

**TITLE 20 ENVIRONMENTAL PROTECTION**  
**CHAPTER 9 SOLID WASTE**  
**PART 7 SOLID WASTE FACILITY AND REGISTERED FACILITY OPERATOR**  
**CERTIFICATION**

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

**20.9.7.2 SCOPE.** This part applies to all certified operators of solid waste facilities, composting facilities and recycling facilities.  
[20.9.7.2 NMAC - Rp, 20 NMAC 9.1.I.002, 8/2/2007]

**20.9.7.3 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.  
[20.9.7.3 NMAC - Rp, 20 NMAC 9.1.I.003, 8/2/2007]

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

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

**20.9.7.6 OBJECTIVE.** The objective of Part 7 of Chapter 9 is to establish a rule governing operator certification requirements for operators of solid waste facilities, composting facilities and recycling facilities.  
[20.9.7.6 NMAC - Rp, 20 NMAC 9.1.I.006, 8/2/2007]

**20.9.7.7 DEFINITIONS.** [RESERVED]  
[See 20.9.2.7 NMAC for Definitions.]

**20.9.7.8 GENERAL PROVISIONS.**

A. Owners and operators of landfills and transformation facilities shall require the managers of those facilities to attend, at least once every three years, a training program offered by the department or department certified training program on the subject of environmental justice.

B. To become a certified operator an individual shall:

(1) complete a certification training course offered by the department or its designated agent, or equivalent training approved by the department;

(2) pass an examination approved by the department;

(3) have at least one year of experience in the operation of a facility of the same type as that for which certification is sought;

(4) file an application with the department on a form provided by the department;

(5) meet the requirements of the Parental Responsibility Act, NMSA 1978, Sections 40-5A-1 to 40-5A-13 (1998 Cum. Supp.);

(6) for operators of municipal waste incinerators, also meet the training requirements of New Mexico Municipal Waste Combustion rule, 20.2.62 NMAC; and

(7) for operators of biomedical waste incinerators, also meet the training requirements of New Mexico Biomedical Waste Combustion rule, 20.2.63 NMAC.

C. Operator certification is valid for three years from date of issuance.

D. The department may certify an operator with alternate training. Alternate training shall be equivalent to or more extensive than the department's course work, and shall be approved by the department. It shall be the applicant's responsibility to submit any documentation the department may require to evaluate the equivalency of alternate training.

E. A person holding certification in a particular facility type may operate any facility of that type.  
[20.9.7.8 NMAC - Rp, 20 NMAC 9.1.VI.601, 8/2/2007]

**20.9.7.9 OPERATOR CERTIFICATION TRAINING COURSES.**

A. All operator certification training courses, with the exception of the transformation facility operator training course, will be offered by the department or other approved authority at least once every twelve months.

B. All operator certification training courses shall, at a minimum, address:

- (1) composition of wastes;
- (2) facility design;
- (3) facility staffing and operations;
- (4) transportation requirements;
- (5) traffic flow control;
- (6) environmental monitoring;
- (7) handling of special wastes;
- (8) identification of unauthorized wastes, including hot waste, hazardous wastes and materials, and

PCB's;

- (9) environmental health and safety;
- (10) waste diversion;
- (11) applicable laws and rules;
- (12) the permitting process;
- (13) documentation, including manifests, operating records, and reports;
- (14) pollution prevention; and
- (15) environmental justice.

C. In addition to the requirements of Subsection B of this section, the landfill operator training course shall address:

- (1) interpretation and use of engineering plans;
- (2) surveying techniques;
- (3) waste decomposition;
- (4) basic geology and hydrology;
- (5) landfill gas generation and control;
- (6) leachate generation and control;
- (7) landfill cover systems;
- (8) closure and post-closure care;
- (9) vector control; and
- (10) odor control.

D. In addition to the requirements of Subsection B of this section, the recycling facility operator training course shall address:

- (1) equipment operation and technology;
- (2) materials flow;
- (3) quality control; and
- (4) distribution and marketing.

