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May 16, 2012

Via Federal Express

Ms. Auralie Ashley-Marx, Chief
New Mexico Environment Department
Environmental Protection Division, Solid Waste Bureau
1190 St. Francis Dr., Rm. S2050
Santa Fe, NM 87502-5469

Dear Ms. Ashley-Marx:

I write on behalf of Front Range Equine Rescue, which has recently obtained information about the long-term environmental hazards and illegal activity of Valley Meat Company (“Valley Meat”)¹ and its owners Ricardo and Sara De Los Santos, in connection with the disposal of the remains and offal of dead animals slaughtered at Valley Meat. We know that your agency has been focused on and frustrated by this ongoing problem, and that you have been taking efforts to correct the violations. The De Los Santos have refused to comply with state law and, despite repeated attempts by your agency, have failed to respond appropriately to come into compliance with these important statutory protections for the public and the environment. We write in support of your prior efforts and with an urgent request to utilize your enforcement power before things get even worse.

For over two years, the New Mexico Solid Waste Bureau (the “SWB”) has tried to get Valley Meat to satisfy its minimal obligations under the Solid Waste Act. And for over two years, Valley Meat has continued to dump the remains of slaughtered animals on its property, in what have become massive piles of rotting flesh and bones. Valley Meat has been and continues to act in defiance of proper composting and waste disposal techniques and New Mexico law. Valley Meat has also failed to “file a timely and complete application for registration,” a state law requirement if it is to act as a composting facility.² Because Valley Meat has been in constant violation of the Solid Waste Act for multiple years, we request that the SWB subject it to financial penalties or shut it down completely until it complies with the law.

¹ Valley Meat Company is also known as Pecos Valley Meats.

² N.M. CODE R. § 20.9.3.27.A. Perhaps Valley Meat has failed to file a complete Composting Facility Registration Form because it plans on continuing its illegal dumping of animal remains and has no intention to follow the legal requirements for composting facilities.

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New Mexico's Solid Waste Act is meant to preserve the beauty and quality of the environment, conserve resources, and protect the health, safety, and welfare of the people of New Mexico.³ Under this Act, any person who disposes of solid waste in a manner that harms the environment or endangers the public health or safety is subject to a fine of up to \$5,000 for *each day* in which a violation occurs.⁴ Similarly, it is a violation to "store, process, or dispose of solid waste" in an unapproved manner and to dispose of "any solid waste in a place other than a solid waste facility that meets the requirements" of the Solid Waste Act and corresponding rules.⁵ Further, a composting facility that does not "timely file a complete application for registration" is deemed an unpermitted solid waste facility and is subject to the above penalties.⁶

Moreover, all composting facilities must have a certified operator who completes a certification training course, passes an examination, and files an application.⁷ This certification may be suspended or revoked for violation of the Solid Waste Act and relevant regulations,⁸ including operating a solid waste facility without a permit,⁹ disposing of solid waste in a manner that harms the environment or endangers public health or safety,¹⁰ and storing or disposing of solid waste in an unapproved manner or in a place other than a proper solid waste facility.¹¹

It is indisputable that Valley Meat has been in violation of the Solid Waste Act since at least early 2010¹² – and probably long before that. In January 2010, Dr. Ron Nelson, the District

³ N.M. STAT. ANN. § 74-9-2(C).

⁴ N.M. STAT. ANN. § 74-9-38; 74-9-31(3), (5).

⁵ N.M. STAT. ANN. § 74-9-38; N.M. CODE R. § 20.9.2.10.A(1), (3).

⁶ N.M. STAT. ANN. § 74-9-38; N.M. CODE R. § 20.9.3.27.A.

⁷ N.M. CODE R. § 20.9.7.8(B).

⁸ N.M. CODE R. § 20.9.7.13(A)(3).

⁹ N.M. CODE R. § 20.9.3.27.A.

¹⁰ N.M. STAT. ANN. § 74-9-31(3), (5).

¹¹ N.M. CODE R. § 20.9.2.10.A(1), (3).

¹² The Solid Waste Act is not the only New Mexico statute Valley Meat has violated in the past few years. Instead of renewing its Discharge Permit in May 2009, Valley Meat simply let it expire. *See* Ground Water Quality Bureau Notices of Violation (attached as Exhibit 1). In May 2010, the Water Quality Control Commission cited Valley Meat for operating without a Discharge Permit. *See* Ground Water Quality Bureau Notices of Violation (Exh. 1). Before that, the Ground Water Quality Bureau cited Valley Meat for numerous violations of the terms of its Discharge Permit, including failing to submit manifests as proof of septic tank pumping, failing to submit confirmation of lagoon closure, failure to submit well-monitoring sampling reports and failure to submit complete well-monitoring sampling reports, failure to submit a proposal for its evaporative lagoon, failure to submit discharge volume reports, and failure to submit Land Application Data Sheets. *See* Ground Water Quality Bureau Notices of Violation (Exh. 1).

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Manager of the Denver District of the federal Food Safety and Inspection Service (the “FSIS”) discovered rotting animal remains in “massive” piles outside the Roswell slaughter facility.¹³ According to Dr. Nelson,

Mr. De Los Santos drags dead cattle (mostly old dairy cows) and piles them on a concrete pad where he leaves them to rot. He calls it “composting” but by all appearances rotting would be more accurate. I am told that during fly season the pile literally moves due to maggots. At some point, he then moves the pile a little further back on his property where there are massive piles with hooves, legs, etc. sticking out. These piles are high – perhaps 15 feet.¹⁴

A caption for one of the pictures taken by Dr. Nelson describes a “pile of approximately 15 feet high . . . full of bones and animal parts, of which some contained tissue. There is no composting, just animals piled upon each other.”¹⁵ As Dr. Nelson explained, “[t]he magnitude of this problem is hard to envision until you see it on site and smell it.”¹⁶

The FSIS was concerned that Specified Risk Materials from the rotting cattle flesh were “leaching through the soil into feedstuffs,” would be ingested by cattle, and could cause Mad Cow Disease.¹⁷ Because federal authority over areas outside slaughter facilities is limited, Dr. Nelson wrote to the New Mexico Health Department to alert it to this problem and ask it “to get this health hazard eliminated.”¹⁸ Although Mr. De Los Santos stated his intention to begin removing the piles within 45 days of January 20, 2010, Dr. Nelson doubted he would follow through.¹⁹ Almost two and one-half years later, Valley Meat still has not eliminated this illegal health hazard.

¹³ January 22, 2010 Letter from Dr. Ron Nelson, Denver District Manager, FSIS to the Roswell Health Office of the New Mexico Health Department (attached as Exhibit 2) (“Nelson Letter”). Dr. Nelson sent pictures of these rotting piles of animal flesh to the Solid Waste Bureau in April 2010. *See* April 20 Email from Dr. Nelson to Auralie Ashley-Marx, Chuck Akeley, and Teri Monaghan (attached as Exhibit 3) (the “Nelson Email”).

¹⁴ Nelson Letter (Exh. 2).

¹⁵ Nelson Email (Exh. 3).

¹⁶ Nelson Email (Exh. 3).

¹⁷ Nelson Letter (Exh. 2).

¹⁸ Nelson Letter (Exh. 2).

¹⁹ Nelson Letter (Exh. 2).

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The SWB has attempted to resolve this problem by working with Valley Meat since the SWB became aware of the violations sometime in early February 2010.²⁰ On April 7, 2010, Teri Monaghan of the SWB informed Valley Meat that it could not dump the remains of slaughtered animals in piles outside its Roswell slaughter facility.²¹ Instead, Mr. De Los Santos was informed that Valley Meat could dispose of the offal at a landfill permitted to accept it, or Valley Meat could register to become a composting facility. Mr. De Los Santos complained to Ms. Monaghan that “rendering plants” have become too expensive for Valley Meat to use, as if that was a valid excuse for breaking the law and leaving piles of rotting animal flesh outside his slaughter facility. Mr. De Los Santos expressed interest in eliminating the health hazard by becoming a certified compost facility operator and composting the offal.²² Ms. Monaghan directed Mr. De Los Santos to the Composting Facility Registration Form to pursue the composting option.²³ But every day since then, Valley Meat has been in blatant violation of the Solid Waste Act and relevant regulations.

On May 13, 2010, Auralie Ashley-Marx and Teri Monaghan inspected the facility yard of Valley Meat to observe and document the facility’s offal-generating practices.²⁴ While on site, they took numerous photographs of piles of offal and manure.²⁵ These photographs display several coextensive and massive mounds of rotting animal carcasses, flesh, organs, and bones.²⁶ In the Report of Investigation, the SWB officials found Valley Meat in violation for “[f]ailure to register as a compost facility with the NMED SWB. . . .”²⁷ Ms. Ashley-Marx and Ms. Monaghan also told Mr. De Los Santos that he needed to submit the Compost Facility Registration Form, and he agreed

²⁰ Solid Waste Bureau Chart (listing February 4, 2010 as the date when Ms. Ashley-Marx was assigned the task of coordinating a joint site visit of Valley Meat Company) (attached as Exhibit 4).

²¹ April 7, 2010 Email from Teri Monaghan to Auralie Ashley-Marx (attached as Exhibit 5) (the “April 7, 2010 Monaghan Email”).

²² Eduardo De Los Santos, brother of Ricardo De Los Santos, attended the relevant trainings and applied and was accepted as a Compost Facility Operator in April 2010. *See* Solid Waste Facility Operator Certificate (attached as Exhibit 6).

²³ *See* April 7, 2010 Monaghan Email (Exh. 5).

²⁴ Report of Investigation by Teri Monaghan, ¶¶ 2-6, June 23, 2010, Pecos Valley Meat Company, ENTS 6310 (attached as Exhibit 7) (the “Monaghan Report”).

²⁵ *See* Photographs of Valley Meat Company Property (attached as Exhibit 8).

²⁶ Photographs of Valley Meat Company Property (Exh. 8).

²⁷ Monaghan Report, ¶ 3-1 (Exh. 7).

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to do within two weeks.²⁸ Over three weeks later, Valley Meat still had not submitted its completed Compost Facility Registration Form.²⁹

Seven months later (December 2010), Valley Meat had *still* not submitted its completed Compost Facility Registration Form, and the SWB performed another inspection.³⁰ And again, the SWB documented the presence of animal parts that were protruding or uncovered within the compost pile, as well as old composted material (legacy waste) that had been improperly stored on the facility grounds for several years.³¹ Consequently, the SWB cited Valley Meat for (1) failure to register as a composting facility, (2) improper composting of special waste (offal), and (3) failure to properly dispose of solid waste (legacy waste).³² The SWB threatened a fine of up to \$5,000 per day, per violation, if Valley Meat did not respond within ten days of receiving the letter.³³

Finally, on January 7, 2011, the SWB received Valley Meat's *incomplete* Compost Facility Registration Form.³⁴ But even after the SWB's 2010 inspection and notice of violation, Valley Meat still was not in compliance with the Solid Waste Act – not even with the registration requirement, as the form it submitted was incomplete.³⁵ A few weeks later, on January 28, 2011, Valley Meat submitted an application with additional information.³⁶ That application was *also* incomplete.

It is now twenty-eight months since the FSIS' notice of violation, and seventeen months since Valley Meat was informed that it must comply with the law. As of April 24, 2012, Valley

²⁸ Monaghan Report, ¶ 2-11 (Exh. 7).

²⁹ Monaghan Report, ¶ 2-11 (Exh. 7).

³⁰ April 13, 2012 Email from Teri Monaghan to Auralie Ashley-Marx (attached as Exhibit 9) (the "April 13, 2012 Monaghan Email"); Solid Waste Facility Inspection Report, December 10, 2010, Valley Meat Company (attached as Exhibit 10).

³¹ January 4, 2011 Notice of Violation Letter from the Solid Waste Bureau to Valley Meat Company (attached as Exhibit 11) (the "SWB Notice of Violation Letter").

³² SWB Notice of Violation Letter (Exh. 11).

³³ SWB Notice of Violation Letter (Exh. 11).

³⁴ January 10, 2011 Letter from the Solid Waste Bureau to Valley Meat Company (attached as Exhibit 12) (the "January 10, 2011 SWB Letter").

³⁵ January 10, 2011 SWB Letter (noting numerous inadequacies in Valley Meat Company's registration form, including the failure to state the frequency of solid waste removal) (Exh. 12).

³⁶ Valley Meat Company Composting Facility Registration Form (attached as Exhibit 13).

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Meat is (1) still breaking the law daily, and (2) has blatantly failed to meet the minimal requirements of registering with the SWB as a compost facility.³⁷

By its own admission, Valley Meat has been in violation of the Solid Waste Act since at least the middle of 2009, for acting as a compost facility without submitting a complete registration form.³⁸ Moreover, in spite of numerous warnings from and attempts by the SWB to help it comply with the law, Valley Meat has continued dumping animal remains illegally,³⁹ and has still not removed the piles of legacy waste.⁴⁰ These piles “seem too high to manage and rotate” and are “well above” six feet high, the height they “should not exceed.”⁴¹ It presents a daily threat to the health and safety of community members and the environment. Over two and one-half years since the FSIS first noticed the extensive, massive piles of rotting animal flesh and animal bones, the outside of Valley Meat’s Roswell facility still “looks pretty much the same.”⁴²

The only logical explanation for Valley Meat’s failure to properly register, failure to stop dumping animal remains, and failure to remove piles of legacy waste – its persistent failure to follow the law—is that Valley Meat does not think the law applies to it. Instead, it seems perfectly content submitting half-completed registration applications, blaming its failure to comply on the lack of rendering plants in New Mexico,⁴³ and pretending to be interested in remedying the health hazard it has created by “researching” options that it has known about for a long time.⁴⁴ Valley Meat is so unconcerned with complying with the law that, rather than removing its piles of legacy waste to the Roswell Municipal Landfill,⁴⁵ it has gathered some of the cattle skulls on a loading

³⁷ April 24, 2012 Letter from the Solid Waste Bureau to Valley Meat Company (listing dozens of inadequacies with Valley Meat Company’s application) (attached as Exhibit 14).

³⁸ January 13, 2011 Letter from Ricardo De Los Santos to George Akeley, Manager, Enforcement Division, Solid Waste Bureau, New Mexico Environment Department (attached as Exhibit 15) (the “De Los Santos Letter”).

³⁹ April 13, 2012 Email from Amber Pasko, FSIS to Teri Monaghan (attached as Exhibit 16) (the “Pasko Email”).

⁴⁰ April 25, 2012 Email from Troy O. Grant, Solid Waste Bureau to Chuck Akeley (attached as Exhibit 17).

⁴¹ Pasko Email (Exh. 16).

⁴² April 18, 2012 Email from Auralie Ashley-Marx to Troy O. Grant (attached as Exhibit 18).

⁴³ De Los Santos Letter (Exh. 15).

⁴⁴ January 14, 2011 Note on Fax Cover Letter from Teri Monaghan to Chuck Akeley (attached as Exhibit 19).

⁴⁵ Due to the efforts of the Solid Waste Bureau, the Roswell Municipal Landfill has agreed to accept the legacy slaughterhouse waste (animal bones) generated by Valley Meat Company at a “reduced rate.” *See*

(Footnote continued on next page)

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ramp to sell “for the tourist trade.”⁴⁶ Valley Meat is actually seeking to profit on its illegal acts; it is hard to imagine a more flagrant flouting of the law and SWB’s authority, and a more reckless disregard for community health and safety.

Valley Meat only seems to take seriously its legal obligations when threatened with sanctions. Accordingly, we request that the SWB inform Valley Meat that two years of noncompliance, especially in light of the SWB’s efforts to help Valley Meat comply, is long enough, and use its enforcement authority to order that:

- Until Valley Meat submits a complete Compost Facility Registration Form, the SWB should subject it to a \$5,000 fine for each day it acts as a compost facility;⁴⁷
- For each day Valley Meat dumps animals remains outside its slaughter facility without following proper composting techniques, the SWB should subject it to a \$5,000 fine, regardless of whether it is registered as a composting facility;⁴⁸
- For each day Valley Meat continues to store its legacy waste in piles outside its slaughter facility, the SWB should subject it to a \$5,000 fine, regardless of whether it is registered as a composting facility;⁴⁹ and
- For acting as an operator of a facility that is not properly registered and has persistently violated the Solid Waste Act and relevant regulations, the SWB should revoke Eduardo De Los Santos’ Solid Waste Facility Operator Certificate.⁵⁰

(Footnote continued from previous page)

January 31, 2012 Letter from the Roswell Municipal Landfill to the Solid Waste Bureau (attached as Exhibit 20).

⁴⁶ Pasko Email (Exh. 16).

⁴⁷ See N.M. CODE R. § 20.9.3.27.A (prohibiting the operation of a composting facility before timely filing a complete application for registration).

⁴⁸ See N.M. STAT. ANN. § 74-9-31(3), (5) (prohibiting the disposal of solid waste in a manner that harms the environment or endangers the public health or safety).

⁴⁹ See N.M. CODE R. § 20.9.2.10.A(1), (3). (prohibiting the storing or disposing of solid waste in an unapproved manner or in a place other than a proper solid waste facility).

⁵⁰ See N.M. CODE R. § 20.9.7.13(A)(3) (“An operator’s certification may be suspended or revoked by the secretary for . . . violation of the Solid Waste Act or 20.9.2 - 20.9.10 NMAC by the certified operator. . .”).



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We hope you take Valley Meat's flagrant disregard for its obligations under the Solid Waste Act as seriously as we do, and take the next step in protecting the community and eliminating the environmental, health, and safety hazards that Valley Meat has created and maintained.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. Wagman'.

Bruce Wagman
On behalf of Front Range Equine Rescue

BAW/lfl

Enclosures

cc: Ryan Cook Flynn,
General Counsel & Legislative Coordinator
New Mexico Environment Department

EXHIBIT 1



BILL RICHARDSON
Governor
DIANE DENISH
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau

Harold Runnels Building
1190 St. Francis Drive
PO Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-2900 Fax (505) 827-2965
www.nmenv.state.nm.us



RON CURRY
Secretary
SARAH COTTRELL
Deputy Secretary

NOTICE OF VIOLATION
Certified Mail - Return Receipt Requested

May 7, 2010

Richard De Los Santos, President
Dairyland Packing, Inc.
Pecos Valley Meat Packing Co.
3845 Cedarvale Road
Roswell, NM 88203

RE: Notice of Violation, Pecos Valley Meat Packing Company, DP-236

Dear Mr. De Los Santos:

The New Mexico Environment Department (NMED) has determined that the above referenced facility is operating in violation of the Water Quality Act (WQA) and Water Quality Control Commission (WQCC) Regulations (20.6.2 NMAC). Please be advised that immediate action is required as described herein. The facility is located at 3845 Cedarvale Road, approximately 12 miles east of Roswell in Section 17, T11S, R25E, Chavez County.

