



Certified Mail – Return Receipt Requested No. 7019 1640 0000 7894 3212

August 25, 2021

Peter Fuller, General Manager
North Central Solid Waste Authority
P.O. Box 1230
Española, New Mexico 87532

Re: Notice of Violation – Alcalde Transfer Station

Dear Peter Fuller,

Please excuse the delay in the issuance of this correspondence. On May 12, 2021, Jaime Rodriguez, Enforcement Officer, Solid Waste Bureau (“SWB”), New Mexico Environment Department (“NMED”), inspected the Alcalde Transfer Station 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 implement a random waste inspection program** – The inspection documented the failure to fully implement the facility’s Waste Screening and Inspection Program by failing to detect and prevent the disposal of unauthorized waste through random load inspections on a frequency of at least once per day or one percent of the total average of vehicles per day, whichever is greater, as specified in the facility’s permit, Volume II, Section 6, Part 2.0 – Waste Inspection Plan, Subparts 1.2, 2.1 and 2.3 (*see enclosure*).

The SWR, 20.9.5.8.B(2) NMAC, requires owners and operators of each solid waste facility to implement a plan approved by the secretary to inspect loads to detect and prevent the disposal of unauthorized waste. The plan must include the inspection frequency, the inspection personnel, the method of inspection, and a training program for facility employees in the identification of unauthorized waste, including hazardous waste, hot waste and polychlorinated biphenyls (“PCBs”).

The SWR, 20.9.3.20.A NMAC, further 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.

- 2. Failure to train employees on when and how to implement contingency plans and document this training in the operating record** – The inspection documented the failure to train employees on implementing the contingency plan as required by the SWR and as specified

in the facility's permit, Volume I, Page 5-4 (*see enclosure*). Accordingly, there was no record of contingency plan training in the operating record.

The SWR, 20.9.5.8.B(7) NMAC, requires owners and operators of each solid waste facility to train employees when hired and at least annually thereafter on when and how to implement contingency plans, and to document such training in the operating record.

The SWR, 20.9.3.20.A NMAC, further 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.

3. **Failure to maintain an updated contingency plan** – The inspection documented that the contingency plan kept in the scale house contained outdated information, as the listed emergency and alternate emergency coordinators were no longer employed at the transfer station. Maintaining an updated contingency plan is a requirement of the SWR and is specified in the facility's permit, Volume I, Page 5-11 (*see enclosure*).

The SWR, 20.9.5.15.E(4) NMAC, states that requires the owner and operator of a solid waste facility to immediately amend the contingency plan whenever the list of emergency coordinators changes.

The SWR, 20.9.3.20.A NMAC, further 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.

4. **Failure to maintain a proper operating record** – During the inspection, the facility's operator was unable to produce requested operating records indicating the weight or volume of each load of solid waste received on May 4, 2021, May 11, 2021 (the day prior to the SWB's inspection) and for the loads of solid waste received during April 2021. Later that day, the facility's certified operator electronically provided documentation to the SWB; however, the provided documentation was insufficient, as it was not electronically maintained and the documentation for the month of April 2021 did not identify the type of waste received for each load. Maintaining an operating record on a daily basis is a requirement of the SWR and is specified in the facility's permit, Volume I, Pages 5-13 and 5-14 (*see enclosure*).

The SWR, 20.9.5.16.A(1) NMAC, requires the owner and operator of a solid waste facility to make and maintain an operating record during the active life of the facility for each day that operations, monitoring or closure occurs, to include the type (including special waste) and weight or volume of each load of solid waste received.

The SWR, 20.9.3.20.A NMAC, further 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.

5. **Failure to furnish records at the time of inspection** – During the inspection, the facility's

operator was unable to furnish the daily operating log, the most current annual report, records verifying employee emergency response training, and records verifying employee waste screening training. Furnishing records and plans upon request for the purpose of inspection is a requirement of the SWR and is specified in the facility's permit, Volume I, Page 5-15 (see *enclosure*).

The SWR, 20.9.5.16.E NMAC, requires all records and plans required by the SWR to be furnished upon request and made available at all reasonable times for inspection by the NMED.

The SWR, 20.9.3.20.A NMAC, further 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.

6. **Failure to sign and date scrap tire manifests** – The facility's operator provided two non-sequentially numbered scrap tire manifests, dated April 1, 2021 (Isaiah Valdez, 30 scrap tires) and April 17, 2021 (James Martinez, 25 scrap tires), for review. Neither manifest indicated the date received by the facility (final destination) nor were they signed by the facility's operator acknowledging acceptance at the final destination – meaning that the number or weight of the scrap tires received was not verified and chain-of-custody for the scrap tires was not maintained. *[NOTE: If the transporter delivered the scrap tires to the facility without accompanying manifests, that discrepancy should have been noted upon the manifest completed at the facility and in accordance with the RIDSTMR, 20.9.20.50.J NMAC, notification of a significant irregularity in transportation should have been documented along with notification to the SWB. It was also noted that the utilized manifests were not the currently-approved version available on the SWB's webpage.]*

The RIDSTMR, 20.9.20.50.F NMAC, requires a scrap tire manifest to accurately reflect the required information and to be signed and dated by the generator...and by the final destination, acknowledging delivery, number or weight and receipt of the scrap tires.

Pursuant to the NMED Delegation Order dated May 24, 2021, 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 George W. Akeley, Jr. ("Chuck"), Manager, Enforcement Section, Solid Waste Bureau, 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.

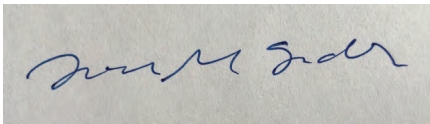
All documentation submitted to NMED's SWB related to this Notice of Violation must include the following certification, signed by you or a delegated responsible official:

"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. Akeley at (505) 670-3283 or chuck.akeley@state.nm.us.

Sincerely,



Digitally signed by Joan M. Snider
Date: 2021.08.25 11:43:29 -06'00'

Joan M. Snider
Chief, Solid Waste Bureau

Enclosure – Copies of Solid Waste Facility Inspection Report; Subparts 1.2, 2.1 and 2.3 of the Waste Inspection Plan; Pages 1-6, 5-4, 5-11, 5-13, 5-14 and 5-15 of Volume I of the Permit; and two scrap tire manifests.

