

Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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

Certified Mail – Return Receipt Requested No. 7019 1640 0000 7894 2963

March 11, 2021

Gary Ford, Operations Manager
Northwest New Mexico Regional Solid Waste Authority
P.O. Box 1330
Thoreau, New Mexico 87323

Re: Notice of Inspection – McKinley County Transfer Station

Dear Mr. Ford:

On March 3, 2021, Teri Monaghan, Enforcement Coordinator, and Jaime Rodriguez, Enforcement Officer, Solid Waste Bureau, New Mexico Environment Department (“NMED”), inspected the McKinley County Transfer Station (“MCTS”) 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 violation was observed:

Failure to provide training records upon request – During the inspection, the on-site operator was unable to provide records verifying completion of annual employee training in the requirements of the Operations Plan and the Contingency Plan. Although this training was reportedly completed, the records documenting such training were maintained at the Red Rocks Regional Landfill and were not available during the inspection. Condition Nos. 6 and 7 of the MCTS’ Final Order, No. SWB 16-18(P), require annual training of MCTS staff on the requirements of the Operations Plan and the Contingency Plan, and require the training records to include the names of the trainer and students, the date of the training, and placement of the training documentation into the MCTS’ operating record.

The SWR, 20.9.5.16.E NMAC, states that “[a]ll records and plans required by [the SWR] shall be furnished upon request and made available at all reasonable times for inspection...”. The SWR, 20.9.3.20.A NMAC, states that, “[a]ny terms or conditions of the

Gary Ford
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permit shall be enforceable to the same extent as a regulation of the [Environmental Improvement Board]." The SWR, 20.9.5.8.B(7) NMAC, further requires documentation verifying employee training on when and how to implement the Contingency Plan to be placed within the MCTS' Operating Record.

The NMED is seeking your voluntary cooperation in the immediate correction of this violation. Please assure that corrective action has been taken by April 3, 2021, as indicated upon the Solid Waste Facility Inspection Report ("SWFIR"). The failure to assure corrective action or continued non-compliance may result in additional enforcement action.

If you have any questions, please call me at (505) 795-4307. Alternately, you may contact Chuck Akeley, Enforcement Manager, Solid Waste Bureau, at (505) 670-3283 or via electronic mail at chuck.akeley@state.nm.us.

Sincerely,

Jaime Rodriguez
Enforcement Officer, EA-IV

Enclosure – Copy of SWFIR

JR:gwa:tdm

cc: Chuck Akeley, Manager, Enforcement Section, Solid Waste Bureau *[via electronic mail]*
Teri D. Monaghan, Enforcement Coordinator, Solid Waste Bureau *[via electronic mail]*
Billy Moore, Executive Director, NWNMRSWA *[via electronic mail to billy.moore@co.mcinley.nm.us]*



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**NEW MEXICO ENVIRONMENT DEPARTMENT
SOLID WASTE BUREAU
ENTRY NOTIFICATION**

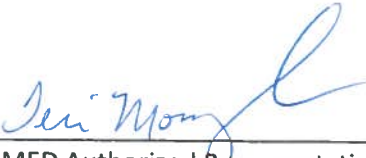
Facility Name: McKinley County Transfer Station

Facility Address: 107 Hasler Valley Rd., Gallup, NM 87301

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.


NMED Authorized Representative

3/3/2021
Date


Facility Representative

3-3-2021
Date

Cameron Thomas
Supv.



STATE OF NEW MEXICO - ENVIRONMENT DEPARTMENT



SOLID WASTE FACILITY INSPECTION REPORT

DATE: 3/3/2021 FACILITY NAME: McKinley County Transfer Station CONTROL #: SWM-171004
REASON FOR INSPECTION: FACILITY OPERATOR: NWNMRSWA FACILITY LOC.: 107 Hasler Valley Rd.
☒ Routine ☐ Follow Up ENFORCEMENT AREA IV Gallup, NM 87301
☐ Complaint ☐ Other COVID-19 Inspection
☐ Suspected Violation STATUS: ☐ INTERIM ☒ PERMITTED ☐ CLOSED PHONE: 505-863-5776
☐ Closure/Post Closure
TYPE OF FACILITY: Transfer Station OPERATING HOURS: 8:00 am-4:30 pm DAYS OF WEEK: Mon. - Sat.
TYPE OF WASTE HANDLED: ☒ MSW ☐ INDUSTRIAL ☐ C&D ☐ SPECIAL TONS/Cu. Yds. 130 T/D Daily/Monthly (circle one)

