

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

IN THE MATTER OF THE APPLICATION OF LINCOLN AND OTERO COUNTY SOLID WASTE AUTHORITY FOR A PERMIT MODIFICATION FOR A MUNICIPAL SOLID AND SPECIAL WASTE LANDFILL AT THE OTERO/LINCOLN COUNTY REGIONAL LANDFILL, ALAMOGORDO, NEW MEXICO

No. SWB -10-34(P)

NOTICE OF PUBLIC HEARING

The New Mexico Environment Department (“NMED”) will hold a public hearing to consider the matter of the application of the Lincoln and Otero County Solid Waste Authority (“Applicant”) for the modification of the Otero/Lincoln County Regional Landfill Solid Waste Facility Permit. The hearing will begin at 3:30 p.m. on Wednesday, August 25, 2010, at the Alamogordo Civic Center Conference Room located at 800 E. 1st St, Alamogordo, NM.

Non-technical public comments will be taken as specified by the Hearing Officer, and also between at 5:00 -5:30 p.m. on August 25, 2010. In lieu of oral public comments, written statements may be submitted to the Hearing Clerk for the record at or prior to the hearing.

The Applicant is seeking approval to obtain an expansion of the regulated asbestos waste cells within the existing property boundary to add an additional 235,483 cubic yards of disposal area to extend the Landfill’s operational life for acceptance of regulated asbestos; and to remove a leachate evaporation pond and use leachate for beneficial use on site.

1. Name, Address and Phone Number of Applicant and Contact Person.

(a) Applicant/Owner of Otero/Lincoln County Regional Landfill”

Otero and Lincoln Solid Waste Authority
City of Alamogordo Public Works
2600 N. Florida Avenue
Alamogordo, NM 88310
(575) 439-4241
Hours M-F, 7 am – 3 pm
Sat, 7 am – noon

(b) Contact Person for Otero/Lincoln County Regional Landfill:

Mr. Brian Cesar, Public Works Director
Otero and Lincoln County Solid Waste Authority
C/O City of Alamogordo
(575) 439-4241

2. Anticipated Start-Up Date of Modification and Hours of Operation

The anticipated start-up date for the proposed lateral expansion is expected to be prior to October 30, 2010 or depending upon when and if approval by the Secretary. Current operating hours for the Landfill are 7:00 a.m. to 4:30 p.m. Monday through Friday. The Landfill is closed on Saturdays and Sundays and four major holidays (New Years Day,

4th of July, Thanksgiving, and Christmas). The Landfill may operate outside scheduled operating hours to accommodate site preparation, inclement weather conditions, cover application, special projects, liner construction, maintenance, monitoring.

3. Description of the Facility

The property on which the Landfill is located is owned by Otero and Lincoln County Solid Waste Authority. The Landfill is an existing solid waste facility operating under a 20 year Permit # SWM-109102 issued by the NMED in October 1993 to accept “solid waste” and “special waste” as defined in the New Mexico Solid Waste Act, and the Solid Waste Rules 20.9.3 NMAC . The facility currently accepts residential, commercial, construction and demolition waste, as well as special waste (petroleum contaminated soils, sludge and regulated asbestos) as defined in the Solid Waste Act and the Solid Waste Rules (SWR).

