



Certified Mail – Return Receipt Requested No. 7020 3160 0000 0515 3560

May 7, 2024

Adam Sandoval
Operations Supervisor
SW New Mexico Regional Landfill
P.O. Box 2617
Silver City, New Mexico 88062

Re: Notice of Violation – SW New Mexico Regional Landfill

Dear Adam Sandoval,

On April 17, 2024, Jaime Rodriguez, Senior Enforcement Officer, Solid Waste Bureau (“SWB”), New Mexico Environment Department (“NMED”), inspected the SW New Mexico Regional Landfill, located at 318 Ridge Road, Silver City, 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:

Failure to provide proper intermediate cover on areas that have not received waste for 60 days or longer – During the inspection, municipal solid waste was seen sticking out of the ground on the north slope of cell 9-A and the west slope of cell 8. Management at the facility stated that those areas had not received waste for 60 days or longer and were not properly covered.

The SWR, 20.9.5.9.O(1) and 20.9.5.9.O(2) NMAC, requires all municipal waste landfill owners and operators to provide intermediate cover which shall be at least one foot thick and placed on all areas of a landfill that have not received waste for 60 days or longer, or have not reached final elevation.

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 Jaime Rodriguez at (505) 795-4307 or jaime.rodriquez@env.nm.gov.

Sincerely,

Shirlene Sitton
Chief, Solid Waste Bureau

RS: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]*