

NOTICE OF HEARING
NEW MEXICO ENVIRONMENT DEPARTMENT

The New Mexico Environment Department (NMED) has scheduled a public hearing to consider the approval of the Ground Water Discharge Permit Renewal and Modification Application, DP-1058, as submitted by Border Foods, Inc., 4065 J Street SE, Deming, New Mexico. Discharge Permits are issued pursuant to New Mexico Water Quality Control Commission (WQCC) Regulations. **The public hearing will be held on Thursday, December 3, 2009, 6:00 p.m. at the Mimbres Valley Special Events Center, Room 144, 2300 East Pine Street, Deming, NM.**

In the Discharge Permit Application, Border Foods Inc. proposes to renew and modify the Discharge Permit for the discharge of up to 1.1 million gallons per day (MGD) of wastewater generated from pepper processing and canning through a screen solids separator to a concrete sump and pump it to a synthetically lined lagoon for storage. Stormwater run-off generated at the plant (up to 500,000 gallons per year) is also discharged to the synthetically lined lagoon. Wastewater is land applied by gravity via above-ground gated pipe to flood irrigate up to 136 acres of cropland under cultivation. Wastewater is authorized for land application by flood irrigation via above-ground gated pipe to up to 90 acres of cropland under cultivation through April 30, 2010. The existing synthetically lined lagoon and 90-acre land application area are required to be closed by this Discharge Permit. The modification consists of an increase in the discharge volume from 826,000 gallons per day to 1.1 MGD, the addition of a 136-acre land application area and the addition of a synthetically lined lagoon. Potential contaminants associated with this type of discharge include nitrogen compounds. The facility is located at 4065 J Street SE, approximately 2.5 miles southeast of Deming, in Sections 6, 7, and 18, Township 24S, Range 8W, Luna County. Ground water beneath the site is at a depth of approximately 72 feet and has a total dissolved solids concentration of approximately 750 milligrams per liter.

All interested persons will be given a reasonable opportunity at the public hearing to submit relevant evidence, data, views or arguments orally or in writing, and to examine persons who testify at the hearing. Any person who wishes to present technical evidence at the hearing shall, no later than ten (10) calendar days prior to the hearing (5:00 p.m. November 23, 2009), file a Statement of Intent to Present Technical Testimony with the Hearing Clerk, Sally Worthington, NMED, Harold Runnels Building, 2nd Floor, Room N-2150, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM, 87502-5469. Persons filing a Statement of Intent shall also serve a copy on the Department and Border Foods, Inc. The Statement of Intent shall include: the name of the person filing the statement; whether the person supports or opposes the proposed discharge plan application; the name of each witness; an estimate of the length of the direct testimony of each witness; a list of exhibits, if any, to be offered into evidence at the hearing; and a summary or outline of the anticipated direct testimony of each witness. Any person who does not file a Statement of Intent may present a general non-technical statement in support of or in opposition to the proposed discharge plan approval at any time before or at the hearing. The hearing will be conducted pursuant to 20.6.2.3110 NMAC (WQCC Regulations, Public Hearing Participation) and 20.1.4 NMAC (Permit Procedures- Environment Department). A

copy of these rules may be obtained by contacting the Ground Water Quality Bureau at (505) 827-2900. The NMED Secretary will approve, conditionally approve, or disapprove the proposed Discharge Permit based on the administrative record for the Discharge Permit application, including the applicable information provided during the public hearing.

NMED will make an audio recording of the hearing proceedings. A written transcript of the hearing proceedings may be prepared. If a written transcript is prepared, any parties requesting transcript copies will bear the full cost of preparation of the copies.

Any interested person may examine the administrative record for the proposed Discharge Permit application from 8:00 a.m. to 5:00 p.m. at the NMED Ground Water Quality Bureau, Harold Runnels Building, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502-5469, (505) 827-2900. Any interested person may obtain an electronic copy of the administrative record for the proposed Discharge Permit application from 8:00 a.m. to 12:00 p.m. at the NMED Deming Field Office, 405 East Florida Street, Deming, NM 88030, (505) 546-1464 or from 8:00 a.m. to 5:00 p.m. at the NMED Ground Water Quality Bureau, Harold Runnels Building, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502-5469, (505) 827-2900.

A Spanish language translator will be provided at this hearing. If you are an individual requiring assistance or auxiliary aid to participate in this process, please contact Judy Bentley, Human Resources Bureau, NMED, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502-5469, (505) 827-9872 by November 23, 2009. TTY users please access Ms. Bentley's number via the New Mexico Relay Network at 1-800-659-8331.