

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

**IN THE MATTER OF THE APPLICATION AND PETITION
OF THE CITY OF ALAMOGORDO
FOR A SOLID WASTE FACILITY PERMIT
RENEWAL/MODIFICATION AND VARIANCE
FOR OTERO/GREENTREE REGIONAL LANDFILL**

No. SWB 17-17 (P)

NOTICE OF PUBLIC HEARING

Description of the Requested Action: The New Mexico Environment Department (“Department”) will hold a public hearing to consider the matter of the application by the City of Alamogordo (“Applicant/Petitioner”) for renewal and modification of the Otero/Greentree Regional Landfill (“OGRLF”) solid waste facility permit. The permit application was initially submitted to the Department on September 26, 2016. The application also includes a petition for variance from certain requirements of the Solid Waste Rules to address the lack of functioning leachate collection systems in existing disposal cells 1 and 2.

Hearing Date, Time, and Location: The hearing will begin at 5:30 p.m. on Thursday, September 28, 2017 at the Sgt. Willie Estrada Memorial Civic Center, 800 East First Street, Alamogordo, New Mexico. Public comment will be taken starting at 5:30 p.m. on September 28 and as additionally determined by the Hearing Officer. The hearing may continue on additional days as determined by the Hearing Officer. In lieu of verbal public comments, written statements may be submitted for the record at, or prior to, the hearing.

The permit application and petition for variance have been reviewed by the Department for compliance with the New Mexico Solid Waste Act (“Act”), NMSA 1978, Sections 74-9-1 to -43, and the New Mexico Solid Waste Rules, 20.9.2 to 20.9.10 NMAC. The Department deemed the application complete on August 7, 2017. The Secretary of Environment shall issue, issue with conditions, or deny solid waste facility permits in accordance with the Act. The Secretary of Environment considers all public comments, including issues relating to public health and welfare, in his decision to issue, issue with conditions, or deny the permit. The Secretary will not grant a variance until the relative interests of the petitioner, other owners of property likely to be affected, and the general public have been considered. A variance may only be granted for time periods and under conditions consistent with the reasons for a variance.

Name, Address, and Phone Number of the Applicant/Petitioner and Contact Person:

Applicant/Petitioner and Operator of Facility:

City of Alamogordo
Public Works Department
2600 N. Florida Ave.
Alamogordo, NM 88310
Contact Person: Mr. Brian Cesar, Director
Phone: 575-439-4240

Owners of Facility:

Otero County Solid Waste Authority
c/o City of Alamogordo
2600 N. Florida Ave.
Alamogordo, NM 88310

Greentree Solid Waste Authority
P.O. Box 2405
Ruidoso Downs, NM 88346

Anticipated Start-Up Date of Facility and Hours of Operation:

(a) Anticipated Start-Up Date: OGRLF is an existing solid waste facility operating under permit no. SWM-109102 issued in October 1993. If approved, the anticipated start-up date for the permit modification is the date of permit application approval.

(b) Hours of Operation: Hours of operation are 7:00 am to 4:30 pm Monday through Friday. Hours of operation may be amended by OGRLF to accommodate waste receipts, equipment malfunctions, high winds, special projects, site

construction, maintenance, monitoring, or inclement weather.

Description of the Facility:

- (a) Location and Size: OGRLF is located in Otero County approximately 22 miles south of Alamogordo and west of U.S. Highway 54 in Section 16, Township 20 South, Range 9 East, NMPM. The permit renewal and modification application seeks approval of a facility approximately 162 acres in size with approximately 89.5 acres designated for municipal solid waste disposal ("MSW") and approximately 38.2 acres designated for asbestos waste disposal.
- (b) General Process: OGRLF is currently authorized to accept municipal solid waste, including construction and demolition ("C&D") debris, green waste, scrap tires, and three special wastes: asbestos waste, sludge, and petroleum-contaminated soils ("PCS"). Solid waste is placed and compacted in lined cells that are served by environmental control systems. At the end of each working day, the working face of the waste disposal area is covered with at least six inches of soil or an alternative daily cover approved by the Department. Asbestos waste is disposed in separate, dedicated cells in accordance with the requirements of the Solid Waste Rules.
- (c) Quantity and Rate of Solid Waste: OGRLF received approximately 72,000 tons of solid waste in 2015. OGRLF is seeking approval to continue acceptance of three special wastes (asbestos waste, sludge, and PCS). OGRLF estimates the following quantities of special wastes: 10,000 cubic yards per year of asbestos waste; 200 tons per year of sludge; and 400 tons per year of PCS.
- (d) Types of Solid Waste: OGRLF is currently authorized to accept MSW, C&D debris, green waste, scrap tires, asbestos waste, sludge, and PCS. OGRLF seeks approval to allow continued acceptance of these wastes.
- (e) Description of the Modification: OGRLF is seeking permit modification to increase the size of the solid waste facility from 92 acres to approximately 162 acres, vertical expansion of the MSW disposal cells to deepen the base grades by up to 26 feet and increase the final grades by up to 25 feet, and lateral expansion of the asbestos disposal area by addition of two new asbestos monofill cells (each cell approximately 10.3 acres).