Pursuant to Section 20.6.2.3109 NMAC, NMED issued a Discharge Permit Renewal and Modification (Discharge Permit), DP-236, to Dairyland Packing, Inc., on May 19 2004. The Discharge Permit expired on May 19, 2009, and NMED has yet to receive an application for renewal of the Discharge Permit.

Section 20.6.2.3104 NMAC states that no person shall cause or allow wastewater or leachate to discharge so that it may move directly or indirectly into ground water unless discharging pursuant to a Discharge Permit. Additionally, Subsection F of 20.6.2.3106 NMAC requires a holder of a Discharge Permit to submit an application for renewal (or renewal and modification) at least 120 days prior to the expiration of the Discharge Permit.

Notice of Violation, DP-236

May 7, 2010

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Section 20.6.2.3104 NMAC has been violated because wastewater is being discharged from this facility without an effective Discharge Permit. Also, Subsection F of 20.6.2.3106 NMAC has been violated because the Discharge Permit expired and, to date, NMED has not received an application for renewal (or renewal and modification).

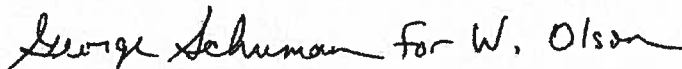
In order to correct these violations, complete the application for a Discharge Permit (copy enclosed), and submit three completed copies and a \$100 filing fee to NMED by June 7, 2010.

Failure to comply with this Notice of Violation may result in NMED's issuance of a compliance order that assesses a civil penalty pursuant to WQA § 74-6-10. Civil penalties may also be assessed for up to \$15,000 per day for each violation of the WQA § 74-6-5, any regulation promulgated pursuant to that section or any permit issued pursuant to that section. Civil penalties may be assessed for up to \$10,000 per day for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. Alternatively to the remedies described above, NMED may commence an action in district court for appropriate relief, including injunctive relief.

Nothing in this letter shall be construed as relieving you of the obligation to comply with the WQA, the WQCC Regulations and other applicable federal, state, and local laws, regulations, permits or orders. This letter is intended to obtain voluntary compliance in addressing violations of the WQA and WQCC Regulations.

If you have any questions regarding this matter, please contact George Schuman, Program Manager of the Ground Water Pollution Prevention Section, at (505) 827-2945 or Kimberly Kirby at (505) 222-9523.

Sincerely,



William C. Olson, Chief
Ground Water Quality Bureau

WO:KK/kk

enc: Application for a Ground Water Discharge Permit

cc: Marcy Leavitt, Director, Water and Waste Management Division, NMED
Gary Beatty, District Manager, NMED District IV
Tracy Hughes, General Counsel, NMED



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau

Harold Runnels Building

1190 St. Francis Drive, P.O. Box 26110

Santa Fe, New Mexico 87502-6110

(505) 827-2918 phone

(505) 827-2965 fax



RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

March 19, 2003

Ricardo De Los Santos, Owner
Pecos Valley Meat Packing Co.
3845 Cedarvale Rd
Roswell, NM 88201

RE: Letter of Non-Compliance, Pecos Valley Meat Packing Co., DP-236

Dear Mr. De Los Santos:

This letter is to notify you that you are not operating in compliance with Discharge Permit, DP-236, for Pecos Valley Meat Packing Co., issued to you on September 8, 1998. You are required by Section 20.6.2.3104 NMAC of the New Mexico Quality Control Commission Regulations (20.6.2 NMAC) to comply with the terms and conditions of your Discharge Permit, DP-236. The following violations are based on the New Mexico Environment Department's (NMED) file review conducted by Kimberly Kirby of the Ground Water Quality Bureau (GWQB).

1. Condition 3 of the discharge permit issued on September 8, 1998, requires Pecos Valley Meat Packing Co. to pump the wastewater and solids from the septic tank twice per year. Pumping manifests shall be submitted to NMED by September 15 of each year. NMED has not received pumping manifests since the discharge permit was issued (due September 15 of 1999, 2000, 2001 and 2002).
2. Condition 4 of the discharge permit issued on September 8, 1998, required Pecos Valley Meat Packing Co. to properly close out the existing clay and manure lined lagoon by September 8, 2000. NMED has not received confirmation of this lagoon closure.

3. Condition 5 of the discharge permit issued on September 8, 1998, requires Pecos Valley Meat Packing Co. to sample monitoring wells quarterly. Samples shall be analyzed for nitrate-nitrogen (NO₃-N), total Kjeldahl nitrogen (TKN), total dissolved solids (TDS) and chloride (Cl). Results are to be submitted to NMED by March 15, June 15, September 15 and December 15 of each year. NMED did not receive any ground water sampling results for March 15, June 15, September 15 and December 15, 1999; March 15, September 15 and December 15, 2000; June 15 and December 15, 2001; and March 15, June 15 and December 15, 2002. NMED received incomplete ground water sampling reports for June 15, 2001, March 15 and September 15, 2001, and September 15, 2002.
4. Specific Requirement 2 of the discharge permit issued on September 8, 1998, required Pecos Valley Meat Packing Co. to construct a synthetically lined evaporative lagoon within one year of the permit issuance. The location was to be approved by NMED prior to construction. Copies of the as-built plans of the lagoon are required to be submitted to NMED within 30 days of completion of construction. NMED has not received a proposed location for the lagoon or as-built plans for the constructed lagoon.
5. Specific Requirement 3 of the discharge permit issued on September 8, 1998, requires Pecos Valley Meat Packing Co. to sample wastewater from the lagoon semi-annually. Samples shall be analyzed for NO₃-N, TKN, TDS and Cl. Results are due to NMED by March 15 and September 15 of each year. NMED has not received wastewater sampling results for monitoring due on: March 15 and September 15, 1999; March 15, 2000; and March 15, 2002.
6. Specific Requirement 4 of the discharge permit issued on September 8, 1998, requires Pecos Valley Meat Packing Co. to determine the monthly metered volume of wastewater discharged from the facility. Records will be submitted to NMED, semi-annually, by March 15 and September 15 of each year. NMED has not received any monthly discharge volume reports for Pecos Valley Meat Packing Co. These reports were due to NMED on: March 15 and September 15, 1999; March 15 and September 15, 2000; March 15 and September 15, 2001; and March 15 and September 15, 2002.
7. Specific Requirement 5 of the discharge permit issued on September 8, 1998, requires Pecos Valley Meat Packing Co. to prepare and submit Land Application Data Sheets (LADS) to NMED, semi-annually, by March 15 and September 15 of each year. NMED has not received any LADS reports from Pecos Valley Meat Packing Co. LADS reports were due on: March 15 and September 15, 1999; March 15 and September 15, 2000; March 15 and September 15, 2001; and March 15 and September 15, 2002.

In order to correct these violations, you must perform the following by **April 18, 2003**:

1. Submit septic tank pumping manifest reports for September 15, 1999, September 15, 2000, September 15, 2001 and September 15, 2002. Implement pumping of the septic tank twice per year and submitting manifest reports to NMED in accordance with Condition 3 of the discharge permit.
2. Submit a plan for closing out the existing clay and manure-lined lagoon in accordance with Condition 4 of the discharge permit, for NMED approval. The plan shall include a schedule for closure not to exceed 1 year from the date of this letter.
3. Submit analyses results for quarterly ground water sampling for all monitoring wells for March 15, June 15, September 15 and December 15, 1999; March 15, September 15 and December 15, 2000; June 15 and December 15, 2001; and March 15, June 15 and December 15, 2002. Submit analyses results for the north and west monitoring wells for June 15, 2001, March 15 and September 15, 2001, and September 15, 2002. Implement quarterly monitoring of ground water in accordance with Condition 5 of the discharge permit.
4. Submit, for NMED approval, a plan to construct a new synthetically lined lagoon in accordance with Condition 4 and Specific Requirement 5 of the discharge permit. The plan shall include a proposed location, proposed lagoon specifications and a schedule of construction not to exceed 6 months from the date of this letter. All discharges to the clay and manure-lined lagoon shall cease 6 months from the date of this letter.
5. Submit analyses result for wastewater sampling for March 15 and September 15, 1999; March 15, 2000; and March 15, 2002. Implement semi-annual wastewater sampling of wastewater from the lagoon in accordance with Specific Requirement 3 of the discharge permit.
6. Submit monthly metered wastewater discharge volumes for March 15 and September 15, 1999; March 15 and September 15, 2000; March 15 and September 15, 2001; and March 15 and September 15, 2002. Implement recording of monthly meter readings of wastewater volumes discharged and semi-annual reporting in accordance with Specific Requirement 4 of the discharge permit.
7. Submit LADS reports (copy attached) for March 15 and September 15, 1999; March 15 and September 15, 2000; March 15 and September 15, 2001; and March 15 and September 15, 2002. Implement development and semi-annual reporting of LADS in accordance with Specific Requirement 5 of the discharge permit.

Ricardo De Los Santos, DP-236

March 19, 2003

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Be advised that Pecos Valley Meat Packing Co.'s next monitoring report is due to NMED by March 15, 2003. This monitoring report should include: ground water quality analytical results for 3 monitoring well; monthly wastewater discharge volumes; land application data sheets; and lagoon wastewater sample results. Also, be advised that the current discharge permit expires on September 8, 2003, and an application for discharge permit renewal should be submitted to NMED 180 days prior to the expiration date.

This letter is NMED's attempt to gain your voluntary compliance. Failure to comply with this letter and the terms of the approved Discharge Permit, DP-236, may result in the issuance of a formal notice of violation, fines, a compliance order, or the filing of an action in district court.

If you have any questions regarding this letter, please call me at (505) 827-2945 or Kimberly Kirby at (505) 827-2778.

Sincerely,



Maura Hanning, Program Manager
Ground Water Pollution Prevention Program

MH:KK/kk

Enclosures: Discharge Plan Renewal Approval (Permit), DP-236, Pecos Valley Meat Packing
Co.
Land Application Data Sheet

Cc: Carl Stubbs, Acting District Manager, NMED District 4
NMED Roswell Field Office

EXHIBIT 2



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Denver District Office of Field Operations
Denver Federal Center, Building 45
PO Box 25387
Denver, Colorado 80225-0387
Telephone: (303) 236-9800
Fax: (303) 236-9794

1-22-2010

Director
New Mexico State Government
Health Department: Roswell Health Office
200 East Chisum Street
Roswell, New Mexico 88203-5412
575-624-6050

Dear Mr/ Ms. :

I am the District Manager for the Denver District of the Food Safety Inspection Service (FSIS). We regulate meat, poultry, and egg products for 10 States and 3 territories out of this office including New Mexico. This week I was in Roswell and made a plant review of Est. 7299, Pecos Valley Meats, located at 3845 Cedarvale Road, Roswell, N.M. 88203-9020. The plant is operated by Mr. Ricardo De Los Santos. Plant phone is 575-662-1214.

The establishment is a slaughter and processing operation primarily for Beef. At this time the firm does custom exempt slaughter and also slaughters and processes under federal inspection. My concern is with his disposal of dead animals. Approximately 200 yards behind the facility, Mr. De Los Santos drags dead cattle (mostly old dairy cows) and piles them on a concrete pad where he leaves them to rot. He calls it "composting", but by all appearances rotting would be more accurate. I am told that during fly season the pile literally moves due to maggots. At some point, he then moves the pile a little further back on his property where there are massive piles with hooves, legs, etc. sticking out. These piles are high-perhaps 15 feet. These piles seem extensive and run along his back property line.

The animals for the most part are dairy cows over 30 months of age. These animals are restricted by our Agency in commerce because of the possibility of Specified Risk Materials (SRMs) that can occur in all beef of any age in tonsils and the distal ileum, and occur in higher percentages in cows over 30 months in brain, skull, eyes, dorsal root ganglia, spinal cord, vertebral column, tonsils, and distal ileum. Inverted Prions in these SRMs may be the causative agent of Bovine Spongiform Encephalitis (BSE) ("Mad Cow Disease"). There are still many things not known for sure about BSE but current science causes us to restrict movement of SRMs. Just behind Mr. De Los Santos's property is an earthen berm and then immediately adjacent is a number of silage pits for a dairy. Science believes that SRMs are accumulated in certain feedstuffs (rendered animal tissue) and are extremely resistant to heat. As cattle ingest SRMs, their potential for developing BSE increases.

RECEIVED

FEB 02 2010

Page 2- De Los Santos-1-22-2010

Our concern is SRMs leached through the soil into feedstuffs could be a problem. In addition, the potential for extensive fly problems is obvious. Rodents could also be a problem although we have not observed that.

There is also a settling pond regulated by the EPA on this property about 100-125 yards behind the facility. The liquid is red. I assume that is blood from the slaughter plant. Again the fly problem will be extensive and has been extensive in previous years according to reports I receive.

We control the flies immediately adjacent to and in the federal facility. If flies are present, the operation is stopped until the problem is eliminated.

We have discussed this issue with Mr. De Los Santos. He says he will get a front end loader to remove the first pile within 45 days of 1-20-2010. We are doubtful if this will occur. Since his dead pile is off the federal premise, our authority is lessened. We would appreciate your assessment of this problem and any regulation you can impose to get this health hazard eliminated.

Many States have extensive regulations concerning disposal of dead animals, particularly with the advent of Bovine Spongiform Encephalitis and possible human involvement (Creutzfeldt Jacobs Disease- CJD). Lined or lined pits are two alternatives.

In any case, I want to make you aware of the situation, hope you will evaluate it further, and let me know if there is anything you can do to regulate the situation. Thank you for your time.

Sincerely:



Dr. Ron Nelson
Denver District Manager
USDA, FSIS, FO

Ron. NELSON (C) FSIS. USDA -

EXHIBIT 3

Monaghan, Teri, NMENV

From: Nelson, Ron [Ron.Nelson@fsis.usda.gov]
Sent: Tuesday, April 20, 2010 9:20 AM
To: Ashley-Marx, Auralie, NMENV; Akeley, Chuck, NMENV; Monaghan, Teri, NMENV
Cc: Gallegos, Anna; Nelson, Ron; Tawadrous, Armia
Subject: Pecos Valley Meats
Attachments: Letter to NM Department of Environment-Solid Waste Bureau.doc

Exhibit 4

4/20/2010



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Denver District Office of Field Operations
Denver Federal Center, Building 45
PO Box 25387
Denver, Colorado 80225-0387
Telephone: (303) 236-9800
Fax: (303) 236-9794

16 April 2010

TO: Ms. Auralie Ashley-Marx
Solid Waste Bureau Chief
State of New Mexico Environmental Department

Ms. Teri Monaghan
Enforcement Officer
State of New Mexico Environmental Department

FROM: Dr. Ron Nelson
District Manager
Denver District
U.S. Department of Agriculture

Ms. Anna Gallegos
Deputy District Manager
Denver District
U.S. Department of Agriculture

RE: Pecos Valley Meats, Est. 7299; 3845 Cedarvale Road; Roswell, New Mexico 88203

Dear Ms. Ashley-Marx and Ms. Monaghan:

Attached please find the photographs that we took regarding the compost of dead animals at Pecos Valley Meats, Est. 7299; 3845 Cedarvale Road; Roswell, New Mexico 88203. We appreciate the opportunity to have met with Ms. Monaghan so that we could express our concerns. We did express the urgency of getting to the facility and in assisting Mr. De Los Santos since he is actively working on the pile now and needs to do it correctly. Thank you for giving us some insight into the composting procedures. We are not familiar with the State laws regarding composting so it was nice to learn that information. The magnitude of this problem is hard to envision until you see it on site and smell it. We urge you to make this a top priority.



1
Picture depicts a shed on the East side of the facility (approximately 200 feet) showing beef skeletal bones and trash. The pile also contained parts of animals that still had muscle and hide attached.



2
Picture depicts the back side of the shed. A pile of approximately 15 feet high is shown full of bones and animal parts, of which some still contained tissue. There is no composting, just animals piled upon each other. Some dirt has piled up on the animal remains.



3

Photo depicts a dirt wall approximately 12 feet wide separating the pile of beef parts (right side) and a silage pit (left side).



4

Photo depicts another pile on the back side of the shed. This pile sits next to the dirt wall that separates the dead animals and bones and the silage pit. The pile contains skeletal remains and parts with tissue still on them, as well as whole dead animals.



5

Photo depicts small piles of fresh manure that will be used to compost the piles of beef parts.



6

Photo depicts the north side of the shed where additional piles of dead animals and old bones are stacked up. The dirt that is on the pile is only on the surface and not layered into the piles of the dead animals.

EXHIBIT 4

Action Task	Action Date	Assigned Bureau	Assigned Staff	Action Description	Email
No Further Action Needed - Complaint Closed	5/13/2010 5:04:33 PM	Solid Waste Bureau		Assessed facility; brief USDA; prepared ROI; no further action.	
Field Visit Completed	5/13/2010 4:41:44 PM	Solid Waste Bureau		Auralie Ashley-Marx, SWB Chief, and a SWB Enforcement Officer, visited the facility and assessed the offal / composting operation and discussed options with the facility operator/owner. A representative of the facility attended the training (Composting Facility Operator Certification Course) in Ruidoso April 20-22, 2010; facility has a current operator on site now; a Composting Facility Registration form was discussed and left with the facility owners to complete and submit within 2 weeks to the Santa Fe SWB, also requires NOI to Discharge to GWQB.	
Field Visit Scheduled	3/30/2010 1:00:00 PM	Solid Waste Bureau	Ashley-Marx, Auralie	Ms. Anna Gallegos called Chuck Akeley and advised that she and Dr. Nelson would be in New Mexico soon. She stated she would telephone Ms. Ashley-Marx on April 5, 2010, to schedule a joint site visit at the facility in Roswell on April 6 or 7, 2010.	auralie.ashley-marx@state.nm.us
Assign Staff	2/4/2010 1:14:25 PM	Solid Waste Bureau	Ashley-Marx, Auralie	Assigned to Ms. Ashley-Marx, at her request, who will coordinate a joint site visit with complainant by on or about March 1, 2010.	auralie.ashley-marx@state.nm.us

EXHIBIT 5

Monaghan, Teri, NMENV

From: Akeley, Chuck, NMENV
Sent: Wednesday, April 07, 2010 2:38 PM
To: Monaghan, Teri, NMENV
Subject: RE: Compost Facility Registration & Training
Excellent job Teri! Thanks. CHUCK SENDS...

