



Certified Mail – Return Receipt Requested No. 7020 3160 0000 0515 4642

October 2, 2023

Danette Cabber
Interim Director
Estancia Valley Solid Waste Authority
P.O. Box 736
Estancia, New Mexico 87106

Re: Notice of Violation – Vaughn C&D / Asbestos Landfill

Dear Danette Cabber,

On May 9, 2023, Ken R. Churan and Daniel R. Galasso, Enforcement Officers, Solid Waste Bureau ("SWB"), New Mexico Environment Department ("NMED"), inspected the Vaughn C&D / Asbestos Landfill 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 adhere to a term or condition of the permit** – The inspection documented stockpiled wind blades stored on the closed Vaughn Landfill, to the west. The amended July 5, 2019 Operation Plan, which is a part of the permit, states that the stockpiled wind blades are required to be buried within six months. From the inspection, it appeared that all blade break down and burial had ceased.

The SWR, 20.9.3.20.A NMAC, states that "[a]ny terms or conditions of the permit shall be enforceable to the same extent as a regulation of the board."

2. **Failure to adhere to a term or condition of the permit** – The inspection documented that the last update to the NMED regarding the amount of wind blades processed was submitted on February 19, 2021 (attached). The amended July 5, 2019 Operation Plan, which is a part of the permit, states that an update on the process of the wind blades to the NMED is required every 30 days.

The SWR, 20.9.3.20.A NMAC, states that "[a]ny terms or conditions of the permit shall be enforceable to the same extent as a regulation of the board."

3. **Failure to adhere to a term or condition of the permit** – The inspection documented that the facility failed to inform the SWB regarding equipment failures and associated delays in processing and burying the stockpiled wind blades, as required by the amended July 5, 2019 Operation Plan, which is part of the permit. The facility had stopped using the D-6 Cat for breaking down the blades more than a year ago, and it is the SWB's understanding that the D-6 Cat is no longer operational.

The SWR, 20.9.3.20.A NMAC, states that “[a]ny terms or conditions of the permit shall be enforceable to the same extent as a regulation of the board.”

4. **Failure to maintain required signage** – During the inspection, the facility sign was not adequately posted and was observed laying on the ground.

The SWR, 20.9.5.8.A(3) NMAC, states that owners and operators of each solid waste facility shall “post signs to indicate the location of the site, the hours of operation, emergency telephone numbers, disposal instructions, and that fire and scavenging are prohibited.”

5. **Creating a potential hazard to public health** – During the inspection, no fire extinguishers were observed at the facility.

The SWR, 20.9.5.8.A(1) NMAC, states that owners and operators of each solid waste facility shall “operate the facility in a manner that does not cause a public nuisance or create a potential hazard to public health, welfare or the environment.”

6. **Failure to cover C&D debris at the end of each day** – During the inspection, C&D waste was observed uncovered after daily operations.

The SWR, 20.9.5.10.B NMAC, states that all construction and demolition landfill owners and operators shall “apply and compact soil or apply other suitable material over disposed construction and demolition debris at the end of each operating day or at such frequencies and in such a manner as to reduce the risk of fire and impede vectors’ access to the waste.”

7. **Failure to maintain a contingency plan** – During the inspection, the contingency plan could not be provided for inspection.

The SWR, 20.9.5.15.B NMAC, states that “[t]he owner or operator shall maintain a current contingency plan at each solid waste facility. The contingency plan shall be designed to minimize hazards to public health, welfare or the environment from fires, explosions, or any release of contaminants or hazardous constituents to air, soil, surface water or ground water.”

8. **Failure to maintain a record of load inspections** – During the inspection, no load inspection records were provided for review. There is a possibility of load inspections not being performed at the facility, which would be resolved with the maintenance of load inspection records.

The SWR, 20.9.5.16.A(5) NMAC, states that the 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 “date and time of inspection; business name of the commercial hauler and driver name; vehicle license number and description; origin of the waste; and any pertinent observations made during the inspection.”

