

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

**IN THE MATTER OF THE APPLICATION OF  
KEERS ENVIRONMENTAL FOR RENEWAL  
OF THE SOLID WASTE FACILITY PERMIT  
FOR THE KEERS ASBESTOS LANDFILL**

**NO.SWB-07-21(P)**

**NOTICE OF PUBLIC HEARING**

The New Mexico Environment Department (the "Department") will hold a public hearing to consider the above captioned matter of the Petition by Keers Environmental for renewal of the solid waste facility permit for the Keers Special Waste Landfill. The hearing will begin at 1:00 p.m. on August 29, 2007 in the Dr. Saul Community Center, 109 N. Roosevelt Street in Mountainair, New Mexico. Non-technical public comments will be taken at the beginning of the hearing and at other times as necessary throughout the hearing as determined by the hearing officer. If additional time is needed, the hearing will resume at 9:00 a.m. on August 30, 2007. In lieu of oral comments, written statements may be submitted for the record at or prior to the hearing.

The application for renewal of the permit was submitted on July 16, 2002. The Keers Landfill is located in the north half of Sections 19 and 20 of Township 2 North, Range 8 East, in Torrance County approximately 14 miles south of the Village of Mountainair, New Mexico. Access is via New Mexico Highway 55 to Torrance County's Liberty Valley Road. A private entrance road from the Liberty Valley Road to the landfill is maintained by the operator of facility. A permit renewal is required of all privately owned landfill facilities every ten years. The waste disposal area is proposed to be 35.3 acres within a 320 acre parcel. Proposed total waste disposal is approximately 10,000 to 12,000 cubic yards per year, for a total capacity of 284,000 cubic yards.

Operating hours for the Keers Landfill are by appointment only Monday through Friday and 7:30 a.m. to 5:30 p.m. Operations personnel will remain at the facility until daily cover is placed as required.

Keers proposes to continue to accept "special wastes" as defined by the New Mexico Solid Waste Act and the New Mexico Solid Waste Management Regulations (20.9.1 NMAC) to include the following non-hazardous wastes:

**Solid non-hazardous special waste includes: Asbestos containing materials.**

It is anticipated that the majority of waste received at the Keers Landfill will originate in New Mexico, but may also come on occasion from other states, via highway transport in approved and specially equipped trucks, many of which are owned by Keers.

Upon final receipt of solid waste, the landfill will be covered with a final cover in compliance with the Regulations and approved by the New Mexico Environment Department.

Keers included with the initial application for a special waste facility permit, in 1996, a petition for suspension of ground water monitoring and presented a demonstration in accordance with Paragraph (3) of Subsection A of 20.9.1.800 NMAC. The demonstration was certified by a qualified ground water scientist and reviewed and approved for this permit renewal by the Department. The petition for

suspension was renewed for the permit renewal and has been substantiated and approved by the Department.

The Application for renewal and modification of the existing permit has been reviewed by the Department for compliance with the New Mexico Solid Waste Act (the "Act") and the New Mexico Solid Waste Management Regulations. The Act authorizes the Cabinet Secretary of Environment to issue, issue with conditions or deny Solid Waste Facility Permits. In accordance with the New Mexico Supreme Court's decision in *Colonias Development Council v. Rhino Environmental Services Inc.*, 138 N.M. 133 (2005), 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, 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, Environment Department (20.1.4 NMAC) and 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>.

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 to 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 on or before 5:00 p.m., August 15, 2007. 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:

1. identify the person filing the statement;
2. state whether the person filing the statement supports or opposes the application;
3. identify each witness, including name, address, affiliation(s), and educational and work background;
4. estimate how long the direct testimony of each witness will take;
5. identify all exhibits that are part of the Record Proper and, for exhibits not part of the Record Proper, attach a copy;
6. 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
7. 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 assistance, an interpreter, or auxiliary aid to participate in this process, please contact Judy Bentley by August 20, 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. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.

The application may be reviewed between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday at the following locations:

New Mexico Environment Department, Solid Waste Bureau, Suite S2050, 1190 St. Francis, Santa Fe, New Mexico ( contact Terry Nelson, 505-827-2328)

New Mexico Environment Department, NMED District I Office, 5500 San Antonio Drive NE, Albuquerque, New Mexico ( contact Barry Birch 505-222-9511)

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Sally Worthington, Hearing Clerk  
NM Environment Department