E. In addition to the requirements of Subsection B of this section, the transformation facility operator training course shall address:

- (1) theory of combustion;
- (2) basic chemistry;
- (3) basic thermodynamics;
- (4) equipment operation and technology;
- (5) air pollution control technology;
- (6) ash handling and disposal;
- (7) control room operation;
- (8) continuous emissions monitors and their calibration;
- (9) efficacy testing;
- (10) waste decomposition; and
- (11) waste flow.

F. In addition to the requirements of Subsection B of this section, the composting facility operator training course shall address:

- (1) basic microbiology;
- (2) basic chemistry;
- (3) waste decomposition;

- (4) compost end use, distribution and marketing;
- (5) composting equipment operations, care and maintenance;
- (6) composting processing methods and techniques;
- (7) quality control;
- (8) yard waste and food waste collection systems;
- (9) sludge handling;
- (10) odor control; and
- (11) vector control.

G. In addition to the requirements of Subsection B of this section, the transfer station operator training course shall address:

- (1) controls and operations;
- (2) equipment operation and technology;
- (3) waste flow;
- (4) vehicle operations and safety;
- (5) large waste item handling;
- (6) odor control; and
- (7) vector control.

[20.9.7.9 NMAC - Rp, 20 NMAC 9.1.VI.602 - 20 NMAC 9.1.VI.607, 8/2/2007]

**20.9.7.10 EXAMINATION.**

A. A written examination shall be administered at the conclusion of each training course. Certification requires a score of at least 70 percent on the examination.

B. Results of the examination shall be forwarded to the trainee within 60 days after the date of the examination. A certificate shall be forwarded to the trainee within 60 days after the trainee provides documentation that he has met all the applicable requirements of Subsection B of 20.9.7.8 NMAC.

[20.9.7.10 NMAC - Rp, 20 NMAC 9.1.VI.608, 8/2/2007]

**20.9.7.11 RECIPROCITY.** The department may issue certificates without examination to applicants who hold valid certificates or licenses issued by any state, territory, or foreign jurisdiction, provided, the department determines the requirements for such certification are equivalent to those set forth in 20.9.7.8 - 20.9.7.10 NMAC.

[20.9.7.11 NMAC - Rp, 20 NMAC 9.1.VI.609, 8/2/2007]

**20.9.7.12 RECERTIFICATION.**

A. To maintain certification, certified operators shall apply for recertification at least 30 days prior to the expiration date of their certification.

B. Recertification shall be obtained by making application to the department and successfully completing:

- (1) an operator certification training course offered by the department or its designated agent;
- (2) an alternate training course which has been approved by the department; or
- (3) 24 hours of course work which has been approved by the department.

[20.9.7.12 NMAC - Rp, 20 NMAC 9.1.VI.610, 8/2/2007]

**20.9.7.13 SUSPENSION OR REVOCATION OF CERTIFICATION.**

A. An operator's certification may be suspended or revoked by the secretary for:

- (1) failure to comply with the terms or conditions of a solid waste facility permit or a facility registration;
- (2) fraud, deceit or submission of inaccurate qualification information;
- (3) violation of the Solid Waste Act or 20.9.2 - 20.9.10 NMAC by the certified operator; or
- (4) failure to comply with the Parental Responsibility Act, NMSA 1978, Sections 40-5A-1 to 40-5A-13 (1998 Cum. Supp.).

B. Suspension and revocation proceedings shall be conducted in accordance with the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 to 61-1-33; 20.1.5 NMAC and if applicable, 20.1.7 NMAC.

[20.9.7.13 NMAC - Rp, 20 NMAC 9.1.VI.611, 8/2/2007]

**HISTORY OF 20.9.7 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.

That applicable portion of 20 NMAC 9.1, Subpart VI, Operator Certification, (filed 10/27/95), was **renumbered, reformatted and replaced** by 20.9.7 NMAC, Solid Waste Facility and Registered Facility Operator Certification, effective 8/2/2007.