9. **Failure to provide documentation for employee training in the identification of unauthorized waste** – No employee training records regarding the identification of unauthorized waste were provided during the time of inspection.

The SWR, 20.9.5.8.B(2)(d) NMAC, states that the 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.”

10. **Failure to provide documentation for employee training on how to implement the contingency plan** – No employee training records regarding the implementation of the contingency plan were provided during the time of inspection.

The SWR, 20.9.5.8.B(7) NMAC, states that the 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.”

11. **Failure to maintain an operating record** – No operating log documentation was provided during the time of inspection.

The SWR, 20.9.5.16.A NMAC, states that the “[o]wners 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.”

12. **Failure to maintain financial assurance records** – Only incomplete and partial financial assurance documents were provided during the time of inspection.

The SWR, 20.9.5.16.A(14) NMAC, states that the 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.”

13. **Failure to maintain methane monitoring program** – Only incomplete methane quarterly reporting was provided during the time of inspection.

The SWR, 20.9.5.9.C NMAC, states that the landfill owners and operators shall “implement a routine methane monitoring program...”.

14. **Failure to provide the asbestos Disposal Management Plan (DMP) for review** – During the inspection, the disposal management plan for asbestos was unavailable for review.

The SWR, 20.9.5.16.E NMAC, states that “[a]ll 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 by the [SWB].”

On June 19, 2023, a letter was sent electronically (attached) to Ken Churan, from Danette Cabber, Interim Director, EVSWA, partially addressing violations that were listed on the Solid Waste Facility Inspection Report (“SWFIR”).

Pursuant to the NMED Delegation Order dated March 24, 2023, 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 Rick Shean, Acting SWB Chief, NMED, NMED District I, 121 Tijeras Avenue NE, Suite 1000, Albuquerque, New Mexico 87102-3400. 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 Mr. Shean at (505) 629-6494 or rick.shean@env.nm.gov.

Sincerely,

Rick Shean
Director, Resource Protection Division
Acting Chief, Solid Waste Bureau

Enclosure – Copy of SWFIR; Vaughn Blade Disposal Update, 2/19/21; and SWFIR response by EVSWA, 6/19/23

RS:drg:krc

cc: Daniel R. Galasso, Enforcement Coordinator, Solid Waste Bureau *[via electronic mail]*
Ken R. Churan, Enforcement Officer, EA-I, Solid Waste Bureau *[via electronic mail]*



STATE OF NEW MEXICO - ENVIRONMENT DEPARTMENT



SOLID WASTE FACILITY INSPECTION REPORT

DATE: 5-9-23 FACILITY NAME: Vaughn C&D and Asbestos LF CONTROL #: SWM-0424368 (C&D)
SWM-0424369 (SP) ASBESTOS

REASON FOR INSPECTION: FACILITY OPERATOR: Estancia Valley Solid Waste Authority FACILITY LOC.: 1820 Mesa de Leon Road

☐ Routine ☐ Follow Up ENFORCEMENT AREA: Area 1 Vaughn, NM 88353

☐ Complaint ☐ Other

☐ Suspected Violation STATUS: ☐ INTERIM ☐ PERMITTED ☐ CLOSED PHONE: Andy Chavez 505-364-6278

☐ Closure/Post Closure

TYPE OF FACILITY: Landfill - Permitted OPERATING HOURS: By appointment DAYS OF WEEK: C&D and Asbestos LF

TYPE OF WASTE HANDLED: ☐ MSW ☐ INDUSTRIAL ☒ C&D ☒ SPECIAL TONS/Cu. Yds. 10.82 Daily/Monthly (circle one)
ASBESTOS

1. FACILITY / OPERATIONAL CONTROLS

- a. ☐ Litter b. ☐ Roads Maintained
c. ☐ Noise d. ☐ Vectors
e. ☐ Dust/Odor f. ☐ Access Controlled
g. ☐ Tipping/Insp. Area h. ☐ Scavenging Control
i. ☐ Fire Control j. ☐ Health/Environment Hazard
k. ☐ Compaction l. ☐