George W. Akeley Jr. (Chuck)
Manager, Enforcement Section
Solid Waste Bureau
New Mexico Environment Department
1190 Saint Francis Drive
P.O. Box 5469
Santa Fe, New Mexico 87502-5469
Telephone: (505) 827-2924
Facsimile: (505) 827-2902
Email: chuck.akeley@state.nm.us

From: Monaghan, Teri, NMENV
Sent: Wednesday, April 07, 2010 2:12 PM
To: Ashley-Marx, Auralie, NMENV
Cc: Akeley, Chuck, NMENV
Subject: RE: Compost Facility Registration & Training

Update - Just for clarification:

Turns out this facility is a slaughter house, not a dairy. They are not generating dead milk cows past their prime (my initial understanding) but instead are receiving cattle for slaughter only. The remains they are generating is the offal, not entire bodies. I spoke to the operators again following this earlier email and informed them of the two disposal options we oversee and that is disposal at a landfill permitted to accept offal (Silver City and Valencia Regional closest at this point) or composting. They were going to talk to the county reps about the rendering plants role at small USDA businesses, as their business is, and the rendering plants have priced them out of their market for use. I provided the name of an offal hauler in their area, B&R Trucking, Inc., out of Carlsbad, and they were going to get the compost registration filed out and attend the class later this month.

Teri
(505) 222-9511

From: Monaghan, Teri, NMENV
Sent: Wednesday, April 07, 2010 10:27 AM
To: 'Rick Delossantos'
Cc: Pasteris, Connie, NMENV; Ashley-Marx, Auralie, NMENV; Akeley, Chuck, NMENV
Subject: Compost Facility Registration & Training

Mr. Delossantos,

As I relayed to you this morning, we (the New Mexico Environment Department Solid Waste Bureau) have been contacted by the USDA regarding your need to register with the NMED as a

Exhibit 2

Compost Facility. The Solid Waste Bureau (SWB) ensures compliance at Solid Waste Facilities in accordance with the Solid Waste Rules (20.9.2 – 20.9.10 NMAC) of which Compost Facilities are included. I have provided below the web page with the Composting Facility Registration Form that you will need to complete and submit to the Bureau.

<http://www.nmenv.state.nm.us/swb/documents/Compost-Req-form3-1-10.pdf>

In addition, you are required to become a certified compost facility operator, as we discussed. Ms. Auralie Ashley-Marx is the Bureau Chief and she asked me to contact you to inform you of the Compost Facility Operator Training scheduled later this month (April 20-22, 2010) in Ruidoso, which will also cover a mortality composting presentation that will be valuable for you. As you relayed to me you are interested and are planning to attend this training. Please contact Connie Pasteris, Solid Waste Bureau Outreach Section, at 505-476-3561, to sign up for the class and she can provide you additional information.

This link is to the Bureau's homepage that contains a lot of information including the Solid Waste Rules:

<http://www.nmenv.state.nm.us/SWB/>

In speaking to Anna Gallegos of the USDA yesterday, she relayed that you were going to begin the compost operation with a layer of manure and then a layer of animal and another layer of manure. As you and I briefly discussed this morning it is important to add a carbonaceous material to the manure as by itself the manure contains high levels of nitrogen that requires carbon for proper decomposition. Wood chips are a good source of carbon that you will need to ensure you have as a feedstock, along with the manure, for the composting process to perform optimally; a minimum of 2-3 foot bedding and cover placed under and over the animal(s). This carbon: nitrogen ratio is important to compliment several other factors that balance the decomposition process including temperature, moisture content, porosity, and microbial activity. The training will be valuable to understand the processes involved. You can researched the web too; here is a link to a general description getting started with on-farm mortality composting:

http://www.mortcompost.info/index.php?option=com_tuul_blog&task=view&id=11&Itemid=1

Lastly, we are planning to inspect your facility and/or operation as our schedules permit. Please complete and submit your registration and if you have questions, feel free to call.
Thanks.

*Teri Monaghan
Enforcement Officer
New Mexico Environment Department
Solid Waste Bureau - Enforcement Section
5500 San Antonio Drive, NE
Albuquerque, NM 87109
(505) 222-9511 Phone
(505) 222-9510 Fax
E-mail: teri.monaghan@state.nm.us*

EXHIBIT 6



BILL RICHARDSON
Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT
Environmental Protection Division
Solid Waste Bureau

Harold Runnels Building – Room 2050
1190 St Francis Dr.

PO Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-0197 Fax (505) 827-2902
www.nmenv.state.nm.us



RON CURRY
Secretary
JIM NORTON
EPD Director

April 28, 2010

Mr. Eduardo De los Santos
401 Avenue G
Roswell, New Mexico 88203

Dear Mr. De los Santos:

The New Mexico Environment Department is pleased to certify you as a Compost Facility Operator. Your score on the April 22, 2010 certification exam was 79 %.

The term for this certification is three years and will expire on April 28, 2013. During this term, you are responsible for meeting the training requirements of 20.9.7.12 NMAC for recertification. It is also your responsibility to research training opportunities in your area relevant to the management or operation of a compost facility and satisfy the recertification training requirements prior to the expiration of this certification.

A record of the training you complete for recertification will be maintained in our database as you report it to the Certification Officer. Training you may accumulate beyond that required for recertification will not carry over to a future certification period. The revised Solid Waste Rules became effective August 2, 2007. The continuing education option for recertification was reduced to twenty-four hours. More importantly, other changes require a score of at least 70% on an examination for recertification of an expired certification.

The Department and course instructors appreciate your class participation and the comments you provided on the course evaluation. Many of the suggestions from course evaluations are incorporated into future operator certification courses.

We recommend that you notify the Certification Officer of any change of address during this period to ensure your record remains current. This may enhance your likelihood of receiving notification of training events. Should you have questions regarding your certification, please do not hesitate to contact me at (505) 476-3561 or email at connie.pasteris@state.nm.us.

Sincerely,

Connie Pasteris
Certification Officer

Enclosures: Certificate

Solid Waste Facility Operator



Eduardo De los Santos

Operator ID # 2103

has met the standards and criteria adopted by the Environmental Improvement Board
for Certification as a **Compost Facility Operator**

Presented by

State of New Mexico Environment Department

Connie Pasteris

Connie Pasteris, Certification Officer, Environmental Protection Division

April 28, 2013

Expiration Date

NEW MEXICO ENVIRONMENT DEPARTMENT

APPLICATION FOR SOLID WASTE FACILITY OPERATOR CERTIFICATION

PRINT LEGIBLY

NOTE: A separate application must be submitted for each type of Certification being sought.

Name: Eduardo Delos Santos
Mr. Mrs. Ms.

Social Security # [Redacted]

210

This application is for: [X] Initial certification [] Renewal of an expired certification: (Date expired)

Type of certification sought: (Check only one box)

- [X] Compost Facility Operator [] Landfill Operator [] Processing Facility Operator
[] Recycling Facility Operator [] Transfer Station Operator [] Transformation Facility Operator

HOME (MAILING) ADDRESS

FACILITY

401 AVE G

Recos Valley meats
Facility name (as shown on permit or registration)

Roswell NM 88203

3845 Cadedwell Rd.

(575) 578-0050

Roswell NM 88203

Other Certifications Currently Held: (check all that apply)

- [] Compost Facility Operator [] Landfill Operator
[] Processing Facility Operator [] Recycling Facility Operator
[] Transfer Station Operator [] Transformation Facility Operator

(575) 622-1214
Facility phone No. Fax No.

Plant Foreman
Your current job title

E-mail address:

TRAINING:

Course date: 4/20/10 Course name: Compost Operator
Date of exam: 4/22/10 Course location: Ruidoso NM

Have you previously taken the exam for the certification you are now applying for? [] Yes [X] No

If YES, list the date and location of the exam: Date: Location:
Date: Location:

Have you completed any other Department approved training for this certification? [] Yes [X] No

If Yes: Date of training: Location of training:
Course sponsor, name and description:

EXPERIENCE: You must have one year of experience in the operation of a facility of the same type as that for which certification is sought (i.e., composting, landfill, transfer station, etc.). Beginning with your present position and working back; list and describe at least one year of your experience relating to the type of certification you are applying for. Be specific in describing your experience as it relates to this certification. Failure to adequately describe specific experience related to this application will result in denial of your application certification. (Paragraph 3, Subsection B of 20.9.7.8 NMAC)

Name and address of employer:
 Same ~~MT View Packing~~ Ricos Valley Waste
 (If the same as on other side, so indicate. Include the facility name.)

Dates of employment: From: 1/20/99 to: Present 2009
 Your current position title: Ricos Valley Waste
 Facility name: ~~MT View Packing~~

Description of your qualifying experience (see the note at top of page)
 We take cow manure and make a two foot pad - then lay the drop of the cattle on the pad leave it there till it compost then turn and mix adding more manure and add to it till it has completely dissolved.

Name and address of employer:

Dates of employment: From: / / to: / /
 Your position title:
 Facility name:
 Description of your qualifying experience (see the note at top of page)

Name and address of employer:

Dates of employment: From: / / to: / /
 Your position title:
 Facility name:
 Description of your qualifying experience (see the note at top of page):

I hereby certify there are no misrepresentations in the information I am providing. I am aware that if an investigation discloses any discrepancies, my application may be rejected and any certification received as a result of this application may be revoked. I am also aware that I may be required to provide the Department with proof of my training and employment experience.

SIGNATURE: Edmund P. ... DATE: 4/20/10

THIS SECTION FOR DEPARTMENT USE

Application received	Initials: <u>CP</u>	Date: <u>4/20/10</u>
Parental Responsibility Act Verification	Initials: _____	Date: _____
Education & Training Verification	Exam score: <u>79%</u>	Initials: <u>CP</u>
Complete database Entries	Initials: <u>CP</u>	Date: <u>4/26/10</u>
Certificate Issued	Expires: <u>4/28/13</u>	Initials: <u>CP</u>
Notification Letter & Certificate Mailed	Initials: _____	Date: <u>4/28/10</u>

EXHIBIT 7

New Mexico Environment Department
Solid Waste Bureau
1190 St. Francis Drive
P.O. Box 5469
Santa Fe, New Mexico 87502-5469

Report of Investigation

JM
Report By: Teri Monaghan
Report Date: June 23, 2010
Report Period: 2/2/2010 – 6/23/2010
Record Number: ENTS 6310

Facility/Site/Individual(s): Ricardo and Sara De Los Santos, Owners, Pecos Valley Meat Company, 3845 Cedarvale Road, Roswell, New Mexico 88203-9020, (575) 622-1214.

Introduction

General Information

1-1. This report documents activity by the New Mexico Environment Department (NMED) Solid Waste Bureau (SWB) regarding assessment of an offal composting operation in violation of the New Mexico Solid Waste Act (SWA) and the New Mexico Solid Waste Rules (SWR), 20.9.2 – 20.9.10 NMAC, by Teri Monaghan, Enforcement Officer, and Auralie Ashley-Marx, Bureau Chief.

History of Facility

1-2. The Pecos Valley Meat Company (the facility) is a cattle slaughter and processing operation under inspection by the United States Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS). The USDA FSIS recently contacted the NMED SWB to communicate their concerns regarding the facility's current management of dead animals and their offal generating practices employed at the facility. Management of the dead animals through a rendering company has ceased and the offal is now being managed (composted) on site for the past several years.

Inspection/Investigative Activities

Predication/Pre-Inspection Coordination

2-1. On February 2, 2010, the SWB received a complaint letter (dated January 22, 2010) from Dr. Ron Nelson, Denver District Manager of the USDA FSIS, against the Pecos Valley Meat Company for disposal of dead animals on site [Exhibit 1]. Dr. Nelson reports that behind the processing facility that the FSIS regulates, the facility owner is dragging the dead cattle (mostly old dairy cows, which are restricted from commerce due to public health risks as described in the letter) 200 yards behind the facility onto a concrete pad where they are left to rot. Dr. Nelson further

**Report of Investigation
Record No. ENTS 6310
Re: Pecos Valley Meat Company
By: Teri Monaghan, NMED/SWB
Report Date: June 21, 2010**

reports that since the dead cattle pile is off the federal premise, their authority is lessened; and is thus requesting assistance from the State of New Mexico to help regulate this situation. Efforts to coordinate a joint site visit with the SWB, the NMED Ground Water Quality Bureau (GWQB), and the FSIS did not materialize prior to the site visit by the SWB on May 13, 2010.

2-2 On April 7, 2010, the SWB contacted the facility owners, via the telephone, to inform them of the complaint the SWB was in receipt of regarding the current offal generating practices on site as reported by the FSIS. The discussion focused on disposal options for offal, a special waste under the SWR, because the facility owners were interested in learning what they needed to do in order to maintain compliance with the NMED. The three disposal options discussed and explained included: 1) disposal of the offal at a landfill permitted to accept offal, which requires use of a registered special waste hauler to transport the waste material; 2) registering the facility as a composting facility, which requires a certified operator be present on site and the facility become registered; and 3) use of a rendering company for pickup and proper management of the waste material. The latter option was briefly discussed, as this type of operation does not fall under the purview of the SWB, or another bureau within the NMED. (The facility owners agreed to contact the Chavez County representatives regarding the rendering plant's role at small USDA businesses that have priced the Pecos Valley Meat Company out of the market to use this type of service, according to the facility owners.) The transporting of offal to a landfill permitted to accept offal was also discussed and contact information for a registered special waste hauler currently authorized to transport offal was provided to the facility owner (B&R Trucking, Inc., out of Carlsbad, NM). Finally, the composting option was described as another option for the facility to consider. Furthermore, it was explained that the facility is required to become a registered composting facility and the facility owner, or representative, must attend training to become a certified compost facility operator. It was identified that this required training, the Compost Facility Operator Certification Course, was scheduled for April 20-22, 2010, in Ruidoso, NM, and the facility owners were urged to register and attend this training, of which they agreed to. The owners also agreed 1) to complete the Compost Facility Registration Form and submit to the SWB for review and approval; and 2) to allow a site visit by the SWB in the near future.

Later this same day, an email summarizing the on-site composting requirements was sent to the facility owner detailing the above conversation and included information with internet links to the Composting Facility Registration Form and to the Solid Waste Rules [Exhibit 2].

2-3. On April 15, 2010, the SWB sent an email, informing the USDA FSIS, Anna Gallegos, Deputy District Manager, and District Manager, Dr. Nelson, of the site visit scheduled for May 2010, to coordinate schedules for a joint site visit at this time. The FSIS representatives were informed that the facility owners were scheduled to attend the compost facility certification class in Ruidoso on April 20-22, 2010. The SWB requested that the recent photographs taken by the FSIS

Report of Investigation
Record No. ENTS 6310
Re: Pecos Valley Meat Company
By: Teri Monaghan, NMED/SWB
Report Date: June 21, 2010

documenting their concerns of the offal generating practices at the facility, be sent to the SWB [Exhibit 3].

2-4. On April 20, 2010, the SWB received, via email, a formal correspondence (dated April 16, 2010) from the FSIS to the SWB containing six recent photographs with a description for each photograph from the FSIS's observed offal generating practices at the Pecos Valley Meat Company facility [Exhibit 4]. The photograph descriptions are provided below (NOTE: no date or time for when the photographs were taken was provided with the correspondence).

Photograph No(s).

Description

1. Picture depicts a shed on the East side of the facility (approximately 200 feet) showing beef skeletal bones and trash. The pile also contained parts of animals that still had muscle and hide attached.
2. Picture depicts the back side of the shed. A pile of approximately 15 feet high is shown full of bones and animal parts, of which some still contained tissue. There is no composting, just animals piled upon each other. Some dirt has piled up on the animal remains.
3. Photo depicts a dirt wall approximately 12 feet wide separating the pile of beef parts (right side) and a silage pit (left side).
4. Photo depicts another pile on the back side of the shed. This pile sits next to the dirt wall that separates the dead animals and bones and the silage pit. The pile contains skeletal remains and parts with tissue still on them, as well as whole dead animals.
5. Photo depicts small piles of fresh manure that will be used to compost the piles of beef parts.
6. Photo depicts the north side of the shed where additional piles of dead animals and old bones are stacked up. The dirt that is on the pile is only on the surface and not layered into the piles of the dead animals..

2-5. On April 23, 2010, the SWB sent an email to the GWQB to coordinate a joint site visit to the facility. Scheduling conflicts did not allow a coordinated site visit for the planned May 13, 2010 visit; however, the GWQB did confirm that the facility has a discharge permit that required updating [Exhibit 5].

Report of Investigation
Record No. ENTS 6310
Re: Pecos Valley Meat Company
By: Teri Monaghan, NMED/SWB
Report Date: June 21, 2010

Entry/Opening Conference

2-6. On May 13, 2010, Auralie Ashley-Marx and Teri Monaghan arrived at the Pecos Valley Meat Company facility at 10:50 am and were greeted by Eddie De Los Santos, brother of the facility owner, Ricardo De Los Santos. Eddie De Los Santos escorted us into the office building and introduced us to Ricardo and his wife, Sara De Los Santos. It was agreed that Eddie De Los Santos would escort us around the facility yard to observe and document the current offal generating practices.

Site Inspection & Documentation

2-7. On May 13, 2010, 15 photographs were taken by Teri Monaghan documenting the current site conditions and offal generating practices. A description to each of the photographs is provided below and the photographs are provided as **Exhibit 6**:

<u>Photograph No(s).</u>	<u>Time</u>	<u>Description</u>
1.	11:13 AM	West side of covered canopy area containing offal and manure piles; facing east.
2.	10:56 AM	Covered canopy area containing offal and manure piles; facing east.
3.	10:57 AM	Covered canopy area containing offal; little to no cover placed exposing carcasses; facing east.
4.	11:00 AM	Covered canopy area containing offal and manure piles; facing north.
5.	11:12 AM	Offal and manure piles out behind covered canopy storage area; facing southwest.
6.	11:22 AM	Offal and manure piles outside covered canopy storage area; facing south.
7.	11:05 AM	Offal and manure piles along northeast side of covered canopy storage area; facing southwest.