JMS:gwa:jr

cc: Chuck Akeley, Manager, Enforcement Section, Solid Waste Bureau *[via electronic mail]*
Teri D. Monaghan, Enforcement Coordinator, Solid Waste Bureau *[via electronic mail]*
Jaime Rodriguez, Enforcement Officer, EA-IV, Solid Waste Bureau *[via electronic mail]*



NEW MEXICO
ENVIRONMENT DEPARTMENT



Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

Solid Waste Bureau
1190 Saint Francis Drive, Room N-2150
PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-0197
www.env.nm.gov/solid-waste/

James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

NEW MEXICO ENVIRONMENT DEPARTMENT
SOLID WASTE BUREAU
ENTRY NOTIFICATION

Facility Name: Alcalde Transfer Station

Facility Address: 6 miles N. of Española on State Rd. 68

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 credentials indicating that I am duly authorized to enforce and administer all laws, rules and regulations within the jurisdiction of the NMED.

Jaimie Rodriguez 5-12-21
NMED Authorized Representative Date

Pete Felt 5.12.21
Facility Representative Date



STATE OF NEW MEXICO - ENVIRONMENT DEPARTMENT



SOLID WASTE FACILITY INSPECTION REPORT

DATE: 5-12-21 FACILITY NAME: Alcalde Transfer Station CONTROL #: 0521522(TS)
REASON FOR INSPECTION: FACILITY OPERATOR: NE SWA FACILITY LOC.: 6 miles N. of Española on St. Rd. 68
☒ Routine ☐ Follow Up ☐ Complaint ☐ Other ENFORCEMENT AREA: IV PHONE: (505) 747-8459
☐ Suspected Violation STATUS: ☐ INTERIM ☒ PERMITTED ☐ CLOSED
☐ Closure/Post Closure TYPE OF FACILITY: Permitted Transfer Station OPERATING HOURS: Tues.-Fr. 8-4:30 Sat. 8-3:30 DAYS OF WEEK: Monday Tuesday - Fr. Sat.
TYPE OF WASTE HANDLED: ☒ MSW ☐ INDUSTRIAL ☒ C&D ☐ SPECIAL TONS/Cu. Yds. _____ Daily/Monthly (circle one)
Logs provided were not sufficient to determine amounts accepted.

1. FACILITY / OPERATIONAL CONTROLS

- | | |
|--|---|
| a. <input type="checkbox"/> Litter | b. <input type="checkbox"/> Roads Maintained |
| c. <input type="checkbox"/> Noise | d. <input type="checkbox"/> Vectors |
| e. <input type="checkbox"/> Dust/Odor | f. <input type="checkbox"/> Access Controlled |
| g. <input type="checkbox"/> Tipping/Insp. Area | h. <input type="checkbox"/> Scavenging Control |
| i. <input type="checkbox"/> Fire Control | j. <input type="checkbox"/> Health/Environment Hazard |
| k. <input type="checkbox"/> Compaction | l. <input type="checkbox"/> _____ |

2. SIGNS REQUIRED / PROPERLY POSTED

- | | |
|--|--|
| a. <input type="checkbox"/> Operating Days/Hours | b. <input type="checkbox"/> Roads Maintained |
| c. <input type="checkbox"/> Emergency Numbers | d. <input type="checkbox"/> Vectors |
| e. <input type="checkbox"/> Fires Prohibited | f. <input type="checkbox"/> Access Controlled |
| g. <input type="checkbox"/> Operation Procedures | h. <input type="checkbox"/> Scavenging Control |
| i. <input type="checkbox"/> _____ | |

3. OPERATOR / REPRESENTATIVE / EMPLOYEES

- | | |
|---|--|
| a. <input type="checkbox"/> Certified | b. <input type="checkbox"/> On Site While Open |
| c. <input type="checkbox"/> Employees Trained | d. <input type="checkbox"/> _____ |

4. COVER

- | | |
|---|--|
| a. <input type="checkbox"/> Daily Applied | b. <input type="checkbox"/> Intermediate Applied |
| c. <input type="checkbox"/> Final Cover | d. <input type="checkbox"/> Excavating a Closed Cell |
| e. <input type="checkbox"/> Compaction | f. <input type="checkbox"/> Stabilized Vegetation |
| g. <input type="checkbox"/> _____ | |

5. MONITORING / SAMPLING / ANALYZING / HANDLING

- | | |
|--|---|
| a. <input type="checkbox"/> Methane | b. <input type="checkbox"/> Leachate |
| c. <input type="checkbox"/> Ground Water | d. <input type="checkbox"/> Unauthorized Waste Analyzed |
| e. <input type="checkbox"/> Frequency Maintained | f. <input type="checkbox"/> Proper Equip./Test Used |
| g. <input type="checkbox"/> Gas Control | h. <input type="checkbox"/> Waste Properly Processed |
| i. <input type="checkbox"/> _____ | |

6. DRAINAGE / EROSION

- | | |
|--|---|
| a. <input type="checkbox"/> Water Run-on | b. <input type="checkbox"/> Water Run-off |
| c. <input type="checkbox"/> _____ | |

7. PROPER STORAGE / ISOLATION / DISPOSAL

- | | |
|---|--|
| a. <input type="checkbox"/> Special Waste | b. <input type="checkbox"/> Hazardous Waste |
| c. <input type="checkbox"/> Infectious Waste | d. <input type="checkbox"/> Asbestos |
| e. <input type="checkbox"/> Tires | f. <input type="checkbox"/> White Goods |
| g. <input type="checkbox"/> Recyclables | h. <input type="checkbox"/> Lead Acid Batteries |
| i. <input type="checkbox"/> Hot Waste | j. <input type="checkbox"/> Timely Removal |
| k. <input type="checkbox"/> Ash | l. <input type="checkbox"/> Petroleum Contam. Soil |
| m. <input type="checkbox"/> Transfer Stations | n. <input type="checkbox"/> _____ |

8. PROPER EQUIPMENT / MAINTAINED

- | | |
|--|---|
| a. <input type="checkbox"/> Facility Equipment | b. <input type="checkbox"/> Storage Equipment |
| c. <input type="checkbox"/> Audible Signals | d. <input type="checkbox"/> Transport Equipment |
| e. <input type="checkbox"/> Collection Equipment | f. <input type="checkbox"/> Fire Fighting Equipment |
| g. <input type="checkbox"/> Compaction Equipment | h. <input type="checkbox"/> Clean & Sanitized |
| i. <input type="checkbox"/> _____ | |