2. SIGNS REQUIRED / PROPERLY POSTED

- a. ☐ Operating Days/Hours b. ☐ Roads Maintained
c. ☐ Emergency Numbers d. ☐ Vectors
e. ☐ Fires Prohibited f. ☐ Access Controlled
g. ☐ Operation Procedures h. ☐ Scavenging Control
i. ☒ SIGNAGE ON GROUND

3. OPERATOR / REPRESENTATIVE / EMPLOYEES

- a. ☐ Certified b. ☐ On Site While Open
c. ☐ Employees Trained d. ☐

4. COVER

- a. ☒ Daily Applied b. ☐ Intermediate Applied
c. ☐ Final Cover d. ☐ Excavating a Closed Cell
e. ☐ Compaction f. ☐ Stabilized Vegetation
g. ☐ GOOD WASTE NOT COVERED

5. MONITORING / SAMPLING / ANALYZING / HANDLING

- a. ☒ Methane b. ☐ Leachate
c. ☐ Ground Water d. ☐ Unauthorized Waste Analyzed
e. ☐ Frequency Maintained f. ☐ Proper Equip./Test Used
g. ☐ Gas Control h. ☐ Waste Properly Processed
i. ☐ PARTIAL METHANE REPORTING

6. DRAINAGE / EROSION

- a. ☐ Water Run-on b. ☐ Water Run-off
c. ☐

7. PROPER STORAGE / ISOLATION / DISPOSAL

- a. ☐ Special Waste b. ☐ Hazardous Waste
c. ☐ Infectious Waste d. ☐ Asbestos
e. ☐ Tires f. ☐ White Goods
g. ☐ Recyclables h. ☐ Lead Acid Batteries
i. ☐ Hot Waste j. ☐ Timely Removal
k. ☐ Ash l. ☐ Petroleum Contam. Soil
m. ☐ Transfer Stations n. ☐

8. PROPER EQUIPMENT / MAINTAINED

- a. ☐ Facility Equipment b. ☐ Storage Equipment
c. ☐ Audible Signals d. ☐ Transport Equipment
e. ☐ Collection Equipment f. ☒ Fire Fighting Equipment
g. ☒ Compaction Equipment h. ☐ Clean & Sanitized
i. ☐ NO FIRE EXTINGUISHERS

9. PLANS & PROGRAMS On File

- a. ☒ Contingency NO PLAN b. ☒ Operating/Maintenance
c. ☐ Inspection d. ☒ Disposal Management NO DMP
e. ☐ Facility Site Plan f. ☐ Closure/Post Closure
g. ☒ Training Programs h. ☐ Removal-Stored Waste
i. ☐ Ground Water Monitoring j. ☐ Fire Protection & Prevention
k. ☐ Methane Monitoring l. ☐ Disease Vectors/Rodent Ctrl.
m. ☐ Clean-up/Remediation n. ☐ Leachate Control
o. ☒ Deviation from Plans p. ☒ PARTIAL FINANCIAL ASSURANCE

RECORDS / REPORTS / RESULTS Maintained

10. INSPECTION RECORDS

- a. ☒ Daily Records Kept b. ☐ Source/Type/Volume of Waste
c. ☐ Signatures d. ☐ Times & Dates
e. ☐ Names of Co. & Driver f. ☐ Vehicle License Number
g. ☐ Vehicle Description h. ☐ Observations
i. ☒ FAILURE TO MAINTAIN LEAD INSPECTION RECORDS

11. NOTIFICATION - RECORDS When Required Was:

- a. ☐ NMED/Facility/Other b. ☐ Area Restricted
c. ☐ Clean-up Assured d. ☐ Transportation Assured
e. ☐ Disposal Assured f. ☐