Report of Investigation
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Re: Pecos Valley Meat Company
By: Teri Monaghan, NMED/SWB
Report Date: June 21, 2010

<u>Photograph No(s).</u>	<u>Time</u>	<u>Description</u>
8.	11:04 AM	Offal and manure piles (10-15 feet high) along northeast side of covered canopy storage area; facing southwest.
9.	11:00 AM	Offal and manure piles along east side of the covered canopy storage area; facing northeast.
10.	11:04 AM	Offal and manure piles along north side of covered canopy storage area; facing west.
11.	11:05 AM	Manure piles used for offal cover; facing northwest.
12.	11:12 AM	Empty bins; visible offal remains in one of the bins; facing northeast.
13.	11:20 AM	View from northwest side of livestock processing facility's retention pond (GWQB approved discharge); facing southwest.
14.	11:28 AM	Butchered livestock skulls drying from custom cut / sale; facing west.
15.	11:29 AM	Pecos Valley Meat semi-truck and trailer; facing west.

2-8. On April 23, 2010, Google Earth was accessed and an historic aerial photograph (August 2009) of the Pecos Valley Meat Company property was retrieved. The photograph was labeled and is included as **Exhibit 7**.

Sampling & Laboratory Analysis

2-9. During the investigation on May 13, 2010, no samples were collected for analysis.

2-10. Historical data from the GWQB may be available for the facility's Discharge Permit; however, this information was not reviewed for this investigation. The facility owners stated that they send to the GWQB ground water monitoring results from the three on-site wells. They further stated that a new discharge permit application was being prepared by a contracted engineering firm (Chet Wyatt; phone: (575) 762-9674) and would be submitted to the GWQB just as soon as it was completed.

**Report of Investigation
Record No. ENTS 6310
Re: Pecos Valley Meat Company
By: Teri Monaghan, NMED/SWB
Report Date: June 21, 2010**

Records Review

2-11. During the investigation on May 13, 2010, no records were reviewed. The Compost Facility Registration Form was again discussed and another copy left with the facility owners; they agreed to complete and submit this registration within two weeks. (NOTE: since this report date, the SWB has not received the registration form.)

Closing Conference

2-12. On May 13, 2010, the SWB discussed the current compost facility operating requirements with the facility owners, Ricardo and Sara De Los Santos, and Eddie De Los Santos. One of the facility requirements had been met; Eddie De Los Santos attended the compost facility operator training the previous month and now serves as the compost facility operator. It was further discussed that the Compost Facility Registration Form needed to be completed and submitted as soon as possible for review and approval by the Permit Section of the SWB. A third copy of the registration form was provided to the facility owners, who agreed to complete and submit the form to the Santa Fe SWB within two weeks. It was pointed out to the facility owners that the Compost Facility Registration Form also required coordination with the GWQB to determine the status or need for a GWQB discharge permit. The facility owners stated that they were in the process of submitting an updated discharge permit application to the GWQB. Other disposal options were discussed, including: 1) hauling the waste to the nearest offal permitted landfill in Hobbs; 2) pursuing the rendering option; and 3) the possible use of the Roswell landfill, which requires further assessment by the SWB. The SWB departed the site at 11:40 am.

Post-Inspection Investigative Activity

2-13. On May 13, 2010, Teri Monaghan and Auralie Ashley-Marx arrived at the Roswell Landfill at 1:56 pm. The SWB met with the Roswell Landfill operating manager, Juston Patty, to discuss options for accepting the Pecos Valley Meat Company years-old offal, including bones, hides, and heads mixed with manure. Mr. Patty agreed to discuss with the Roswell City Manager, John Capps, the option to pursue a permit modification to accept offal, and/or to operate a compost facility at the landfill using feed stock material from the Pecos Valley Meat Company. To aid his discussion with the City Manager and to aid the City Manager's decision, Mr. Patty requested a letter from the SWB describing the SWB's position to approve the landfill's acceptance of the Pecos Valley Meat Company's offal material. (NOTE: since this report date, the SWB has not prepared this letter.) The SWB departed the site at 2:42 pm.

Report of Investigation
Record No. ENTS 6310
Re: Pecos Valley Meat Company
By: Teri Monaghan, NMED/SWB
Report Date: June 21, 2010

Summary of Findings

3-1. This report documents the following violations of the SWR by Teri Monaghan and Auralie Ashley-Marx:

1. Failure to register as a compost facility with the NMED SWB, violation of 20.9.3.27.A(2) NMAC.

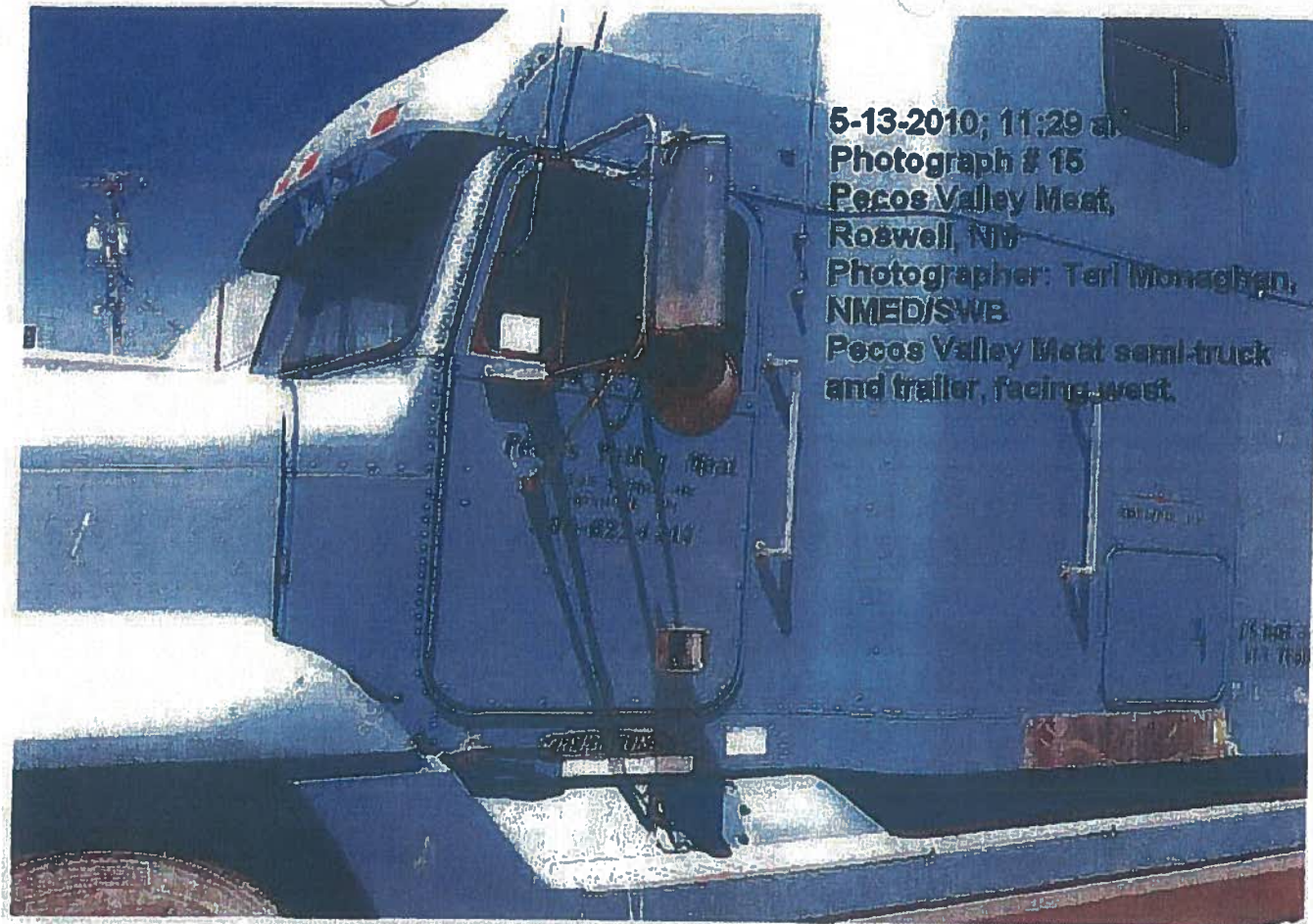
Exhibits

4-1. The following items are attached to this report (cross-reference):

1. ENTS Report No. 6310 with attached Complaint Letter from the USDA FSIS, dated January 22, 2010..... (Ref. Para. 2-1)
2. April 7, 2010 Email Correspondence from Teri Monaghan to the Facility Owners..... (Ref. Para. 2-2)
3. April 15, 2010 Email Correspondence from Teri Monaghan to the USDA FSIS..... (Ref. Para. 2-3)
4. April 20, 2010 Formal Correspondence from the USDA FSIS to the SWB Documenting with Photographs the Facility's Offal Generating Practices (Ref. Para. 2-4)
5. April 23, 2010 Email Correspondence from Teri Monaghan to the NMED GWQB (Ref. Para. 2-5)
6. Photographs from the SWB's May 13, 2010 Site Visit..... (Ref. Para. 2-7)
7. Historic Aerial Photograph of Facility Property (August 2009)..... (Ref. Para. 2-8)

cc: Auralie Ashley-Marx, Chief, Solid Waste Bureau
Chuck Akeley, Manager, Manager, Enforcement Section, Solid Waste Bureau

EXHIBIT 8

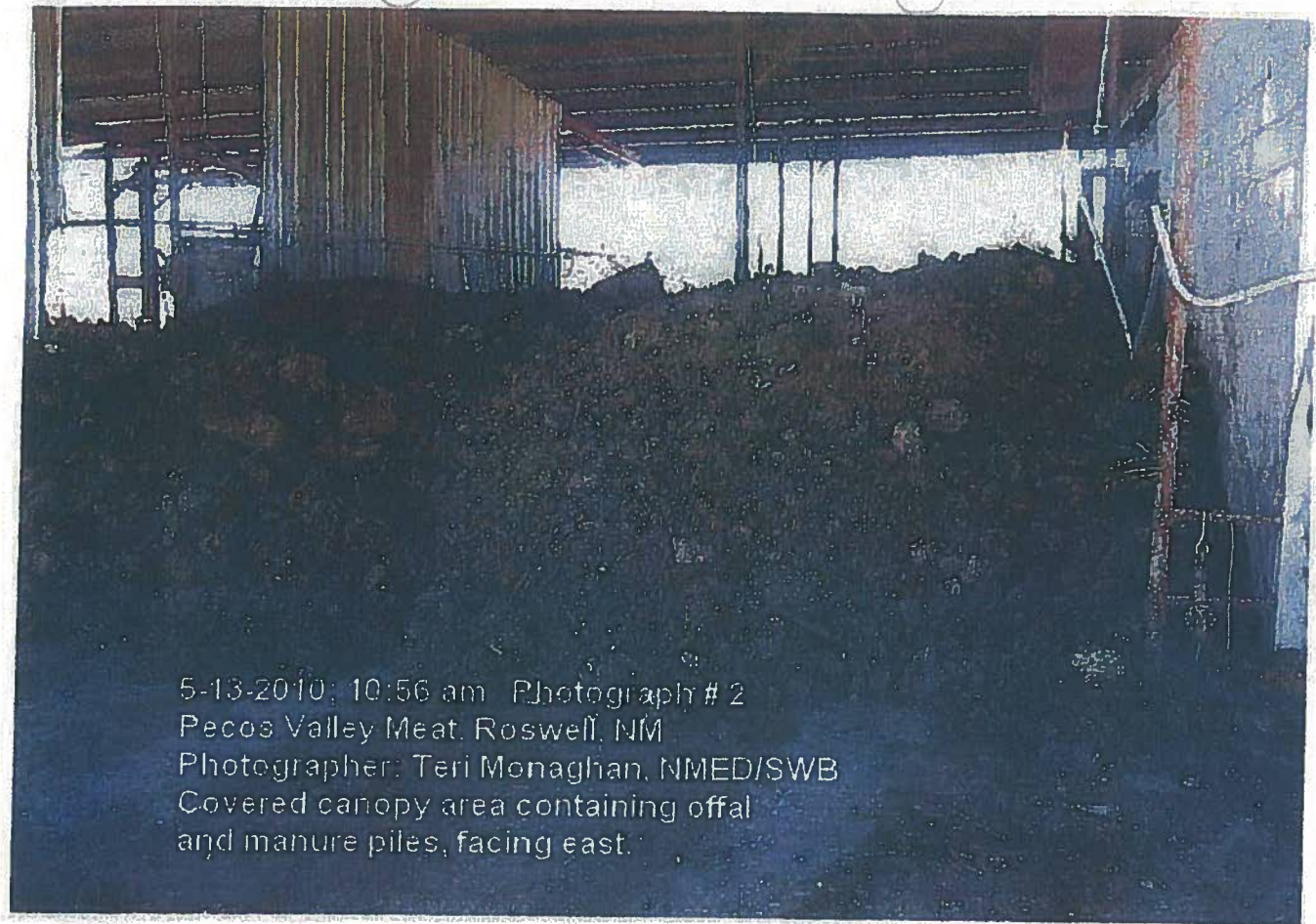


5-13-2010; 11:29 am
Photograph # 15
Pecos Valley Meat,
Roswell, NM
Photographer: Teri Monaghan,
NMED/SWB
Pecos Valley Meat semi-truck
and trailer, facing west.



5-13-2010; 11:13 am Photograph # 1
Pecos Valley Meat, Roswell, NM
Photographer: Teri Monaghan, NMED/SWB
West side of covered canopy area containing offal
and manure piles, facing east.
Aurallie Ashley-Marx, NMED/SWB Chief and Eddle
De Los Santos, brother of facility owner, assessing operation

Exhibit 6



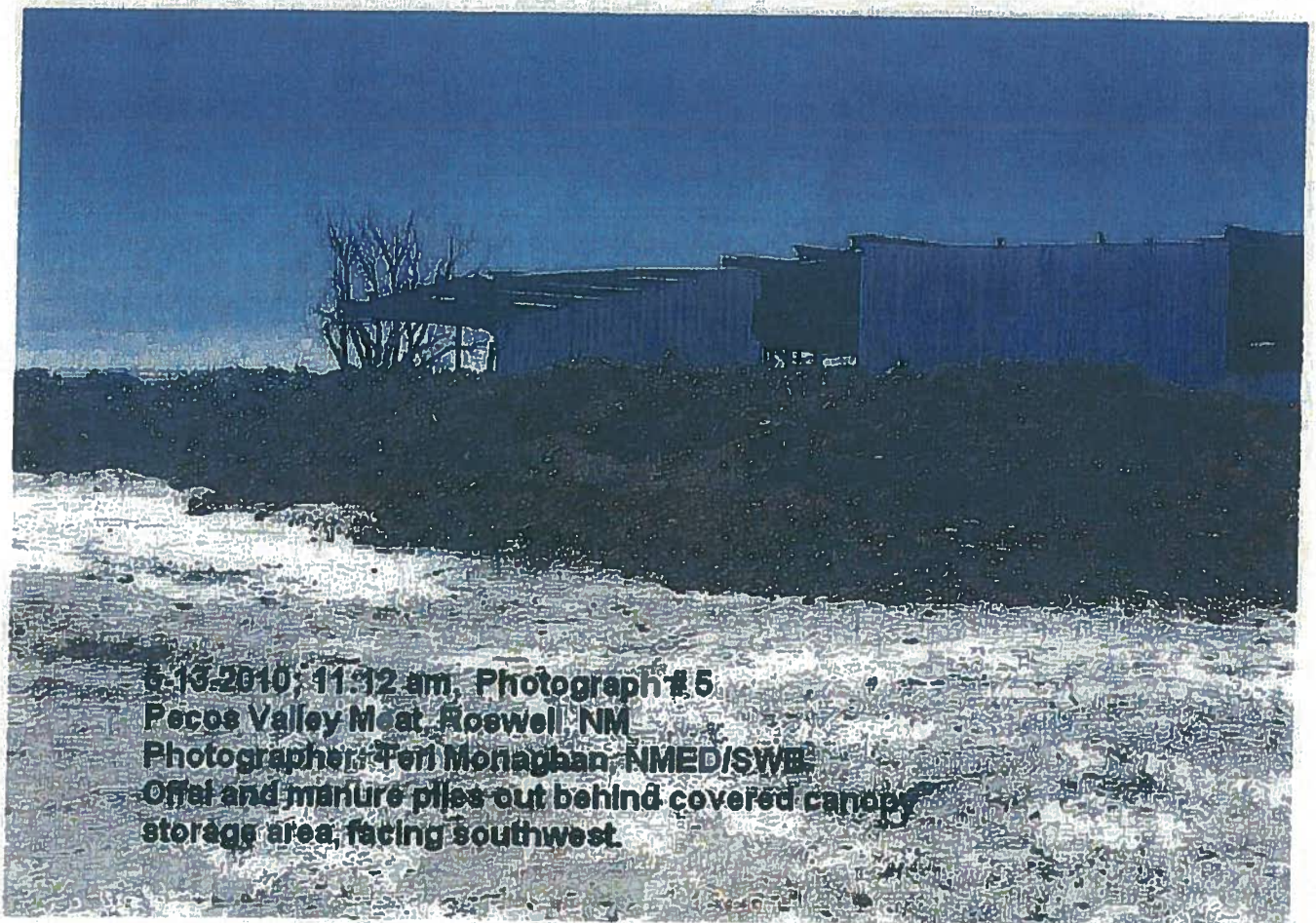
5-13-2010; 10:56 am Photograph # 2
Pecos Valley Meat, Roswell, NM
Photographer: Teri Monaghan, NMED/SWB
Covered canopy area containing offal
and manure piles, facing east.



5-13-2010; 11:57 am Photograph # 3
Pecos Valley Meat, Roswell, NM
Photographer: Teri Monaghan, NMED/
SWB
Covered canopy area containing offal;
little to no cover placed exposing
carcasses, facing east.