- a. General Process: The Landfill will continue to receive solid waste from commercial haulers and the public. The solid waste will be placed and compacted in lined units/cells that are served by environmental control systems; including but not limited to leachate collection systems, composite liners and stormwater management controls. Special waste will be processed in accordance with the permit conditions and applicable SWR. At the end of each working day, the working face of the municipal solid waste (MSW) disposal area will be covered with a least six inches of soil or an alternative daily cover as approved by NMED.
- b. Location: The Landfill is located on the west side of Highway 54 south of Alamogordo, near Mile Marker 23, Otero County, New Mexico. GPS coordinates 32°33'53.79"N; -106°01'45.03"W. Legal SW1/4Section16, Township 20S, R9E.
- c. Size: The existing Landfill comprises approximately 92 acres of a 640 acre tract.
- d. Quantities and Rate of Solid Waste: The Landfill currently receives an average of 200 tons of solid waste per day, but may receive more or less solid waste on a given day depending upon market conditions and future special waste opportunities. The quantity and rate may be expanded in the future as demand increases. Anticipated annual volume of wastes is approximately 68,000 ton/per/year including approximately 4,500 tons of special waste, of which approximately 845 tons is regulated asbestos.
- e. Types of Solid Waste: The Landfill will continue to accept solid waste and special waste, including the following nonhazardous waste:
 - (i) residential municipal solid waste;
 - (ii) commercial solid waste;
 - (iii) construction and demolition debris;
 - (iv) petroleum contaminated soils (special waste)
 - (v) asbestos (special waste)
 - (vi) sludge (special waste)
- f. Description of the Modification: The permit, as originally approved, included a disposal area for regulated asbestos waste which is full. The proposed modification will allow the facility to add 235,482 cubic yards of additional disposal area (340' x 935' x 20 feet deep) for regulated asbestos waste. This action will include removing a leachate evaporation pond and using any generated leachate for beneficial use on site. The proposed additional asbestos disposal area

is part of the permitted landfill property, portions of which were originally intended to be for a construction and demolition monofill; other parts were simply unused. Special wastes will be processed in accordance with the permit conditions and applicable rules and regulations. Within 18 hours of any asbestos disposal, the working face of the asbestos cell will be covered with at least six inches of soil. Adding more disposal area for regulated asbestos waste will allow the Otero/Lincoln County Regional Landfill to continue to accept this special waste for years to come. There is continuing need for a permitted regulated asbestos waste disposal site in the area. No significant changes to operations will result from this permit modification.

4. Origin of Waste: It is anticipated that the majority of wastes received at the Landfill will originate primarily from Otero, Lincoln, Dona Ana Counties (NM), and surrounding areas. Regulated asbestos wastes may be received from Otero, Lincoln, Dona Ana, Eddy, Lea, and Bernalillo Counties (NM), and other surrounding counties and areas of New Mexico; and from Texas (El Paso and other Texas cities) and other surrounding states such as Arizona and Colorado. However, waste disposed at the Landfill may also originate from outside of the listed areas.

5. Comments:
Questions or comments regarding the Notice of Hearing should be directed to the Applicant at the address provided in Section 1 of this Notice and to:

Darren Padilla-Solid Waste Bureau
New Mexico Environment Department
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 5469
Santa Fe, New Mexico 87502-5469
Telephone (505) 827-2828

The Application for a solid waste facility modification 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 July 12, 2010. 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.

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 26110, N-2150, Santa Fe, New Mexico 87502, telephone 505-827-2002, fax 505-827-2836. The Permit Procedures are also available on the Department's web page at: <http://www.nmcpr.state.nm.us/nmac/parts/title20/20.001.0004.htm>. Copies of the applicable Solid Waste Rules (20.9.2 – 20.9.10 NMAC) may also be obtained on the Department web page 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”, respectively, with the Hearing Clerk and serve it upon other parties of record, on or before 5:00 p.m., on August 11, 2010. 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 as an “Entry of Appearance.”

If any person requires physical assistance, an interpreter, or other auxiliary aid to participate in this process, please contact Judy Bentley by August 11, 2010 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:

NMED District 3 Field Office, 411 Tenth Street Room 106, Alamogordo, NM 88310, 575-437-7115; 8 AM – 4 PM, Mon-Fri. Closed 12 PM to 1PM daily.

Otero/Lincoln Regional Landfill Office, ~24 miles south of Alamogordo on the west side of Hwy 54; 9 AM – 4 PM, Mon-Fri. (Contact: Johnny McGoldrick @ 575-439-4355)

New Mexico Environment Department, Solid Waste Bureau, 1190 St. Francis Drive, Suite 2050, Santa Fe, New Mexico 87502; Mon-Fri, 9:00AM-5:00PM. (Contact: Darren Padilla @ 505-827-2828)