12. MONITORING / SAMPLING / ANALYSIS - RECORDS

- a. ☐ Methane Levels Taken Quarterly
b. ☐ Unauthorized Waste Analyzed
c. ☐ Contaminated Waste/Soil Analyzed
d. ☐ Groundwater Sampling Results
e. ☐ Leachate Sampling & Treatment
f. ☐

13. SPECIAL WASTE RECORDS (Type)

- a. ☐ Lab Analysis b. ☐ Paint Filter Test Results
c. ☐ Manifests d. ☐ Remediation Documentation
e. ☐ Treatment Certifications
f. ☐



SOLID WASTE FACILITY INSPECTION REPORT

Facility:

Inspector(s):

14. EVIDENCE OF UNAUTHORIZED WASTE

- a. ☐ Bulk Liquids
c. ☐ Hazardous Waste
e. ☐ Petroleum Waste
g. ☐ Asbestos
i. ☐ Contaminated Soil
k. ☐
- b. ☐ Batteries
d. ☐ Infectious Waste
f. ☐ Sludge
h. ☐ Radioactive Waste
j. ☐ Ash

15. PERMIT REQUIREMENTS (In Effect)

- a. ☐ No Facility Permit
b. ☐ Unauthorized Modification
c. ☐ Refusal of Inspection
d. ☒ FAILING TO UPDATE NUMED

16. Corrective Measures

- a. ☐ Action Taken b. ☐ Continued Monitoring
c. ☐ Initiate Assessment d. ☐ Incomplete Documentation
e. ☐ Select Proper Remedy f. ☐ Remedial Activity Schedule
g. ☐ _____

Show all violations below indicating the Number and Item on the Inspection Report, the SWR citation and a detailed narrative.

No:	Item:	Sec.#:	Violation Detail – Narrative
9	0		20.9.3.20.A. NMAC- Failure to adhere to a term or condition of the amended Operations Plan dated July 5, 2019 evidenced by failing to bury stockpiled wind blades with the required 6 month time frame.
15	d		20.9.3.20.A. NMAC- Failure to adhere to a term or condition of the amended Operations Plan dated July 5, 2019 evidenced by failing to update NMED every 30 days regarding the amount of material (wind blades) processed.
8	g		20.9.3.20.A. NMAC- Failure to adhere to a term or condition of the amended Operations Plan dated July 5, 2019 evidenced by failing to inform NMED regarding equipment failures and associated delays in processing and burying stockpiled wind blades.
2	i		20.9.5.8.A. (3) NMAC- Failure to maintain signage to indicate the location of the site, the hours of operation, emergency telephone numbers, disposal instructions, and that fires and scavenging are prohibited (sign was not adequately posted and laying on the ground)
8	f		20.9.5.15.F. (4) NMAC- Failure to list all emergency equipment at the facility. No emergency equipment was observed at the facility (No fire extinguishers were present during the inspection).
4	a		20.9.5.10.B. NMAC- Failure to apply and compact soil over disposed construction and demolition debris at the end of each day or such frequencies to reduce risk of fire and impede vectors' access to the waste (C & D waste was not completely covered with daily cover during time of inspection).
9	a		20.9.5.15.B. NMAC- Failure of operator to maintain a current contingency plan at the solid waste facility (a copy of the contingency plan was not provided by the operator during the time of inspection)
10	i		20.9.5.16. A. (5) NMAC- Failure to maintain a record of load inspections (No load inspection records were provided by the operator during the time of inspection)
9	g		20.9.5.8.B.(2)(d) NMAC- Failure to provide documentation for employee training in the identification of unauthorized waste
9	g		20.9.5.8.B.(7) NMAC- Failure to provide documentation for employee training on how to implement contingency plans and document the operating record

Violations MUST BE CORRECTED BY: _____ Operator/Rep. Signature: _____ Date: _____

