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DAVE MARTIN
Secretary

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Deputy Secretary

Via Email and U.S. Mail

June 12, 2012

Debra Engle
Operational Supervisor
Greentree Solid Waste Authority
P.O. Box 2405
Ruidoso Downs, New Mexico 88346

Re: Emergency Request for Temporary Changes to the Operation and Facility Design of the Otero/Greentree Regional Landfill, New Mexico – Permit No. SWM - 109102

Dear Ms. Engle:

In accordance with New Mexico Solid Waste Rules (“SWR”), 20.9.5.8.C NMAC, I hereby declare an emergency to expedite appropriate clean-up of fire damaged or burned primary residences and associated structures and other household items destroyed during the “Little Bear Fire”, Smokey Bear Ranger District, Lincoln National Forest on approximately 8,000 acres of private property northwest of Alto and Ruidoso, New Mexico, in Lincoln County.

This declaration has been determined to be necessary due to the approximately 150 homes and structures already consumed by the fire and a current estimate of possibly more than 250 that may burn before the fire can be extinguished. Debris from this area will require landfilling or possible onsite disposal, depending on site specific conditions. It must be noted that some of the debris may contain asbestos. As a result of this factor, care must be taken to limit the release and transport of airborne asbestos fibers during demolition, transportation and burial, as such waste poses a potentially imminent threat to human health due to the inhalation of asbestos fibers.

As it is often impossible to screen and sort the mixed debris from possible special waste (asbestos containing materials in particular) in such a situation as this, the Environment Department (“the Department”) waives the following sections of the SWR, 20.9.8.10, subsections A through G; 20.9.11.A, 20.9.8.12 (“Asbestos Waste”): sections B, C, D, E.2 (a) and (b) , E.3(a) and (c), F, G, H, I,

and J; and 20.9.8.19 NMAC. Therefore, I authorize a 180-day emergency change to the operation and facility design of the Otero/Greentree Regional Landfill (24 miles South of Alamogordo, NM, West off Highway 54), to allow for the acceptance of mixed fire debris from affected primary residents located within the boundaries of the Little Bear Fire, Lincoln County, New Mexico.

This authorization is granted for the clean-up and disposal of fire-associated debris only, as specified herein. This approval expires on December 10, 2012. It is granted for the emergency disposal of up to, but not more than, 7,500 tons of debris resulting from fire damage to approximately 250 homes and structures in the affected area of the Little Bear Fire. The Authority and property owners must comply with the Conditions of this approval that follow herein. The transportation of this debris may be performed by the property owner or resident, or by a registered commercial hauler (pursuant to the SWR, 20.9.3.31 NMAC), except that the use of a commercial hauler specifically approved to transport regulated asbestos waste and the associated manifesting shall not be required.

Summary of Facts

On Monday, June 4, 2012, the Little Bear Fire started as a result of lightning, in the Smokey Bear Ranger District, Lincoln National Forest, including portions of White Mountain Wilderness. As of the date of this Emergency Order, the fire has destroyed approximately 28,000 acres of National Forest land and approximately 8,000 of privately owned property, including two subdivisions, the Enchanted Forest and Sierra Vista Subdivisions located NNW of Alto and Ruidoso, NM. At the time of preparation of this Emergency Order the fire is approximately 30 percent contained and continues to burn in an area with residences. It is our understanding that more than 250 residences and structures may be destroyed by this fire before the fire is contained and extinguished. As of the date of this authorization, Federal Emergency Management Agency (FEMA) has not declared an emergency. Repair or replacement of primary residences cannot occur until fire debris has been removed and disposed.

Fire Debris Disposal

There are two possible fire debris disposal options:

Option 1 – NMED Recommended Options

The Department has coordinated with the Greentree/Otero Regional Landfill, and the fire debris (including incidental asbestos wastes) may be delivered to this permitted, lined landfill during operating hours, unless otherwise determined by the facility operator (Greentree Solid Waste Authority). The current cost of disposal of this debris is \$13.90/ton delivered at the gate. This is the New Mexico Environment Department's recommended disposal management option. All disposal of the burn debris must comply with the Conditions that follow herein.