9. PLANS & PROGRAMS On File

- | | |
|--|--|
| a. <input checked="" type="checkbox"/> Contingency | b. <input type="checkbox"/> Operating/Maintenance |
| c. <input checked="" type="checkbox"/> Inspection | d. <input type="checkbox"/> Disposal Management |
| e. <input type="checkbox"/> Facility Site Plan | f. <input type="checkbox"/> Closure/Post Closure |
| g. <input checked="" type="checkbox"/> Training Programs | h. <input type="checkbox"/> Removal-Stored Waste |
| i. <input type="checkbox"/> Ground Water Monitoring | j. <input type="checkbox"/> Fire Protection & Prevention |
| k. <input type="checkbox"/> Methane Monitoring | l. <input type="checkbox"/> Disease Vectors/Rodent Ctrl. |
| m. <input type="checkbox"/> Clean-up/Remediation | n. <input type="checkbox"/> Leachate Control |
| o. <input type="checkbox"/> Deviation from Plans | p. <input type="checkbox"/> _____ |

RECORDS / REPORTS / RESULTS Maintained

10. INSPECTION RECORDS

- | | |
|--|---|
| a. <input checked="" type="checkbox"/> Daily Records Kept | b. <input type="checkbox"/> Source/Type/Volume of Waste |
| c. <input type="checkbox"/> Signatures | d. <input type="checkbox"/> Times & Dates |
| e. <input type="checkbox"/> Names of Co. & Driver | f. <input type="checkbox"/> Vehicle License Number |
| g. <input type="checkbox"/> Vehicle Description | h. <input type="checkbox"/> Observations |
| i. <input checked="" type="checkbox"/> <u>Records not maintained at facility</u> | |

11. NOTIFICATION - RECORDS When Required Was:

- | | |
|---|--|
| a. <input type="checkbox"/> NMED/Facility/Other | b. <input type="checkbox"/> Area Restricted |
| c. <input type="checkbox"/> Clean-up Assured | d. <input type="checkbox"/> Transportation Assured |
| e. <input type="checkbox"/> Disposal Assured | f. <input type="checkbox"/> _____ |

12. MONITORING / SAMPLING / ANALYSIS - RECORDS

- | |
|--|
| a. <input type="checkbox"/> Methane Levels Taken Quarterly |
| b. <input type="checkbox"/> Unauthorized Waste Analyzed |
| c. <input type="checkbox"/> Contaminated Waste/Soil Analyzed |
| d. <input type="checkbox"/> Groundwater Sampling Results |
| e. <input type="checkbox"/> Leachate Sampling & Treatment |
| f. <input type="checkbox"/> _____ |

13. SPECIAL WASTE RECORDS (Type)

- | | |
|--|---|
| a. <input type="checkbox"/> Lab Analysis | b. <input type="checkbox"/> Paint Filter Test Results |
| c. <input type="checkbox"/> Manifests | d. <input type="checkbox"/> Remediation Documentation |
| e. <input type="checkbox"/> Treatment Certifications | |
| f. <input type="checkbox"/> _____ | |



STATE OF NEW MEXICO - ENVIRONMENT DEPARTMENT

SOLID WASTE FACILITY INSPECTION REPORT

Facility: Alcalde Transfer Station Inspector(s): Jaime Rodriguez

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. ☐ _____

16. Corrective Measures

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

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
1.	20.9.5.8(B)(2)	(a-d)	Failure to implement a random inspection program. Vehicles were "Screened" at scale house but were not randomly inspected as required by facility permit. (1 per day or 1% of total daily trucks)
2.	20.9.5.8(B)(7)		Failure to train employees when hired and annually on implementing contingency plan and documenting it in the operating record.
3.	20.9.5.15(B)(4)		failure to amend contingency plan immediately with emergency coordinator changes.
4.	20.9.5.16(A)(1)		failure to maintain an operating record for each day of operations that includes weight or volume of each load of solid waste received.
5.	20.9.5.16(B)		failure to furnish records at time of inspection: - Operation Log (emailed later that day) - Annual Report (emailed later that day) - Emergency response training - Waste screening training
			Close out briefing held with Peter Fuller - Manager NCSWA
*			Due to time constraints and Covid-19 safe practices and protocol, the inspection report was not completed the day of inspection. It was agreed to email report directly to Mr. Fuller.

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

Follow-up Inspection Due On (Date): TBD NMED/Rep. Signature: Jaime Rodriguez Date: 5-21-21



Scrap tire area

Green Waste area

Cardboard/plastic
recycling area

Tipping face
building/area

Scale
House

-Used Oil
-HHW

Scrap
Metal

Stormwater
pond



Photo #4

5/12/21, 10:55 am

Photographer - Jaime Rodriguez, SWB

Alcalde Transfer Station

Facing west. Copy of permit date.



The New Mexico Environment Department

hereby issues this

Solid Waste Facility Permit



Type of Facility: Transfer Station

Facility ID No: 0521522 (TS) — Municipal Solid Waste, Solid Waste, Construction & Demolition
Debris & Source Separated Recyclables

Facility Name & Location:

Alcalde Transfer and Recycling Facility
Six miles north of Espanola, on State Road 68
Rio Arriba County, NM 87511

Operator's Name & Address:
Rio Arriba County/NCSWA
1122 N. Industrial Park
Espanola, New Mexico 87532

Permit Issuance Date: July 8, 2013

Permit Expiration Date: July 8, 2033

This 20 year permit with conditions is issued pursuant to § 74-9-24, of the Solid Waste Act. Operation of the facility is subject to the Final Order of the Secretary (dated July 8, 2013), the Solid Waste Rules (20.9.2-20.9.10 NMAC), and the approved Permit Application.

Given this 8th day of July, 2013.

Ryan Flynn

Cabinet Secretary, Environment - Designate

Refresher training will be completed and documented annually in employee files and the Facility Operating Record. ECs will also be required to review and maintain the applicable OSHA standards (**Attachment II.3.B**).

The ECs are responsible for coordinating emergency response measures and have the authority to commit the resources required for implementation and maintenance of this Plan. Duties of the ECs are described below, and are addressed within the Plan in detail. **Table II.3.2** lists the names, titles, home addresses, and office and mobile phone numbers of the Primary EC and designated Alternate EC. Emergency response agency and contact information will be posted in prominent locations at the facility for ready reference (e.g., site entrance, Administrative Office, etc.).

