



Certified Mail – Return Receipt Requested No. 7019 1640 0000 7894 3434

June 17, 2026

Abraham Chaparro
Solid Waste Director
Roswell Municipal Landfill
3006 West Brasher Road
Roswell, NM 88203

Re: Notice of Violation – Roswell Municipal Landfill

Dear Abraham Chaparro:

On April 8, 2026, John Kondratick, Enforcement Officer and Jaime Rodriguez, Manager, Compliance and Enforcement Division, Resource Protection Compliance & Enforcement Bureau (“CEB”), New Mexico Environment Department (“NMED”), conducted an inspection at the Roswell Municipal Landfill, located at 3006 Brasher Road, Roswell, 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. The following violations were observed:

1. **Failure to control litter** - The inspection documented excessive litter on the southern and eastern fencelines as well as scattered around the active face. Current facility litter control efforts are ineffective.

The SWR, 20.9.5.8.A(2) NMAC and the Permit, Volume II, Section 2, Item 5.11, state that owners and operators of each solid waste facility shall control and mitigate odor and litter.

2. **Failure to conduct and document unauthorized waste training** - The inspection documented the lack of unauthorized waste training and documentation for 2025.

The SWR, 20.9.5.8.B(2)(d) NMAC and the Permit, Volume II, Section 2, Item 4.4, state that owners and operators of a solid waste facility shall implement a plan approved by the secretary to inspect loads to detect and prevent the disposal of unauthorized waste including a training program for the facility employees in the identification of unauthorized waste, including hazardous waste, hot waste, and PCB's.

3. **Failure to conduct and document contingency plan training** - The inspection documented the lack of contingency plan training and documentation for 2025. A contingency plan sign-in sheet dated March 18, 2026, was provided but was not complete as all operators did not attend the session.

The SWR, 20.9.5.8.B(7) NMAC and the Permit, Volume II, Section 3, Item 1,, state that owners and operators of a solid waste facility shall train employees when hired and at least annually thereafter on when and how to implement contingency plans and document in the operating record that such training has been conducted.

4. **Failure to document leachate levels** - The inspection documented the facility's failure to provide any record of leachate levels for Quarters 2, 3, and 4 for 2025 at the time of inspection. On May 13, 2026, the NMED Resource Recovery Permitting Section reported that they received Quarters 2, 3, and 4 leachate level documentation for 2025. NMED has determined that this violation was adequately addressed therefore, no further action is required.

The SWR, 20.9.5.9.K NMAC and the Permit, Volume II, Section 2, Item 5.10 and Volume II, Section 7, state that all municipal landfill owners and operators shall measure leachate head on the liner, sump pump as necessary, collect and treat leachate by a method approved by the secretary, and maintain records on a quarterly basis of leachate generation and treatment.

5. **Failure to have sufficient daily cover** - The inspection documented several areas around the active face where waste was uncovered and sticking up out of the ground or not covered at all. This is the second occurrence of this violation as it was cited in the June 25, 2025, inspection report.

The SWR, 20.9.5.9.N NMAC and the Permit, Volume II, Section 2, Item 5.14, state that all municipal landfill owners and operators shall cover the active face with a six-inch layer of earth or specifically approved alternate daily cover at the conclusion of each day's operation or more often as conditions may dictate.

6. **Failure to provide proper intermediate cover** - The inspection documented exposed waste on the east slope of Unit 4, and on the south and east slopes of Unit 5. According to management, these areas have not received waste in over 60 days.

The SWR, 20.9.5.9.O(1)&(2) NMAC and the Permit, Volume II, Section 2, Item 5.15, state that all municipal landfill owners and operators shall provide immediate cover which shall be at least one foot thick, or other specifically approved thickness, and placed on all areas of a landfill that have not received waste for 60 days or longer, or have not reached final elevation.

7. **Failure to amend the contingency plan** - The inspection documented that the facility had listed the previous superintendent as the emergency coordinator in the contingency plan who is no longer employed at the facility. This violation was corrected on site on April 9, 2026, and no further action is required.

The SWR, 20.9.5.15.E(4) NMAC and, the Permit, Volume II, Section 3, Item 2, state that the contingency plan shall be amended immediately, if necessary, whenever the list of emergency coordinators changes.

8. **Failure to maintain a proper operating record (load inspections)** - The inspection documented the facility's failure to record the origin of waste and vehicle description on the random load inspection form dated August 28, 2025; and failure to record origin of waste, license plate and vehicle description on the random load inspection form dated August 29, 2025.

The SWR, 20.9.5.16.A(5)(c)&(d) NMAC and the Permit, Volume II, Section 2, Item 4.4 and Figure II.2.4, state that owners and operators of solid waste facilities shall make and maintain an operating record during the active life of the facility, for each day that operations, monitoring, or closure occurs, including a record of load inspections including vehicle license number and description, and origin of the waste.

9. **Failure to maintain a proper operating record (financial assurance)** - The facility failed to submit its financial assurance to the NMED Resource Recovery Bureau for 2025 by February 14, 2026. This violation has been corrected as the NMED Resource Recovery Permitting Bureau reports the financial assurance documents were received April 16, 2026.

The SWR, 20.9.5.16.A(14) NMAC and the Permit, Volume I, Section 9, state that owners and operators of solid waste facilities shall make and maintain an operating record during the active life of the facility, for each day that operations, monitoring, or closure occurs, including financial assurance information, including a copy of the current standby trust document, current estimates for closure, post-closure care, phase I and phase II assessments and a copy of the financial assurance mechanism being utilized.

10. **Failure to maintain a proper operating record (annual report)** - The facility failed to submit its annual report to the NMED Resource Recovery Bureau for 2025 by February 14, 2026. This violation has been corrected as the NMED Resource Recovery Permitting Bureau reports the annual report documents were received April 16, 2026.

The SWR, 20.9.5.16.D NMAC, states that owners or operators of solid waste facilities shall 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.

11. **Failure to pile scrap tires properly** - The inspection documented a scrap tire pile at the facility which was greater than 100 feet in length.

The RIDSTMR, 20.9.20.37.D NMAC, states that scrap tire piles or stacks of tire bales shall be no greater than 10 feet in height, nor shall the tire pile or stack be more than 50 feet wide by 100 feet long. Once piles are corrected/separated, 20.9.20.37.E states that there shall be a minimum separation of 40 feet between outdoor scrap tire piles, bale stacks, and other stored materials. This 40-foot space shall be designated as a fire lane that totally encircles the tire piles and shall be maintained as an all-weather road.

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 these violations. To avoid elevated enforcement, please correct the violations within 30 calendar days of

receipt of this notice. If you have any questions, please respond within 10 calendar days of receipt of this notice 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, John Kondratick at (505) 660-0420 or john.kondratick@env.nm.gov.

Sincerely,

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

KS:jk

cc: Jaime Rodriguez, Manager, CEB, NMED *[via electronic mail]*
Daniel R. Galasso, Supervisor, CEB, NMED *[via electronic mail]*
John Kondratick, Enforcement Officer, Area-II, CEB, NMED *[via electronic mail]*