Origin of Waste: Waste received at OGRLF generally originates from Otero and Lincoln Counties, New Mexico. Waste may originate from other areas of New Mexico and Texas.

Description of Petition for Variance: A functioning leachate collection system does not exist in existing disposal cells 1 and 2. The leachate collection system cannot be reasonably restored to design and operating conditions consistent with the requirements of the Solid Waste Rules. Reconstruction of a viable leachate collection system for these cells would place an undue burden on the Applicant/Petitioner, and pose environmental and health and safety risks. The Applicant/Petitioner is therefore seeking a variance from the leachate collection system requirement for cells 1 and 2 and proposes early final engineered closure of these cells to address this issue. The proposed variance timeframe would be from permit issuance through the end of the post-closure care period for cells 1 and 2, i.e., 30 years after completion of final closure of these cells.

Hearing Procedures: The public hearing will be conducted in accordance with the Permit Procedures of the Environment Department (20.1.4 NMAC), which may be obtained at no charge from the Hearing Clerk, Linda Vigil, P.O. Box 5469, 1190 St. Francis Drive, S-2103, Santa Fe, NM 87502, telephone 505-827-2002, fax 505-827-2836. The Permit Procedures are also available electronically at: <http://www.nmcpr.state.nm.us/nmac/parts/title20/20.001.0004.htm>. Copies of the applicable Solid Waste Rules (20.9.2 through 20.9.10 NMAC) may also be obtained electronically at: http://www.nmcpr.state.nm.us/nmac/_title20/T20C009.htm or by contacting George Schuman of the Solid Waste Bureau at 505-827-2328.

Any person may speak at the public hearing or submit general written comments without filing any documents beforehand. However, a person wishing to be an interested party or present technical testimony at the hearing must file an Entry of Appearance or Statement of Intent to Present Technical Testimony with the Hearing Clerk and serve it upon other parties of record, on or before 5:00 p.m., Thursday, September 14, 2017. Technical testimony means scientific, engineering, economic or other specialized testimony, whether oral or written, but does not include legal argument, general comments or statements of policy concerning matters at issue in the hearing.

In accordance with 20.1.4 NMAC, the Statement of Intent to Present Technical Testimony shall:

- a) identify the person filing the statement;

- b) state whether the person filing the statement supports or opposes the application;
- c) identify each witness, including name, address, affiliation(s), and educational and work background;
- d) estimate how long the direct testimony of each witness will take;
- e) identify all exhibits that are part of the Record Proper and, for exhibits not part of the Record Proper, attach a copy;
- f) list or make available all technical materials relied upon by each witness in making each statement of technical fact or opinion contained in his or her direct testimony; and
- g) attach a summary of the testimony of each witness, stating any opinion(s) to be offered by such witness, and an explanation of the basis for such opinion(s).

To promote efficiency and fairness, and to avoid prejudice and surprise, a person's direct technical testimony at the hearing shall be limited to the data, views and arguments raised in that person's filed Statement of Intent. Submittal of a Statement of Intent to Present Technical Testimony shall also be considered an Entry of Appearance.

If any person requires assistance, an interpreter, or auxiliary aid to participate in this process, please contact Ms. Donna Wright by Thursday, September 14, 2017 at the New Mexico Environment Department, Human Resources Bureau, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, NM, 87502, telephone 505-827-9769. Text Telephone (TTY) and Voice Relay users should access Ms. Wright's number through the Relay New Mexico network (TTY users at 1-800-659-8331; Voice Relay users at 1-800-659-1779).

The permit application may be reviewed at the following locations:

City of Alamogordo Public Works Administration Building, 2600 N. Florida Ave., Alamogordo, NM 88310. Telephone 575-439-4240.

New Mexico Environment Department, Solid Waste Bureau, 1190 South St. Francis Drive, Suite N-2150, Santa Fe, NM 87502; Monday-Friday 8:00 a.m. to 5:00 p.m. Contact George Schuman at 505-827-2328.

Notice of Non-Discrimination: NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact Kristine Pintado, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, telephone 505-827-2855, e-mail nd.coordinator@state.nm.us.

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.