The Primary EC and/or the designated Alternate EC are available to respond to an emergency 7 days a week, 24 hours a day. Upon arrival at the scene of an emergency, the Primary EC will assume responsibility for response measures initiated by the designated Alternate EC, if applicable.

TABLE II.3.2
LIST OF EMERGENCY COORDINATORS
ALCALDE TRANSFER AND RECYCLING FACILITY

Primary Emergency Coordinator:

Name: Mr. Alex Coriz
Title: Operations Supervisor
Address: 13 County Road 138
Alcalde, NM 87511

Office Phone: (505) 747-8459
Mobile Phone: (505) 692-3205

Alternate Emergency Coordinator:

Name: Mr. Gino Romero
Title: General Manager
Address: 1101 Industrial Park Rd C
Española, NM 87532

Office Phone: (505) 747-8459
Mobile Phone: (505) 927-2228

Photo #5

5/12/21, 11:10 am

Photographer - Jaime Rodriguez, SWB
Alcalde Transfer Station

Facing N/A. Outdated ER Coordinators

SECTION 6: WASTE SCREENING AND INSPECTION PLAN

1.0 INTRODUCTION

1.1 Project Description

The Alcalde Transfer and Recycling Facility (ATRF, or the "Facility") is a proposed "transfer station" as defined in 20.9.2.7.R(5) NMAC, co-located with a "recycling facility" as defined in 20.9.2.7.T(3) NMAC. The ATRF will receive loads of municipal solid waste (MSW) and construction and demolition debris (C&D); and the Facility will also provide accommodations for receipt of select recyclables, as well as divertible materials (e.g., green waste, white goods, select C&D, and tires). Rio Arriba County (the "County") owns the ATRF property, and the Facility will be operated and maintained by the North Central Solid Waste Authority (NCSWA, or the "Authority").

The ATRF is located on an 8.4± acre parcel adjacent to the decommissioned Alcalde Collection Station (**Figure II.6.1**), east of Alcalde, New Mexico (NM), and approximately 6 miles north of Española off NM State Road 68 (NM 68). The ATRF will replace the collective operations of both the former Alcalde Collection Station and the La Loma (Española) Collection Center. Sources of MSW, C&D, recyclables and divertible materials include Española, the Ohkay Owingeh and Santa Clara Pueblos, and other neighboring communities in Rio Arriba County, NM.

1.2 Purpose

ATRF will employ this Waste Screening and Inspection Plan (the Plan), developed in accordance with 20.9.5.8.B(2) NMAC, and described herein, on a daily basis. The New Mexico Solid Waste Rules (NMSWR; 20.9.5.8.B(2) NMAC) require owners and operators of solid waste facilities to:

- (2) *implement a plan approved by the secretary to inspect loads to detect and prevent the disposal of unauthorized waste including:*
 - (a) *inspection frequency;*
 - (b) *inspection personnel;*
 - (c) *method of inspection; and*
 - (d) *a training program for the facility employees in the identification of unauthorized waste, including hazardous waste, hot waste, and PCBs; [20.9.5.8.B(2) NMAC]*

This Plan addresses each of the elements of 20.9.5.8.B(2)(a-d) NMAC in Section 2.0, Waste Inspection and Screening Program. In addition, Section 3.0 of this Plan provides a detailed discussion of unauthorized wastes, contaminants of concern, recognition of unauthorized wastes, state and federal rules pertaining to each waste type, and applicable disposal requirements.

2.0 WASTE SCREENING AND INSPECTION PROGRAM

2.1 Introduction

Owners and operators of solid waste facilities are required to implement a plan, approved by the Secretary, to inspect loads to detect and prevent the disposal of unauthorized wastes. Unauthorized wastes are outlined in Section 2.2, and described in detail in Section 3.0 of this Plan. For the purposes of this Plan, waste *screening* and waste *inspection* are identified as follows:

- Waste Screening:*** The daily, ongoing observation and consideration of incoming waste loads as they enter and unload at the facility.
- Waste Inspection:*** The careful and critical examination of randomly selected loads of waste, or those that trigger suspicion during the screening process.

2.2 Waste Screening

The first survey and analysis process for precluding unauthorized waste from receipt at the facility is based on an initial screening of material sources prior to delivery. Materials accepted at ATRF will generally be received from known sources, and most will be delivered by commercial and industrial collection vehicles operated by the Authority from established customers. Third party and public customers will also deliver waste to the ATRF. A sign posted at the entrance of ATRF will list prohibited wastes not accepted at ATRF. Knowledge of the commercial and industrial base of the solid waste facility service area, as well as those haulers and vehicles transporting the waste, is important and aids in identification of deliveries that are most likely to carry unauthorized wastes. Commercial waste will be delivered in collection vehicles that have specific markings, truck numbers, and/or other identifying characteristics.

The first on-site waste screening location at ATRF will be the Scale House. All waste delivered to ATRF will check in at the Scale House, and data related to the source, volume, and vehicle will be recorded. Unacceptable waste loads identified during the initial screening process will be inspected and managed in accordance with Section 2.5 of this Plan, and the Contingency Plan (Volume II.3).

The secondary screening location will take place on the tipping floor of the Transfer Station, where the vehicle unloads. As material is unloaded, the screening frequency is continuous by equipment operators and facility personnel. Only acceptable material will be processed for transfer and disposal at a local landfill (e.g., Rio Rancho Landfill or other permitted municipal solid waste landfill). Unacceptable material will be inspected and managed in accordance with Section 2.5 of this Plan, and the Contingency Plan (Volume II.3).

2.2 Identification of Unauthorized, Prohibited, and Suspicious Wastes

In order to comply with the Federal Regulations for excluding the receipt of hazardous waste [40 CFR Part 258.20] a facility must screen for hazardous wastes which include:

- EPA listed waste
- Ignitable waste
- Corrosive waste
- Reactive waste
- Toxic waste
- PCBs

In addition, in order to comply with the NMSWR for prohibited wastes, a facility must screen for the following wastes, which are also identified in Table II.6.1 (Prohibited Acts):

- Unpermitted solid waste
- Special waste (e.g., asbestos, infectious waste, ash, offal, sludge, petroleum contaminated soils, etc.)
- Petroleum waste
- Sludge
- Septage
- Domestic sewage or treated domestic sewage
- Hazardous wastes (RCRA Subtitle C)
- Liquid waste
- Radioactive waste
- Lead-acid batteries
- Infectious waste
- Waste subject to Federal Toxic Substances Control Act (TSCA)
- Oil Conservation Division (OCD) wastes

In addition to Federal and State prohibited wastes, a facility should screen for those wastes it does not accept for direct disposal.

