SOUTH VALLEY CLEAN ENVIRONMENT CAMPAIGN
"Providing ways to protect our health and environment to benefit our families and our community"

September 8, 2003

Board of Bernalillo County Commissioners
One Civic Plaza, NW – 10th Floor
Albuquerque, NM 87102

Subject: Appeal Application CO-30008/CSU-30001

Dear Chairman Rutherford and Commissioners:

The South Valley Clean Environment Campaign respectfully submits this letter in opposition of Southwest Landfill's Appeal to the decision made by the Extra Territorial Land Use Commission (ELUC) on February 4, 2003 denying their request for a Special Use Permit (CSU-30001) that would allow landfill expansion and construction of a transfer station and establishment of an equipment storage yard. At the March 25, 2003 public hearing the Extraterritorial Land Use Authority voted to defer the appeal of the ELUC's decision to the September 23, 2003 hearing.

The South Valley Clean Environment Campaign is a community action initiative formed to build the capacity of South Valley residents and small businesses to address environmental health risks and issues in our neighborhoods. Leading organizations include Rio Grande Community Development Corporation, Kalpulli Izkalli, and SouthWest Organizing Project. Several Neighborhood Associations and residents from the South Valley participate in our Community Advisory Committee including members of the Pajarito Mesa Mutual Domestic Water Consumer Association and Pajarito Mesa residents.

Attached please find petitions signed by SV residents, including more than one hundred signatures from Pajarito Mesa residents, who are adamantly opposed to the SW Landfill's request for a Special Use Permit.

The proposed expansion of the Southwest Landfill beyond its present permitted area is in direct conflict with the City/adopted Ground-Water Protection Policy and Action Plan (GPPAP) to "prohibit expansion of or creation of new municipal or privately-owned landfills in crucial areas", in which the SW Landfill is located. A 'crucial area' is described by four criteria including areas used or likely to be used for public and private water supply. Private wells currently exist in the immediate area and since the February 2003 public hearing, the community well, to serve nearing 200 households, proposed by the Pajarito Mesa Mutual Domestic Water Consumer Association (PMMDWCA) is currently underway. PMMDWCA has received funding from the USDA, Rural Utility Services, to design and construct a community well on Pajarito Mesa.

1608 ISLETA BLVD. SW ALBUQUERQUE, NM 87105 P.O. BOX 12791 ALBUQUERQUE, NM 87195-2791
PHONE: 505-452-8525 FAX: 505-452-9554 EMAIL: SVPEJ@SWCP.COM

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We are also concerned that the application, which was incomplete due to the remaining eleven unanswered questions "for which SW Landfill has failed to provide information," as indicated on page 16 of the Staff Report. The application is void of answers to several issues such as incomplete information on location of archaeological sites; little discussion and projection of future trash collection/levels for landfill and transfer station; and no fire protection plan provided.

The Storage yard is a major concern with more unanswered questions and a sense of another way of saying "Junk Yard". The following are some questions we would like to have answered:

- How long will equipment/junk be stored?
- What kind of equipment? Will it be broken equipment, usable or unusable?
- Will repairs be done on site?
- How will SW Landfill deal with oils and solvents, and other hazardous materials commonly generated by old or even new equipment?
- Who will monitor the Storage/junk yard?
- Will this area be fenced in? There is currently a major problem with lack of fencing, resulting in trash and debris scattered all over Pajarito Mesa and surrounding community, encouraging more illegal dumping.

Furthermore, there is community apprehension about the increased traffic that both the expansion and transfer station will generate causing more health and safety issues in particular with children. Attached are six recent photos that demonstrate the already existing problem with dust and uncovered truckloads. Uncovered truckloads leave a trail of trash as well as clouds of dust where they drive right by the school bus stop where non-visible children walk home breathing in the dust.

For all of the above reasons, in particular the imminent construction of a public well in the immediate area, it behooves the commission to deny this permit and prevent potential risks to the health and well being of area residents. We respectfully ask that you please consider our concerns and deny this request.

Sincerely,

Sylvia Ledesma,
Contact Person

Cc: Catherine VerEecke, Program Planner
Bernalillo County Department of Zoning, Building and Planning

Pajarito Mesa Mutual Domestic Water Consumer Association
P.O. Box 12244
Albuquerque, NM 87195
(55) 550-9958

September 8, 2003

Bernalillo County Commissioners
1 Civic Plaza, NW
Albuquerque, NM 87102

SUBJECT:
OPPOSITION TO THE SPECIAL USE PERMIT (SCU-30001/SOUTHWEST LANDFILL, LLC) ALLOWING THE EXPANSION OF THE SOUTHWEST LANDFILL, AND TO CONSTRUCT A TRANSFER STATION AND ESTABLISH AN EQUIPMENT STORAGE YARD.

Dear County Commissioners:

On behalf of the Pajarito Mesa Mutual Domestic Water Consumers Association and as neighbors of the Southwest Landfill, LLC, we respectfully submit this letter opposing their request for a Special Use Permit (CSU-30001). The Pajarito Mesa Mutual Domestic Water Consumers Association is a non-profit membership organization of 146 families formed for the purpose of "providing safe drinking water services to the Pajarito Mesa community" (see attached certification, Attachment 1). Additionally, we have just received a $500,000 award from the USDA, Rural Utility Services to begin construction on our public water supply system (see attached letter of award from USDA, Rural Utility Services, Attachment 2).

We are of the opinion that the expansion of the current landfill from 65 acres to 120 acres and the location of a transfer station on the premises of the landfill property is an environmental injustice to the Pajarito Mesa community. The proposed landfill expansion poses a serious negative impact on our community and the surrounding communities of Isleta Pueblo and Los Padillas. These communities are comprised of people of color, the majority of whom are living below the national poverty level. The negative impacts to these communities include: 1) an adverse impact on water quality, 2) increased truck traffic – creating increased fugitive dust emissions and possible aggravated health conditions, such as asthma, upper respiratory ailments, and lung disease, and 3) increased illegal dumping. Furthermore, we see no need to expand the boundaries and operations of the Southwest Landfill, located in this community of color, when there already exists a landfill, Cerro Colorado, that is located away from any community and accepts the same type of waste, construction debris. By permitting this

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facility, the New Mexico Environment Department has already created a discriminatory and disparate effect on our community. By allowing the expansion of Southwest Landfill, the County Commissioners further discriminate against low-income, communities of color, and go against their own policies of providing a safe environment and ensuring the public's health.

In speaking of water quality, our main concern is that the Southwest Landfill is located in a "crucial area" designated by the Ground Water Protection Policy and Action Plan (GPPAP). According to the GPAPP, the County should be "encouraging relocation of existing landfills out of the crucial areas", not encouraging the expansion of existing landfills within the crucial area.

