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September 16, 2005

Barbara Claire, Administrator
New Mexico Environmental Improvement Board
Harold Runnels Building, Rm N2150
1190 St. Francis Drive
Santa Fe, New Mexico 87505

Re: Petition for Public Hearing to Consider a Proposed Replacement to the Solid Waste Management Regulations in Title 20, Chapter 9, Part 1 of the New Mexico Administrative Code.

Dear Ms. Claire:

The Solid Waste Bureau of the New Mexico Environment Department (“NMED”) respectfully requests a hearing before the Environmental Improvement Board (“EIB”) on a proposed regulation that would replace the current Solid Waste Management Regulations, 20.9.1 NMAC. The proposed replacement regulation is entitled “Solid Waste Management Regulations” and would be codified with the same number as the current regulation. The purpose of the proposed regulatory change is to reorganize and clarify existing requirements, reduce regulation of recycling and composting facilities, and to make some requirements more stringent to better protect the public health and the environment. We respectfully request that the Board consider this Petition at its regularly scheduled meeting on October 4, 2005 and set the proposed amended rule for hearing in January of 2006. The Bureau expects that the hearing could take up to four days. Notice of the proposed replacement rule must be filed with the State Records Center before October 16, 2005 to be published on September 30, 2005. Scheduling a hearing in January of 2006 will allow for 60 days notice to the public pursuant to NMSA 1978, §74-1-9D (1985).

The Solid Waste Bureau has worked with various stakeholder groups in preparation of this proposed rule, and will continue to do so. A redline-strikeout version of the proposed replacement regulation is attached, though it is expected that further changes may be made prior to the filing of our Notice of Intent due to ongoing discussions and reformatting. This

version is also posted on the NMED website at Solid Waste Bureau, SWMR September 15, 2005 version - <http://www.nmenv.state.nm.us/swb/doc/Updated%20SWMR%20Draft%206-6-05%20new%20redline%209-07-05.doc>T .

Thank you for your consideration of this request.

Sincerely,

Charles F. Noble
Assistant General Counsel

Enclosure

cc: Mary Smith, Assistant Attorney General
E. Gifford Stack, Acting Solid Waste Bureau Chief