2.3 Waste Inspection Frequency & Methodology

2.3.1 Purpose

ATRF will utilize these waste inspection procedures to scrutinize loads on a random basis, in order to detect and prevent the receipt and subsequent processing of unauthorized materials (e.g., hot loads, liquid waste, hazardous waste, medical wastes, PCBs, and other wastes deemed incompatible with the facility's operation). The random waste screening process accomplishes the following objectives:

1. Random waste screening allows recognition of unauthorized wastes by both solid waste disposal customers and ATRF personnel.
2. Random waste screening establishes a protocol for:
 - Refusing unauthorized waste; and
 - Recognition of Generators/Haulers who are not disposing of waste properly.
3. Random waste screening increases Hauler awareness of waste disposal rules.

2.3.2 Frequency

The minimum sampling frequency employed at ATRF will be one load inspection per day, or 1% of the total average vehicles per day, whichever is greater. Truckloads of incoming waste will be selected at random and unloaded at the designated inspection area (Section 2.3.3). Data related to the material source, vehicle information, and date/time will be recorded in accordance with the requirements of 20.9.5.8.B(3) and 20.9.5.16 NMAC. Inspection personnel will maintain a record of inspected loads on forms similar to the one provided as **Attachment II.6.A**. Additional random inspections may be conducted, and/or the frequency of inspection increased, as directed by the Facility Manager. Additional inspections may occur in the event that traffic or waste volume increases, or for special conditions or circumstances, including suspect loads identified during the screening process (i.e., at the Scale House or the daily tipping floor during unloading).

2.3.3 Inspection Location and Personnel

Waste loads flagged for random inspection, or identified as suspicious during the screening process (i.e., at the Scale House or at the tipping floor), will be spread out and inspected in a designated area on the tipping floor. The inspection area will be identified via signage and/or

FIGURE I.5.2

VEHICLE INSPECTION FORM
ALCALDE TRANSFER AND RECYCLING FACILITY

Date of Inspection		Driver Name	
Time of Inspection		Company	
Inspector		Phone	

Inspection Type:	<input type="checkbox"/> Visual <input type="checkbox"/> Photographs <input type="checkbox"/> Sample Collected (Sample Disposition) _____ <input type="checkbox"/> Weight/Volume
------------------	---

Truck License No.		Truck Description:	
-------------------	--	-----------------------	--

Source of Load:	
-----------------	--

Description of Load:	

Observations/Comments:	

Action Taken:	

Inspector Signature _____

Driver Signature _____

- (a) notify the department, the hauler, and the generator in writing within 48 hours;
- (b) restrict the area from public access and from facility personnel; and
- (c) assure proper cleanup, transport and disposal of the waste;
- (6) ensure that copies of contingency plans are readily accessible to employees on duty; and
- (7) 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.

The ATRF will follow the requirements of 20.9.5.8.B NMAC as described in the Plan of Operations (Volume II.2) and the Contingency Plan (Volume II.3). A certified transfer station operator or designated, trained representative will be present at all times while the facility is operational. Full-time supervisory personnel employed at ATRF will be encouraged to obtain certification as required by 20.9.5.8.B.(1) NMAC. These individuals are also required to demonstrate familiarity with:

- Regulations applicable to ATRF, and specifically 20.9.2-20.9.10 NMAC.
- This Application for Permit, Permit Plans and the Transfer Station Management Plans.
- The New Mexico Environment Department Permit and any related Permit Conditions.
- Current NMED Solid Waste Rules and applicable Guidelines

Documentation regarding each employee's Operator Certification will be maintained and updated in the Facility's Operating Record. ATRF will provide NMED with a list of Certified Operators once staff has been designated.

ATRF will employ the following Waste Screening and Inspection Plan, developed in accordance with 20.9.5.8.B.(2-7) NMAC, to prevent the disposal of regulated hazardous waste, prohibited and unauthorized wastes, poly-chlorinated biphenyls, ash, asbestos, and materials deemed incompatible with the Facility's operation. The Waste Screening and Inspection Plan is in Volume II.6.

"Open" waste loads (i.e., roll-off containers, dump trucks, etc.) will receive initial inspection at the Scale House; and all waste receipts will be inspected upon unloading at the tipping floor. In addition, select random loads will be inspected in a designated area situated away from the active tipping area. ATRF inspection personnel will be trained to identify suspicious wastes

- C. A copy of the contingency plan shall be kept at the facility and copies shall be provided to the emergency response authority of the local emergency management center.

Copies of the Contingency Plan will be maintained in a readily accessible location at the ATRF Scale House. In addition, copies of the Plan will be provided to the Local Emergency Planning Committee (LEPC) for Rio Arriba County, which is the lead agency responsible for coordinating contingency response under the Homeland Security Act.

Each of the parties listed in Table II.3.1 will be contacted, provided with a copy of the ATRF Contingency Plan, and invited to visit the site for the purposes of inspecting the facility. Whenever significant changes to the Contingency Plan are made, revised copies of the plan will replace existing on-site copies, and the NMED and LEPC will be provided with the Plan updates. A form for documenting contact with the parties listed in Table II.3.1 is provided as Attachment II.3.A, and will be updated as appropriate.

- D. The provisions of the contingency plan shall be carried out immediately whenever there is a fire, explosion, or release of contaminants or hazardous constituents which could pose an immediate or imminent threat to public health, welfare or the environment.

ATRF will comply with this requirement to update the Plan whenever there is a fire, explosion, or release of contaminants or hazardous constituents which could pose an immediate or imminent threat to public health, welfare or the environment (Volume II.3).

- E. The contingency plan shall be amended immediately, if necessary, whenever:

- (1) the facility permit is renewed or modified;
- (2) the plan fails in an emergency;
- (3) the facility's design, operations, maintenance, or other circumstances change in a way that increases the potential for fires, explosions, or releases of hazardous constituents, or necessitate changes to the planned emergency response;
- (4) the list of emergency coordinators changes; or
- (5) the list of emergency equipment changes.

