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Environment Department Reaches Settlement with Penalty of \$250,000 with Lea Land, Inc. over 21 Solid Waste Violations at Company's Landfill near Carlsbad

(Santa Fe, NM) – The New Mexico Environment Department reached a settlement including a penalty of \$250,000 with Lea Land, Inc. for 21 solid waste violations at the company's industrial waste landfill near Carlsbad.

The violations include refusing to allow inspectors to enter and inspect the landfill; failing to compact and cover solid waste, failing to keep proper records, failing to characterize solid waste for potential hazardous constituents, failing to conduct ground water monitoring, operating the landfill without a certified operator, and unlawfully disposing of regulated asbestos waste, a prohibited waste at the landfill, on at least 129 occasions.

“Lea Land managed its landfill improperly and in such a way that posed hazards to the health of haulers, workers and the surrounding environment,” said New Mexico Environment Department Secretary Ron Curry. “Our settlement requires the landfill to be closely watched by inspectors for the next five years to ensure compliance with state solid waste laws designed to protect citizens and the site surrounding the facility.”

The department brought the 21 violations against the company, its owner Robert Hall, and landfill operator Kenneth Slaughter, and one violation against the landfill's transporter, Tripod, Inc., owned by Mr. Slaughter. The landfill, which is located on U.S. 62/180, has a state solid waste permit that allows the facility to accept certain special wastes, including industrial solid waste, ash, sludge and petroleum contaminated soil. The landfill is prohibited from accepting any other type of special waste, including regulated asbestos waste and hazardous waste.

The department determined during inspections that the landfill violated its permit by disposing of 2 million pounds of asbestos-containing material at the landfill, including asbestos-cement material. In addition, a review of special waste manifests on file at the landfill showed 1,975 instances of omitted or inaccurate information required under New Mexico Solid Waste Management Regulations.

The order approving the settlement requires Lea Land to operate under a state-approved affirmative action plan for the next five years. The company must also retain an outside consultant to oversee the affirmative

action plan, and to evaluate and certify compliance with Lea Land's permit and regulatory requirements; close its active cell within 18 months in a manner consistent with requirements for closure of an asbestos cell to the maximum extent practicable; conduct ground water monitoring consistent with permit and regulatory requirements; and spend between \$200,000 and 250,000 for corrective actions to improve conditions at the facility. Those corrective actions also include having qualified outside consultants prepare a revised permit application, a closure and post-closure care plan, an affirmative action plan, and a revised ground water monitoring system plan at the landfill. Lea Land must also obtain a variance under state regulations to allow the landfill to lawfully accept construction and demolition debris during the period prior to issuance of a new solid waste facility permit for the landfill.

Lea Land is in the process of applying for a permit renewal. If after a public hearing the department issues another solid waste permit for the facility, it will be for a conditional period for five years.

For more information, call Marissa Stone Bardino at (505) 827-0314.

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