Follow-up Inspection Due On (Date): _____ NMED/Rep. Signature: _____ Date: _____



SOLID WASTE FACILITY INSPECTION REPORT

Facility:

Inspector(s):

14. EVIDENCE OF UNAUTHORIZED WASTE

- a. ☐ Bulk Liquids
b. ☐ Batteries
c. ☐ Hazardous Waste
d. ☐ Infectious Waste
e. ☐ Petroleum Waste
f. ☐ Sludge
g. ☐ Asbestos
h. ☐ Radioactive Waste
i. ☐ Contaminated Soil
j. ☐ Ash
k. ☐

15. PERMIT REQUIREMENTS (In Effect)

- a. ☐ No Facility Permit
b. ☐ Unauthorized Modification
c. ☐ Refusal of Inspection
d. ☐

16. Corrective Measures

- a. ☐ Action Taken b. ☐ Continued Monitoring
c. ☐ Initiate Assessment d. ☐ Incomplete Documentation
e. ☐ Select Proper Remedy f. ☐ Remedial Activity Schedule
g. ☐

Show all violations below indicating the Number and Item on the Inspection Report, the SWR citation and a detailed narrative.

[illegible]

Violations MUST BE CORRECTED BY:

7/30/23

Operator/Rep. Signature: _____

Date: 5-30-73

Follow-up Inspection Due On (Date):

TBD

NMED/Rep. Signature

Date: 5/30/23



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

NEW MEXICO ENVIRONMENT DEPARTMENT
SOLID WASTE BUREAU
ENTRY NOTIFICATION

Facility Name: VAUGHAN Q&D LF AND ASBESTOS MONOFILL

Facility Address: 1820 MESA DE LEON RD., VAUGHN, NM 88353

This is to notify you that pursuant to New Mexico Solid Waste Act ("SWA"), NMSA 1978, Section 74-9-33, as an authorized representative of the New Mexico Environment Department ("NMED"), I am allowed to enter this facility and/or vehicle at any reasonable time in order to make an inspection or investigation of solid waste management practices.

This is also to notify you that in accordance with the New Mexico Solid Waste Rules ("SWR"), 20.9.2.12 NMAC, as an authorized representative of the NMED, I am authorized to investigate, inspect, enforce, monitor or sample at this facility and/or vehicle.

I have presented you with State of New Mexico identification, verifying my employment with the NMED.

NMED Authorized Representative

5/9/23

Date

Facility Representative

5/9/23

Date

P.O. Box 736
Estancia, New Mexico 87016
www.evswa.com

**SOLID WASTE
ESTANCIA VALLEY
AUTHORITY**

505-384-4270
505-384-3062 fax
TrashBilling.com

NMED, Solid Waste Bureau
Attn: George Schuman
PO Box 5469
Santa Fe, NM 87502

February 19, 2021

Re: Vaughn Blade Disposal Update

Mr. Schuman,

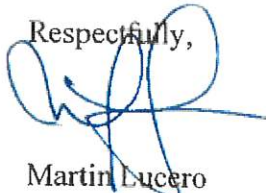
I wanted to inform you that the Estancia Valley Solid Waste Authority has extended beyond its planned operation of disposal for the wind blades. Originally, we anticipated that it would take us six months to completely break apart and dispose of the blades. Unfortunately, we have had several obstacles that have resulted in our inability to completely dispose of the blades. This letter serves as a measure of update to inform you the status on our means to process the blades in accordance with the plan that was approved.

We have processed nearly half of the blades accepted. The events that have prohibited us from completing these are as a result of losing our Landfill Supervisor who was primarily responsible for the breakup of the blades, a Dozer and Loader that have both had significant mechanical issues. Our Dozer is back operational and our Loader is still inoperable.

We are focusing this time to teach and train a new operator how to safely break down and dispose of the blades that remain. Once our loader is back operational, we will be able to continue to process these blades at a minimum of twice per week until completed.