In 1997, the Southwest landfill stated that ground water was flowing to the west-southwest, away from all city wells and anticipated development. In fact, our well will be located west-southwest of the landfill and we anticipate more development to the west of the landfill boundaries. We ask that Mr. Jeff Peterson, of the Public Works Division present testimony before the Bernalillo County Commissioners on the following: 1) the current direction of ground water flow in the proposed area of the landfill expansion; 2) the depth to ground water; 3) the impact of public water supply wells, including our proposed public water supply well, on the direction of ground water flow in the proposed area of the landfill expansion, and 4) the GPAPP's intent for designating the area underlying the landfill, and its expansion, as a crucial zone. We feel that with this additional required testimony, the purpose for the designation of the crucial area will become clear.

According to the State Engineers Office, records show that the following wells exist: 1) the Leavitt Well Field (located approximately 3.5 miles northeast of the Southwest Landfill); 2) well RG-56055 (located approximately 1,800 feet from the southwest corner of the landfill); 3) well RG-44639 (located approximately 1,800 feet from the southeast corner of the landfill); and 4) the Winchester public water system, privately owned and serving over 30 households (located within 3 miles southeast of the landfill). The proposed location for the Pajarito Mesa public water supply system is within ½ mile west of landfill boundaries.

We feel that our water supply and the water supplied from private wells is at risk of becoming contaminated by the landfill's operations. The permit application, on page 12 states, "Southwest Landfill is a construction, demolition, and yard waste collection facility, therefore it <u>does not require a leachate collection system or liner</u>". However, we dispute that this landfill is collecting only construction debris; we have witnessed several trucks entering the facility with mixed waste, including household waste. We have also witnessed many scavenger birds on site, indicating the disposal of household waste. During an inspection of Southwest Landfill for compliance, conducted by an environmental specialist with the New Mexico Environment Department, dated 9/8/2000, ten (10) minor and major code violations were noted, including unsanitary engineering resulting in "exposed or uncovered waste over the entire active portion of the landfill, failure to apply adequate daily cover, and failure to maintain adequate intermediate

cover… as evidenced by an area of ponding, minor erosion, and an uneven surface grade (see Attachment 3, Compliance Order). In addition, we have witnessed uncovered trucks entering the landfill premises. According to the NMED permit and hearing officer remarks, Southwest Landfill is not allowed to accept waste from uncovered trucks (see Attachment 4, picture). We feel that these blatant violations indicate the nature of Southwest Landfill's operations and suggest that they are not a good neighbor.

Other concerns include:

1. The expansion of Southwest Landfill would contribute to increased health problems and would be unsafe for our children, through the increase in traffic, fugitive dust emissions, and noise. To date, there has not been a traffic analysis conducted to consider the potential impacts from traffic, as required by the New Mexico Environment Department permit and documented in the hearing officer's comments.
2. The addition of a transfer station will contribute to existing health and safety problems associated with littering and illegal dumping. To date, Southwest Landfill has not furnished the community with a price list of the fees for the transfer station use. If fees are too high (when compared to a municipal landfill), people will drive to the Mesa to dispose of their trash, recognize the fees as too expensive, and then dump illegally.
3. Because we have witnessed the dumping of household trash within the landfill, we are concerned that Southwest Landfill will dispose of the trash from the transfer station within the landfill. In a 2000 inspection by the NMED, the landfill was cited for having "recyclables at the southwest corner of the active portion of the landfill mixed together with solid waste, thereby failing to store the recyclables in a sanitary manner…and in a manner which does not create disease vector harborage".
4. The assumption made in the application that there is no potential development in the Pajarito Mesa area is untrue. Within the last two years the area has grown from 170 families to an estimated 400 families, many of whom are currently living near the landfill area. Current plans are also underway for an extension of Paseo del Volcan, also known as the Southwest Loop, to transect the Pajarito Mesa. Expansion of the landfill has the potential of affecting many families and residents in the Southwest Mesa.

Furthermore, the Pajarito Mesa and the South Valley community have fought this permit for more than ten years, since we believe that there is no demonstrated "need" for this facility. The City of Albuquerque and Bernalillo County have spent five years and millions of dollars to construct and utilize the Cerro Colorado landfill. This landfill has the capacity to serve the County's needs, including the disposal of construction debris for the present and the future.

We respectfully ask that you please consider our concerns and vote "no" on the Southwest Landfill, LLC special use permit in order to protect the public's health and our environment.

Sincerely,

Sandra Montes

Sandra Montes, President
Pajarito Mesa Mutual Domestic Water Consumers Association

COPY

STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT

DEC 2000
DOCKETED BY THE HEARING CLERK, BEFORE THE SECRETARY OF ENVIRONMENT

IN THE MATTER OF THE
COMPLIANCE ORDER ISSUED TO
THE SOUTHWEST LANDFILL, INC.,
MANUEL GONZALES AND
TED MARTINEZ

COMPLIANCE ORDER
NO. NMSWA 00-00-1021 (CO)

ADMINISTRATIVE ORDER REQUIRING COMPLIANCE
AND PROPOSING TO ASSESS A CIVIL PENALTY

Pursuant to the New Mexico Solid Waste Act, NMSA 1978, Sections 74-9-1 to -36 (1990) (SWA), the Secretary of the New Mexico Environment Department (NMED), acting through his designee, the Director of the Environmental Protection Division, issues this Compliance Order (Order) to the Southwest Landfill, Inc., Manuel Gonzales and Ted Martinez (Respondents) to enforce the SWA and the Solid Waste Management Regulations, 20 NMAC 9.1 (SWMR), and to assess civil penalties for the violations set forth below and requiring compliance with the SWA and the SWMR.

I. FINDINGS

A. Common Allegations

1. Complainant is an agency of the executive branch of New Mexico state government and is charged with the administration and enforcement of the SWA and the SWMR.

2. The Respondents operate the Southwest Landfill, a permitted municipal waste landfill, with operations and offices located at 5816 Pajarito Road, Albuquerque, New Mexico. A review of New Mexico Public Regulation Commission records disclosed the facility was operated by Southwest Landfill Inc., a New Mexico corporation in good standing, with the following corporate officers: Manuel Gonzales, President, and Ted Martinez, Vice President, and Jeff Dahl,

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Registered Agent, whose address is P.O. Box 987, 300 Central S.W., Albuquerque, New Mexico 87103.