ATRF will amend its Contingency Plan at any time when the Plan fails in an emergency; if there is a significant change to the design or operations of the facility; if the list of emergency coordinators changes; or if the list of emergency equipment changes significantly.

The Contingency Plan (Volume II.3) for ATRF addresses each of the items listed in 20.9.5.15.F NMAC.

20.9.5.16 RECORD KEEPING AND ANNUAL REPORTS.

A. 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:

- (1) **the type** (including special waste) **and weight or volume** of each load of solid waste received;
- (2) the country (if other than the United States), state, county, and municipality in which the solid waste originated (i.e. the origin);
- (3) the business name of any commercial hauler of solid waste for each load of the solid waste if it can be reasonably obtained;
- (4) type and weight or volume of non-solid waste materials, as referenced in Paragraph (9) of Subsection S of 20.9.2.7 NMAC, received;
- (5) a record of load inspections, including:
 - (a) date and time of inspection;
 - (b) business name of the commercial hauler and driver name;
 - (c) vehicle license number and description;
 - (d) origin of the waste; and
 - (e) any pertinent observations made during the inspection;
- (6) a description of solid waste or special waste handling problems or emergency disposal activities;
- (7) a record of deviations from the approved design or operational plans;
- (8) for a transfer station, the origin of and destination of the solid waste if transported out of state;
- (9) all monitoring and testing results;
- (10) plans for operations, contingencies, detection and identification of unauthorized waste, and any other plans required by 20.9.2 - 20.9.10 NMAC;
- (11) documentation of the implementation of required plans;
- (12) copies of special waste manifests required under 20.9.8.19 NMAC;
- (13) copies of certificates of processing, transformation, or disposal of special wastes required under 20.9.8.13 NMAC;
- (14) 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;
- (15) a complete and current copy of the facility permit, final order issuing the permit, and any approvals granted by the secretary under 20.9.2 - 20.9.10 NMAC;
- (16) a daily log of construction activities; and
- (17) for landfills, any demonstration made to the secretary under Paragraphs (12) and (13) of Subsection A of 20.9.4.9 NMAC regarding seismic impact areas and unstable areas.

ATRF will maintain a Facility Operating Record during the active life of the facility, documenting each day that operations, monitoring, closure, or post-closure activity occurs, with select data archived electronically. The Operating Record will be maintained on-site during the active mode of operations, and includes all of the required elements of 20.9.5.16.A.

- B. A copy of the operating record for the current month and the previous twelve months, at a minimum, shall be kept on site, unless the facility no longer accepts solid waste, after which time it shall be kept in a place where it can be made available to the department. (sic)**

ATRF will maintain the Facility Operating Record documentation for the current month, and at least the previous year at the ATRF Scale House; and historic archives will be preserved at the NCSWA Administrative Offices in Española.

- C. Owners and operators of solid waste facilities shall make and maintain an operating record during the post-closure period of the facility for each day that monitoring, corrective action, or other post-closure activity occurs, including:**
- (1) a record of any deviations from the approved post-closure care plan;**
 - (2) all monitoring and testing results;**
 - (3) documentation of the implementation of required plans and any exceptions to those plans;**
 - (4) financial assurance information, including current estimates for closure, post-closure care, phase I and phase II assessments and a copy of the financial assurance mechanism being utilized;**
 - (5) a complete and current copy of the facility permit, final order issuing the permit, and any approvals granted by the secretary under 20.9.2 - 20.9.10 NMAC; and**
 - (6) any other information specifically required by the secretary.**

ATRF will maintain an operating record during the post-closure period as prescribed in its C/PC Plan (Volume II.4), until PC activities have been approved as final by NMED.

- D. 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. The reports must be certified as true and accurate by the owner or operator and shall include:**
- (1) the type and weight or volume of waste materials received each month and the country (if other than the U.S.), state, county, and municipality in which the waste originated;**
 - (2) the type and weight or volume of solid waste received from each commercial hauler that delivered waste to the facility;**

- (3) for a landfill, a description of the capacity used in the previous year and the remaining capacity;
- (4) for a landfill, a description of the acreage used for disposal, the acreage seeded, the acreage where vegetation is permanently established and a description of the progress in implementing the closure plan;
- (5) the weight or volume of each type of special waste received at the solid waste facility in the previous year;
- (6) a summary of all monitoring results (not including the results required under 20.9.9.10 NMAC);
- (7) written notice to the secretary if any change in operation has occurred that will reduce the active life of the facility by 25 percent or more;
- (8) type and weight or volume of materials recycled during the year;
- (9) final disposition of materials not stored or recycled;
- (10) amount of leachate generated and treated or recirculated;
- (11) an annual financial assurance certification on forms supplied by the department;
- (12) the latitude and longitude of the geographical center of the existing or proposed facility (as approved by the department) in NAD-83 or equivalent; and
- (13) any other information requested by the secretary.

ATRF will submit Annual Reports to the Secretary within 45 days from the end of each calendar year, unless otherwise directed by NMED, summarizing operations and monitoring results (as applicable) for the past year. The Reports will provide the information detailed in Section 20.9.5.16.D NMAC, as listed on the applicable sections of the most current NMED Solid Waste Facilities Annual Report. A copy of the most current Annual Report Form is included as Attachment I.5.A.

E. 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 by the secretary.

For as long as the Facility accepts waste, all records, including plans, will be maintained at ATRF or at the offices of NCSWA as part of the Facility Operating Record, and will be made available to the Secretary for inspection upon request.

F. Operating records and copies of annual reports for solid waste facilities shall be retained by the owner or operator through the post-closure period.

STATE OF NEW MEXICO SCRAP TIRE MANIFEST

Manifest No. _____

Self-Hauling Generator Form

This form is only for use by scrap tire generators that self-haul scrap tires to the final destination.NMED Solid Waste Bureau, P.O. Box 5469, Santa Fe, New Mexico 87502-5469, (505) 827-0559

1. GENERATOR INFORMATION AND CERTIFICATION

Isaiah Valdez
Generator (Business Name)Isaiah Valdez
Contact Name04/01/2021
Date of Transport

Street Address

414 Calle Valdez
Mailing AddressEscondido NM 87532
City, State, Zip Code505-929-2247
Telephone Number

E-Mail Address (Optional)

Passenger Tires:

Total # 12 or Weight _____ ☐ Pounds ☐ Tons (check one)

Truck Tires:

Total # 18 or Weight _____ ☐ Pounds ☐ Tons (check one)*I affirm that the information provided above is truthful and accurate. I am aware that falsification of this manifest may result in enforcement action.*

Generator or Authorized Agent (Printed):

Isaiah Valdez

Signature:

Isaiah Valdez

2. FINAL DESTINATION

Alcalde Transfer & Recycling Facility

Peter Fuller

Company / Facility Name

Contact Name

Date of Drop-off

13 County Rd. 13813 County Rd. 138Alcalde, NM 87511

Street Address

Mailing Address

City, State, Zip Code

0521522 (TS)(505) 484-4731Peter.fuller@ncswa-nm.org

Permit or Registration No.