Option 2 – Onsite burial

For those property owners with adequate land such as ranchers or property owners with acreage (greater than 5 acres) are allowed to dispose of burn debris as specified in SWR 20.9.2.11 NMAC. Onsite disposal must comply with all applicable local ordinances, property boundary setbacks, and

any other zoning requirements. On-site disposal of Little Bear Fire debris waste must meet the following conditions:

1. Disposal of fire debris waste by a homeowner, residential lessee, or tenant or agricultural enterprise must occur on the property he or she owns, rents or leases, if the waste was generated on-site. If the property is rented or leased, the renter or lessee must obtain permission from the landowner prior to burying waste on the site.
2. Such disposal of this waste shall not harm the environment or endanger the public health, welfare or safety, and shall not violate any provision of the SWR 20.9.2 – 20.9.10 NMAC.
3. The fire debris must be sufficiently wetted (not soaked) as soon as possible to prevent air-borne release of asbestos fibers, if there is knowledge that asbestos may have been present in the home or structures, and at all times during clean up and loading of the debris.
4. Public access to the affected clean-up sites must be limited to only necessary equipment operators, workers, and/or property owners during clean-up.
5. Individuals cleaning up the area, must take the necessary safety precautions, and have the necessary personal protective equipment, gloves, eye protection, and masks that are rated to prevent inhalation of asbestos fibers.
6. If possible, limit clean-up periods to early hours in the day, or during periods of low velocity winds.
7. Waste must be buried in an area that will not impact wetlands, wells, water courses or arroyos. It is recommended that the disposal site be at least 100 yards from such areas.
8. The burial area must be covered with a minimum of two feet of clean soil, and the cover/cap must be gently sloped to facilitate stormwater drainage and prevent infiltration of water, to limit erosion of the cover/cap. If possible the area should be seeded with a seed mixture that is suitable for the area.
9. The owner should use a property map to mark the disposal area or prepare a sketch map to provide disclosure to any potential future purchasers of the property.

Otero/Greentree Landfill Conditions

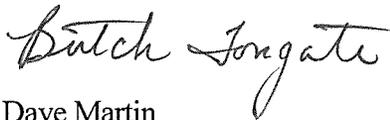
As stated above, the Authority's operators and affected residents who haul waste, or arrange to have waste hauled, to the landfill must comply with the following conditions:

1. The fire debris must be sufficiently wetted (not soaked) to prevent air-borne release of fibers as soon as possible, and at all times during clean up and loading of the debris into waste containers.
2. Public access to the affected clean-up sites must be limited to necessary equipment operators, workers, and/or property owners during clean-up.
3. Individuals cleaning up the area must take the necessary safety precautions, and have the necessary personal protective equipment, such as gloves, eye protection, and masks that are rated to prevent inhalation of asbestos fibers.
4. If possible, limit clean-up periods to early hours in the day, or during periods of low velocity winds.
5. If wastes from the fire are extremely wet, they shall be hauled in a container that will prevent leakage along transportation routes.

6. All loads must be tarped and secured to prevent blowing or release of ash or debris along transportation routes to the landfill. (A loose-fitting tarp is not acceptable)
7. Public access to the disposal area at the landfill during dumping and prior to waste covering shall be limited and adequately controlled.
8. All fire debris waste that is dry upon arrival shall be wetted prior to unloading, and shall be adequately compacted and immediately covered as soon as practicable.
9. The landfill operator shall create a file containing this Emergency Order, weigh tickets with dates, address of residence, and name of owner for each load delivered, the cell and lift location, and a photograph that clearly show the waste as received.
10. Within five (5) working days after the last day of receipt of the fire-debris, the facility operator shall contact the Department's Solid Waste Enforcement Officer for Enforcement Area-III (currently Troy Grant), at (575) 624-6124 to report the date emergency disposal operations ceased and to schedule an inspection of the landfill. During the inspection, the Department's Solid Waste Enforcement Officer shall, in part, acquire global positioning system ("GPS") readings for the perimeter of the portion of the cell in which the fire debris was disposed.
11. The facility operator shall tabulate the total amount of fire-debris disposed at the landfill daily and provide tonnage data to the Department's Solid Waste Enforcement Officer within fifteen (15) days of cessation of operations conducted pursuant to this Emergency Order.

If you have any questions about this emergency authorization, please call Ms. Auralie Ashley-Marx at (505) 827-2775.

Sincerely,



for Dave Martin
Secretary

AAM:gwa

cc: Ryan Cangiolosi, Deputy Chief of Staff, Office of the Governor
Butch Tongate, Deputy Secretary, NMED
Ryan Flynn, General Counsel, NMED
Mary Rose, Director, Environmental Protection Division, NMED
Auralie Ashley-Marx, Chief, Solid Waste Bureau, NMED
Jack King, Staff Manager, Environmental Health Bureau, NMED
Richard Goodyear, Acting Chief, Air Quality Bureau, NMED
Chuck Akeley, Manager, Enforcement Section, Solid Waste Bureau, NMED
Troy Grant, Enforcement Officer, Enforcement Area III, Solid Waste Bureau, NMED
Tim White, Manager, Otero/Greentree Regional Landfill