B. Southwest Landfill

1. The facility was inspected for compliance with SWMRs by an Environmental Specialist with NMED on September 8, 2000. The inspection indicated that the Respondents had:

a. failed to furnish or make available to the inspector a copy of the facility's waste screening plan, employee training program in the recognition of unauthorized waste, methane monitoring plan and related monitoring documents, contingency plan, annual reports, and waste screening inspection records, contrary to 20 NMAC 9.1.109.D;

b. failed to post signs at an appropriate area of the facility providing emergency telephone numbers and stating that fires and scavenging are prohibited, contrary to 20 NMAC 9.1.401.B.2;

c. failed to utilize the principles of sanitary engineering and confine the landfill's working face to the smallest practical area, as evidenced by the large tipping area (approximately 95 feet by 80 feet), exposed or uncovered waste over the entire active portion of the landfill, and the grading of the north perimeter side slope in a manner that exposed waste along the entire slope, contrary to 20 NMAC 9.1.402.A;

d. failed to ensure that on-site facility employees ([redacted]) were familiar with and had access to a copy of the facility's contingency plan and allowed the deposition of waste underneath a calving vertical or near vertical ledge at the west perimeter of the active portion of the landfill, resulting in the operation of the facility in an unsafe and potentially hazardous manner, contrary to 20 NMAC 9.1.401.B.1;

e. failed to apply adequate daily cover, as evidenced by exposed waste or uncovered piles of waste located north, east, south, and west of the tipping area, contrary to 20 NMAC 9.1.402.N;

f. failed to maintain adequate intermediate cover at the far southeast portion of the facility, as evidenced by an area of ponding, minor erosion, and an uneven surface grade, contrary to 20 NMAC 9.1.402.O.4;

g. stored wooden pallets (recyclables) at the southwest corner of the active portion of the landfill mixed together with solid waste, thereby failing to store the recyclables in a sanitary manner, confined to an area remote from the operating area of the landfill, and in a manner which does not create disease vector harborage, contrary to 20 NMAC 9.1.402.P.1;

h. failed to ensure adequate financial assurance for closure and post-closure care, contrary to 20 NMAC 9.1.902.C and 9.1.903.C;

i. failed to adjust annually the facility's financial assurance for closure and post-closure care for inflation, contrary to 20 NMAC 9.1.902.A.3 and 9.1.903.A.2;

j. failed to have a certified operator or his representative present during the period of operation immediately prior to and during the inspection of the facility, contrary to 20 NMAC 9.1.401.B.3.

3. The inspection conducted on September 8, 2000, was documented on a Solid Waste Facility Inspection Report (Exhibit A), dated September 8, 2000, and sent via facsimile to the facility operator on September 18, 2000.

II. CONCLUSIONS OF LAW

A. Section 74-9-8 of the SWA grants authority to the Environmental Improvement Board to adopt regulations to implement, administer and enforce a program for cost-effective and environmentally safe siting, construction, operation, maintenance, closure and post-closure care, and permitting of solid waste facilities. The Respondents are subject to provisions of the SWA and the SWMR.

B. The Respondents are "persons," as defined in Section 74-9-3.I of the SWA and 20 NMAC 9.1.105.BE.

C. Southwest Landfill

1. The Southwest Landfill is a "solid waste facility" according to 20 NMAC 9.1.105.BX.

2. The Respondents are subject to the requirements of 20 NMAC 9.1.109.D, which states that all records, including plans, required by the SWMR shall be furnished upon request and made available at all reasonable times for inspection by the Secretary.

3. The Respondents' failure to furnish or make available to the inspector a copy of the facility's waste screening plan, employee training program in the recognition of unauthorized waste, methane monitoring plan and related monitoring documents, contingency plan, annual reports, and waste screening inspection records, violates 20 NMAC 9.1.109.D.

4. The Respondents are subject to the requirements of 20 NMAC 9.1.401.B.2, requiring the facility operator to post signs providing emergency telephone numbers and stating that fires and scavenging are prohibited.

5. The Respondents' failure to post signs at an appropriate area of the facility providing emergency telephone numbers and stating that fires and scavenging are prohibited violates 20 NMAC 9.1.401.B.2.

6. The Respondents are subject to the requirements of 20 NMAC 9.1.402.A, requiring the facility operator to utilize the principles of sanitary engineering to confine the working face to the smallest practical area and to compact the solid waste to the smallest practical volume.

7. The Respondents' failure to utilize the principles of sanitary engineering and confine the facility's working face to the smallest practical area, as evidenced by the large tipping area (approximately 95 feet by 80 feet), exposed or uncovered waste over the entire active portion of the landfill, and the grading of the north perimeter side slope in a manner that exposed waste along the entire slope, violates 20 NMAC 9.1.402.A.

8. The Respondents are subject to the requirements of 20 NMAC 9.1.401.B.1, requiring the operation of the facility in a manner that does not cause a public nuisance or create a potential hazard to public health, welfare, or the environment.

9. The Respondents' failure to ensure that on-site employees ([redacted]) were familiar with and had access to the facility's contingency plan and the deposition of waste underneath a calving vertical or near vertical ledge at the west perimeter of the active portion of the landfill violates 20 NMAC 9.1.401.B.1.

10. The Respondents are subject to the requirements of 20 NMAC 9.1.402.N, requiring the application of a six-inch layer of earth or approved alternate daily cover at the conclusion of each day's operation, or more often as conditions may dictate.

11. The Respondents' failure to apply adequate daily cover upon exposed waste and waste piles located north, east, south, and west of the tipping area violates 20 NMAC 9.1.402.N.

12. The Respondents are subject to the requirements of 20 NMAC 9.1.402.O.4, requiring the facility operator to maintain the facility's intermediate cover to prevent erosion and infiltration.

13. The Respondents' failure to maintain adequate intermediate cover at the far southeast portion of the facility, resulting in an area of ponding, minor erosion, and an uneven surface grade, violates 20 NMAC 9.1.402.O.4.

14. The Respondents are subject to the requirements of 20 NMAC 9.1.402.P.1, requiring recycling operations to be performed in a sanitary manner, confined to an area remote from the operating area of the landfill, and in a manner, which does not create a nuisance, vector harborage, or public health hazard.

15. The Respondents' storage of wooden pallets (recyclables) at the southwest corner of the active portion of the landfill mixed together with solid waste violates 20 NMAC 9.1.402.P.1.

16. The Respondents are subject to the requirements of 20 NMAC 9.1.902.C and 9.1.903.C, requiring the facility operator to ensure adequate financial assurance for closure and post-closure care.

17. The Respondents' failure to make scheduled payments to the trust fund assuring adequate financial assurance for closure and post-closure care violates 20 NMAC 9.1.902.C and 9.1.903.C.

18. The Respondents are subject to the requirements of 20 NMAC 9.1.902.A.3 and 9.1.903.A.2, requiring the facility operator to adjust annually the facility's financial assurance for closure and post-closure care for inflation.

19. The Respondents' failure to adjust annually the facility's financial assurance for closure and post-closure care for inflation violates 20 NAMC 9.1.902.A.3 and 9.1.903.A.2.