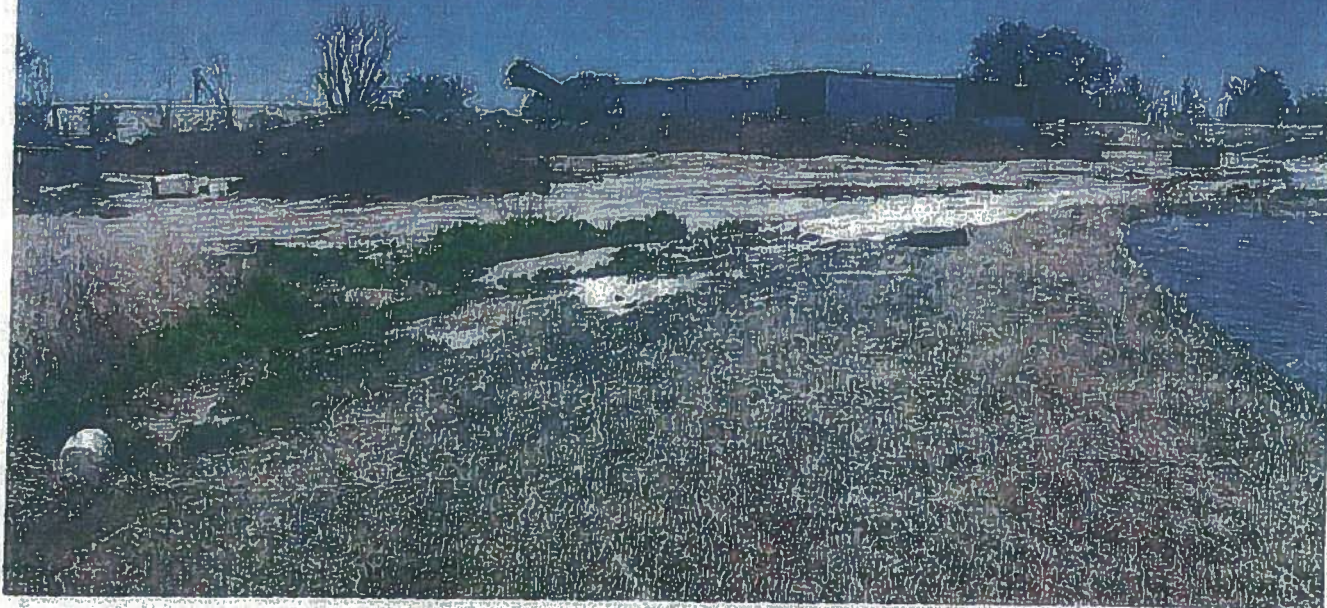


**5-13-2010; 11:00 am Photograph # 4
Pecos Valley Meat, Roswell, NM
Photographer: Teri Monaghan, NMED/SWB
Covered canopy area containing offal
and manure piles, facing north.**

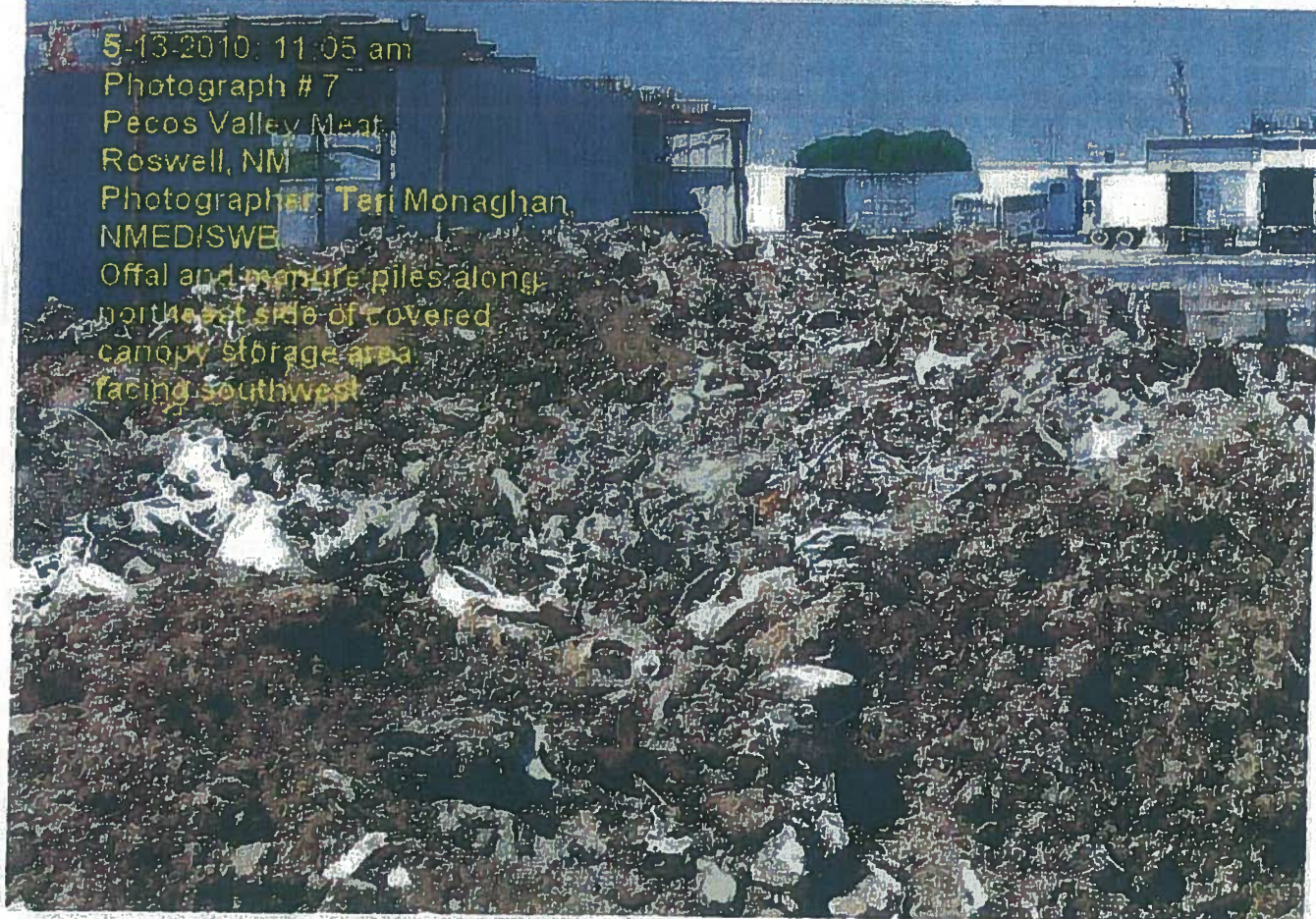


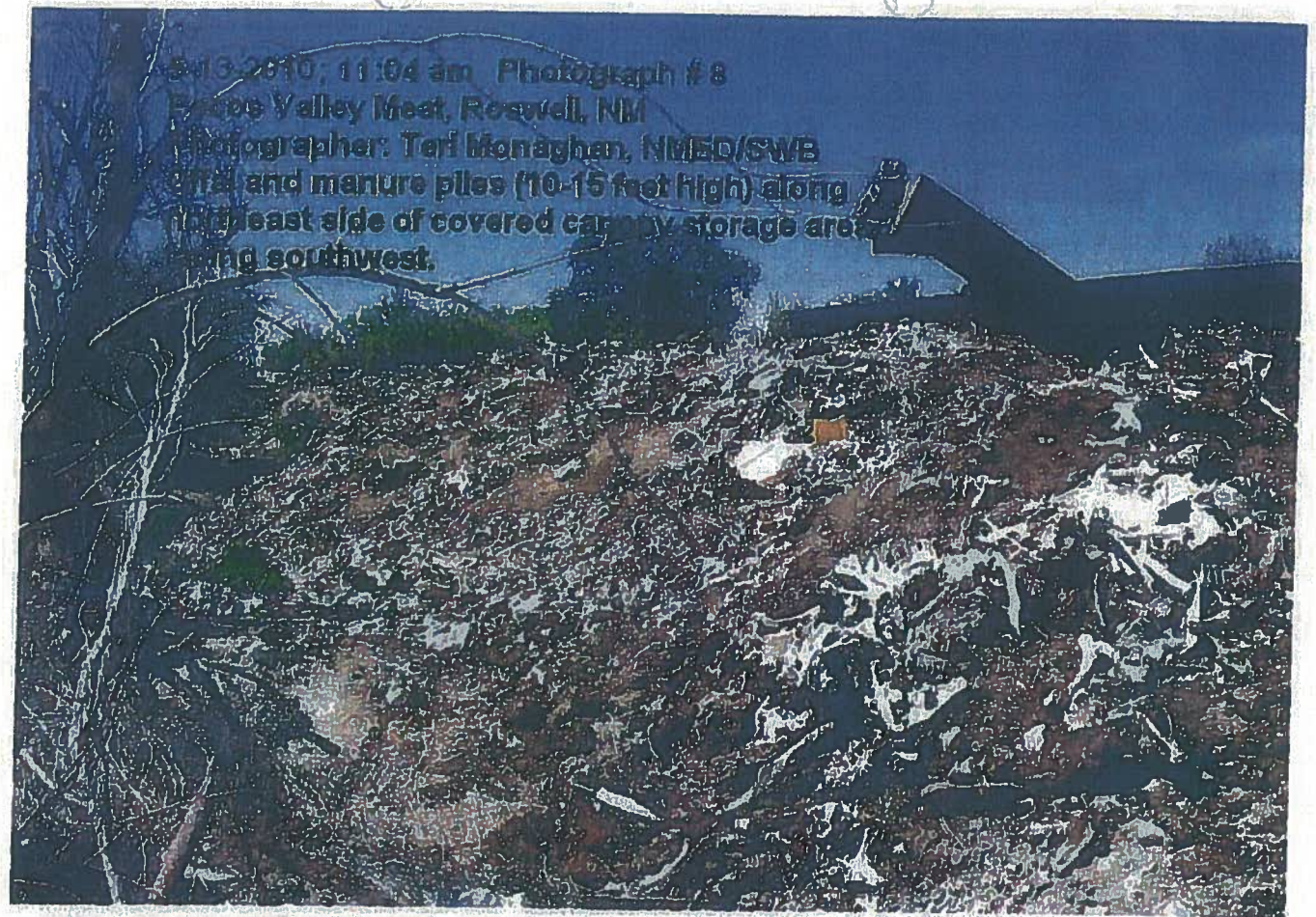
**5-13-2010; 11:12 am, Photograph # 5
Pecos Valley Meat, Roswell, NM
Photographer: Teri Monaghan, NMED/SWB
Offal and manure piles out behind covered canopy
storage area, facing southwest.**

5-13-2010: 11:22 am Photograph # 6
Pecos Valley Meat, Roswell, NM
Photographer: Teri Monaghan, NMED/SWB
Offal and manure piles outside covered canopy
storage area, facing south.

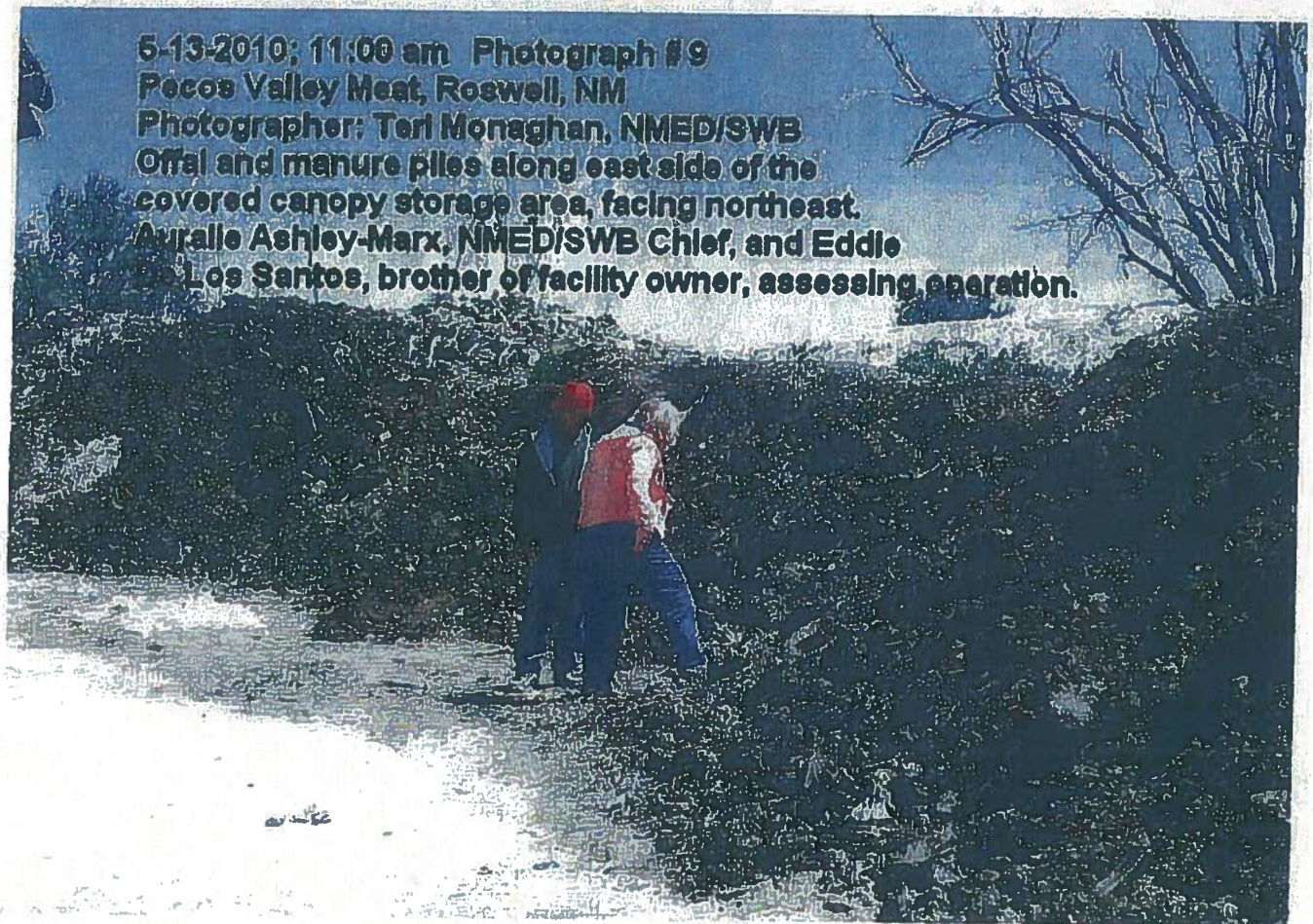


5-13-2010: 11:05 am
Photograph # 7
Pecos Valley Meat,
Roswell, NM
Photographer: Teri Monaghan,
NMED/SWB
Offal and manure piles along
northeast side of covered
canopy storage area
facing southwest

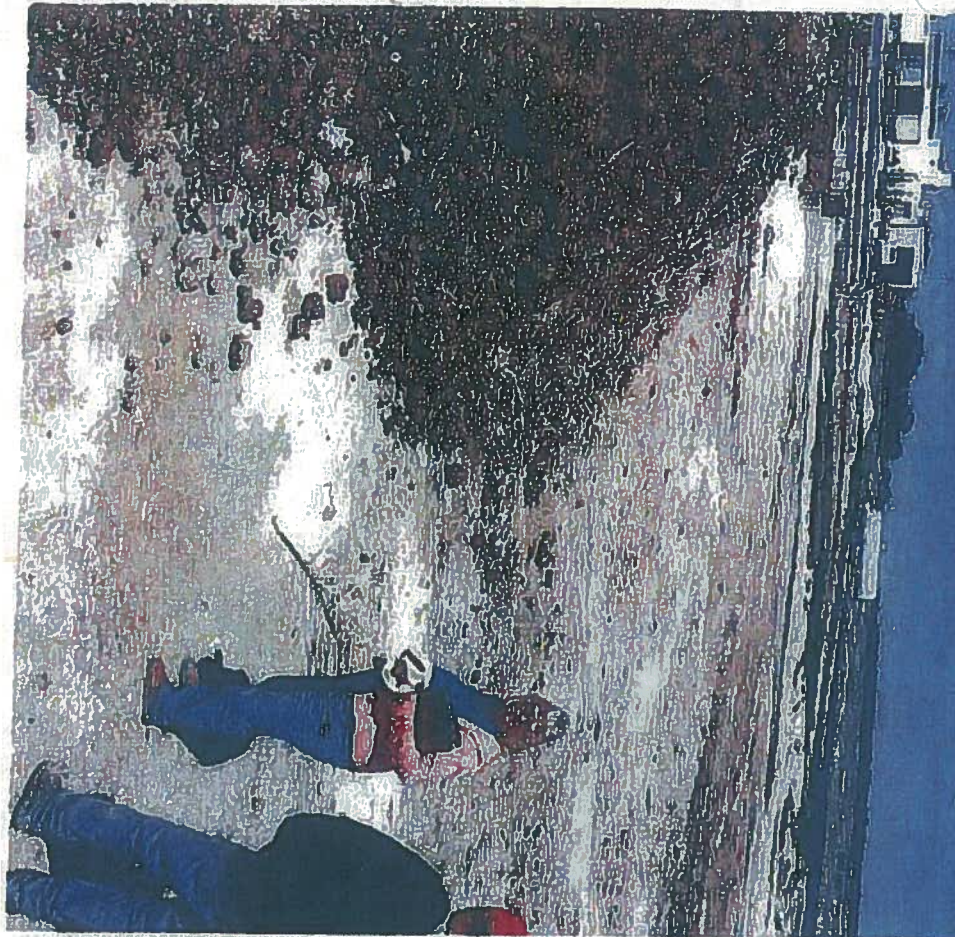




5-13-2010; 11:04 am Photograph #8
Pecos Valley Meat, Roswell, NM
Photographer: Teri Monaghan, NMED/SWB
Offal and manure piles (10-15 feet high) along
the east side of covered canopy storage area
facing southwest.

