

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

**IN THE MATTER OF THE APPLICATION AND PETITION
OF SOUTHWEST SOLID WASTE AUTHORITY
FOR A SOLID WASTE FACILITY PERMIT
RENEWAL/MODIFICATION AND VARIANCE
FOR SOUTHWEST NEW MEXICO REGIONAL LANDFILL**

No. SWB 15-28(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 Southwest Solid Waste Authority (“Applicant/Petitioner”) for renewal and modification of the Southwest New Mexico Regional Landfill permit. The Applicant/Petitioner is seeking to renew the existing solid waste facility permit and obtain a permit modification for lateral and vertical expansion of the landfill. The permit application was initially submitted to the Department on December 19, 2013. The application also includes a petition for variance from certain requirements of the Solid Waste Rules to address the lack of a functioning leachate collection system in existing disposal cells 1 through 4.

Hearing Date, Time, and Location: The hearing will begin at 5:30 p.m. on Thursday, November 5, 2015 at the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico. Public comment will be taken starting at 5:30 p.m. on November 5 and as additionally determined by the Hearing Officer. The hearing may continue on subsequent 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 application for a solid waste facility permit renewal and modification and petition for variance have been reviewed by the Department for compliance with the New Mexico Solid Waste Act (“Act”) and the New Mexico Solid Waste Rules, 20.9.2 to 20.9.10 NMAC. The Department deemed the application complete on September 14, 2015. 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 Owner of Southwest New Mexico Regional Landfill:

Southwest Solid Waste Authority

P.O. Box 2617 (318 Ridge Road)

Silver City, NM 88062

Contact Person: Mr. Alex Brown, Chairman

Phone: 575-388-8051

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

(a) Anticipated Start-Up Date: Southwest New Mexico Regional Landfill is an existing solid waste facility operating under permit no. SWM-091902 issued in December 1994, permit no. SWM-00309351(SP) issued in March 2001 (authorized offal disposal), and permit no. SWM-00309350(SP) issued in November 2012 (authorized sludge disposal). If approved, the anticipated start-up date for the permit modification is the date of permit

application approval.

(b) Hours of Operation: Southwest New Mexico Regional Landfill's operating hours are 8:00 a.m. to 4:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. Saturday (main landfill); 8:00 a.m. to 4:30 p.m. Monday through Friday and 8:00 a.m. to 3:30 p.m. Saturday (convenience station); and 8:00 a.m. to 5:00 p.m. Monday through Friday (recycle center). Operating hours may be revised to accommodate reduced winter daylight hours, inclement weather (e.g., high winds), site maintenance, and construction activities including application of cover.

Description of the Facility:

(a) Location and Size: Southwest New Mexico Regional Landfill is located at 318 Ridge Road, approximately 5 miles south of Silver City in portions of Sections 26 and 35, Township 18 South, Range 14 West, Grant County, New Mexico. The permit renewal and modification application seeks approval of a facility approximately 120 acres in size with approximately 37.2 acres intended for waste disposal.

(b) General Process: Southwest New Mexico Regional Landfill currently accepts municipal solid waste, including construction and demolition (C&D) debris, green waste, and scrap tires. The Landfill is authorized to accept two special wastes (offal and sludge). The Landfill also accepts numerous recyclable materials. Solid waste is placed and compacted in lined cells that are served by environmental control systems (composite liners, leachate collection, landfill gas control system, and stormwater management controls). 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. Recyclable materials are delivered by Authority vehicles and the public, and are stored in boxes, bins, containers, and staging areas prior to transport to markets.

(c) Quantity and Rate of Solid Waste: Southwest New Mexico Regional Landfill received approximately 25,100 tons of solid waste and 1,800 tons of recyclable materials in 2014. The Landfill is seeking approval to continue acceptance of two authorized special wastes, offal and sludge. Southwest New Mexico Regional Landfill estimates the following quantities of special wastes: 2,000 tons per year (tpy) of sludge; and 100 tpy of offal. Quantities and rates of all wastes and recyclable materials may increase or decrease in the future.

(d) Types of Solid Waste: Southwest New Mexico Regional Landfill is currently authorized to accept municipal solid waste (including C&D debris), green waste, scrap tires, offal, sludge, and numerous recyclable materials. The Landfill seeks permit renewal to allow continued acceptance of these wastes and materials.

(e) Description of the Modification: Southwest New Mexico Regional Landfill is seeking permit modification for a vertical expansion that would raise the permitted final grades by approximately 22 feet, and a lateral expansion that would increase the waste disposal area by approximately 2.2 acres.

Origin of Waste: Waste received at Southwest New Mexico Regional Landfill generally originates from Silver City and communities in the counties of southwestern New Mexico (e.g., Grant, Hidalgo, and Catron Counties). Waste may originate from other areas depending upon market and economic feasibility.

Description of Petition for Variance: A functioning leachate collection system does not exist in existing Cells 1-4. 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 Cells 1-4 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 1-4 and proposes early final engineered closure (by December 31, 2017) of Cells 1-4 to address this issue. The proposed variance timeframe would be from permit issuance through the end of the post-closure care period for Cells 1-4, 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.

Persons may speak at the public hearing or submit general written comments without filing any documents beforehand. However, any 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, October 22, 2015. 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/petition;
- 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 Mr. J.C. Borrego by Thursday, October 22, 2015 at the New Mexico Environment Department, Human Resources Bureau, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, NM, 87502, telephone 505-827-0424. Text Telephone (TTY) and Voice Relay users should access Mr. Borrego'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 renewal and modification application and petition for variance may be reviewed at the following locations:

New Mexico Environment Department, Solid Waste Bureau, 1190 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 for additional information.

New Mexico Environment Department, Silver City Field Office, 3082 32nd Street Bypass, Suite D, Silver City, NM, 88061. Phone: 575-388-1934.