20. The Respondents are subject to the requirements of 20 NMAC 9.1.401.B.3, requiring a certified operator or his representative to be present at all times while the facility is operational.

21. The Respondent's failure to ensure that a certified operator or representative was present during the period of operation immediately prior to and during the inspection of the facility violates 20 NMAC 9.1.401.B.3.

III. CIVIL PENALTY

Section 74-9-36.B of the SWA authorizes the assessment of civil penalties of up to five thousand dollars ($5,000) per day for each violation of the SWA or the SWMR. NMED hereby assesses a civil penalty of sixty-four thousand dollars ($64,000) for the Respondents' ten (10) violations. The penalty calculated is based on the factors set forth in NMED's Solid Waste Civil Penalty Assessment Policy and upon such other factors as justice may require. The individual penalty for each violation is:

VIOLATION	AMOUNT
1. Respondents' failure to provide facility records for inspection—20 NMAC 9.1.109.D.	$3,000
2. Respondents' failure to provide adequate signage—20 NMAC 9.1.401.B.2.	$2,000
3. Respondents' failure to confine the working face to the smallest practical area—20 NMAC 9.1.402.A.	$3,000
4. Respondents' unsafe operation of the landfill—20 NMAC 9.1.401.B.1.	$5,000
5. Respondents' failure to apply adequate daily cover —20 NMAC 9.1.402.N.	$3,000
6. Respondents' failure to maintain adequate intermediate cover—20 NMAC 9.1.402.O.4.	$5,000
7. Respondents' improper storage of recyclables—20 NMAC 9.1.402.P.1.	$1,000
8. Respondents' failure to ensure adequate financial assurance for closure and post-closure care—20 NMAC 9.1.	$35,000
9. Respondents' failure to adjust the amount of financial assurance for inflation—20 NMAC 9.1.902.A.3 and 9.1.903.A.2.	$5,000
10. Respondents' failure to have a certified operator or representative present at the landfill—20 NMAC 9.1.401.B.3.	$2,000

Payment shall be made by certified or cashier's check payable to the State of New Mexico and mailed or hand delivered to NMED Office of General Counsel, Attention Tammy Gonzales, Legal Assistant, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico 87502-6110.

IV. COMPLIANCE ORDER

Based on the foregoing findings and conclusions, and pursuant to Section 74-9-36.A.1 of the SWA, the Respondents are hereby ordered to comply with the following schedule of compliance:

A. No later than fifteen (15) days after the receipt of this Order, the Respondents shall have available at the facility for inspection and employee use, a copy of the facility's waste screening plan, employee training program in the recognition of unauthorized waste, methane monitoring

plan and related monitoring documents, contingency plan, annual reports, and waste screening inspection records;

B. No later than fifteen (15) days after the receipt of this Order, the Respondents shall post signs at appropriate locations in the facility providing emergency telephone numbers and stating that fires and scavenging are prohibited;

C. Immediately on receipt of this Order, the Respondents shall alter their operating practices to comply with the principles of sanitary engineering by reducing the working face to the smallest practical area;

D. Immediately on receipt of this Order, the Respondents shall eliminate potential safety hazards, especially those associated with unsafe slopes near the active portion of the landfill;

E. Immediately on receipt of this Order, the Respondents shall alter their operating practices to comply with daily cover requirements and apply a minimum of six inches of clean material to all waste disposal areas which should not receive intermediate cover;

F. No later than fifteen (15) days after the receipt of this Order, the Respondents shall inspect the intermediate cover of the Southwest Landfill and perform any necessary corrective action upon the areas of erosion;

G. No later than fifteen (15) days after the receipt of this Order, the Respondents shall segregate waste materials from recyclables and store the recyclables in a manner, which will minimize the potential for harm to the environment or human health;

H. No later than fifteen (15) days after the receipt of this Order, the Respondents shall comply with the financial assurance requirements;

I. No later than fifteen (15) days after receipt of this Order, the Respondents shall affirm in writing and under oath to the Secretary that it has complied with A through I of this section; and

M. The Respondents shall pay the civil penalty as specified within forty-five (45) days after receipt of this Order.

IF YOU FAIL TO TIMELY COMPLY WITH THE FOREGOING REQUIREMENTS, OR IF YOU ELECT NOT TO COMPLY WITH THIS ORDER AND TO CHALLENGE IT AS SET FORTH BELOW, THE SECRETARY OF NMED, PURSUANT TO SECTION 74-9-36.C OF THE SWA, MAY SEEK TO ASSESS ADDITIONAL CIVIL PENALTIES OF NOT MORE THAN TEN THOUSAND DOLLARS ($10,000) FOR EACH DAY OF NONCOMPLIANCE WITH THE ORDER.

V. RIGHT TO ANSWER AND REQUEST A HEARING

Under Section 74-9-36.G of the SWA, this Order shall become final unless, no later than thirty (30) days after the Order is served, the Respondents submit a written request to the Secretary for a public hearing to: Attention Hearing Clerk, New Mexico Environment Department, P.O. Box 26110, Santa Fe, New Mexico 87502-6110. You must attach a copy of this Order to your Request for Hearing.

Pursuant to 20 NMAC 1.5.200.B governing NMED's Adjudicatory Procedures, you must include with your Request for Hearing your Answer, which clearly and directly admits, denies or explains each of the factual allegations contained in the Order with regard to which you have any knowledge. If you have no knowledge of a particular factual allegation you should so state, and your Response shall be deemed a denial of such allegation on that basis. All allegations not specifically denied shall be deemed admitted. Furthermore, pursuant to 20 NMAC 1.5.200.B.2, your Answer must also include any affirmative defenses upon which you intend to rely. Any affirmative defenses not asserted in the Answer and Request for a Hearing, except a defense

asserting lack of subject matter jurisdiction, shall be deemed waived. Pursuant to 20 NMAC 1.5.200.B.3 and B.4, your Answer shall be signed under oath or affirmation that the information contained therein is to the best of the signer's knowledge true and correct. A copy of this Order must be attached.

VI. FINALITY OF ORDER

This Order shall become final unless the Respondents file a Request for Hearing and Answer within thirty (30) days after receipt of this Order. Unless you request a hearing and file an Answer in writing, the penalty proposed in this order shall become due and payable as set forth.

VII. SETTLEMENT CONFERENCE

Whether or not you Request a Hearing and file an Answer, you may confer with NMED concerning settlement. NMED encourages settlement consistent with the provisions and objectives of the SWA and the SWMR. SETTLEMENT DISCUSSIONS DO NOT EXTEND THE THIRTY (30) DAY DEADLINE FOR FILING YOUR ANSWER AND REQUEST FOR A HEARING, OR ALTER THE DEADLINES FOR THIS COMPLIANCE ORDER. Settlement discussions may be pursued as an alternative to and simultaneously with the hearing proceedings. The Respondents may appear at the settlement conference themselves and/or may be represented by legal counsel.