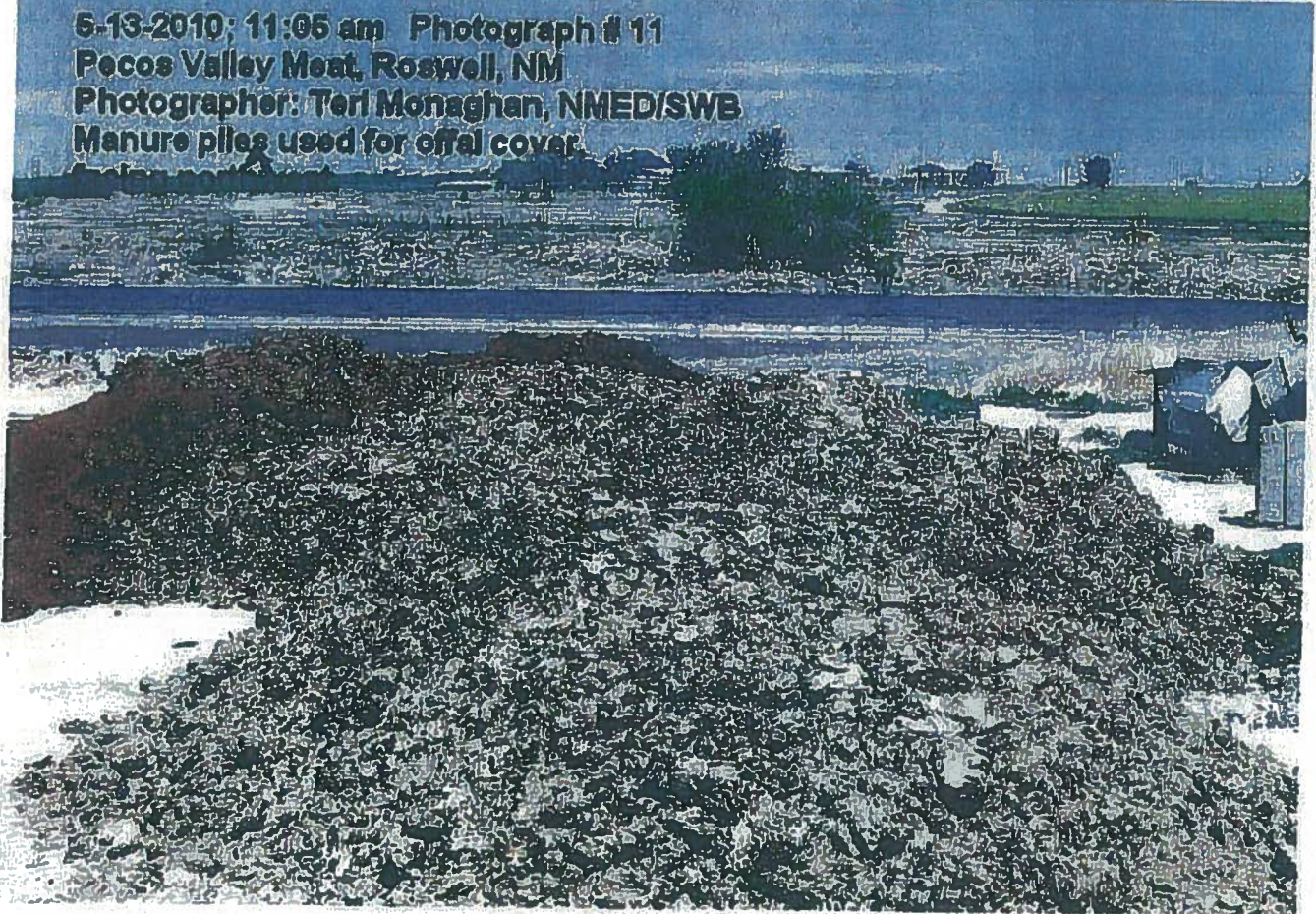


5-13-2010; 11:00 am Photograph #9
Pecos Valley Meat, Roswell, NM
Photographer: Teri Monaghan, NMED/SWB
Offal and manure piles along east side of the
covered canopy storage area, facing northeast.
Auralle Ashley-Marx, NMED/SWB Chief, and Eddie
Los Santos, brother of facility owner, assessing operation.



5-12-2010; 11:44 am Photograph # 10
Pecos Valley Meat, Roswell, NM
Photographer: Teri Monaghan, NMED/SWB
Offal and manure piles along north side of covered
canopy storage area facing west
Aurille Ashley-Marx, NMED/SWB Chief and Eddie
De Los Santos, brother of family owner, assessing
operation. Livestock processing facility in background.

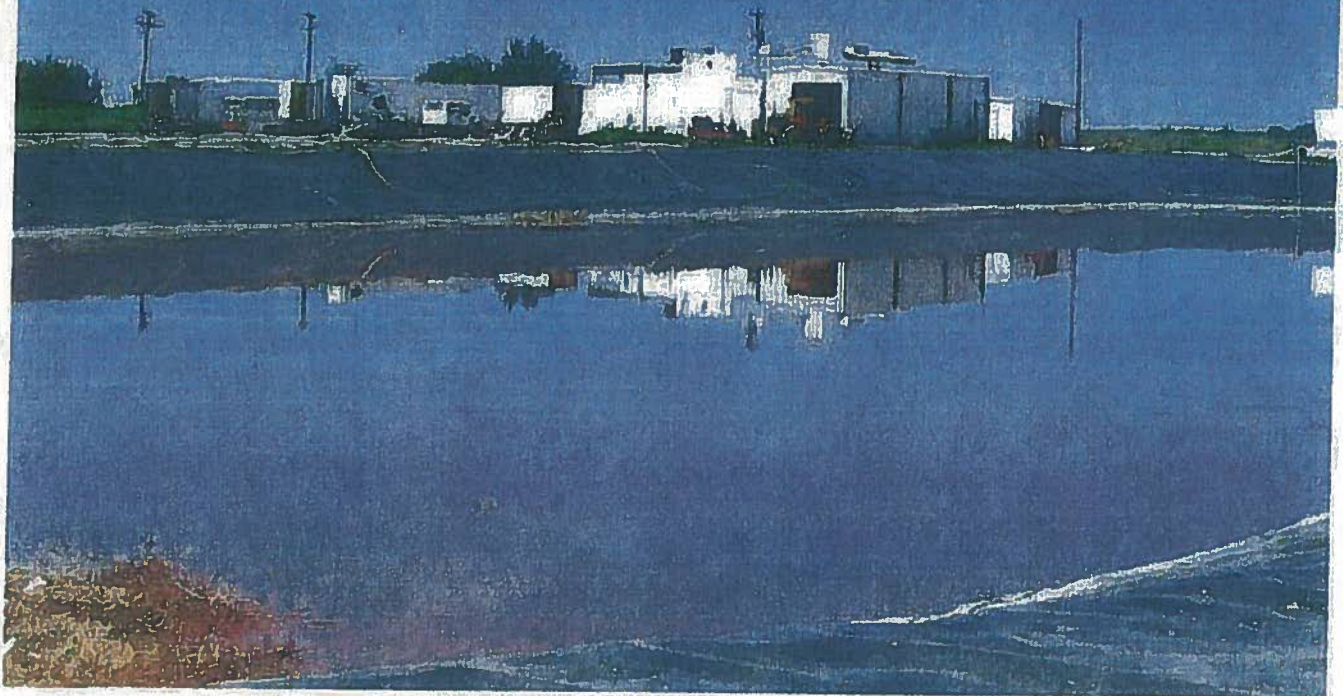
5-13-2010; 11:05 am Photograph # 11
Pecos Valley Meat, Roswell, NM
Photographer: Teri Monaghan, NMED/SWB
Manure piles used for offal cover.





5-13-2010; 11:20 am Photograph # 12
Pecos Valley Meat, Roswell, NM
Photographer: Teri Monaghan, NIMED/SWB
Empty bins; visible offal remains in one of the bins,
facing northeast.

5-13-2010; 11:20 am Photograph # 13
Pecos Valley Meat, Roswell, NM
Photographer: Teri Monaghan, NIMED/SWB
View from northwest side of livestock processing facility's
retention pond (GWQB approved discharge), facing southwest.



5-13-2010: 11:28 am Photograph # 14
Pecos Valley Meat, Roswell, NM
Photographer: Teri Monaghan, NMED/SWB
Butchered livestock skulls drying from custom
cut / sale, facing west.



EXHIBIT 9

Monaghan, Teri, NMENV

From: Monaghan, Teri, NMENV
Sent: Friday, April 13, 2012 7:57 AM
To: Ashley-Marx, Auralie, NMENV
Cc: Akeley, Chuck, NMENV
Subject: RE: Media Inquiry: Valley Meat Company
Attachments: Horses for Offal.pdf

Auralie,

I spoke to Troy Grant this morning and he has not been out to the Valley Meat facility since he has been on board (he was briefed about the site earlier); however, during his inspection at the Roswell Landfill, he asked about receiving any waste from Valley Meat (formerly Pecos Valley Meat) and the landfill had not received or heard from the facility. So my last visit was December 10, 2010, where I confirmed and noted in my observations on a facility inspection report that there was insufficient cover on compost pile, waste parts exposed and identifiable. We have no reason to believe that they ceased operations, as we have only asked them to get the facility registered and attend the operator training. As you know Eddie De Los Santos attended the operator training in April 2010, and the facility is still in process of getting registered.

In response to the NOV issued following the Dec. 2010 inspection, Rick De Los Santos provided a written response that states that they are using wood chips from the landfill and that he was still looking at options for disposal of the old waste. He also requested additional information from me regarding permits for building and operating a rendering plant on site. I researched this a little and provided a response back to him (email) relaying that it appears the regulatory agency who oversees their slaughterhouse operation would also regulate the rendering operation, that being the USDA Food Safety Inspection Services, the ones who initially contacted us.

We have an ROI prepared but not released from yours and my visit on May 13, 2010. Since then, the registration has been submitted upon my prodding in Dec. 2010, but has been lingering since. John is working this as you know, and Troy is willing to go out to inspect as needed. I am preparing this morning the file for him which I will email including the ENTS report, the ROI (with photos), SWFIR, NOV, and responses since.

Let me know if you need anything more.

Please note the attachment regarding equal offal for horses! ;)

Teri
(505) 222-9511

From: Ashley-Marx, Auralie, NMENV
Sent: Thursday, April 12, 2012 5:15 PM
To: Winchester, Jim, NMENV; Akeley, Chuck, NMENV; Rose, Mary, NMENV; Monaghan, Teri, NMENV; Offersen, John, NMENV; Rose, Mary, NMENV
Cc: Tongate, Butch, NMENV
Subject: RE: Media Inquiry: Valley Meat Company

Jim, as discussed by telephone this evening, I will meeting with you tomorrow morning between 9 – 9:30 to discuss this via telephone with the reporter.

From: Winchester, Jim, NMENV
Sent: Thursday, April 12, 2012 4:38 PM
To: Ashley-Marx, Auralie, NMENV; Akeley, Chuck, NMENV; Rose, Mary, NMENV; Winchester, Jim, NMENV; Monaghan, Teri, NMENV; Offersen, John, NMENV; Rose, Mary, NMENV
Cc: Tongate, Butch, NMENV; Winchester, Jim, NMENV

EXHIBIT 10



STATE OF NEW MEXICO - ENVIRONMENT DEPARTMENT

SOLID WASTE FACILITY INSPECTION REPORT

DATE: 12/10/2010

FACILITY NAME: ~~Reese~~ Valley meat Co., LLC

CONTROL #: NA

REASON FOR INSPECTION:

FACILITY OPERATOR: Ricardo + Sara De Las Santos Owners

FACILITY LOC.: 3845 Cedarvale Rd. Roswell, NM 88203-9020

- Routine, Complaint, Suspected Violation, Closure / Post Closure, Follow Up, Other

DISTRICT: EA-4

STATUS: INTERIM, PERMITTED, CLOSED

PHONE: 575-622-1214

TYPE OF FACILITY: Unregistered Composting Facility

OPERATING HOURS: 8-4:30

DAYS OF WEEK: M-F

TYPE OF WASTE HANDLED: MSW, INDUSTRIAL, C & D, SPECIAL (Tons/Cu. Yds. 1, Daily/Monthly)

1. FACILITY / OPERATIONAL CONTROLS

- Liter, Noise, Dust / Odor, Tipping / Insp. Area, Fire Control, Corrosion, Roads Maintained, Vectors, Access Controlled, Scavenging Control, Health/Environment Hazard

2. SIGNS REQUIRED / PROPERLY POSTED

- Operating Days/Hours, Emergency Numbers, Fires Prohibited, Operation Procedures, Loading/Unloading Area, Directions to Fill Areas, Scavenging Prohibited, Stdg./Warning / Visible

3. OPERATOR / REPRESENTATIVE / EMPLOYEES

- Certified, Employees Trained, On Site While Open

4. COVER

- Daily Applied, Final Cover, Compaction, Intermediate Applied, Excavating a Closed Cell, Stabilized Vegetation

5. MONITORING / SAMPLING / ANALYZING / HANDLING

- Methane, Ground Water, Frequency Maintained, Gas Control, Leachate, Unauthorized Waste Analyzed, Proper Equip./ Test Used, Waste Properly Processed

6. DRAINAGE / EROSION

- Water Run-on, Water Run-off

7. PROPER STORAGE / ISOLATION / DISPOSAL

- Special Waste, Infectious Waste, Tires, Recyclables, Hot Waste, Ash, Transfer Stations, Hazardous Waste, Asbestos, White Goods, Lead Acid Batteries, Timely Removal, Petroleum Contam. Sol

8. PROPER EQUIPMENT / MAINTAINED

- Facility Equipment, Audible Signals, Collection Equipment, Compaction Equipment, Storage Equipment, Transport Equipment, Fire Fighting Equipment, Clean & Sanitized

9. PLANS & PROGRAMS On File

- Contingency, Inspection, Facility Site Plan, Training Programs, Ground Water Monitor, Methane Monitoring, Clean-up/Remediation, Deviation From Plans, Operating / Maintenance, Disposal Management, Closure / Post Closure, Removal - Stored Waste, Fire Protection & Prevention, Disease Vectors/Rodent Ctr, Leachate Control

RECORDS / REPORTS / RESULTS Maintained

10. INSPECTION RECORDS

- Daily Records Kept, Signatures, Names of Co. & Driver, Vehicle Description, Source/Type/Volume of Waste, Times & Dates, Vehicle License Number, Observations

11. NOTIFICATION - RECORDS When required was:

- NM ED/Facility/Other, Clean Up Assured, Disposal Assured, Area Restricted, Transportation Assured

12. MONITORING / SAMPLING / ANALYSIS - RECORDS

- Methane Levels Taken Quarterly, Unauthorized Waste Analyzed, Contaminated Waste/Soil Analyzed, Ground Water Sampling Results, Leachate Sampling & Treatment

13. SPECIAL WASTE RECORDS (Type)

- Lab Analysis Results, Manifests, Treatment Certification, Paint Filter Test Results, Remediation Documentation



STATE OF NEW MEXICO - ENVIRONMENT DEPARTMENT

Page 2

SOLID WASTE FACILITY INSPECTION REPORT

Pecos Valley Meat Company, LLC

14. EVIDENCE OF UNAUTHORIZED WASTE

- a. Bulk Liquids b. Batteries
c. Hazardous Waste d. Infectious Waste
e. Petroleum Waste f. Sludges
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. No Facility Registration

16. CORRECTIVE MEASURES

- a. Action Taken b. Continuous Monitoring
c. Initial 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.

Table with 4 columns: No., Item, Sec.#, Violation Detail - Narrative. Row 15: d. 20.9.3.27 A(2) NMAC. Failure to register as a composting facility with NMED Solid Waste Bureau, as directed during a May 13, 2010 site inspection by the Bureau. Initial request from April 7, 2010 via email to facility owners made following complaint received from the USDA Food Safety & Inspection Service Denver District Office, dated Jan. 22, 2010 & received at the Bureau Feb. 2, 2010. Field visit through noted insufficient cover of compost pile. Waste parts exposed & identifiable. Discussed Composting Facility Registration with facility owners & requirement to complete & submit Compost Facility Operator Certification Exam Course - attendance certificate posted for Eddie De Los Santos, April 22, 2010. Facility Owner: Ricardo & Sara De Los Santos, 3845 Cedarvale Rd., Roswell, NM 88203-9020, Phone: 505-622-1214.

Violations MUST BE CORRECTED BY: 1/10/2011 Operator/Rep. Signature: [Signature] Date:
Follow-up Inspection Due On (Date): 30 days NMED/Rep. Signature: [Signature] Date: 12/10/2010

EXHIBIT 11



NEW MEXICO
ENVIRONMENT DEPARTMENT

Environmental Protection Division
Solid Waste Bureau



SUSANA MARTINEZ
Governor

JOHN SANCHEZ
Lieutenant Governor

1190 St. Francis Drive, Room S2050
P.O. Box 5469

Santa Fe, New Mexico 87502-5469

Telephone (505) 827-0197

Fax (505) 827-2902

www.nmenv.state.nm.us

RAJ SOLOMON
Acting Secretary

Record Number: ENTS 6310

Certified Mail - Return Receipt Requested No. 7008 0500 0001 1245 8061

January 4, 2011

Ricardo De Los Santos, and
Sarah De Los Santos, Owners
Valley Meat Company, LLC
3845 Cedarvale Road
Roswell, New Mexico 88203-9020

Re: Notice of Violation – Valley Meat Company, LLC Composting Facility

Dear Mr. and Mrs. De Los Santos:

On December 9 and 10, 2010, Teri D. Monaghan, Enforcement Officer, Solid Waste Bureau (SWB), New Mexico Environment Department (NMED), inspected Valley Meat Company, LLC's composting facility and related operations (formerly operated as Pecos Valley Meat Company) to determine compliance with the New Mexico Solid Waste Rules (SWR), 20.9.2 – 20.9.10 NMAC. The following violations were observed:

1. **Failure to register a composting facility** – The inspection documented that the Valley Meat Company, LLC failed to register its composting operation. The composting operation utilizes a significant amount of offal (a special waste under the SWR) that is generated at the on-site slaughterhouse. The SWB learned of the facility's questionable composting operations on February 2, 2010, when a complaint was received from the USDA Food Safety & Inspection Service. The SWB first documented the composting operation on May 13, 2010, at which time the registration requirement was discussed and it was agreed that a completed registration would be submitted within two weeks. The SWB has not received a registration application for the facility. The SWR, 20.9.3.27.A(2) NMAC, requires the owner or operator of a composting facility that accepts only source separated compostable materials to file an application for a registration at least 30 days prior to operations and every five years thereafter. In addition, the SWR, 20.9.3.27.A NMAC, states that "[f]acilities covered by this section [20.9.2.27 NMAC] that do not timely file a complete application for registration are hereby deemed unpermitted solid waste facilities, and the owner or operator may be subject to penalties, permit requirements and nuisance abatement orders."

