

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 9 SOLID WASTE
PART 5 SOLID WASTE FACILITY AND COMMERCIAL HAULERS OPERATING
REQUIREMENTS

20.9.5.1 ISSUING AGENCY. New Mexico Environmental Improvement Board.
[20.9.5.1 NMAC - Rp, 20 NMAC 9.1.I.001, 8/2/2007]

20.9.5.2 SCOPE. This part applies to the transportation, storage, transfer, processing, transformation, and disposal of solid waste.
[20.9.5.2 NMAC - Rp, 20 NMAC 9.1.I.002, 8/2/2007]

20.9.5.3 STATUTORY AUTHORITY. NMSA 1978, Sections 74-1-1 to 74-1-15, NMSA 1978, Sections 74-9-1 to 74-9-43, and NMSA 1978 Sections 74-13-1 to 74-13-20.
[20.9.5.3 NMAC - Rp, 20 NMAC 9.1.I.003, 8/2/2007]

20.9.5.4 DURATION. Permanent.
[20.9.5.4 NMAC - Rp, 20 NMAC 9.1.I.004, 8/2/2007]

20.9.5.5 EFFECTIVE DATE. August 2, 2007, unless a later date is cited at the end of a section.
[20.9.5.5 NMAC - Rp, 20 NMAC 9.1.I.005, 8/2/2007]

20.9.5.6 OBJECTIVE. The objective of Part 5 of Chapter 9 is to establish regulations governing operating requirements for solid waste facilities and commercial haulers.
[20.9.5.6 NMAC - Rp, 20 NMAC 9.1.I.006, 8/2/2007]

20.9.5.7 DEFINITIONS. [RESERVED]
[See 20.9.2.7 NMAC for Definitions.]

20.9.5.8 GENERAL OPERATING REQUIREMENTS FOR ALL SOLID WASTE FACILITIES.

- A. Owners and operators of each solid waste facility shall:
- (1) 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;
 - (2) control and mitigate odor and litter; and
 - (3) post signs to indicate the location of the site, the hours of operation, emergency telephone numbers, disposal instructions, and that fires and scavenging are prohibited.
- B. Owners and operators of a solid waste facility shall:
- (1) have a certified operator or representative present at all times while the facility is operational;
 - (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 PCB's;
 - (3) maintain a written operating record in compliance with 20.9.5.16 NMAC;
 - (4) notify the department both orally and in writing within 24 hours of an occurrence of a spill, fire, flood, explosion, mass movement of waste, or similar event;
 - (5) upon discovery of the receipt of unauthorized waste:
 - (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.

C. The secretary may order temporary changes in operation or facility design in emergency situations when the secretary determines there is an imminent danger to public health, welfare or the environment.

D. If recyclable materials such as used oil, antifreeze, paint, or similar materials are diverted from the waste stream at a solid waste facility, the materials shall be stored for no longer than twelve months and shall be maintained in a covered area, not exposed to the weather, with secondary containment.

[20.9.5.8 NMAC - Rp, 20 NMAC 9.1.IV.401, 8/2/2007]

20.9.5.9 ADDITIONAL MUNICIPAL, SPECIAL WASTE, AND MONOFILL LANDFILL OPERATING REQUIREMENTS. All municipal and special waste landfill owners and operators shall:

- A. utilize the principles of sanitary engineering to:
 - (1) confine the working face to the smallest practical area;
 - (2) compact the solid waste to the smallest practical volume; and
 - (3) minimize exposure of landfill employees and the public to animal carcasses and offal, and immediately cover such wastes when they are received;
- B. prevent the generation and lateral migration of methane such that:
 - (1) the concentration of methane generated by the facility does not exceed 25 percent of the lower explosive limit (LEL) for methane in facility structures (excluding gas control or recovery system components); and
 - (2) the concentration of methane does not exceed the LEL at the facility property boundary;
- C. implement a routine methane monitoring program to ensure that the requirements of Paragraphs (1) and (2) of Subsection B of this section are met;
 - (1) the type and frequency of monitoring shall be determined based on the following conditions:
 - (a) soil conditions;
 - (b) the hydrogeologic conditions surrounding the facility;
 - (c) the hydraulic conditions surrounding the facility; and
 - (d) the location of facility structures and property lines;
 - (2) the minimum frequency of monitoring shall be quarterly, except that landfills that receive less than 20 tons per day annual average, or closed prior to October 9, 1993, or monofills may be permitted for less frequent monitoring, provided on-site measurements indicate methane levels are consistently less than 25 percent of the LEL for methane; and
 - (3) if methane gas levels exceed the limits specified in Paragraphs (1) and (2) of Subsection B of this section, the owner or operator shall:
 - (a) immediately take all necessary steps to ensure protection of public health, welfare and the environment and notify the secretary;
 - (b) within seven days of detection, record the methane levels detected and a description of the steps taken to protect public health, welfare and the environment; and
 - (c) within 60 days of detection, implement a remediation plan approved by the secretary for the methane releases, and notify the secretary that the plan has been implemented; the plan shall describe the nature and extent of the problem and proposed remedy;
- D. prevent unauthorized access by the public and entry by large animals to the active portion of the landfill through the use of fences, gates, locks, or other means;
- E. control run-on water onto the site and run-off water from the site, such that:
 - (1) the run-on control system shall prevent flow onto the active portion of the landfill during the peak discharge from a 24-hour, 25-year storm;
 - (2) the run-off control system from the active portion of the landfill collects and controls at least the water volume resulting from a 24-hour, 25-year storm; and
 - (3) run-off from the active portion of the landfill shall not be allowed to discharge any pollutant to the waters of the state or United States that violates any requirements of the New Mexico Water Quality Act, commission regulations and standards or the federal Clean Water Act;
- F. prohibit scavenging;
- G. provide adequate means to prevent and extinguish fires;
- H. direct the deposit of hot waste at a specific location at the facility which is remote from the operating area; the hot waste shall be immediately spread out for cooling and extinguished if on fire; the hot waste shall not be mixed with the regular solid waste stream until it reaches a temperature that will not support combustion;
- I. provide and maintain access roads at the facility site, such that traffic can enter and exit the site safely, will flow smoothly, and will not be interrupted by inclement weather;

- J. provide sufficient unloading areas to meet demands of peak periods;
 - K. measure leachate head on the liner and sump pump as necessary, and except as otherwise allowed in Paragraph (9) of Subsection A of 20.9.2.10 NMAC, 20.9.2.14 NMAC and Subsection C of 20.9.4.13 NMAC, collect and treat leachate by a method approved by the secretary and maintain records on a quarterly basis of leachate generation and treatment;
 - L. control litter, disease vectors, dust and odors;
 - M. notify the department prior to installing exploratory borings for the purpose of waste characterization or mapping or removing waste for routine maintenance on gas collection and control or venting systems, unless the event involves less than 120 cubic yards of solid waste;
 - N. cover the active face with a six-inch layer of earth or specifically approved alternate daily cover at the conclusion of each day's operation or more often as conditions may dictate, except that for landfills that receive less than 20 tons of waste per day annual average or monofills, the permit may allow alternate frequencies to the daily cover requirements; when permitting a reduced frequency, the secretary shall:
 - (1) consider the unique characteristics of small communities;
 - (2) consider climatic and hydrogeologic conditions;
 - (3) consider measures to prevent vector harborage and animal intrusion; and
 - (4) determine that the approved frequency will be protective of human health and the environment;
 - O. provide intermediate cover which shall be:
 - (1) at least one foot thick, or other specifically approved thickness;
 - (2) placed on all areas of a landfill that have not received waste for 60 days or longer, or have not reached final elevation;
 - (3) stabilized with vegetation or other specifically approved method on any areas that have been inactive for more than two years; and
 - (4) constructed and maintained to prevent erosion and infiltration; and
 - P. if diversion of recyclable materials is conducted:
 - (1) perform the diversion in a sanitary manner, with storage confined to an area remote from the operating area of the landfill, and in a manner which does not interfere with or delay the operation of the landfill or create a nuisance, litter problem, vector harborage, or public health hazard;
 - (2) remove all recyclable materials from the facility in a timely manner such that the area does not become a permanent storage area; and
 - (3) store recyclables in such a manner that the area is clean, materials are separated by type, and the potential for contamination is minimized;
 - Q. owners or operators of municipal or special waste landfills permitted after the effective date of these regulations to accept 25,000 tons per year or more, shall, prior to commencing operations, install scales at the landfill and weigh incoming waste;
 - R. owners or operators of municipal or special waste landfills permitted or registered before the effective date of these regulations to accept 25,000 tons per year or more, shall no later than five years after the effective date of these regulations, install scales at the landfill and weigh incoming waste;
 - S. owners and operators of scrap tire monofills shall accept no solid waste for disposal other than baled scrap tires;
 - T. a landfill permitted as a special waste landfill may accept municipal waste and construction and demolition waste if approved in its permit.
- [20.9.5.9 NMAC - Rp, 20.9.1.IV.402 NMAC, 8/2/2007]