Any settlement reached by the parties must be consistent with the SWA and the SWMR. Any settlement must be approved by the Secretary of NMED and shall be a Stipulated Final Order signed by the parties. The Stipulated Final Order must contain all the requirements of 20 NMAC 1.5.601.

To explore the possibility of settlement in this matter, you may contact Charles A. Hules, Manager, Compliance Monitoring & Enforcement Section, Solid Waste Bureau, New Mexico

Environment Department, P.O. Box 26110, Santa Fe, New Mexico 87502-6110, (505) 827-2924 to set up a meeting.

Compliance with the requirements of this Order does not relieve the Respondents of the obligation to comply with all other applicable laws and regulations.

VIII. TERMINATION

This Order shall terminate when the Respondents certify that all the requirements of this Order have been met, and NMED has approved such certification, or when the Secretary approves a Stipulated Final Order.

Submitted By: _____

Jim Najima
Director, Environmental Protection Division

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Compliance Order Requiring Compliance and Assessing a Civil Penalty was mailed via certified mail, return receipt requested, No. 7099 3220 0006 3438 3308, postage prepaid on this 5th day of December, 2000, to the following persons:

Southwest Landfill, Inc.
5816 Pajarito Road
Albuquerque, New Mexico 87121

Manuel Gonzales, President
5816 Pajarito Road
Albuquerque, New Mexico 87121

Ted Martinez, Vice-President
5816 Pajarito Road
Albuquerque, New Mexico 87121

Jeff Dahl, Registered Agent
P.O. Box 987
300 Central, SW
Albuquerque, New Mexico 87103

Sara Martinez

Sara Martinez, Secretary III
Solid Waste Bureau

STATE OF NEW MEXICO - ENVIRONMENT DEPARTMENT

SOLID WASTE FACILITY INSPECTION REPORT

DATE: 9/8/00 FACILITY NAME: Southwest CONTROL #: SWM 1010718

REASON FOR INSPECTION: FACILITY OPERATOR: Southwest Landfill, Inc. FACILITY LOC.: 5816 Pajarito S.W., ABQ, NM 87121

[X] Routine [ ] Follow Up DISTRICT: I

[X] Complaint [ ] Other

[X] Suspected Violation STATUS: [ ] INTERIM [X] PERMITTED [ ] CLOSED PHONE: (505) 242-2020

[ ] Closure / Post Closure

TYPE OF FACILITY: Municipal Landfill OPERATING HOURS: 7:30-5, 8-4, 9-3 DAYS OF WEEK: M-F, Sat., Sun.

TYPE OF WASTE HANDLED [ ] MSW [ ] INDUSTRIAL [X] C & D [ ] SPECIAL Tons / Cu. Yds. Undetermined Daily/Monthly (circle one)

1. FACILITY / OPERATIONAL CONTROLS

a. [ ] Litter b. [ ] Roads Maintained
c. [ ] Noise d. [ ] Vectors
e. [ ] Dust / Odor f. [ ] Access Controlled
g. [ ] Tipping / Insp. Area h. [ ] Scavenging Control
i. [ ] Fire Control j. [ ] Health/Environment Hazard
k. [ ] Compaction l. [X] Unfamiliarity w/ contingency Plan and Vertical slope w/ Caving at west Perimeter

2. SIGNS REQUIRED / PROPERLY POSTED

a. [ ] Operating Days/Hours b. [ ] Loading/Unloading Area
c. [X] Emergency Numbers d. [ ] Directions to Fill Areas
e. [X] Fires Prohibited f. [X] Scavenging Prohibited
g. [ ] Operation Procedures h. [ ] Bldg./ Warning / Visible
i. [ ] _____

3. OPERATOR / REPRESENTATIVE / EMPLOYEES

a. [ ] Certified b. [ ] On Site While Open
c. [ ] Employees Trained d. [ ] _____

4. COVER

a. [X] Daily Applied b. [X] Intermediate Applied
c. [ ] Final Cover d. [ ] Excavating a Closed Cell
e. [ ] Compaction f. [ ] Stabilized Vegetation
g. [X] Large working face with uncovered waste over entire active portion of the landfill

5. MONITORING / SAMPLING / ANALYZING / HANDLING

a. [ ] Methane b. [ ] Leachate
c. [ ] Ground Water d. [ ] Unauthorized Waste Analized
e. [ ] Frequency Maintained f. [ ] Proper Equip./ Test Used
g. [ ] Gas Control h. [ ] Waste Properly Processed
i. [ ] _____

6. DRAINAGE / EROSION

a. [ ] Water Run-on b. [ ] Water Run-off
c. [ ] _____

7. PROPER STORAGE / ISOLATION / DISPOSAL

a. [ ] Special Waste b. [ ] Hazardous Waste
c. [ ] Infectious Waste d. [ ] Asbestos
e. [ ] Tires f. [ ] White Goods
g. [X] Recyclables h. [ ] Lead Acid Batteries
i. [ ] Hot Waste j. [ ] Timely Removal
k. [ ] Ash l. [ ] Petroleum Contam. Soil
m. [ ] Transfer Stations n. [ ] _____

8. PROPER EQUIPMENT / MAINTAINED

a. [ ] Facility Equipment b. [ ] Storage Equipment
c. [ ] Audible Signals d. [ ] Transport Equipment
e. [ ] Collection Equipment f. [ ] Fire Fighting Equipment
g. [ ] Compaction Equipment h. [ ] Clean & Sanitized
i. [ ] _____

9. PLANS & PROGRAMS On File

a. [ ] Contingency b. [ ] Operating / Maintenance
c. [ ] Inspection d. [ ] Disposal Management
e. [ ] Facility Site Plan f. [ ] Closure / Post Closure
g. [ ] Training Programs h. [ ] Removal - Stored Waste
i. [ ] Ground Water Monitor j. [ ] Fire Protection & Prevention
k. [ ] Methane Monitoring l. [ ] Disease Vectors/Rodent Ctrl
m. [ ] Clean-up/Remediation n. [ ] Leachate Control
o. [ ] Deviation From Plans p. [X] Contingency Plan, Waste Screening Plan, Emplace Training Program, Methane Monitoring Plan + Record

RECORDS / REPORTS / RESULTS Maintained

10. INSPECTION RECORDS

a. [ ] Daily Records Kept. b. [ ] Source/Type/Volume of Wste.
c. [ ] Signatures d. [ ] Times & Dates
e. [ ] Names of Co. & Driver f. [ ] Vehicle License Number
g. [ ] Vehicle Description h. [ ] Observations
i. [X] Waste Screening Inspection Records and Annual Reports

