



Certified Mail – Return Receipt Requested No. 9589 0710 5270 0590 7784 85

April 15, 2025

Richard McBride
Operations Manager
Deming Luna County Transfer Station
5470 Highway 549 SE
Deming, NM 88030

Re: Notice of Violation – Deming Luna County Transfer Station

Dear Richard McBride,

On February 14, 2025, Aaron J. Blount, Enforcement Officer, Solid Waste Bureau (“SWB”), New Mexico Environment Department (“NMED”), conducted an inspection at the Deming Luna County Transfer Station, located at 5470 Highway 549 SE, Deming, 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. Based on that inspection, and review of information obtained the following violations were observed:

1. **Failure to provide all records** – The inspection documented that the 2023 Annual Report was not available for review during the inspection and would have to be located and provided at a later date.

The SWR, 20.9.5.16.E NMAC, requires that all records and plans required by 20.9.2 - 20.9.10 NMAC shall be furnished upon request and made available at all reasonable times for inspection.

On February 17, 2025, the Annual Report for 2023 was provided via email to the SWB for review and added to the facility’s file. The NMED has determined that the violation has been adequately addressed.

2. **Failure to properly maintain a daily operating record** – Upon a records review after the inspection, it was noted that the facility failed to properly maintain a daily log with the description of the type, weight, or volume of each load of solid waste received.

The SWR, 20.9.5.16.A(1) NMAC, requires owners and operators of solid waste facilities

to make and maintain an operating record during the active life of the facility, for each day that operations, monitoring, or closure occurs, including the type (including special waste) and weight or volume of each load of solid waste received.

3. **Failure to properly maintain a daily operating record** – Upon a records review after the inspection, it was noted that the facility failed to properly maintain a daily log with a description of the waste’s origin.

The SWR, 20.9.5.16.A(2) NMAC, requires owners and operators of solid waste facilities to make and maintain an operating record during the active life of the facility, for each day that operations, monitoring, or closure occurs, including the country (if other than the United States), state, county, and municipality in which the solid waste originated (i.e. the origin).

4. **Failure to properly maintain a daily operating record** – Upon a records review after the inspection, it was noted that the facility failed to properly maintain a daily log with the business names of the commercial haulers that utilized the transfer station.

The SWR, 20.9.5.16.A(3) NMAC, requires owners and operators of solid waste facilities to make and maintain an operating record during the active life of the facility, for each day that operations, monitoring, or closure occurs, including the business name of any commercial hauler of solid waste for each load of the solid waste if it can be reasonably obtained.

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, Aaron J. Blount at (575) 202-7501 or aaron.blount@env.nm.gov.

Sincerely,

Shirlene Sitton
Chief, Solid Waste Bureau

SS:ajb

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