2. **Improper composting of special waste (offal)** – The inspection documented the presence of waste materials, including animal parts (offal), that were protruding or uncovered within the current

Ricardo De Los Santos, and
Sarah De Los Santos
January 4, 2011
Page 2 of 2

compost pile(s). Insufficient use of carbonaceous material, such as manure and/or wood chips, and excessively high piles of compostable material were documented. Such operation represents a potential public nuisance due to odors, increased potential for disease vector harborage, and the potential for insufficiently-composted offal to be improperly utilized or disposed in a manner other than as required for special waste. The SWR, 20.9.2.8.D NMAC, states that "[a]ny person who generates, stores, processes, transports or disposes of solid waste shall do so in a manner that does not create a public nuisance."

3. **Failure to properly dispose of solid waste (old previously-composted material)** – The inspection further documented the presence of abandoned piles of old "composted" material that had been permanently stored upon the ground for several years. This material was located along the southeast property boundary. The SWR, 20.9.2.10.A(1) NMAC, states that no person shall "store, process, or dispose of solid waste except by means approved by the secretary and in accordance with board regulations." The SWR, 20.9.2.10.A(3) NMAC, states that no person shall "dispose of any solid waste in a place other than a solid waste facility that meets the requirements of [the SWR]..."


***Please note that the SWR, 20.9.2.7.D(5) NMAC, defines "dispose or disposal" as "causing, allowing, or maintaining the abandonment, discharge, deposit, placement, injection, dumping, burning, spilling, or leaking of any solid waste into or on any land or water." [Emphasis added]

The NMED is seeking your voluntary cooperation in the immediate correction of these violations. Please respond in writing within ten (10) days of receipt of this notice as to what action you have taken, or plan to take, to correct the violations. Your response should include a completed composting facility registration application and a written plan for removal and use or disposal of the abandoned piles of old "composted" material. Send your response to me: c/o Manager, Enforcement Section, Solid Waste Bureau, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico 87502-5469.

The failure to ensure timely corrective action, or evidence of continued non-compliance, will result in additional enforcement action that may include the assessment of a civil penalty of up to \$5,000 per day, per violation.

If you have any questions regarding the inspection or the conditions of this letter, please call me at (505) 827-2924, or alternately, you may call Ms. Monaghan (505) 222-9511.

Sincerely,


George W. Akeley Jr. (Chuck)
Manager, Enforcement Section

GWA:tdm

Enclosure – Solid Waste Facility Inspection Report, Abatement Plan Help Sheet, Registration Form

cc: Auralie Ashley-Marx, Chief, Solid Waste Bureau
Terry Nelson, Manager, Permit Section, Solid Waste Bureau
Teri D. Monaghan, Enforcement Officer, EA-I, Solid Waste Bureau
Enforcement Officer, EA-IV, Solid Waste Bureau

EXHIBIT 12



NEW MEXICO
ENVIRONMENT DEPARTMENT



*Environmental Protection Division
Solid Waste Bureau*

SUSANA MARTINEZ
Governor

JOHN SANCHEZ
Lieutenant Governor

1190 St. Francis Drive, Room S2050
P.O. Box 5469
Santa Fe, New Mexico 87502-5469
Telephone (505) 827-0197
Fax (505) 827-2902
www.nmenv.state.nm.us/SWB

F. DAVID MARTIN, M.S.
Secretary

January 10, 2011

Mr. Ricardo de los Santos
Valley Meat Company, LLC
3845 Cedarvale Road
Roswell, NM 88203-9020

*John,
Can you update Chuck
or I re: this
Compost Reg.
Thx.*

*Tari
7/13/2011*

Re: Registration Application for Valley Meat Company, LLC Composting Facility

Dear Mr. de los Santos,

The New Mexico Environment Department, Solid Waste Bureau (Bureau) received the Composting Facility Registration Form for Valley Meat Company, LLC on January 7, 2011. The Bureau has reviewed the application for compliance with 20.9.3.27 and 29 NMAC of the New Mexico Solid Waste Rules (20.9.2-11 NMAC) and has determined the information provided to be incomplete. Therefore, the Bureau requests additional information.

The following list of items must be addressed prior to proceeding with the review. Please submit the requested information within 30 days of receipt of this letter.

1. Page 2, On-Site Equipment; you mention a "proposed expansion [concrete] slab" in the list of equipment. Please discuss.
2. Page 2, Type/Composition; please provide the source of wood chips used for composting.
3. Page 2, Operational Rate; instead of head per day, provide the operational rate in terms of gallons, pounds, cubic yards or tons per day. Additionally, state the operational rate for the wood chips and manure.
4. Operations Plan:
 - a. Means to control litter and prevent and extinguish fires. Your answer, "no litter or fire controls are needed," is unsupported by evidence. Please provide a means to control litter and show how the facility is prepared to extinguish a fire, should one occur.
 - b. Means of controlling and mitigating noise and odors. Please answer.
 - c. Conduct of safe and sanitary composting operations. Your answer, "Registered composting employee is the only person permitted to perform daily operation," is

RECEIVED

JUL 15 2011

ValleyMeatCoComments011011

SOLID WASTE BUREAU

- incomplete. Please state how this employee's duties assure safe and sanitary composting.
- d. Frequency of solid waste removal, which shall be by the end of the operating day, unless otherwise approved in the registration. Please state the frequency of solid waste removal. Provide disposition of solid waste.
 - e. Demonstrate that a groundwater discharge permit has been applied for. Please provide a copy of the application submitted to GWB.
 - f. Describe the process, loading rate, proposed capacity, size and operational rate, etc. Please provide much more description of your composting operation:
 - i. What species of animals do you compost and why? Do you compost whole carcasses or entrails, heads, legs, bones, etc.
 - ii. How long is the composting period?
 - iii. How do you know when the compost is done?
 - iv. Do you take temperature readings during composting?
 - v. Do you compost in windrows? What size? How many? How are the carcasses/offal arranged in the windrow? What is the ratio of offal to woodchips in the windrows?
 - vi. How much offal do you compost at one time? How many days per week do you compost? Do you compost all year round?
 - vii. What guidelines do you use in your operations?
 - viii. How is the finished compost processed and what is its disposition?
 - ix. What experience do you have in mortality composting?
 - g. You state that, "All composting of fresh material will be done as required by state and local regulations." Please reference these regulations and how they are implemented at your facility.

Sincerely,



John Offersen
Environmental Specialist
NMED- Solid Waste Bureau, Permit Section

Cc: Enforcement Area IV
Terry Nelson, Permit Section Manager
Chuck Akeley, Enforcement Section Manager

EXHIBIT 13



NEW MEXICO
 ENVIRONMENT DEPARTMENT
Environmental Protection Division
Solid Waste Bureau



Harold Runnels Building – Room 2050
 1190 St Francis Dr.
 PO Box 5469, Santa Fe, NM 87502-5469
 Phone (505) 827-0197 Fax (505) 827-2902
 www.nmenv.state.nm.us

COMPOSTING FACILITY REGISTRATION FORM

Notice to Registrant: The New Mexico Solid Waste Rules (SWR), 20.9.3.27 NMAC, requires the registration of a composting facility with the New Mexico Environment Department. A composting facility means a facility, other than a transformation facility, that is capable of providing biological stabilization of organic material. The owner or operator of a composting facility must apply for a registration at least 30 days prior to any operations and every five years thereafter. Existing composting facilities shall apply for a registration at least 30 days prior to the expiration of their existing permit or registration, or within two years after the effective date of these regulations (August 2, 2007), whichever occurs first. A composting facility that fails to file a timely and complete application for registration is deemed an unpermitted solid waste facility, subjecting the owner or operator to penalties, permit requirements and nuisance abatement orders. Composting facilities required to register shall accept only source separated compostable materials. If a composting facility has or plans to increase its operational rate to more than 25 tons per day annual average, it must additionally comply with SWR 20.9.3.28 NMAC.

This form is provided to assist you in completing the registration process. Return the completed form with all attachments to: c/o Manager, Permit Section, Solid Waste Bureau, New Mexico Environment Department, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico 87502-5469.

I. GENERAL INFORMATION (Please type or print)

Facility Name: Valley Meat Co. LLC

Facility Owner: Ricardo De Los Santos

Mailing Address: 3845 Cedarvale Rd. ROSWELL NM 88203

Telephone: 575-622-1214 Contact Person: Ricardo De Los Santos
EDDIE De Los Santos

Facility Operator: EDDIE De Los Santos

Mailing Address: 3845 Cedarvale Rd.

Telephone: 575-622-1214 Contact Person: SARAH De Los Santos
EDDIE De Los Santos

Physical Address of Facility: 3845 Cedarvale Rd.

Legal Description of Property (GPS coordinates and/or section, township & range, county and state): Section 17, Township 11 South

Range 25 East, Chaves County N.M.

Land Use and Zoning of Facility: Agricultural Zone

Revised 3/1/10

RECEIVED

JAN 24 2012

II. FACILITY LAYOUT

Attach a Map of the Facility Location, Indicating the Land Use and Zoning of the Surrounding Area, Parcel Size, Set Backs and Locations of All Watercourses or Wetlands Within 200 Feet of the Facility

Attach a Site Map of the Facility Identifying:

- Name and location of facility and North arrow for direction
- Locate any adjacent roads or highways
- Facility boundary and dimensions, fencing, gates, entrances and exits
- All compost storage, loading, and unloading areas
- Traffic flow pattern
- Location of all buildings, structures and utilities – including overhead electrical lines

III. OPERATIONS

Anticipated Start Up Date (For new facilities): _____

Days/Hours of Operation: M-F 8-4:00pm

On-Site Equipment and Storage Containers (Attach additional sheet, if necessary):

Type: <u>John Deere Loader</u>	Number: <u>1</u>	Size: <u>2 1/2 yd. Bucket</u>
Type: <u>Concrete Slab for Composting</u>	Number: _____	Size: <u>80' X 40'</u>
Type: _____	Number: _____	Size: _____
Type: _____	Number: _____	Size: _____
Type: _____	Number: _____	Size: _____
Type: _____	Number: _____	Size: _____
Type: _____	Number: _____	Size: _____
Type: _____	Number: _____	Size: _____
Type: _____	Number: _____	Size: _____

COMPOSTABLE STREAM:

Origin and Market (Indicate company name, country, state, county and/or municipality): _____

Type/Composition (e.g., manure, food waste, mulch, etc.): MANURE, wood chips,

Slaughter plant offal material

Operational Rate (Estimated volume of compostables to be accepted at the facility each day): 2000⁺ per Slaughter Day

Solid Waste Component (Per 20.9.3.29 NMAC, provide a plan for disposal of solid wastes that are unavoidably collected):

possible landfill

IV. **ACKNOWLEDGEMENTS**

A. I AM AWARE THAT THE OWNER OR OPERATOR IS REQUIRED TO COMPLY WITH ALL OF THE TERMS OF THE APPROVED REGISTRATION RD. INITIALS

B. I AM AWARE THAT THE OWNER OR OPERATOR MUST UPDATE THIS REGISTRATION TO REFLECT ANY MATERIAL CHANGES IN OPERATIONS (PRIOR TO IMPLEMENTING SUCH CHANGES) RD. INITIALS

The undersigned attests the information provided is true and accurate.

<u><i>Ronald O. [unclear]</i></u> member Signature and Title	<u>1-28-11</u> Date	<u>575-622-1214</u> Telephone
	resent - <u>1-15-12</u> <u>(RD.)</u>	

VALLEY MEAT COMPANY LLC
3845 CEDARVALE RD.
ROSWELL, N.M. 88203

COMPOSTING FACILITY REGISTRATION
OPERATIONS PLAN

All product to be composted on site will be from slaughter facility adjacent to compost facility. All new composting will be done as required by state or local regulations. All composted product will be covered with a minimum of 12 inches of manure and wood chip mixture.

- 1 • A sign is placed at main site office indicating hours of operation, emergency telephone numbers. No outside product is accepted.
- 2 • Access into facility is available through front gate which is kept locked outside business hours.
- 3 • No product is stored, all product from each day is composted immediately.
- 4 • No litter or fire controls are needed.
- 5 • Area is sufficient to meet demands.
- 7 • Registered composting employee is the only person permitted to perform daily operations.
- 8 • Solid waste will be monitored until composting is complete before removal.
- 9 • No sewage sludge is accepted.
- 10 • Discharge water permit renewal application has been submitted.
- 11 • Product is taken to composting site with a front end loader. Compostable volume is approximately one ton per day on slaughter days only.
- 12 • No unauthorized waste material is accepted.
- 13 • In the event the facility loader has a breakdown, product will be stored in storage cooler at the plant until repairs are made.
- 14 • Records keeping requirements will be submitted as required by the Department.
- 15 • Facility has a certified operator on site at all times while facility is operating.

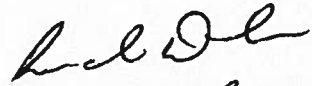
Page 4, Number 5

Description of process and use:

- 11
- All mixing material including manure and wood chips will be brought in from local sources.
 - All composting material is fresh with its own moisture content, therefore no moisture addition is necessary.
 - All composting of fresh material will be done on concrete slab and under a metal roof.

Number 6,

- Finished product from composting will be run through a shaker to remove any large pieces of product out of material, any large pieces will be placed on manure pad until enough product is available to be hauled off to an approved landfill.
- Manure and wood chips will be stored on a manure pad until they can be reused in the composting process.


Ricardo De la Santes

VALLEY MEAT COMPANY
3845 CEDARVALE RD.
ROSWELL, N.M. 88203

January 28, 2011

Mr. John Offersen
Environmental Specialist
NMED-Solid Waste Bureau, Permit Section

Re: Response and Clarification on Registration of Composting Facility

Dear Mr. Offersen,

The following is a list of information requested.

1. An expansion of the concrete slab on the east side of property is being considered if facility does not install the rendering facility within a reasonable time frame.
2. The source of wood chips (brush and tree chips) is the City of Roswell Landfill. The Landfill has a supply of wood chips year round. Landfill manager is working with Eddie DeLosSantos (compost manager) to keep us supplied with wood chips.
3. Operational rate of compost material is approximately 1800 lbs. per day 3 days per week. Wood Chips used is at a minimum of 18 inch cover and then a cover of 24 inches of manure.
4. Operational plan:
 - Raw material is hauled in a truck to compost area therefore no litter is produced at site. If any litter is accumulated compost manager will be in charge of assigning employees to maintain areas clean.
 - In the event of a fire compost manager has access to fire extinguishers and East Grand Plains Fire Dept. is approximately 3 miles away.
 - Any noise produced at facility is only from the truck or loader during the actual composting process once in the afternoon.
 - The wood chips and manure mixture retain heat and absorb odors.
 - Composting Employee was trained and certified by the State Of New Mexico Environment Dept. on proper composting procedures.
 - All material from days production is composted therefore there is no need for solid waste removal until composting is done.
 - Ground water permit application has been submitted. Copy attached.

Process:

- Material to be composted is offal material from slaughter facility, entrails, bones, heads and on occasion some whole skinned carcasses. All rumen is punctured to prevent swelling and lift off of covering.
- Composting period is 6 to 12 months.

- When composting is done bones become brittle and break when pressure is applied to them .We have not taken temperature readings in the past but it is a procedure that will be implemented in the very near future.
- Composting is being done in windrows 12 feet wide and 30 feet long and 6 feet high. At present there are 2 windrows. The offal is placed on a 24 inch thick pad of manure and then covered with 8 to 10 inches of wood chips followed by a cover of 24 inches of manure.
- Offal material is composted only on production days usually 3 days per week year round, approximately 1800 pounds per day.
- Guidelines used in composting facility are guidelines recommended by in the composting manual from the composting course.
- All finished compost material will be worked in order to remove any large dried bones and then compost will be reused as a compost cover on fresh material. We are still working on getting a landfill to take all dried bones.
- I do not have mortality composting experience, but compost manager has taken the composting class and was certified in the composting process. Our composting consists mostly offal material only on occasion is whole unskinned carcasses composted.
- All composting is done according to recommendations provided by the Methods and Case Studies of Auralie Ashley-Marx.

If there is any questions please contact me or Edwardo DeLosSantos at 575-622-1214 or at sada012162@yahoo.com

Sincerely,



Rick DeLosSantos
Valley Meat Co. LLC

EXHIBIT 14



**NEW MEXICO
ENVIRONMENT DEPARTMENT**



***Environmental Protection Division
Solid Waste Bureau***

SUSANA MARTINEZ
Governor

JOHN SANCHEZ
Lieutenant Governor

**1190 St. Francis Drive, Room S2050
P.O. Box 5469
Santa Fe, New Mexico 87502-5469
Telephone (505) 827-0197
Fax (505) 827-2902
www.nmenv.state.nm.us/SWB**

F. DAVID MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

April 24, 2012

Mr. Ricardo de los Santos
Valley Meat Co., LLC
3845 Cedarvale Road
Roswell, NM 88203-9020

RE: Review of Composting Registration Application for Valley Meat Co., LLC

Dear Mr. de los Santos,

The New Mexico Environment Department, Solid Waste Bureau (Bureau) received the Composting Facility Registration Form for the Valley Meat Co. on January 24, 2011. We apologize for the delay in providing this response. The Bureau has reviewed the application for compliance with 20.9.3.27 and 29 NMAC of the New Mexico Solid Waste Rules (20.9.2-11 NMAC) and has determined the information provided to be incomplete; therefore, the Bureau is unable to register your composting facility unless and until adequate additional information is submitted and staff determines that the responses comply with the Rules.

The following list of items must be addressed prior to completing the review process. Many of Mr. Offersen's comments appear to have been addressed in the letter you attached to the application. However, the language from your letter needs to be inserted into to the appropriate parts of your Operations Plan, as applicable. Please submit all requested information and the revised Operations Plan as soon as possible, but not more than 30 days of receipt of this letter.