11. NOTIFICATION - RECORDS When required was:

a. [ ] NM ED/Facility/Other b. [ ] Area Restricted
c. [ ] Clean Up Assured d. [ ] Transportation Assured
e. [ ] Disposal Assured f. [ ] _____

12. MONITORING / SAMPLING / ANALYSIS - RECORDS

a. [ ] Methane Levels Taken Quarterly
b. [ ] Unauthorized Waste Analyzed
c. [ ] Contaminated Waste/Soil Analyzed
d. [ ] Ground Water Sampling Results
e. [ ] Leachate Sampling & Treatment
f. [ ] _____

13. SPECIAL WASTE RECORDS (Type)

a. [ ] Lab Analysis Results b. [ ] Paint Filter Test Results
c. [ ] Manifests d. [ ] Remediation Documentation
e. [ ] Treatment Certification
f. [ ] _____

Exhibit "A"

Continued on Page 2

STATE OF NEW MEXICO - ENVIRONMENT DEPARTMENT

SOLID WASTE FACILITY INSPECTION REPORT

14 EVIDENCE OF UNAUTHORIZED WASTE

a. [ ] Bulk Liquids b. [ ] Batteries
c. [ ] Hazardous Waste d. [ ] Infectious Waste
e. [ ] Petroleum Waste f. [ ] Sludge
g. [ ] Asbestos h. [ ] Radioactive Waste
i. [ ] Contaminated Soil j. [ ] Ash
k. [ ] _____

15. PERMIT REQUIREMENTS (In Effect)

a. [ ] No Facility Permit
b. [ ] Unauthorized Modification
c. [ ] Refusal of Inspection
d. [X] Adequate Financial Assurance and Annual updates for inflation

16. CORRECTIVE MEASURES

a. [ ] Action Taken b. [ ] Continue Monitoring
c. [ ] Initiate Assessment d. [ ] Incomplete Documentation
e. [ ] Select Proper Remedy f. [ ] Remedial Activity Schedule
g. [ ] _____

Show all violations below indicating the Number and Item on the Inspection Report, the Regulation Section number and a detailed narrative.

No:	Item:	Sec.#:	Violation Detail - Narrative
9	P	109:D	The facility's Waste Screening Plan (IAW Section 401:B:4), Employee Training Program in the recognition of unauthorized waste (IAW Section 401:B:4:d), Methane Monitoring Plan and records, and the contingency plan were not made available during the inspection.
10	i	109:D	The facility's Annual Reports and waste screening inspection records were not made available during the inspection.
2	c,e,f	401:B:2	Signs providing emergency telephone numbers and stating that fires and scavenging are prohibited were not posted in an area where the facility's customers + employees could see the signs. (They were posted in an inactive portion of the landfill)
4	g	402:A	The working face was not confined to the smallest practical area, as evidenced by the large tipping area (≈ 95" x 80") and exposed or uncovered waste over the entire active portion of the landfill. The north perimeter side slope had been graded, exposing waste along the entire slope.
1	l	401:B:1	On-site employees (Javier Gonzales and Melisa Lara) stated they were not familiar with and could not locate a copy of the facility's contingency plan; and uncovered waste was observed underneath a vertical or near-vertical ledge at the west perimeter of the active portion of the landfill. The ledge was calving. These items represent operation of the facility in a manner which is potentially hazardous.
4	a	402:N	Inadequate daily cover was observed, as evidenced by exposed or uncovered piles of waste located north, east, south, and west of the utilized tipping area during the inspection.

Violations MUST BE CORRECTED BY:_____ Operator/Rep. Signature:_____ Date:_____

Follow-up Inspection Due On (Date):_____ NMED/Rep. Signature:_____ Date:_____

Distribution White/Original to NMED Yellow to Inspector Pink to Facility

STATE OF NEW MEXICO - ENVIRONMENT DEPARTMENT

SOLID WASTE FACILITY INSPECTION REPORT

14 EVIDENCE OF UNAUTHORIZED WASTE

a. [ ] Bulk Liquids
b. [ ] Batteries
c. [ ] Hazardous Waste
d. [ ] Infectious Waste
e. [ ] Petroleum Waste
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i. [ ] Contaminated Soil
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k. [ ] _____

15. PERMIT REQUIREMENTS (In Effect)

a. [ ] No Facility Permit
b. [ ] Unauthorized Modification
c. [ ] Refusal of Inspection
d. [ ] _____

16. CORRECTIVE MEASURES

a. [ ] Action Taken
b. [ ] Continue Monitoring
c. [ ] Initiate Assessment
d. [ ] Incomplete Documentation
e. [ ] Select Proper Remedy
f. [ ] Remedial Activity Schedule
g. [ ] _____

Show all violations below indicating the Number and Item on the Inspection Report, the Regulation Section number and a detailed narrative.

No:	Item:	Sec.#:	Violation Detail - Narrative
4	b	407.O	Inadequate intermediate cover was observed, as evidenced by evidence of ponding, minor erosion, and an uneven surface grade along the far southeast portion of the facility (closed cells 2, + /or 3).
7	g	407.P.1	Wood pallets reportedly being stored as a recyclable material at the southwest corner of the active portion of the facility were not separated from and were mixed with solid waste, and were not confined to an area remote from the operating area of the landfill.
15	d	712.I, 902.C, 903.C, 904.C	Review of the facility's financial assurance records disclose that the value of the facility's trust fund was approximately $219,336.04. According to the approved schedule contained in the facility's permit, the year 2000 value should be approximately $851,016. Therefore, the facility has inadequate financial assurance for closure, post-closure care, and phase I + II assessment, as required.
15	d	~~902.A.3~~ 902.A.3, 903.A.2, 904.A.1	The facility operator has not adjusted the facility's financial assurance for closure, post-closure care, and phase I + II assessment for inflation on an annual basis, as required.
			Notes: (1) A pleasure boat was observed adjacent to the west perimeter of the active portion of the landfill. A satisfactory explanation was not provided during the inspection.