20.9.5.10 ADDITIONAL CONSTRUCTION AND DEMOLITION LANDFILL OPERATING REQUIREMENTS. All construction and demolition landfill owners and operators shall:

- A. minimize the on-site population of disease vectors through the periodic application of cover material or other techniques as appropriate so as to protect public health, welfare and the environment;
- B. 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;
- C. prevent the generation and lateral migration of methane such that:
 - (1) the concentration of methane generated by the facility does not exceed 25 percent of the lower explosive limit (LEL) for methane in facility structures (excluding gas control or recovery system components); and
 - (2) the concentration of methane does not exceed the LEL at the property boundary; and

D. limit public access so as to not expose the public to potential health and safety hazards at the facility.
[20.9.5.10 NMAC - Rp, 20 NMAC 9.1.IV.403, 8/2/2007]

20.9.5.11 ADDITIONAL TRANSFER STATION OPERATING REQUIREMENTS. Owners and operators of transfer stations shall:

- A. accept special wastes only when specifically authorized to do so by a permit;
 - B. use containers for storage of solid waste that are leak-proof and manufactured of non-biodegradable material;
 - C. provide adequate means to control litter and prevent and extinguish fires;
 - D. conduct any recycling operations in a safe and sanitary manner, confined to an area remote from the tipping area, and in a manner that does not interfere with transfer operations;
 - E. store recyclable materials in a manner that does not create a nuisance, harbor vectors, or create a public health hazard, and remove recyclable materials in a timely manner;
 - F. provide sufficient unloading areas to meet demands of peak periods;
 - G. provide adequate off-street parking facilities for transfer vehicles;
 - H. not park collection or transfer vehicles containing putrescible materials on public streets or roads except under emergency conditions;
 - I. remove solid waste from the station at the end of the operating day unless otherwise approved in the permit; and
 - J. provide separate storage areas for bulky wastes, such as brush, white goods, appliances, and scrap tires, and remove the bulky wastes at a frequency approved in the permit.
- [20.9.5.11 NMAC - Rp, 20 NMAC 9.1.IV.404, 8/2/2007]

20.9.5.12 ADDITIONAL TRANSFORMATION FACILITY OPERATION OPERATING REQUIREMENTS. Owners and operators of transformation facilities shall:

- A. control dust in the unloading and charging areas in such a manner as to prevent explosions and fugitive dust emissions;
 - B. maintain appropriate fire-fighting equipment in the charging and storage areas and elsewhere as needed;
 - C. conduct any recycling operations in a sanitary manner, which does not interfere with transformation operations and remove all recyclable materials, in a timely manner or store them so as not to create a nuisance, vector harborage, or public health hazard;
 - D. provide sufficient unloading areas to meet demands of peak periods;
 - E. provide sufficient training for all new employees so that equipment may be operated according to design specifications, and conduct review training annually;
 - F. prominently post key operational procedures;
 - G. store any special wastes generated by the transformation facility in covered buildings, in covered leak-proof containers, or in tanks, which shall be labeled with a description of the contents and the date the wastes were placed in storage;
 - H. provide audible signals to alert operating personnel of critical operating unit malfunctions;
 - I. provide sampling points of each process stream that do not interfere with normal facility operation;
 - J. if a facility is permitted to handle special wastes, provide separate areas for storage while the special wastes await processing or transport;
 - K. store special wastes in a manner to assure that they are protected from weather elements and fire and to assure that incompatible wastes are kept separate; and
 - L. establish an ash testing program prior to start-up of the transformation facility; representative samples of both fly ash and bottom ash shall be tested in accordance with 20.9.8.11 NMAC; test methods, the number of tests, detection limits, and parameters to be tested shall be approved in the permit or registration; frequency of testing shall be one sample per month taken within 5 days of the beginning of the month, unless an alternate test frequency is specifically approved by the department based on a demonstration that the ash is homogenous.
- [20.9.5.12 NMAC - Rp, 20 NMAC 9.1.IV.405, 8/2/2007]

