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**Environment Department Issues Permit to Hazardous Waste Disposal Facility Near Roswell**

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**“Triassic Park” Becomes New Mexico’s Only Privately Owned Hazardous Waste Disposal Facility**

(Santa Fe, NM) – Today the New Mexico Environment Department issued a permit for the construction and operation of the Triassic Park hazardous waste treatment, storage and disposal facility to be located approximately 45 miles east of Roswell. The permit – the first permit issued by the state for a commercial hazardous waste disposal facility – authorizes Gandy Marley, Inc. to construct a 50-acre facility designed to treat, store and dispose of hazardous and municipal solid waste. The facility is not permitted to accept radioactive or medical waste.

Triassic Park, owned and operated by a New Mexico-based company, will accept hazardous wastes including: characteristically hazardous waste, such as ignitable, corrosive, reactive and toxic; listed wastes which are specific hazardous wastes identified and listed by EPA regulations; and, wastes contaminated with polychlorinated biphenyls (PCBs). All ignitable, corrosive and reactive wastes received at the facility will be treated by permitted methods, including stabilization and evaporation, prior to disposal. The facility may also accept off-specification chemicals, spill residues and remediation wastes. The facility is permitted to store waste in drums, roll-off containers and storage tanks. Treatment units for the wastes will include double-lined stabilization bins for solidification, and double-lined surface impoundments for evaporation. The landfill includes two liners and is approximately 40-acres in size. Waste in the landfill will be segregated based on compatibility.

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To assure adherence to state and federal requirements, the Triassic Park permit includes conditions addressing: stormwater run-on and run-off management; waste analysis; personnel training; emergency planning; record keeping and reporting; transportation of hazardous waste; closure; and, post-closure requirements.

In addition to required siting, operating and closure requirements, the facility will also have to monitor the vadose zone (the area beneath the landfill and above groundwater) to ensure early detection of any release of waste. The facility is also required to sample and analyze any groundwater encountered in this monitoring.

Environment Secretary Peter Maggiore issued the 10-year permit for the hazardous waste facility today with several additional provisions.

“I gave careful consideration not only to the technical aspects of the permit application, but also to the testimony provided during the hearing,” said Maggiore. “In addition to assuring that the facility is designed, operated and closed according to state and federal requirements, I attempted to address, within the confines of the regulations, the concerns brought forward by the local community.”

During the 5-day hearing in Roswell in October 2001, two local grassroots organizations raised many concerns about the permit. The groups Conservative Use of Resources and Environment (CURE) and Citizens for Alternatives to Radioactive Dumping (CARD) provided the Department with testimony that ultimately resulted in some of the conditions that were attached to the permit, according to Maggiore.

Maggiore’s final order included additional provisions regarding public participation, financial assurance, acceptance of foreign waste, monitoring and closure activities not found in the draft permit.

### **Public Participation**

Maggiore stated that legally a demographic analysis is not required as part of the permitting process under the New Mexico Hazardous Waste Act. However, he went through a demographic analysis himself and concluded that no disparate impacts will occur and that the permit should be issued.

In an effort to assure public participation is consistent with the requirements of the U.S. Environmental Protection Agency (EPA) and serving the public to the best of the Department’s ability within the confines of

the New Mexico Hazardous Waste Act and associated regulations, Maggiore is taking steps to improve the Department's public participation process. As part of the permit, he has required the development of new Department procedures to, among other things:

- a. Assure compliance with Title 6 - Non-Discrimination of the Civil Rights Act of 1964;
- b. Establish criteria for the provision of public notices and fact sheets in Spanish, and for the interpretation of public meetings and hearings in Spanish; and,
- c. Consider affected populations and other permitted facilities within three miles of the facility in question sufficient to determine whether an adverse, discriminatory impact would be rendered with the issuance of a permit.
- d. Establish criteria under which public meetings would be conducted prior to public hearings.

#### **Financial Assurance - Closure - Water**

Pursuant to the New Mexico Hazardous Waste Act financial assurance is required to enable a third party to perform closure and post-closure activities, should the owner/operator be unable to do so. Financial assurance is required for state-regulated landfills, underground fuel storage tanks and most mines.

Maggiore's order goes beyond the draft permit in requiring Gandy Marley, Inc. to produce a water budget and a water plan, complete with associated costs.

#### **Acceptance of Foreign Waste**

Maggiore determined that acceptance of foreign waste could not be excluded from the facility permit. He rejected the Department's recommendation for additional waste characterization requirements, and recommended that a more aggressive audit process be implemented to ensure that foreign wastes are appropriately classified.

#### **Landfill - Cap**

The Secretary is requiring that prior to construction, Gandy Marley, Inc. develop proposed performance criteria for the landfill cap, and submit them to the Department for approval. The landfill cap is designed to limit infiltration of moisture into the landfill and to provide a stable final cover.

#### **Landfill - Vadose Zone Monitoring**

In response to concerns that the draft permit did not require the use of industry-standard vadose zone monitoring devices, Maggiore has issued a final permit that requires the inclusion of 3 of these specific vadose-zone monitoring devices. This is in addition to requiring 17 other vadose zone monitoring wells. The

vadose zone is the area between the bottom of the landfill and the top of the groundwater, which at the Triassic Park site is approximately 700 feet below ground. Vadose zone monitoring can provide earlier detection of the migration of materials from the landfill, should it occur.

**Coring**

In an effort to acquire more specific geologic data on the soils beneath the facility, Maggiore supported the recommended addition by Hazardous Waste Bureau to require continuous core sampling from one well.

This useful, but expensive work provides more precise documentation of geologic strata from the subsurface.

For more information or to view the Triassic Park Draft Permit and fact sheet, visit the Department's website at <http://www.nmenv.state.nm.us/hwb/tpperm.html>.

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