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March 1, 2004  
Immediate Release

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**Environment Secretary Denies Special Waste Permit for  
Wagon Mound Landfill**

(Santa Fe, NM) –New Mexico Environment Department (NMED) Secretary Ron Curry today denied a solid waste permit modification to the Northeastern New Mexico Regional Landfill (NENMRL) in Wagon Mound. This modification would have allowed the landfill to accept “special waste” including treated formerly characteristic hazardous waste; packing house and killing plant offal; wastewater treatment plant sludge and other sludges; industrial solid waste; asbestos; residue from the spill of chemical substance or commercial product; petroleum contaminated soils; and ash.

“While my decision in this matter departs from my Hearing Officer’s recommendations, I believe that denying this permit is the right thing to do,” said Secretary Curry. “I hope that this decision sends a message to landfills all over the state that NMED plans to more closely follow state solid waste regulations and be more aggressive in their enforcement.”

A hearing on this permit modification was held in Wagon Mound on October 8 and 9, 2003. At this hearing evidence and witnesses were presented to argue both for and against the permit modification. Parties in the matter included NENMRL, NMED’s Solid Waste Bureau (SWB), Sofia Martinez, Betty Medina and the Concerned Citizens of Wagon Mound and Mora County.

In the Final Order signed by the Secretary today, the following deficiencies are listed as the reasons for denial of NENMRL’s permit modification:

***NENMRL failed to detail the anticipated amount and frequency of the special waste it proposed to accept, in violation of solid waste regulations***

State solid waste regulations require a special waste permit applicant to submit “the anticipated amount and frequency of disposal of the wastes.” While the SWB has not required specific estimates in the past, the regulations use mandatory language: “Any person seeking a permit...shall submit...” indicating no basis for the Bureau’s past flexibility and failure to require this information in permit applications.

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***NENMRL failed to include the maximum volume of the ash and asbestos cells, in violation of the regulations***

NENMRL did not submit specific drawings of the ash and asbestos trenches to be constructed. NENMRL also failed to show the maximum volume of waste which could be disposed of in its proposed ash and asbestos trenches. These failures violated mandatory requirements of state solid waste regulations.

***NENMRL failed to update its closure and post-closure care plans and financial assurance for receipt of special waste, in violation of the regulations***

State regulations require that closure and post-closure plans be included at the time of permit modification application. NENMRL did not specify particular closure and post-closure care plans for the ash and asbestos trenches, and did not analyze whether additional closure costs or adjustments to its financial assurance would be required by the additional area of the ash and asbestos trenches.

***Insufficient information was submitted concerning NENMRL's proposed modification for updating its transportation plan***

NENMRL's proposed to update its transportation plan to allow waste to be delivered to the facility by railcar. However this proposal stated that the amount and frequency of waste that will be transported to NENMRL by rail is not known and is dependent on several factors. NENMRL also failed to demonstrate that it has sufficient unloading areas to meet demands of peak periods at the railroad spur. NENMRL testified only that it would "expand to the job," which does not provide the details required by state regulations.

***NENMRL's past failure to comply with its permit requires denial of the application for permit modification***

Testimony was provided at the hearing indicating that during the time NENMRL was previously permitted to receive special waste, it mischaracterized this special waste on numerous instances. Testimony indicated that during 2001 approximately half of the total waste received by NENMRL was characterized as "Other Waste," although a large part of this waste was probably special waste (petroleum contaminated soils).

"The state's solid waste regulations were written to protect human health and the environment," said Secretary Curry. "I believe that by following them more closely we will better protect our precious groundwater resources. This stricter reading also gives the public what it deserves, a chance to examine and comment on the entire plan for the landfill before any permit is issued."

With this action, NENMRL's application for a permit modification has been denied. However, NENMRL may continue to operate under its existing approved solid waste permit, and comply with all applicable requirements of the New Mexico Solid Waste Act, New Mexico Solid Waste Management Regulations and all existing conditions of its current permit.

For further information, please contact Jon Goldstein, NMED Communication Director at (505) 827-0314.