Telephone Number

E-Mail Address (Optional)

Passenger Tires:

Total # 12 or Weight _____ ☐ Pounds ☐ Tons (check one)

Truck Tires:

Total # 18 or Weight _____ ☐ Pounds ☐ Tons (check one)

Weight of Mixed Load of Passenger and Truck Tires Received _____ [] Pounds [] Tons (check one)

I affirm that the information provided above is truthful and accurate. I am aware that falsification of this manifest may result in enforcement action.

Final Destination Representative (Printed):

Signature:

STATE OF NEW MEXICO SCRAP TIRE MANIFEST

Manifest No. _____

Self-Hauling Generator Form

This form is only for use by scrap tire generators that self-haul scrap tires to the final destination.

NMED Solid Waste Bureau, P.O. Box 5469, Santa Fe, New Mexico 87502-5469, (505) 827-0559

1. GENERATOR INFORMATION AND CERTIFICATION

James Martinez
Generator (Business Name)

James Martinez
Contact Name

4/17/21
Date of Transport

PO Box 1596
Street Address

PO Box 1596
Mailing Address

Santa Cruz, NM 87507
City, State, Zip Code

505-927-8037
Telephone Number

E-Mail Address (Optional)

Passenger Tires:

Total # 25 or Weight _____ ☐ Pounds ☐ Tons (check one)

Truck Tires:

Total # _____ or Weight _____ ☐ Pounds ☐ Tons (check one)

I affirm that the information provided above is truthful and accurate. I am aware that falsification of this manifest may result in enforcement action.

Generator or Authorized Agent (Printed):

James Martinez

Signature:

James Martinez

2. FINAL DESTINATION

Alcalde Transfer & Recycling Facility

Peter Fuller

Company / Facility Name

Contact Name

Date of Drop-off

13 County Rd. 13813 County Rd. 138Alcalde, NM 87511

Street Address

Mailing Address

City, State, Zip Code

0521522 (TS)(505) 484-4731Peter.fuller@ncswa-nm.org

Permit or Registration No.

Telephone Number

E-Mail Address (Optional)

Passenger Tires:

Total # _____ or Weight _____ ☐ Pounds ☐ Tons (check one)

Truck Tires:

Total # _____ or Weight _____ ☐ Pounds ☐ Tons (check one)

Weight of Mixed Load of Passenger and Truck Tires Received _____ [] Pounds [] Tons (check one)

I affirm that the information provided above is truthful and accurate. I am aware that falsification of this manifest may result in enforcement action.

Final Destination Representative (Printed):

Signature:

North Central Solid Waste Authority

www.ncswa-nm.org



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Janet E. Saucedo

Tuesday, September 28, 2021

Ms. Joan Snider
Chief, Solid Waste Bureau
1190 St. Francis Drive
PO Box 5469
Santa Fe, NM 87502-5469

Dear Ms. Snider:

This letter is in response to the Notice of Violation letter from NMED dated August 25, 2021 for findings from the May 12, 2021 NMED audit of the NCSWA Alcalde Transfer Station Facility. I have addressed each finding in the order listed in the NOV letter.

NMED Finding #1: Failure to implement a random waste inspection program. Per Permit Vol. II, Section 6, Part 2.0 Waste Inspection Plan, Subparts 1.2, 2.1, and 2.3.

Finding #1 - NCSWA Actions & Timeline

1. Forms, permit & records review	Completed 9/28/2021
2. Manager to provide training to ATS personnel on proper load inspections process & procedures, including documentation & record-keeping	Scheduled for 8AM 10/5/2021
3. Notification to NMED for completion of this finding #1	To be submitted by 5PM 10/6/2021

NMED Finding #2: Failure to train employees on when and how to implement contingency plans and document this training in the operating record. Per Permit Vol. I, Page 5-4.

Finding #2 - NCSWA Actions & Timeline

1. Forms, permit & records review	Completed 9/28/2021
2. Manager to provide training to ATS personnel on proper contingency plan processes & procedures, including documentation & record-keeping	Scheduled for 8AM 10/5/2021
3. Notification to NMED for completion of this finding #2	To be submitted by 5PM 10/6/2021

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NMED Finding #3: Failure to maintain an updated contingency plan. Per Permit Vol. I, Page 5-11, ref Vol. II, Section 3 Contingency Plan.

Finding #3 - NCSWA Actions & Timeline

1. Contingency Plan & contact information review	Completed 9/28/2021
2. Replace existing page 3-3 and page 3-5 of Section 3 Contingency Plan with updated version	Scheduled for 9/28/2021
3. Notification to NMED for completion of this finding #3	To be submitted by 5PM 10/6/2021

NMED Finding #4: Failure to maintain a proper operating record. Per Permit Vol. I, pages 5-13 and 5-14.

Finding #4 - NCSWA Actions & Timeline

1. Internal audit of operating records	Completed 9/28/2021
2. All daily operating records to be maintained on-site at the Alcalde Transfer Station	Begun 9/28/2021
3. All daily operating records to include type of waste received for each load, as well as total number of loads each day	Begun 9/28/2021
4. Manager and/or Director of Operations to periodically and randomly check operating logs/records to ensure compliance	First such inspection to be on or around the 4 th week of October, 2021, and then approximately every four to six weeks thereafter. These random checks to be documented via internal email.

NMED Finding #5: Failure to furnish records at the time of inspection (daily operating log, most current annual report, records verifying employee emergency response training, and records verifying employee waste screening training). Permit Vol. I, Page 5-15.

