Leon Rd., Vaughn, 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 Vaughn C&D/Asbestos Landfill is operated by the Estancia Solid Waste Authority (ESWA). The following violations were observed:

1. **Failure to conduct random load inspections according to the frequency noted in the permit –** The inspection documented the facility's failure to conduct random load inspections at the frequency noted in the facility's permit. The employee that accepted C&D waste on April 12, 2024, stated that in one year and a half, those were the only incoming loads accepted at the facility and that the inspection was an oversight on his part. The minimum random sampling frequency employed at the C&D Landfill will be one load inspection per day or 1% of the total average vehicles per day, whichever is greater. This is a requirement as specified in the permit, Volume II, Section 6, Part 2.4.2, and is the second occurrence of this violation noted at this facility in the past two years.

> The SWR, 20.9.5.8.B(2)(a) 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.

2. **Failure to apply and compact soil or other suitable material over disposed C&D debris at the end of each operating day/week** – During the inspection, disposed wind blades were found uncovered in the C&D landfill. The employee escorting the enforcement officers stated the exposed wind blades had been in that state for over a year. Adequate cover is a requirement as specified in the facility's permit, Volume I, Section 1, Part 5.14, furthermore, the

amendment to the permit, "Wind Blade Operation Plan", received on July 5, 2019, and approved by NMED on July 8, 2019, requested one full week to place cover on the disposed C&D debris. This approved amendment/request has not been complied with and is the second occurrence of this violation noted at this facility in the past two years.

The SWR, 20.9.5.10.B NMAC, states that all C&D landfill owners and operators shall apply and compact soil or apply other suitable material over disposed debris at the end of each operating day.

3. **Failure to provide NMED with updates on the amount of wind blade material that has been processed** - The inspection documented the failure to produce records of updates every 30 days from the date the permit amendment was approved. This is a requirement as specified in the Wind Blade Operations Permit and is the third occurrence of this violation noted at this facility in the past four years.

The amendment to the Vaughn C&D/Asbestos Landfill permit, "Wind Blade Operation Plan", received on July 5, 2019, and approved by NMED on July 8, 2019, states that Estancia Valley Solid Waste Authority (EVSWA), will provide NMED with an update every 30 days as to the amount of material that has been processed in order to ensure that stockpiling doesn't occur.

4. **Failure to keep the Portable Axle Load Scale (PALS), at the landfill** – During the inspection, the PALS was not located on the landfill property. This was a requirement originally proposed and requested by ESWA and specified in the facility's Wind Blade Operations Permit.

The amendment to the Vaughn C&D/Asbestos Landfill permit, "Wind Blade Operation Plan", requested on April 7, 2020, to keep the PALS in place and utilize it to weigh future waste receipts. This request was approved on May 1, 2020. During this most recent inspection, the scale was not located on the property, nor has there been a change request regarding the wind blade permit.

5. **Failure to cut/demolish all wind blades, place in the C&D landfill and cover/bury within six months** – During the inspection, over one hundred wind blades were found on the northwest area of the C&D landfill, unprocessed. This is a requirement as specified in the Wind Blade Operations Permit and is the fourth occurrence of this violation noted at this facility in the past four years.

The amendment to the Vaughn C&D/Asbestos Landfill permit, "Wind Blade Operation Plan", requested on February 19, 2021, to extend the original permitted timeframe of six months. As of the date of this current inspection, the timeframe has totaled three years and three months with no updates, movement, processing or burial of any wind blades.

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 Senior Enforcement Officer, Jaime Rodriguez at (505) 795-4307 or jaime.rodriguez@env.nm.gov.

Sincerely,

Shirlene Sitton

Digitally signed by Shirlene Sitton
Date: 2024.06.10 17:20:18 -06'00'

Shirlene Sitton
Chief, Solid Waste Bureau

SS:db:jr

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]*
Ryan Schwebach, Board Chairman, Estancia Valley Solid Waste Authority *[via electronic mail]*
rschwebach@tcnm.us
Ted Hart, Vice-Chairman, Estancia Valley Solid Waste Authority *[via electronic mail]*
hartshardware20@gmail.com