Please let me know if you have any questions or concerns regarding the change to our operation by contacting me at (505) 705-5104 or email to martin@evswa.com.

Respectfully,



Martin Lucero
EVSWA,
Director

RECEIVED

FEB 19 2021

SOLID WASTE BUREAU

County of Torrance ♦ City of Moriarty
Town of Estancia ♦ Town of Mountainair ♦ Town of Vaughn
Village of Willard ♦ Village of Encino

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AUTHORITY**

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June 19, 2023

Kenneth Churan
Enforcement Officer
NMED-Solid Waste Bureau
P.O. Box 5469
(1190 So. St. Francis Drive)
Santa Fe, NM 87502-5469

RE: Notice of Inspection, Vaughn Landfill

Dear Mr. Churan,

We are in receipt of your Notice of Inspection for the Vaughn C&D Landfill and Asbestos Landfill. Your letter was received by this office on May 30, 2023. The inspection was performed on May 9, 2023 and the following violations were observed: 1). Signs required/Properly posted 2). Daily applied covering for C&D 3). Partial Methane Reporting 4). No fire extinguishers 5). No contingency plan, no training programs, deviation from plans, no DMP, and partial financial assurance 6). Failure to maintain load inspection records.

EVRL helps operate and manage the Vaughn Landfill, and will be taking action on putting up the signage to the center of the pole towards the end of this month when we are fully staffed at our main Landfill, EVRL.

Regarding the daily coverage, wind blades were taken in during the time of our past management, and were buried, which have found their way to the surface of the landfill. Our plan is when we are able to take back the heavy equipment to properly run the Vaughn Landfill, we will be taking those wind blades out and crushing them to place them back into the C&D landfill and cover them.

I will be reaching out to Parkhill to get any records which may have been lost during past management regarding the methane reporting.

We just had all fire extinguishers serviced for the year and for the Vaughn Landfill, and unfortunately at the time, it was inspected those had not been returned to the landfill. They have since been returned and have been serviced.

Regarding the plans and programs of the Vaughn Landfill, there was a time when past management had the public works department taking care of the records at the Vaughn Landfill, and I believe it's just a matter of locating where those were placed. I have reached out to Lawrence Villanueva, from the Town of Vaughn, to see if he can locate the contingency plan, training programs, operating and maintenance plan, and financial assurance, as the Town of Vaughn maintains financial assurance on this landfill, the hard copy document was not available during the inspection. The deviation of plans, was not during my management, but I have record where past management had contacted NMED on any plans they had

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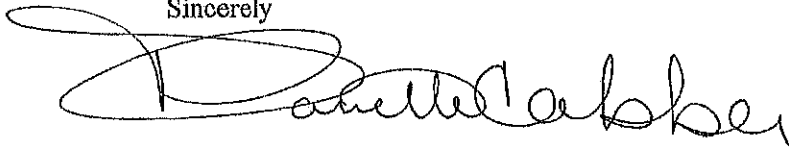
regarding the wind blades, unless this is regarding another item, that I am unaware about. I can tell you this, regarding any training programs, we do all of the training with our employees at our main landfill, EVRL. These are the employees we send to the Vaughn Landfill to help operate it. Our staff is fully trained.

Again, regarding inspection records, there was a period of time with past management that was allowing the Town of Vaughn to run the Vaughn Landfill, so I have reached out to Lawrence Villanueva, from the Public Works department to see if there were any load inspections that were being done.

Currently we have no heavy equipment out at the Vaughn Landfill, because we are waiting on purchasing a Dozer that we just received qualification from NMFA for a loan for the Estancia Valley Regional Landfill, and we have the loader working on the tire project at EVRL. Once these are done, and we receive our new Dozer, we will be taking the equipment back to the Vaughn Landfill for operations.

Thank you for your inspection and feedback. We strive to maintain our facility at the highest levels of compliance. Your inspections and input assist us in achieving our goals.

Sincerely



Danette Cabber
Interim Director, EVSWA