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Guidance Regarding Operator Certification

August 26, 2020

The Solid Waste Bureau (SWB) has postponed the Spring and Fall 2020 operator certification classes indefinitely in order to comply with the public health orders regarding the COVID-19 public health emergency.

The postponed classes include:

Course Name	Course Date (originally scheduled for)	Course Location
Landfill Operator Certification Class	March 24-27, 2020	Santa Fe
Composting Facility Operator Certification Class	April 7-9, 2020	Albuquerque
Recycling Facility Operator Certification Class	May 12-14, 2020	Santa Fe
Transfer Station Operator Certification Class	June 2-4, 2020	Ruidoso
Landfill Operator Certification Class	September 15-18, 2020	Roswell
Composting Facility Operator Certification Class	October 6-8, 2020	Raton
Transfer Station Operator Certification Class	November 3-5, 2020	Moriarty
Recycling Facility Operator Certification Class	December 8-10, 2020	Albuquerque

SWB intends to hold these classes at a later date, but in light of the continuing restrictions on mass gatherings and out of concern for the safety and health of our operators and presenters, definite plans for in-person classes cannot be made at this time.

The following guidance will help facilities and operators understand their options. We realize that the public health orders and related guidance change frequently and we will revise this guidance as needed. This document and any updates will be posted at www.env.nm.gov/solid-waste/training/.

For Operators

The following guidance is for operators who registered for one or more of the postponed classes.

1. Certification renewal

If you held a valid operator certification at the time of the class you were registered for, and you submit a completed renewal application as required in NM Solid Waste Rules, 20.9.7.12.A NMAC, your certification will be administratively continued, meaning it will not expire until you complete the required 24 continuing education units (CEUs) and a renewal certification is issued. The application is available at the following link.

<https://www.env.nm.gov/wp-content/uploads/sites/24/2018/04/9.21.16RenewalCertificationApplication.pdf>

In the section labeled Course Name, check the box for the type of class you were or are registered for, and write the date and location (city) of the postponed class, listed in the table above, in the Course Date and Course Location fields. The application can be completed electronically and submitted to Bill Schueler at William.Schueler@state.nm.us or submitted in hard copy to the mailing address at the top of this document.

When we receive your completed application, your certification will be administratively continued pending completion of the 24 continuing education units (CEUs) as required in 20.9.7.12.B NMAC. When you have completed the 24 CEUs, send documentation of this to Bill Schueler and your certification renewal will be issued. More information about opportunities to earn CEUs is below. You will not be required to complete the certification exam.

- For more information: Contact Bill Schueler, William.Schueler@state.nm.us, 505-827-2464

2. Opportunities to earn CEUs

SWB is now developing online training that will provide operators opportunities to earn CEUs. Information about this training will be posted at www.env.nm.gov/solid-waste/training as soon as it is available.

Other training opportunities may be available through other organizations, including the following:

- Solid Waste Association of North America, New Mexico Roadrunner Chapter (nmswana.com/training)
- New Mexico Recycling Coalition (recyclenewmexico.com)
- Solid Waste Association of North America (swana.org/training-certification)
- Environmental Protection Agency (epa.gov/smm/sustainable-materials-management-web-academy)

As always, CEUs offered by other entities must be approved by SWB in order to qualify for renewal of your operator certification. Please contact Bill Schueler for a determination regarding any training you are

interested in. Note that online trainings must include a means for verifying attendance and completion in order to qualify for SWB CEUs.

- For more information:
 - Website: www.env.nm.gov/solid-waste/training
 - Contact Bill Schueler, William.Schueler@state.nm.us, 505-827-2464

3. Initial certification

Initial certification (for operators who are not currently certified) can be accomplished only by completing a certification class and certification exam. SWB will schedule in-person trainings as soon as it is safe to do so. Class information will be posted on the SWB website, www.env.nm.gov/solid-waste/training, as soon as it is available.

Until in-person trainings can be scheduled, operators who need initial certification should join the class waiting list by registering for one of the postponed classes. Links to registration pages are here: www.env.nm.gov/solid-waste/training/.

- For more information:
 - Website: www.env.nm.gov/solid-waste/training
 - Contact Genevieve Morgan, Genevieve.Morgan@state.nm.us, 505-827-0129

For Facilities

Note the guidance above regarding certification renewal and initial certification.

1. Permitted or registered facilities that have at least one certified operator

NM Solid Waste Rules, 20.9.5.8.B(1) NMAC (for landfills and transfer stations) and 20.9.3.27.I NMAC (for recycling and composting facilities), require these facilities to have a “certified operator or representative” present while the facility is operating. SWB interprets “representative” to mean an operator who has full knowledge of the facility’s operations and ability to provide required information to an inspector if necessary. Facilities that have at least one certified operator may designate other uncertified operators as representatives of the certified operator and SWB will consider this to be compliant with the Solid Waste Rule requirements. Note that the representative should receive training by the certified operator on all relevant duties prior to designation.

- For more information: Contact Chuck Akeley, Chuck.Akeley@state.nm.us, 505-670-3283

2. Permitted or registered facilities that have no certified operator

Facilities that have no certified operator do not have the option of designating a representative. If a facility has no certified operator, the facility owner or operator must contact the SWB in writing as soon

as possible. To demonstrate that the non-compliance is due to the COVID-19-related postponement of certification courses, please submit the following information:

1. The name(s) of the operator(s) who were registered for one of the postponed classes (listed in the table above) in order to become certified;
2. The name, date, and location of the course that the operator was registered for;
3. The names of the certified operators previously employed by the facility as of the date of that postponed course (to show that the facility was in compliance as of that date); and
4. An explanation of the reason the facility no longer has a certified operator. For example, a new operator was registered for the course in order to replace the certified operator who has subsequently left employment at the facility.

This information should be sent to SWB Enforcement Section Manager Chuck Akeley, Chuck.Akeley@state.nm.us.

SWB will respond with acknowledgement that the situation was reported to us and has been documented. We will contact the facility owner/operator to discuss arrangements for certifying an operator at the facility. Note that there may be a requirement to contract a certified operator during the period prior to the facility obtaining a certified operator of its own employment.

- For more information: Contact Chuck Akeley, Chuck.Akeley@state.nm.us, 505-670-3283

3. Facilities not required to have a certified operator

Registered collection centers: NM Solid Waste Rules do **not** require registered collection centers to have a certified operator, unless their operations plans state that they will. The owner/operator of a registered collection center may contact SWB at any time to revise the facility operations plans to remove this requirement.

- For more information: Contact John Offersen, John.Offersen@state.nm.us, 505-827-2385

Facilities on tribal lands: Facilities on tribal lands are **not** required to have a certified operator under the NM Solid Waste Rules, as such facilities are not subject to NMED regulatory jurisdiction.

For Employers

Operator certification is **not** required for employment at a registered or permitted solid waste, recycling, or composting facility under the NM Solid Waste Rules. Employment requirements are determined by the employer's policies.