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For Immediate Release

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## **Environment Department Secretary Denies Special Waste Permit for Northeastern New Mexico Regional Landfill in Wagon Mound for Second Time**

Secretary's Decision Allows Landfill to Continue Accepting Municipal Solid Waste for 10 Year Period

(Santa Fe, N.M.) New Mexico Environment Department Secretary Ron Curry today denied a special waste permit for Northeastern New Mexico Regional Landfill in Wagon Mound. Many local residents voiced opposition to the approval of that portion of the solid waste modification renewal permit because it would have allowed the landfill to accept asbestos, petroleum contaminated waste and animal waste from killing plants.

Secretary Curry approved another portion of the permit that will allow operators of the landfill, Herzog Environmental Inc., to continue accepting municipal solid waste for another 10 years. Many local residents were not opposed to the renewal of that portion of the permit for the landfill, which opened in 1997 and is about 6 miles north of Wagon Mound in northeastern New Mexico.

Secretary Curry, who denied a similar special waste permit for the landfill in 2004, denied this special waste permit that would have allowed the landfill to accept asbestos contaminated materials, packing house and killing plant offal, ash, petroleum contaminated soil, municipal wastewater treatment plant sludge, industrial solid waste and treated formerly characteristic hazardous waste.

According to Hearing Officer Maria Dominguez's report, Secretary Curry denied that permit modification because the landfill owners failed to provide estimates of the amount and frequency of disposal of special waste; did not provide adequate notice to interested parties as to the "quantity, rate and type" or the "origin" of that waste; failed to provide a disclosure form concerning the individual certified to handle asbestos waste; did not address or to respond to legitimate concerns raised by the public regarding adverse societal impact, social well-being and quality of life in the community that can be tied to the effects of a modification to a special waste permit.

In addition, that permit modification was denied because the landfill has a history of failing to submit reports and violating conditions previously imposed by NMED's Solid Waste Bureau; has a history of violations with NMED's Air Quality Bureau; the application did not include a full discussion of the history of those violations; the application did not include information on the background of Herzog, the operator of the landfill, and its compliance history, after specific requests and legitimate concerns were raised by the community and actually initiated by the Bureau; the landfill is dependant on Herzog's expertise in the disposal of special waste but Herzog is a third-party-contractor that can be discharged at any time.

However, Secretary Curry approved a 10-year renewal permit for the landfill that will allow the facility's boundary to expand by 82 acres to develop a rail transfer area that will allow waste to be delivered from rail cars. In addition, the landfill can accept individual loads of waste from residents.

The New Mexico Environment Department held a public hearing on the permit modification and renewal Aug. 20 to 24 in Wagon Mound.

#### Landfill History

Former Secretary of the Environment Department Mark Weidler issued a permit to the landfill on March 26, 1997. Herzog began operating the landfill in April 1999. The Environment Department approved a permit modification to accept special waste on January 6, 2000. The landfill accepted special waste until 2002, when the New Mexico Court of Appeals overturned the permit modification based on inadequate public notice requirements. Herzog submitted another permit modification request to accept special waste in 2003. Secretary Curry denied that application on March 1, 2004. The landfill owners appealed the Secretary's decision and that appeal was settled on August 26, 2005. The owners of the landfill subsequently applied for another modification and renewal permit in 2005.

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