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. ☐

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. ☐

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. ☐

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. ☐

9. PLANS & PROGRAMS On File

- a. ☒ Contingency b. ☒ Operating/Maintenance
c. ☐ Inspection d. ☐ Disposal Management
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. ☐

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. ☐

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. ☐



STATE OF NEW MEXICO - ENVIRONMENT DEPARTMENT

SOLID WASTE FACILITY INSPECTION REPORT



Facility: McKinley County Transfer Station

Inspector(s): Teri Monaghan (L); Jaime Rodriguez

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. ☒ Final Order

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.g.			20.9.3.20.A NMAC - Documented training records not available during inspection for the Operations
15.d			Plan or Contingency Plan as required by the Facility's Final Order.
			20.9.5.16.E NMAC - Documented training records not furnished upon request.
9.a, b			Condition No.'s 6 and 7 listed in the Final Order, No. SWB 16-18(P), issued March 17, 2017, requires training annually to facility staff on the requirements of these plans and documented training records kept on file.
			20.9.5.8.B(7) NMAC also requires owners and operators of a solid waste facility to train employees annually on how to implement contingency plans and document such training in the operating record.
			Close-Out Briefing held with Cameron Thomas, Supervisor; Gary Ford, Operations Manager; Brenda Yazzi, Compliance, and Billy Moore, Executive Director Northwest New Mexico Regional Solid Waste Authority (SWA).
*	Due to time constraints and		COVID-19 Safe Practices and Protocol, the inspection report was not completed the day of inspection, and it was agreed to email this inspection report directly to Gary Ford when completed.
			Facility Operator: Northwest NM Regional SWA, Main Office Phone 505-905-8400; Fax 505-905-8401
			Billy Moore, Executive Director, cell 505-879-6407, email billy.moore@co.mckinley.nm.us
			Gary Ford, Operations Manager, cell 505-290-1287, email gary.ford@co.mckinley.nm.us
			Mailing Address: P.O. Box 1330, Thoreau, NM 87323
			Violations Corrected by: 4/3/2021; Follow-up Inspection: tbd

Violations MUST BE CORRECTED BY: 4/3/2021 Operator/Rep. Signature: _____ Date: _____

Follow-up Inspection Due On (Date): TBD NMED/Rep. Signature: Teri D. Monaghan Digitally signed by Teri D. Monaghan Date: 2021.03.05 12:11:13 -07'00' Date: _____

Monaghan, Teri, NMENV

From: Monaghan, Teri, NMENV
Sent: Friday, March 5, 2021 2:01 PM
To: 'gary.ford@co.mckinley.nm.us'; 'billy.moore@co.mckinley.nm.us'
Cc: Rodriguez, Jaime, NMENV; Akeley, Chuck
Subject: McKinley Co. Transfer Station Inspection Report
Attachments: CSP E-SWFIR MCTS 3-3-2021.pdf; Final Order, MKCTS, 3-17-17.pdf

Mr. Ford and Mr. Moore,

It was nice to see you all this week, safe and healthy.

Please find attached the Solid Waste Facility Inspection Report (SWFIR) for the inspection me and Jaime Rodriguez conducted at the McKinley County Transfer Station on March 3, 2021. Documented training is required for both the Operations Plan and the Contingency Plan at least annually for staff, in accordance with the Facility Permit Final Order (also attached) and the NM Solid Waste Rules (SWR), 20.9.2-10 NMAC, for the Contingency Plan. An enforcement letter will be forthcoming.

Please file with your operating record. Let us know if you have any questions. Thank you for accommodating us with the inspection during this time of COVID-19 and safe practices.

*Teri Monaghan
Enforcement Coordinator
New Mexico Environment Department
Solid Waste Bureau
121 Tijeras Ave. NE, Suite 1000
Albuquerque, New Mexico 87102
(505) 919-9467
www.env.nm.gov/solid-waste/*