Finding #5 - NCSWA Actions & Timeline

1. Internal audit of operating records	Completed 9/28/2021
2. All required records to be kept on-site at ATS and made easily accessible	All records to be properly located and indexed by 5PM 10/6/2021
3. Manager and/or Director of Operations to periodically and randomly check all records to ensure compliance.	First such inspection to be on or around the 4 th week of October, 2021, and then approximately every four to six weeks thereafter. These random checks to be documented via internal email.

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NMED Finding #6: Failure to sign and date scrap tire manifests. RIDSTMR, 20.9.20.50 NMAC.

Finding #6 - NCSWA Actions & Timeline

1. Internal audit of scrap tire manifests	Completed 9/28/2021
2. Email notification to all ATS personnel regarding proper scrap tire manifest protocols, including of examples for reference.	Completed 9/27/2021.
3. Manager to provide training to ATS personnel to include a review of RIDSTMR, proper scrap tire manifest processes & procedures, chain of custody and documentation & record-keeping for scrap tires.	Scheduled for 8AM 10/2/2021
4. Notification to NMED for completion of this finding #6	To be submitted by 5PM 10/6/2021

Should there be any changes to the timing of these responses, I will notify you immediately.

Thank you for bringing these matters to my attention and to you and your NMED staff for your continued assistance to NCSWA in ensuring compliance.

Respectfully submitted,



Peter Fuller
General Manager, NCSWA
(505) 484-4731
Peter.fuller@ncswa-nm.org

cc: Chuck Akeley, Manager, Enforcement Section, Solid Waste Bureau *(via electronic mail)*
Jaime Rodriguez, Enforcement Officer, EA-IV, Solid Waste Bureau *(via electronic mail)*

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Río Arriba County Manager

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Human Resources Director
Janet E. Saucedo

Tuesday, October 5th, 2021

Ms. Joan Snider
Chief, Solid Waste Bureau
1190 St. Francis Drive
PO Box 5469
Santa Fe, NM 87502-5469

Dear Ms. Snider:

This letter is an update to my 9/28/21 letter to you, in response to the Notice of Violation letter from NMED dated August 25, 2021 for findings from the May 12, 2021 NMED audit of the NCSWA Alcalde Transfer Station Facility.

Completed actions are highlighted.

NMED Finding #1: Failure to implement a random waste inspection program. Per Permit Vol. II, Section 6, Part 2.0 Waste Inspection Plan, Subparts 1.2, 2.1, and 2.3.

Finding #1 - NCSWA Actions & Timeline

1. Forms, permit & records review	Completed 9/28/2021
2. Manager to provide training to ATS personnel on proper load inspections process & procedures, including documentation & record-keeping	Completed 10/5/2021. ATS personnel received training on proper load inspections processes and procedures.
3. Notification to NMED for completion of this finding #1	To be submitted by 5PM 10/6/2021

NMED Finding #2: Failure to train employees on when and how to implement contingency plans and document this training in the operating record. Per Permit Vol. I, Page 5-4.

Finding #2 - NCSWA Actions & Timeline

1. Forms, permit & records review	Completed 9/28/2021
2. Manager to provide training to ATS personnel on proper contingency plan processes & procedures, including documentation & record-keeping	Rescheduled for 10/12/2021 due to time constraints and staffing shortages.
3. Notification to NMED for completion of this finding #2	To be submitted by 5PM 10/6/2021

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NMED Finding #3: Failure to maintain an updated contingency plan. Per Permit Vol. I, Page 5-11, ref Vol. II, Section 3 Contingency Plan.

Finding #3 - NCSWA Actions & Timeline

1. Contingency Plan & contact information review	Completed 9/28/2021
2. Replace existing page 3-3 and page 3-5 of Section 3 Contingency Plan with updated version	Completed 10/5/2021. Pages 3-3 and 3-5 have been updated to reflect current contacts and emergency coordinators.
3. Notification to NMED for completion of this finding #3	To be submitted by 5PM 10/6/2021

NMED Finding #4: Failure to maintain a proper operating record. Per Permit Vol. I, pages 5-13 and 5-14.

Finding #4 - NCSWA Actions & Timeline

1. Internal audit of operating records	Completed 9/28/2021
2. All daily operating records to be maintained on-site at the Alcalde Transfer Station	Begun 9/28/2021
3. All daily operating records to include type of waste received for each load, as well as total number of loads each day	Completed 10/5/2021. ATS personnel received training on the proper use of operating records.
4. Manager and/or Director of Operations to periodically and randomly check operating logs/records to ensure compliance	First such inspection to be on or around the 4 th week of October, 2021, and then approximately every four to six weeks thereafter. These random checks to be documented via internal email.

NMED Finding #5: Failure to furnish records at the time of inspection (daily operating log, most current annual report, records verifying employee emergency response training, and records verifying employee waste screening training). Permit Vol. I, Page 5-15.

Finding #5 - NCSWA Actions & Timeline

1. Internal audit of operating records	Completed 9/28/2021
2. All required records to be kept on-site at ATS and made easily accessible	Completed 10/5/2021. All ATS records are now properly stored at the Alcalde Scale House for ready retrieval/inspection.
3. Manager and/or Director of Operations to periodically and randomly check all records to ensure compliance.	First such inspection to be on or around the 4 th week of October, 2021, and then approximately every four to six weeks thereafter. These random checks to be documented via internal email.

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NMED Finding #6: *Failure to sign and date scrap tire manifests. RIDSTMR, 20.9.20.50 NMAC.*

Finding #6 - NCSWA Actions & Timeline

1. Internal audit of scrap tire manifests	Completed 9/28/2021
2. Email notification to all ATS personnel regarding proper scrap tire manifest protocols, including of examples for reference.	Completed 9/27/2021.
3. Manager to provide training to ATS personnel to include a review of RIDSTMR, proper scrap tire manifest processes & procedures, chain of custody and documentation & record-keeping for scrap tires.	Completed 10/5/2021. ATS personnel received training on the proper protocols for all tire manifests per RIDSTMR.
4. Notification to NMED for completion of this finding #6	To be submitted by 5PM 10/6/2021

I will provide additional updates as we progress in addressing the findings that remain after today.

Respectfully submitted,



Peter Fuller
General Manager, NCSWA
(505) 484-4731
Peter.fuller@ncswa-nm.org

cc: Chuck Akeley, Manager, Enforcement Section, Solid Waste Bureau *(via electronic mail)*
Jaime Rodriguez, Enforcement Officer, EA-IV, Solid Waste Bureau *(via electronic mail)*