Violations MUST BE CORRECTED BY: _____ Operator/Rep. Signature: _____ Date: _____

Follow-up Inspection Due On (Date): _____ NMED/Rep. Signature: _____ Date: _____

Distribution White/Original to NMED Yellow to Inspector Pink to Facility

STATE OF NEW MEXICO - ENVIRONMENT DEPARTMENT

SOLID WASTE FACILITY INSPECTION REPORT

14 EVIDENCE OF UNAUTHORIZED WASTE

a. [ ] Bulk Liquids
b. [ ] Batteries
c. [ ] Hazardous Waste
d. [ ] Infectious Waste
e. [ ] Petroleum Waste
f. [ ] Sludge
g. [ ] Asbestos
h. [ ] Radioactive Waste
i. [ ] Contaminated Soil
j. [ ] Ash
k. [ ]

15. PERMIT REQUIREMENTS (In Effect)

a. [ ] No Facility Permit
b. [ ] Unauthorized Modification
c. [ ] Refusal of Inspection
d. [ ]

16. CORRECTIVE MEASURES

a. [ ] Action Taken
b. [ ] Continue Monitoring
c. [ ] Initiate Assessment
d. [ ] Incomplete Documentation
e. [ ] Select Proper Remedy
f. [ ] Remedial Activity Schedule
g. [ ]

Show all violations below indicating the Number and Item on the Inspection Report, the Regulation Section number and a detailed narrative.

No:	Item:	Sec.#:	Violation Detail - Narrative
			(2) During telephone conversation with Raphae Valdepena, Facility Operator, he advised that the waste transported on or about August 30, 2000 by J.R. Hale Contracting Company Inc. generated at the closed Nazareth Landfill, was "dirt and cement" and that no commercial or residential waste was observed.
			(3) Ms. Lara, the on-site gate attendant, was unable to query the facility's computer system used to track & maintain information for the facility's daily operating record - Therefore, an estimate of the amount of waste received at the facility could not be obtained.
			(4) Operations continue on an unlined cell - Cell #4 - a firm date for installation of the liner and use of the lined cell has not been established.
			* Certified Operator: [redacted] General Manager
			* Facility Operator: Southwest Landfill, Inc., Manuel Gonzales President
			* Location: 34°58.73N, 106°45.58W (2D)
			* Telephonic Outbrief w/ Mr. Valdepena at ≈ 3:55 pm.
			* This report faxed to Mr. Valdepena on 9/18/00. Delay due to preparation + coordination time, and personnel issue involving the SWB Inspector. (505) 344-5008. Accordingly, Mr. Valdepena did not sign this inspection report.

Violations MUST BE CORRECTED BY: 10/19/00 Operator/Rep. Signature: _____ Date: _____

Follow-up Inspection Due On (Date): Once Hfer 10/19/00 NMED/Rep. Signature: [signature] Date: 9/18/00

Distribution White/Original to NMED Yellow to Inspector Pink to Facility

BERNALILLO COUNTY SHERIFF'S DEPARTMENT
CRIMINAL INVESTIGATIONS DIVISION
SUPPLEMENTAL REPORT FORM
CASE # 02-555998
REPORT PREPARED BY Rhonda Moya

DETECTIVE SIGNATURE APPEARS ON LAST PAGE OF REPORT

On August 30, 2002 at 1410 hours, Sergeant Gallegos paged me. He told me that there was a body at the Pajarito landfill. I was being called out to that location to assist investigators.

At 1447 hours, I arrived at the landfill.

I made contact with Deputy Van Eldridge. He told me that he had been called out with his cadaver dog to assist in the search for a missing person [redacted]. [redacted] had signed in at the dump at 0930. One of the landfill workers, who was driving a compactor loader, went to the office and requested that [redacted] move his truck. That is when landfill personnel realized that [redacted] was nowhere to be found. They searched the area, but could not locate him. The Sheriff's department was called out. Deputy Eldridge advised that his dog located human remains intermixed with the trash.

I took overall photos of the scene. Deputy Whitaker walked me through the scene, and to the location where the remains had been located. I could see a boot, and what appeared to be a knee. I took overall photos.

I took photos of the compactor loader, and an excavator that had also been working in the area of the remains. I also photographed the victim's truck.

OMI arrived on scene. We removed the debris from the area where the remains had been located. The body was mostly intact. We searched the area and found additional parts.

Member's of the Bernalillo County Sheriff's Department Traffic Unit arrived on scene and took over the investigation. The scene was turned over to them.

The body was removed from the scene by Superior Ambulance, to the Office of the Medical Investigator. They would attempt to make positive identification of the victim.

I left the scene.

Detective Rhonda Moya

Sergeant J. Kearney

EXHIBIT
Second Amended Complaint
K

STATE OF NEW MEXICO SUPPLEMENTAL REPORT	ORIGINAL OFFENSE DATE	SUPP DATE	CASE NO	INC. NO	PAGE	OF
	8/30/02	8/30/02	02-555998	020830-5263	1	2

ORIGINAL OFFENSE REPORTED	ORIGINAL VICTIM'S NAME (LAST, FIRST, MIDDLE)	DATE OF BIRTH
INDUSTRIAL ACCIDENT	[redacted]	[redacted]

LOCATION OF OCCURRENCE

5816 PAJARITO SW ALBUQUERQUE NM 87105

ON AUGUST 30, 2002 I WAS DISPATCHED TO 5816 PAJARITO SW, SOUTHWEST LANDFILL, IN REFERENCE TO A DECEASED MALE SUBJECT. I ARRIVED ON SCENE AND SPOKE WITH SERGEANT GALLEGOS. SERGEANT GALLEGOS TOLD ME THAT SHERIFF'S DEPUTIES WERE CALLED TO THE LANDFILL REFERENCE A MISSING PERSON. DEPUTIES SEARCHED THE AREA AND WERE UNABLE TO LOCATE THE MALE SUBJECT. SERGEANT GALLEGOS SAID THAT DEPUTIES THEN CALLED FOR THE DEPARTMENTS K-9 UNIT TO SEARCH THE AREA. SERGEANT GALLEGOS SAID THAT THE K-9 LOCATED A BOOT BELONGING TO THE MALE SUBJECT. A SEARCH OF THE AREA WAS CONDUCTED AND THE MALE SUBJECT WAS LOCATED DECEASED IN THE LANDFILL. THE MALE SUBJECT WAS LATER IDENTIFIED AS [redacted]. I WENT TO THE AREA WHERE [redacted] WAS LOCATED. THE AREA WAS COVERED IN DEBRIS FROM THE LANDFILL. I NOTICED FRANK APPEARED TO BE RAN OVER BY A VEHICLE.

