



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Solid Waste Bureau
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502-6110
Telephone (505) 827-0197
Fax (505) 827-2902



RON CURRY
SECRETARY

CINDY PADILLA
DEPUTY SECRETARY

ENTS No. 895

Certified Mail - Return Receipt Requested No. 7005 3110 0002 7411 0109

April 26, 2007

Mr. Pat Wise, City Manager
City of Lovington
P.O. Box 1269
214 South Love
Lovington, New Mexico 88260

Re: Notice of Violation – Old Landfill – East Gum Street, Lovington

Dear Mr. Wise:

On March 27, 2007, Fred Bennett conducted an inspection of the old landfill on East Gum Street, Lovington (N 32° 57.845, W 103° 17.664) to determine compliance with the New Mexico Solid Waste Management Regulations (SWMR), 20 NMAC 9.1. The following violations were observed:

- 1. Disposal of solid waste in a manner that the person knows or should know will harm the environment or endangers the public health, welfare or safety –** The inspection documented that construction/ demolition waste was disposed of in a location other than an approved solid waste facility which incorporates environmental safeguards such as a liner and a ground water monitoring program. The SWMR, Section 107.A, states that no person shall dispose of any solid waste in a manner that the person knows or should know will harm the environment or endangers the public health, welfare or safety.
- 2. Disposal of solid waste in a place other than a solid waste facility that meets the requirements of the SWMR. –** The inspection documented that construction/ demolition waste from the Powers Motel demolition was disposed of at the old landfill on East Gum Street which is a place other than a solid waste facility that meets the requirements of the SWMR. The

3. **Operation of an unpermitted solid waste facility** – The inspection documented that construction/demolition waste from the Powers Motel demolition was disposed of at the old landfill on East Gum Street. This location served as the primary disposal site for the City of Lovington until the late 1970's. The Site has never been permitted or registered and is not currently a solid waste facility approved by the Department. The SWMR, Section 107. D, states that no person shall construct, operate, modify or close a solid waste facility unless the facility has approval under this Part from the Department for the described action.

All construction/ demolition waste from the Powers Motel Demolition disposed of at the East Gum Street Disposal Site must be removed and hauled to an approved solid waste facility for disposal. Receipts from the solid waste facility must be retained to document proper disposal. An approvable abatement plan must be submitted to the Department within 10 days of the date which this letter is received. The plan must include a time line for completion not to exceed thirty (30) days from the time which the plan is approved by the Department. When all solid waste removal/ disposal work has been completed, a final inspection of the site must be conducted by the Department to determine compliance with the SWMR.

The Department is seeking your voluntary cooperation in the immediate correction of these violations. Please respond in writing (abatement plan referenced above will fulfill this requirement) within ten (10) 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 me: c/o Fred Bennett, Enforcement Officer, Solid Waste Bureau, EA-4, 1914 West 2nd Street, Roswell, New Mexico, 88203. The failure to ensure corrective action or continued non-compliance may result in additional enforcement action.

If you have any questions regarding the inspection or the conditions of this letter, please call me at (505) 624-6124.

Sincerely,



Fred Bennett
Enforcement Officer, EA-4

cc: Carlos Romero, Manager, District 4, NMED
Chuck Akeley, Manager, Enforcement Section, Solid Waste Bureau
Fred Bennett, Enforcement Officer, EA-4