APPLICATION

1. Page 2, Origin and Market; the section was left blank, list origin of waste including your own slaughterhouse or any other sources, if applicable. Discuss who will use and the types locations where the finished compost, will be beneficially used after leaving your facility. Explain how you will market the compost (place newspaper ads, put up signs, for examples).
2. Type/Composition. Include details as discussed in your January 28, 2011 letter as to the source of the wood chips and the source of manure used for composting in this section of the application. Page 2, Operational rate; you state "2000# per slaughter day." on the

Valley Meat Co., LLC

application. This amount is different than the information you provided in your January 28, 2011 letter. Is the projected total amount 2000 pounds or 1800 pounds? Is this amount just the weight for offal? If yes, add offal or meat processing waste after pounds. What is the operational rate per day, monthly average? How many days per year do you slaughter? Use last year's records to support this number. Is this rate year-round or seasonal? If seasonal, how many days per year do you operate? You also mention that you compost three (3) times per week, yet you are open five (5) days per week. Provide information regarding approximately how many bucket loads of wood chips and manure is used weekly to make your windrow piles.

3. Please explain how waste is stored if you hold wastes to accumulate enough to compost. If stored explain where, how waste is stored and for how long.
4. Page 2, Solid Waste Component; your response is, "possible landfill" change this response. The Bureau is in receipt of the letter from Justin Patty, dated January 31, 2012, wherein he commits to accepting your legacy slaughterhouse waste for disposal in a reduced rate of \$10.75 per ton. Answer each of the following questions:
 - a. How much of the legacy waste do you plan to take to the Roswell Landfill? What is your timeline for disposing of this amount of legacy slaughterhouse waste at this site?
 - b. If you have another possible location for use of the legacy compost, you must include the name of the site owner, the address and/or directions to the site, how the legacy compost will be processed and/or beneficially used. Include a letter from this person stating that he/she wishes to use the legacy waste, and what he/she plans to do with it. (for example, till it into range land or spread on unused grazing land to improve vegetative growth) Provide a deadline when the Valley Meats site will be cleared if legacy compost.

OPERATIONS PLAN

1. Signage: In addition to hours of operation and emergency telephone numbers, your signs must also state that fires and scavenging are prohibited.
2. Means to control litter and prevent and extinguish fires; your response, "No litter or fire controls are needed," is contrary to the Rules. Discuss why litter is not generated as part of this operation. (Source separated meat processing waste/offal and bones, does not include any materials that could generate litter).
3. You must discuss your procedures to prevent fires and extinguish them if they occur. Compost piles or stored wood chips have been known to spontaneously combust causing large fires. Specify the frequency of checks of piles to ensure that no fires exist.
4. Controlling and mitigating noise and odors; explain how you will control and mitigate odors and noise. Specify that odors are mitigated by properly covering the process wastes, you check temperatures, and you plan to clean the windrow area after building each section of the windrow to prevent odors. Your nearness to livestock operations and the lack of neighbors are mitigating circumstances you may include this statement regarding noise in your discussion.
5. Conduct of safe and sanitary composting operations; your response is incomplete. How does your certified operator assure safe and sanitary composting? Specify proper cover of piles

Valley Meat Co., LLC

- to prevent vectors (flies and animals), checking and logging of temperatures of the piles (specify frequency of checks), keeping areas clean around piles, using wood chips to soak up liquids from piles, and other methods to maintain sanitary operations. Provide a copy of any operator's certifications.
6. Specify length of composting period, and the period of time that finished compost will be stored on-site prior to marketing. Please note the period of time that finished compost is stored on the site cannot exceed the capacity of the site to store this material. Provide a sketch map showing your storage area, and the anticipated amount that can safely be stored for a period of no more than one year.
 7. Frequency of solid waste large bone removal and/or crushing; the solid waste in this procedure is the solid waste unavoidably collected, not the composting material. Do you need to separate solid waste from your compost feedstock before you start composting? If no solid waste is generated or received in the meat processing waste, wood chips or manure state this. (Solid wastes would include but not be limited to papers or other wastes).
 8. Groundwater Discharge Permit; provide a copy of the permit issued by the New Mexico Environment Department, Ground Water Quality Bureau.
 9. Describe the process, loading rate, etc.; some of this information in the Operations Plan was included in the letter you provided to the SWB in January 2011. Add all this information to your Operations Plan in the correct locations, as described in your letter unless changes are needed and noted below to correct the information are necessary. In the application, you state:
 - a. "All composted product will be covered with a minimum of 12 inches of manure and wood chip mixture," twelve (12) inches of manure woodchip mixture is not enough to cover the mortality waste. Should this statement read "the meat processing waste for composting will be place on a bed of manure and wood chip mixture 12-18 inches deep." "The compostable material will be placed near the center of the manure bed and with at least 18 inches left on either side and on the end to absorb blood and other liquids." (See attached drawings) The length, width and height of the windrows provided in your letter are acceptable.
 - b. "Wood chips used are at a minimum of 18 inch cover and then a cover of 24 inches of manure." This statement is inconsistent with your letter which states "The offal is ... then covered with 8 to 10 inches of wood chips followed by a cover of 24 inches of manure."
 - c. Covering with 18 inches of wood chips and then manure is and covering with 20-24 inches of manure is the statement that needs to be put in your operations plan.
 - d. Please note that the Bureau recommends that the manure and wood chip mixture be used for the final cover, unless you include a justification statement that you have tried both methods side-by-side and have verified via temperature records and other documentation such as photographs that the manure cap works as well as a mixed cap.
 - e. The top mixture needs no more than 30-40% moisture content in order to promote air flow. Diagrams of static pile and windrow construction have been attached for your use.
 10. Unauthorized waste; your response, "No unauthorized waste material is accepted," is not complete. While you don't want to accept this waste, it may sometimes come in with the green waste and wood chips. Do you check for unauthorized (non-compostable) waste in


Valley Meat Co., LLC

- your feedstocks? Do you screen out large bones after composting? If and when you receive some incidental waste, what do you do with such wastes?
11. Response to emergency situations; discuss how "stored materials and compost will be removed in a timely manner to avoid nuisances or hazards."
 12. Record keeping; in addition to your response, "Records keeping requirements will be submitted as required by the Department," please state that you will file an annual report by February 15th each year.
 13. Certified operator; provide a copy of the operator's current composting certification.
 14. Personnel training; briefly describe of your training program. Do you have regular meetings expressly for safety training?

COMMENTS REGARDING RESPONSE LETTER (01/28/11)

1. Regarding the rendering plant, clarify if any changes have been made to rendering plant if applicable. Has a concrete pad been installed? If yes, when was it installed, and if not what is the time frame for installing the new concrete pad?
2. Regarding the wood chips, how many cubic yards of wood chips do you use per week? Do you store them at your site?
3. Operational plan
 - a. Do you add woods chips and manure separately? If you mix them, how?
 - b. You say, "All material from days production is composted therefore there is no need for solid waste removal until composting is done." Where is the finished compost used or disposed? Do you have sufficient room on your pad for all the composting windrows (each windrow is about 360 square feet)?
 - c. What is your schedule for taking temperature readings? Temperature readings of each pile must be taken and records maintained.
4. You say you plan screen out the large bones and dispose of them at the landfill. How often will this be done per month? You state, "We are still working on getting a landfill to take all dried bones." Include the letter you received from the Roswell landfill with your application

Sincerely,



Auralie Ashley-Marx

Chief, Solid Waste Bureau

Enclosure: diagrams of static pile and windrow construction

Cc: John Offerson, Environmental Specialist, Permit Section
Teri Monaghan, Enforcement Area I (Lead)
Troy Grant, Enforcement Area IV
Larry Fry, City Manager, City of Roswell, 425 N. Richardson Ave, Roswell, NM 88203
Valley Meat Co. facility file
Auralie Ashley-Marx reading file

EXHIBIT 15

VALLEY MEAT COMPANY LLC
3845 CEDARVALE RD.
ROSWELL, N.M. 88203

January 13, 2011
Record Number: ENT6310

George Akeley
Manager, Enforcement Division
New Mexico Environment Department
Solid Waste Bureau

Dear Mr. Akeley

In response to the letter I received on January 05, 2011. I would like to take the opportunity to present a plan of action for our composting facility and address any concerns the Department might have concerning our facility.

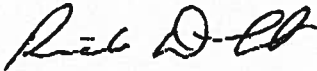
1. During Ms. Monaghans' visit to our facility we discussed the facility registration. Since that visit we have submitted a registration form.
2. The improper composting of the special waste situation has been corrected on the concrete slab. All material has been covered with enough manure to keep the piles from creating a nuisance or odors. We have purchased wood chips from our local landfill to mix with manure to insure the composting process is being done correctly. Attached is the bill of lading from the landfill. We will be able to continue to bring in wood chips as needed from the landfill. The composting will be done in rows to maintain better control.
3. With regards to the disposal of the composted material along the south east property line. We are having a screen shaker built by our welder to be able to remove any large pieces of product out of the piles, after we remove all of the solids we will place them all on a manure pad until we find an approved landfill to accept the special waste. We have contacted the Roswell landfill and Gandy-Marley in Tatum NM and asked about disposing all of our composted material, they have said they are not approved for this type of waste. The compliance manager at Gandy-Marley (Brett) has told me he has addresses and phone numbers of approved disposal sites. However he was not at his office

today, so we will be talking again on Tuesday 1/18/11 and he will give me the information. We will continue to work on getting this issue resolved as soon as possible.

Further plans for our facility is to build a rendering plant here adjacent to the plant. All of the equipment has been purchased and should be delivered by mid February. I have asked Ms. Monaghan if she could direct me in the right direction on getting the permits required for this type facility. We will not increase our production until the plant is up and running. Since all of the rendering plants in the area are in Texas we have not been able to get any of them to receive our product even if we deliver it. For the last year and a half we have just been working enough as a Federal facility to keep our doors open until we could build our own rendering facility and be able to increase our production.

If there is any more questions please contact me at 575-622-1214 or by email at sada012162@yahoo.com.

Thank You,



Rick DeLosSantos

EXHIBIT 16

We will continue to assess their current operations. Please let me know if you have additional concerns.

*Teri Monaghan
Enforcement Coordinator
NMED Solid Waste Bureau
(505) 222-9511*

From: Pasko, Amber - FSIS [<mailto:Amber.Pasko@fsis.usda.gov>]
Sent: Friday, April 13, 2012 8:48 AM
To: Monaghan, Teri, NMENV
Subject: Composting at Valley Meat Company

Ms. Monaghan,

I received your contact information from the Denver District Office as you were involved with the compost of slaughter and processing inedible products at Valley Meat Company in Roswell, NM; 3845 Cedarvale Road in 2010.

I am contacting you to alert you the compost pile does not appear to be maintained by the company. The company has had a very low volume of operations in the last few months and I have not observed any management activities, only continued dumping. Additionally, the piles in comparison to the mechanical equipment seem too high to manage and rotate. It was my understanding composting of mortality should not exceed six feet high and these piles are well above that. The only carbon base material visible from official premises is manure. Also, I have not observed any moisture adding devices or evidence moisture has been added.

These compost pile used by the facility are off official premises and therefore are regulated strictly by your department. I encourage you to investigate the issue at Valley Meat company, as my agency is not able to do so.

Thank you,

Amber Pasko

PS: please contact me via email as I am not at the telephone number below very often.

*Amber D. Pasko, D.V.M., M.P.H
SPHV Roswell, NM
575-627-1928*

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

EXHIBIT 17

Monaghan, Teri, NMENV

From: Grant, Troy O, NMENV
Sent: Wednesday, April 25, 2012 9:48 AM
To: Akeley, Chuck, NMENV
Cc: Ashley-Marx, Auralie, NMENV; Rose, Mary, NMENV; Monaghan, Teri, NMENV
Subject: Pecos Valley Meat Company

Importance: High

Reference to Pecos Valley Meat Company:

Received a phone call at 8:55 a.m. from **Candy Spence Ezzell** who is a Republican member of the New Mexico House of Representatives and represents the 58th District of New Mexico. She was calling in regards to the Pecos Valley Meat Company and the inspection that I conducted last Thursday. The inspection was in relation to the Legacy Waste and Offal Waste being generated at the facility, and the composting. After the inspection, Mr. Ricardo De Los Santos was given 30 days to remove the old Legacy Waste in which the City of Roswell Landfill agreed to accept. Mrs. Ezzell was concerned about the registration for killing horse at the facilities. She stated that this was an issue that get accomplished for the State of New Mexico. I advised her that I had no involvement with that side of the issue. She also mentioned that they had made application for composting and that they did know where that was in the process. I advised her that the application was in Santa Fe with the Solid Waste permit section and that I had advised the De Los Santos' last week that they would be receiving a letter addressing the deficiencies that they would need to address before they could be registered to compost. Mrs. Ezzell stated that they told her that there was no way in which they could remove the legacy waste within 30 days. I further explained to Mrs. Ezzell that they stated last week that they would begin to remove the legacy waste starting the next day (Friday) and that as of today they have not removed any to the Roswell Landfill. That we were more than willing to work with them, but that they needed to at least get started because of the urgency of the situation.

Mrs. Ezzell asked if she could call me back if she had any further questions and I advised her that she could, but I could only address the waste issues and that I had nothing to do with the horse issues.

Troy Grant
Enforcement Officer
Solid Waste Bureau, EA-IV
New Mexico Environment Department
1914 W. Second Street
Roswell, New Mexico 88201
Telephone: (575) 624-6124
Cell: (505) 670-7132
Facsimile: (575)624-2023
Email: troyo.grant@state.nm.us



EXHIBIT 18

Monaghan, Teri, NMENV

From: Ashley-Marx, Auralie, NMENV
Sent: Wednesday, April 18, 2012 5:51 PM
To: Grant, Troy O, NMENV
Cc: Monaghan, Teri, NMENV
Subject: RE: Pecos Valley Meat Company

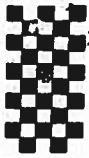
Thank you for going out to Valley Meats today and for the update you have provided. I have looked at your photographs, and it looks pretty much the same as when Teri and I were there in 2010. They need to get the legacy material out of there. I notice the photo with the skulls on a loading ramp. I do not know if he told you but he sells those for the tourist trade—so they are not waste.

From: Grant, Troy O, NMENV
Sent: Wednesday, April 18, 2012 2:40 PM
To: Akeley, Chuck, NMENV
Cc: Ashley-Marx, Auralie, NMENV; Monaghan, Teri, NMENV
Subject: Pecos Valley Meat Company

Attached is a copy of the receipt and Letter that was served on Ricardo De Los Santos at Pecos Valley Meat Company this morning during an inspection of the facilities. Copy of the photos have been placed on the SWB server under enforcement Photographs EA-IV. I will be returning to the facilities next week (Thursday/Friday) to see what progress is being made. I also advised Mr. De Los Santos that I needed a letter and copy of contract from the Amarillo, Texas company that will be picking up their ophal in the future. The company will be here tomorrow when the USDA inspectors come to their facilities. They also advised that they wanted to proceed with the composting registration. I advised them during the out briefing that they had 30 days to completely remove the legacy waste. Due to not having completed the registration for composting, I advised them that when they then get to the ophal, after removing the legacy waste, if the composting registration was not complete then they would have to haul the ophal to a landfill that can accept it. Hobbs has the closest landfill to except ophal waste. I hope this addresses all the issues that we needed to complete at this time.

Troy Grant
Enforcement Officer
Solid Waste Bureau, EA-IV
New Mexico Environment Department
1914 W. Second Street
Roswell, New Mexico 88201
Telephone: (575) 624-6124
Cell: (505) 670-7132
Facsimile: (575)624-2023
Email: troyo.grant@state.nm.us

EXHIBIT 19



Response to NOV
1/14/2011

Est. #7299
Valley Meat Company
3845 Cedarvale Rd
Roswell, NM 88203
Phone: (575)-622-1214 Fax (575)-622-0708

Fax Cover Letter

From: Rick DeLosSantos Date 1-14-11

RE: _____

RECEIVED

JAN 20 2011

SOLID WASTE BUREAU

To: Teri Monaghan

Company Name NMED - Solid Waste Bureau

Fax Number 505-222-9510

Number of Pages Sent 4

Confirmation by e-mail to: sada012162@yahoo.com Yes _____ No _____

Teri

of receipt of NOV.
(1/10/11)

Message:

Chuck, Mr. De Los Santos faxed to me his proposed plan of action for the removal of legacy offal. Received w/in 10 days. Although the nearest ofal permitted landfills were brought to his attention earlier, he continues to research this option. Not sure if we can pursue the option of disposal at the Roswell LF - or request they accept it for either composting or disposal, as this was discussed as well.

Info to relay to him
Proposed to Do.

He is also researching & appears to be going forward w/ rendering on site.
Food + Drugs 21 CFR 589.2001
US Department of Health + Human Services
US Food + Drug Administration
FSIS folks
... prohibited from use

EXHIBIT 20



ROSWELL MUNICIPAL LANDFILL
3006 WEST BRASHER ROAD
ROSWELL, NEW MEXICO 88203
TEL: (575) 624-6746 † FAX: (575) 624-6954

January 31, 2012

Auralie Ashley-Marx
Chief, Solid Waste Bureau
New Mexico Environment Department
1190 St Francis Drive, Room S2050
Santa Fe, New Mexico 87502-5469

**Re: Letter of Approval to Deliver Legacy Slaughterhouse Waste
(Non-Special Waste) to the Roswell Municipal Landfill Permit No. SWM-
040334**

Dear Auralie Ashley-Marx:

The City of Roswell Municipal Landfill would be pleased to accept the legacy slaughterhouse waste material generated at Valley Meat Company, Inc. (formerly Pecos Valley Meat Company, Inc.) located at 3845 Cedarvale Road, in Roswell, New Mexico.

This waste will be accepted at a reduced rate of \$ 10.75 per ton for prompt disposal and clean-up.

If I can be of any assistance since I am in the area, please feel free to contact me at (575) 910-4376.

Sincerely,

A handwritten signature in cursive script that reads "Juston Patty".

Juston Patty, Supervisor of Roswell Municipal Landfill

cc: Chuck Akeley, Manager, Enforcement Section, Solid Waste Bureau
Troy O. Grant, Enforcement Officer, Solid Waste Bureau