



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

Certified Mail – Return Receipt Requested No. 9589 0710 5270 0590 7781 88

September 4, 2025

Robert Terrazas
Wastewater Supervisor
City of Bayard
P.O. Box 728
Bayard, New Mexico 88023

Re: Notice of Violation – City of Bayard

Dear Robert Terrazas,

On May 16, 2025, Aaron J. Blount, Enforcement Officer, Compliance and Enforcement Division, Resource Protection Compliance & Enforcement Bureau (“CEB”), formerly the Solid Waste Bureau, New Mexico Environment Department (“NMED”), conducted an inspection at the Southwest NM Regional Landfill, located at 318 Ridge Road, Silver City, Grant County, New Mexico, 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. During a review of sludge documentation at the landfill, it was determined that the City of Bayard Wastewater treatment facility failed to sample and provide analysis of their sludge before disposal at the landfill resulting in the following violation:

Failure to obtain and analyze representative samples of sludge prior to disposal – The inspection and subsequent documentation received, documented that the City of Bayard had disposed of approximately 105 loads of sludge, between August 1, 2023, and May 8, 2025, without having collected and analyzed representative samples.

The SWR, 20.9.8.16.C (1) NMAC, states that all owners or operators that dispose of sewage sludge shall obtain at least one representative sample per 100 cubic yards of sludge for analysis of the parameters listed in Subsection D of the Solid Waste Rules prior to disposal, but an alternate frequency may be permitted or specifically approved by the secretary if a demonstration is made that the sludge is homogeneous.

Pursuant to the NMED Delegation Order dated June 23, 2025, the Cabinet Secretary has delegated the authority to issue CEB Notices of Violation to the Chief of the Compliance and

Enforcement Division. The NMED is seeking your voluntary cooperation in the immediate correction of this violation. 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 violation. Send your response to Kyle Staggs, Chief, Compliance and Enforcement Division, Resource Protection Compliance & Enforcement Bureau, NMED, 2905 Rodeo Park Drive E Building 1, Santa Fe, New Mexico 87505. 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 CEB 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, Aaron J. Blount at (575) 202-7501 or aaron.blount@env.nm.gov.

Sincerely,

Kyle Staggs
Chief, Compliance and Enforcement Division, Resource Protection Compliance & Enforcement Bureau
New Mexico Environment Department

KS: Kyle Staggs, Chief, CEB, NMED *[via electronic mail]*

cc: Jaime Rodriguez, Manager, CEB, NMED *[via electronic mail]*
Daniel R. Galasso, Supervisor, CEB, NMED *[via electronic mail]*
Aaron J. Blount, Enforcement Officer, Area III, CEB, NMED *[via electronic mail]*