THEN WENT AND SPOKE WITH [redacted], WHO IS THE MANAGER OF THE LANDFILL. RAFAEL TOLD ME THAT ON TODAYS DATE FRANK ENTERED THE LANDFILL TO DUMP MATERIAL FROM THE BACK OF HIS TRUCK. [redacted] SAID THAT APPROXIMATLEY 2 HOURS LATER [redacted], A WORKER AT THE LANDFILL, CALLED HIM ON THE RADIO AND TOLD HIM THAT THERE WAS A WHITE TRUCK BLOCKING THE AREA WHERE HE WAS GETTING READY TO WORK. RAFAEL TOLD [redacted] TO SEARCH THE AREA AND IF HE COULD NOT LOCATE THE OWNER THEN MOVE THE TRUCK TO ANOTHER AREA. [redacted] SAID THAT [redacted] ADVISED HIM HE COULD NOT LOCATE THE SUBJECT SO HE MOVED THE TRUCK. [redacted] SAID THAT A SHORT TIME LATER A FEMALE CALLED ON THE PHONE ASKING IF ANYONE HAD SEEN HER BOYFRIEND [redacted] TOLD HER THAT HE HAD NOT SEEN HER BOYFRIEND BUT THEY DID HAVE A TRUCK ON THE PROPERTY AND COULD NOT LOCATE THE OWNER. [redacted] SAID THE FEMALE THEN ARRIVED AT THE LANDFILL A SHORT TIME AFTER THE CONVERSATION. [redacted] SAID THAT IS WHEN HE CALLED THE SHERIFF'S DEPARTMENT.

THEN SPOKE WITH [redacted]. I ASKED [redacted] WHAT HE WAS DOING PRIOR TO LOCATING THE WHITE TRUCK. [redacted] SAID THAT HE OPERATES A LARGE PIECE OF EQUIPMENT THAT MOVES AND CRUSHES MATERIAL DUMPED AT THE LANDFILL. [redacted] SAID THAT HE WAS GETTING READY TO WORK IN AN AREA AND THAT IS WHEN HE NOTICED THE WHITE TRUCK. [redacted] SAID HE CONTACTED [redacted] AND TOLD HIM ABOUT THE TRUCK. [redacted] SAID HE SEARCHED THE AREA FOR THE OWNER OF THE TRUCK AND WAS UNABLE TO LOCATE HIM SO HE MOVED THE TRUCK. [redacted] SAID HE THEN CLEARED THE AREA WHERE THE TRUCK WAS LOCATED. I ASKED HIM IF HE NOTICED ANYONE IN THE AREA PRIOR TO CLEARING THE AREA AND HE SAID HE NEVER SAW ANYONE IN THE AREA.

THEN WENT AND LOCATED THE EQUIPMENT THAT [redacted] WAS DRIVING AT THE TIME. THE EQUIPMENT WAS A 1986 CATAPILLAR 826C LOCATED 200 FEET SOUTHEAST FROM WHERE [redacted] WAS LOCATED. THE VEHICLE HAD 7 FOOT TALL STEEL TIRES WITH STEEL SPIKE USED FOR CRUSHING MATERAL. SERGEANT DURANACEAU SAT INSIDE THE CATAPILLAR AND I STOOD BEHIND THE CATAPILLAR TO SEE IF A PERSON SITTING INSIDE WAS ABLE TO SEE ANYONE STANDING BEHIND THE CATAPILLAR. THERE WAS THREE MIRRORS INSIDE THE CAB OF THE CATAPILLAR. THE TWO OUTSIDE MIRRORS WERE ABLE TO SEE A SUBJECT IF THEY WERE STANDING MORE THAN ELEVEN FEET BEHIND THE CATAPILLAR

ADDLOA 88M

REPORTING OFFICER (PRINT)	RANK	I.D. NO.	DATE	DETECTIVE / FOLLOW-UP OFFICER / REFERRED TO	I.D. NO.	DATE
B LINDLEY	D 1/C	3592	8/30/02			
ASSISTING OFFICER (PRINT)	RANK	I.D.NO.	DATE	PROCESSED BY / DATE	DATA ENTRY PERSON	DATE
APPROVING OFFICER (PRINT)	RANK	I.D.NO	DATE	INCIDENT STATUS / EXCEPT CODE		DATE

DISTRIBUTION
☐ B ☐ NE ☐ WESTSIDE ☐ DAL ☐ OTHER
☐ IA ☐ BE ☐ N VALLEY ☐ FTH ☐ CACU

CASES CLEARED BY THIS ARREST CASE NO. CASE NO.
CASE NO

REV 3/94

STATE OF NEW MEXICO SUPPLEMENTAL REPORT	ORIGINAL OFFENSE DATE	SUPP. DATE	CASE NO.	INC. NO	PAGE	OF
	8/30/02	8/30/02	02-[illegible]5998	020830-5263	2	2

ORIGINAL OFFENSE REPORTED	ORIGINAL VICTIM'S NAME (LAST, FIRST, MIDDLE)	DATE OF BIRTH
INDUSTRIAL ACCIDENT	[redacted]	[redacted]

LOCATION OF OCCURRENCE

5816 PAJARITO SW ALBUQUERQUE NM 87105

THE INSIDE MIRROR WAS POSITIONED SO YOU WERE UNABLE TO SEE ANYONE STANDING BEHIND THE CATAPILLAR AT ANY DISTANCE. I THEN ASKED [redacted] IF THE CATAPILLAR HAD A BACK UP BEEPER. [redacted] TOLD ME THAT THE BEEPER HAD BEEN BROKEN FOR THE LAST COUPLE DAYS. I THEN INSPECTED THE TIRES OF THE CATAPILLAR AND DID NOT NOTICE ANY INDICATION OF HUMAN REMAINS. OMI WAS CALLED OUT TO THE SCENE AND TOOK POSSESION OF [redacted] REMAINS.

DEPUTY KINGSBURY TOOK MEASURMENTS FOR A SCENE DIAGRAM.

I CONTACTED OMI ON SEPTEMBER 2ND TO SEE IF THEY COULD DETERMAIN A CAUSE OF DEATH. OMI ADIVES ME THAT THEY WERE UNABLE TO DETERMAIN A CAUSE OF DEATH OTHER THAN BEING RAN OVER BY A VEHICLE.

REPORTING OFFICER (PRINT)	RANK	I.D. NO.	DATE	DETECTIVE / FOLLOW-UP OFFICER / REFERRED TO	I.D. NO.	DATE
B. LINDLEY	D 1/C	3592	8/30/02			
ASSISTING OFFICER (PRINT)	RANK	I.D.NO.	DATE	PROCESSED BY / DATE	DATA ENTRY PERSON	DATE
APPROVING OFFICER (PRINT)	RANK	I.D.NO.	DATE	INCIDENT STATUS: ACTIVE / INACT. / CLOSED / OF / CLA / CLE / EXCEPT CODE	A-DEATH OF OFFENDER B-PROSECUTION DECLINED C-EXTRADITION DENIED D-VICTIM NOT TO COOPERATE E-PROSECUTION NO DESTROY F-NOT APPLICABLE	DATE

DISTRIBUTION: ☐ B ☐ NE ☐ WESTSIDE ☐ DAL ☐ OTHER ☐ IA ☐ SE ☐ N. VALLEY ☐ FTHL ☐ CACU

CASES CLEARED BY THIS ARREST CASE NO. CASE NO. CASE NO

REV 8/94

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