

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

**IN THE MATTER OF THE APPLICATION
BY DE BACA COUNTY FOR A SOLID WASTE
FACILITY PERMIT FOR A CONSTRUCTION
AND DEMOLITION DEBRIS LANDFILL AND
TRANSFER AND RECYCLING FACILITY AT
THE DE BACA COUNTY SOLID WASTE FACILITY**

No. SWB 13-04(P)

NOTICE OF PUBLIC HEARING

Description of the Requested Action: The New Mexico Environment Department (NMED) will hold a public hearing to consider the matter of the application by De Baca County (Applicant), 248 East Avenue C, P.O. Box 347, Fort Sumner, New Mexico for a twenty-year permit to operate the De Baca County Solid Waste Facility (DBSWF). The DBSWF will consist of a construction and demolition (C&D) debris landfill and a solid waste transfer and recycling facility. The current application was submitted to the Department on June 21, 2012.

Hearing Date, Time, and Location: The hearing will begin at 5:30 p.m. on Thursday, August 8, 2013 at the De Baca County Courthouse Extension Office, 248 East Avenue C, Fort Sumner, NM 88119. Public comment will be taken starting at 5:30 PM or as specified by the Hearing Officer, on August 8. The hearing may continue on the following day 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 new solid waste facility permit has been reviewed by the Department for compliance with the New Mexico Solid Waste Act (the "Act") and the New Mexico Solid Waste Rules (20.9.2-20.9.10 NMAC). The Department deemed the application complete on June 26, 2013. The Act authorizes the Secretary of Environment to issue, issue with conditions or deny solid waste facility permits. 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.

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

De Baca County
248 East Avenue C
P.O. Box 347
Fort Sumner, NM 88119
Phone: (575) 355-2601
Contact Person: Mr. Adolfo Lucero, De Baca County Chairman

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

- (a) Anticipated Start-Up Date: The anticipated start-up date for the DBSWF operations is late 2013 or early 2014 dependent upon completion of facility construction.
- (b) Hours of Operation: Anticipated operating hours for the DBSWF are 7:30 a.m. to 5:30 p.m. Tuesday, Wednesday, Friday, and Saturday. The DBSWF will be closed on County holidays. The DBSWF may truncate operating hours due to reduced winter daylight or inclement weather, or may extend operating hours to accommodate special circumstances, site maintenance, or construction.

Description of the Facility:

- (a) Location and Size: The DBSWF is located north of U.S. Highway 60 approximately 4.25 miles

east of the intersection of U.S. Highways 60 and 84, and is situated within the W ½ of the SW ¼ of Section 25, Township 3 North, Range 26 East. The parcel on which the DBSWF is located consists of approximately 30.5 acres; the C&D landfill will occupy approximately 20.3 acres, the transfer and recycling facility will occupy approximately 4.4 acres, and 5.8 acres will be reserved for future use.

- (b) General Process: The DBSWF will receive municipal solid waste (MSW) and select recyclables from residential, commercial, and industrial sources. MSW will be unloaded onto the tipping floor and transferred to larger transfer vehicles for transport to a permitted disposal facility (e.g., Clovis Landfill). The waste diversion/recycling area will provide facilities for diverted and recyclable materials. Select recyclables will be collected in designated bins and boxes; bulky diverted materials will be temporarily stockpiled. Materials will be hauled to market or other processing facilities on a regular basis. Yard wastes will be processed and used in the mortality composting program, or for other beneficial use. The C&D landfill will receive C&D debris from residential, commercial, and industrial sources. C&D debris will be placed and compacted in designated landfill cells. The working face of the disposal area will be covered with at least six inches of soil or an approved alternative daily cover on at least a weekly basis. Mortality wastes will be accepted for composting in the designated mortality composting area. Animal carcasses and offal will be received and directly incorporated into a compost pile. Finished compost may be used beneficially at the landfill as a final cover amendment.
- (c) Quantities and Rate of Solid Waste: Initially, the transfer & recycling facility is projected to receive approximately 15 tons per day (tpd) of solid waste (approximately 75 cubic yards); the initial waste receipts for the C&D landfill are projected to be less than 25 tpd and will not exceed 50 tpd.
- (d) Types of Solid Waste: The DBSWF transfer & recycling facility will accept MSW and select recyclables (e.g., scrap metals, white goods, tires, green waste, etc.) for processing and transfer. The DBSWF C&D landfill will accept C&D debris for disposal. The mortality composting program at DBSWF will accept animal carcasses and offal for composting. Solid wastes accepted at DBSWF will originate from residential, commercial, and industrial sources.

Origin of Waste: Solid waste and recyclables are expected to originate from the Village of Fort Sumner, De Baca County and neighboring communities.

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, Sally Worthington, 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 Darren Padilla of the Solid Waste Bureau at (505) 827-2828.

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, July 25, 2013. 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 Mr. J.C. Borrego by Thursday, July 25, 2013 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. TDD or TDY users should access Mr. Borrego's number through the New Mexico Relay Network (TDY users at 1-800-659-8331; TDD users at 1-800-659-1779).

The application 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: Darren Padilla at 505-827-2828).

Fort Sumner Public Library, 235 West Sumner Ave., Fort Sumner, NM 88119; Monday-Friday 9:00 a.m. to noon, 1:00 p.m. to 5:00 p.m. (telephone: 575-355-2832).

De Baca County Courthouse Extension Office, 248 East Avenue C, Fort Sumner, NM 88119 (telephone: 575-355-2601).