20.9.5.13 ADDITIONAL OPERATING REQUIREMENTS FOR RECYCLING FACILITIES THAT ACCEPT SOLID WASTE AND PROCESSING FACILITIES. Owners and operators of recycling facilities that accept solid waste and processing facilities shall:

- A. prominently post key operational procedures;
- B. store any special wastes:
 - (1) in separate, clearly marked areas;
 - (2) in covered buildings; and
 - (3) in covered leak-proof containers, or in tanks labeled with a description of the contents and the date the wastes were placed in storage;
- C. provide audible signals to alert operating personnel of critical operating unit malfunctions;
- D. provide sampling points of each process stream that do not interfere with normal facility operation;
- E. provide for periodic wash-down or other cleanup of the facility and dispose of any waste waters in accordance with all applicable state and federal regulations;
- F. store waste residues by means that prevent the material and containers from falling, leaking, blowing, and exposure to the weather;
- G. store all materials that are physically or chemically incompatible in separate areas;
- H. provide storage capacity for any special waste by-products generated during the initial start-up characterization period;
- I. store any material containers that have the potential of discharging any oils, polychlorinated biphenyls (PCB's), battery acid, battery alkalines, or other liquids in a restricted area identified by signs on a covered, substance-compatible, bermed containment pad; and
- J. include a schedule and contacts for removal of stored wastes in the operations and maintenance manual.

[20.9.5.13 NMAC - Rp, 20 NMAC 9.1.IV.406, 8/2/2007]

20.9.5.14 COMMERCIAL HAULER OPERATING REQUIREMENTS.

- A. Commercial haulers shall:
 - (1) collect and transport waste so as to prevent environmental, safety, and public health or welfare hazards and nuisances;
 - (2) utilize equipment that is designed, constructed and operated so as to be leak-proof and protective of human health and safety and the environment;
 - (3) cover or enclose the waste to prevent littering during transportation;
 - (4) keep collection and transportation equipment in a clean condition through the use of sufficient washings and cleanouts;
 - (5) only transport waste to a facility that is permitted or registered under 20.9.2 - 20.9.10 NMAC or that is authorized by another government; provided that this is not to be construed to limit initial sorting of solid waste on site;
 - (6) immediately clean up any solid waste spilled during collection or hauling operations;
 - (7) conspicuously label all solid waste collection vehicles with the company, municipality, or county department name;
 - (8) conspicuously label all solid waste collection vehicles with the environment department registration number;
 - (9) take reasonable measures to assure that unauthorized wastes are not accepted; and
 - (10) if hauling special waste, carry a contingency plan and clean-up kit as approved pursuant to Paragraphs (3) and (4) of Subsection B of 20.9.3.31 NMAC.
- B. Commercial haulers shall provide prior notification to the department, in writing, of any major changes in collection operations or disposal facility being used. A major change includes an addition of a type of waste, a change in ownership, a change in location and a change in the disposal facility being used. In the case of emergency, where prior notice cannot be given, written notice shall be given within 48 hours after the change.
- C. All infectious waste commercial haulers shall comply with the following transportation requirements:
 - (1) infectious waste shall not be transported in the same vehicle with other waste unless the infectious waste is contained in a separate, fully enclosed leak-proof container within the vehicle compartment, unless all of the waste has been treated as infectious waste in accordance with 20.9.8.13 NMAC;

- (2) employers of persons loading or unloading containers of infectious waste shall assure that employees wear appropriate personal protective equipment and shall conform with 29 CFR 1910.132 and shall have available for inspection a certification that the required workplace hazard assessment has been performed;
- (3) surfaces of transport vehicles contaminated by infectious waste shall be decontaminated;
- (4) vehicles transporting infectious waste shall be identified on each side of the vehicle with the name or trademark of the commercial hauler, the environment department registration number, and a biohazard symbol;
- (5) each vehicle or container used for shipping infectious waste shall be so designed and constructed, and its contents limited so that under conditions normally incident to transportation, there shall be no releases of infectious waste to the environment;
- (6) any vehicle or container used for shipping infectious waste shall be free from leaks, and all discharge openings shall be securely closed during transportation;
- (7) no person shall transport infectious waste into the state for treatment, storage, or disposal unless the waste is packaged, contained, labeled and transported in the manner required by 20.9.8.13 NMAC;
- (8) all generator storage containers shall be labeled with the generator's name, the city of origin, and date of collection;
- (9) periods of storage and transportation of infectious waste by commercial haulers shall be limited to seven days prior to disposal or treatment unless the waste is refrigerated at or below 45 degrees fahrenheit; the total period of storage and transportation shall not exceed 45 days unless specifically approved by the secretary; and
- (10) all accidents, spills, releases, or other similar incidents with the potential to adversely impact public health or welfare or the environment shall be immediately reported to the New Mexico emergency response center.

