

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

**IN THE MATTER OF THE APPLICATION
OF RHINO ENVIRONMENTAL SERVICES
FOR A SOLID WASTE PERMIT,
Rhino Environmental Services
Applicant**

No. SWB 01-03 (P)

NOTICE OF LIMITED PUBLIC HEARING

The New Mexico Environment Department (the "Department") will hold a limited public hearing in accordance with the holding of the New Mexico Supreme Court in *Colonias Development Council v. Rhino Environmental Service, Inc.* 2005-NMSC-024, 138 N.M. 133, 117 P.3d 939. The hearing will be limited to the presentation of additional evidence by the Colonias Development Council and other parties regarding the impact of proliferation of landfills on the community's quality of life with regard to the proposed Rhino Solid Waste Facility, Chaparral, New Mexico, as set forth in the Order of the Hearing Officer dated May 15, 2007. Public testimony and comment will also be allowed at the hearing. The evidence, testimony and comments obtained during this hearing will be used by the Secretary of the Environment Department to reconsider the permit application of Rhino Environmental Services, Inc. (now renamed High Desert Solid Waste Facility) for a Municipal Solid Waste Landfill Permit.

The hearing will begin at 1:00 p.m. on Thursday, July 19, 2007 in the gymnasium at the Chaparral Middle School, 290 East Lisa Drive, Chaparral, New Mexico 88081. Non-technical public comments will be taken starting at 1:00 p.m. and at other times as necessary. In lieu of oral public comments, written statements may be submitted for the record at or prior to the hearing.

The proposed landfill site is located at the S1/2 of the S1/2 Section 22 T26S,R6E, in the southwest corner of Otero County, New Mexico. The site is 2.0 miles North of the New Mexico State Border on Highway 54. The proposed property comprises 160 acres. If permitted, the landfill would receive non-hazardous solid waste from commercial haulers and the public. The operator proposes to accept the following types of waste: residential/household, commercial, industrial waste, construction and demolition debris, treated formerly hazardous waste, spill of a chemical or commercial product, sludge generated by wastewater treatment plants, and petroleum contaminated spills. It is anticipated that the majority of wastes received at the Landfill will originate primarily from Otero county and surrounding areas in Dona Ana County, and from El Paso Texas.

In 1999, Rhino Environmental Services, Inc., of Albuquerque, New Mexico, submitted an Application for a Solid Waste Facility Permit to the NMED. The application was for a permit to construct, operate and close the 160 acre facility. A multi-day public hearing was held by the Department in September 2001. The Final Order approving the permit application was issued with conditions by the Department on January 30, 2002. Colonias Development Council (CDC) filed an appeal, and the NM Supreme Court remanded the case to the Department for a limited hearing to accept additional evidence by Colonias Development Council regarding the impact of proliferation, and to include cross-examination of Rhino witnesses who previously testified.

The public hearing will be conducted in accordance with the Permit Procedures, Environment Department (20.1.4 NMAC), which may be obtained at the NMED Website, <http://www.nmcpr.state.nm.us/nmac/parts/title20/20.001.0004.htm> or at no charge from the Hearing Clerk, Sally Worthington, P.O. Box 26110, N-2150, Santa Fe, New Mexico 87502, telephone 505-827-2002, fax 505-827-2836. The New Mexico Solid Waste Management Regulations (20.9.1 NMAC) are also available on the Department's web page at: http://www.nmenv.state.nm.us/NMED_regs/swb/20nmac9_1.html.

Persons may speak at the public hearing or submit general written comments without filing any documents beforehand. However, parties presenting technical testimony at the hearing must file a "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., Tuesday, July 3, 2007.

In accordance with 20 NMAC 1.4.302 (20.1.4.300.B), 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).

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.

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 as an "Entry of Appearance."

If any person requires assistance, an interpreter, or auxiliary aid to participate in this process, please contact Judy Bentley by Monday, July 16, 2007 at the New Mexico Environment Department, Personnel Services Bureau, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone 505-827-9872. TDD or TDY should access Ms. Bentley'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 2050, Santa Fe, New Mexico 87502 (Contact: Auralie Ashley-Marx, 505-827-2775) between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday

New Mexico Environment Department, District III, 1170 North Solano Drive, Suite M, Las Cruces, New Mexico 88001 (Contact: Harry Mikel, 505-524-6300) between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday

Colquitt Company, 301 Paseo Real Drive, Chaparral, New Mexico 88081 (Contact: Bobbie Wright, 505-824-4144) between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 1:00 p.m., Saturday

Dona Ana County Sheriff's Department, Chaparral Substation, 121 W. Lisa Drive, Chaparral, New Mexico 88081 (Contact: Lisa Walker, 505-824-0449) between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday

Otero County Clerk, 1000 New York Avenue, Room 108, Alamogordo, New Mexico 88310 (Contact: Robyn Holmes, 505-437-4942) between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday

Sally Worthington, Hearing Clerk

NM Environment Department