



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

Record Number: ENTS 18339

Certified Mail – Return Receipt Requested No. 7020 3160 0000 0515 3836

November 13, 2024

Rafael Jaramillo
Manager
Anton Chico Land Grant
P.O. Box 130
Anton Chico, NM 87711

Re: Notice of Violation – Anton Chico Land Grant

Dear Rafael Jaramillo,

On August 14, 2024, Daniel R. Galasso, Enforcement Coordinator, Solid Waste Bureau (“SWB”), New Mexico Environment Department (“NMED”), conducted an inspection on the Anton Chico Land Grant, located east off of County Road 4 H, and approximately one-half mile south of the village of Colonias (N 35.09863, W 104.84395), 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 (“RIDSTM”), 20.9.20 NMAC. Based on that inspection, and review of information obtained the following violation was observed:

Improper disposal of solid waste – The inspection documented the presence of solid waste, including wood debris, tires, scrap metal, concrete, metal pipes, and floor tile partially buried on the Anton Chico Land Grant. A floor tile sample from the waste was collected and analyzed for asbestos content and asbestos was not detected (“ND”).

The SWR, 20.9.2.10.A(1) NMAC states that “no person shall store, process, or dispose of solid waste except by means approved by the secretary and in accordance with board regulations.” The SWR, 20.9.2.10.A(2) NMAC also states that “no person shall dispose of any solid waste in this state in a manner that the person knows or should know will harm the environment or endangers the public health, welfare or safety.” In addition, the SWR 20.9.2.10.A(3) NMAC indicates that “no person shall dispose of any solid waste in a place other than a solid waste facility that meets the requirements of [the SWR].”

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 the Enforcement Coordinator, Daniel R. Galasso at (505) 795-1232 or danielgalasso@env.nm.gov.

Sincerely,

Shirlene Sitton
Chief, Solid Waste Bureau

SS:jr:drg

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