D. Commercial haulers shall maintain an operating record documenting activities for at least the preceding three year period. The operating record shall include:

- (1) type and weight or volume of solid waste hauled;
- (2) state, county, and municipality in which the solid waste originated; and
- (3) solid waste facilities utilized.

[20.9.5.14 NMAC - Rp, 20 NMAC 9.1.IV.408, 8/2/2007]

20.9.5.15 CONTINGENCY PLAN FOR EMERGENCIES.

A. 20.9.5.15 NMAC applies to owners and operators of all solid waste facilities except as otherwise provided.

B. The 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.

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.

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.

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.

F. The contingency plan for emergencies shall, if applicable:

- (1) describe the actions facility personnel should take in response to fires, explosions, or releases of contaminants or hazardous constituents to air, soil, surface water, or ground water;
- (2) describe arrangements with local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services;
- (3) list the name(s) and telephone numbers of the emergency coordinator(s); if more than one person is listed, one must be named as the primary emergency coordinator;

(4) include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems and decontamination equipment), along with the location, physical description, and a summary of the capabilities of each item;

(5) include an evacuation plan for facility personnel which describes signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes in cases where the primary routes could be blocked by fire or releases of wastes;

(6) include an evaluation of potential contaminants, potential media contaminated, and procedures for investigation, containment, and correction or remediation;

(7) indicate when the contingency plan must be amended;

(8) instruct the emergency coordinator or his designee, in case of an imminent or actual emergency situation, to immediately:

(a) activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(b) notify appropriate state and local agencies with designated response roles if their assistance is needed;

(9) instruct the emergency coordinator, whenever there is a release, fire, or explosion, to as quickly as possible identify the nature, source, amount, and extent of any release by means of observation, review of facility records or manifests, or if necessary, by chemical analysis;

(10) instruct the emergency coordinator to assess possible hazards to public health, welfare or the environment that may result from the release, fire, or explosion;

(11) instruct the emergency coordinator to provide for monitoring for leaks, pressure buildup, gas generation or rupture in valves, pipes, or equipment, if appropriate;

(12) instruct the emergency coordinator to provide for appropriate treatment, storage, or disposal of recovered waste, or any other material that results from a release, fire, or explosion at a facility, after the emergency situation is under control; and

(13) instruct the emergency coordinator to ensure that waste which may be incompatible with the released material is not treated, stored, or disposed until cleanup procedures are complete.

[20.9.5.15 NMAC - Rp, 20 NMAC 9.1.VIII.811, 8/2/2007]

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.

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.

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.

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.

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.

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.

[20.9.5.16 NMAC - Rp, 20 NMAC 9.1.I.109, 8/2/2007]

HISTORY OF 20.9.5 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center.

EIB 74-1, Solid Waste Management Regulations, filed 5/3/74.

EIB/SWMR-2, Solid Waste Management Regulations, filed 4/14/89.

EIB/SWMR-3, Solid Waste Management Regulations, filed 12/31/91.

EIB/SWMR-4, Solid Waste Management Regulations, filed 7/18/94.

History of Repealed Material: 20 NMAC 9.1, Solid Waste Management Regulations (filed 10/27/95) repealed 8/2/2007.

Other History:

EIB/SWMR-4, Solid Waste Management Regulations (filed 7/18/94) was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 9.1, Solid Waste Management Regulations, effective 11/30/95. Those applicable portions of 20 NMAC 9.1, Subpart I, General Provisions; Subpart IV, Solid Waste Facility Operation Requirements; and Subpart VIII, Ground Water Monitoring - Corrective Action - Contingency Plan, all (filed 10/27/95), were **renumbered, reformatted and replaced** by 20.9.5 NMAC, Solid Waste Facility and Commercial Haulers Operating Requirements, effective 8/2/2007.