

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

**IN THE MATTER OF THE APPLICATION OF
NORTHEASTERN NEW MEXICO REGIONAL
LANDFILL, LLC. FOR RENEWAL
AND MODIFICATION OF THE
SOLID WASTE FACILITY PERMIT
FOR THE NORTH EASTERN
NEW MEXICO REGIONAL LANDFILL**

NO.SWB-07-12(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 Northeastern New Mexico Regional Landfill, LLC (NENMRL, LLC) for renewal and modification of the solid waste facility permit for the North Eastern New Mexico Regional Landfill (NENMRL). The hearing will begin at 1:00 p.m. on August 20, 2007 in the Santa Clara Parish Hall in Wagon Mound, 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. In lieu of oral public comments, written statements may be submitted for the record at or prior to the hearing. The hearing may continue for additional days as needed.

The application for renewal/modification of the permit was submitted on October 18, 2005. The NENMRL is located in Section 26 and Section 35 of Township 22 North, Range 21 East, in Mora County, approximately six miles north of the Village of Wagon Mound, New Mexico. Access is via Interstate 25 or the east frontage road. A private road from the Levi exit 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 modification of the permit is for the facility to be able to accept special wastes and to expand the facility property boundary to incorporate the existing railway spur. The added acreage will expand the facility from 357 to 439 acres. The waste disposal area is proposed to be 76 acres. Proposed total landfill waste disposal design capacity is 5,184,700 cubic yards for the anticipated 60-year life of the landfill. The applicant has requested to accept up to 1,000 tons per day if necessary.

Operating hours for the NENMRL are from 7:00 a.m. to 5:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 p.m. on Saturdays (by appointment), except designated holidays. Operations personnel will remain at the facility until daily cover is placed over the days' wastes.

NENMRL proposes to accept non-hazardous "solid waste" and "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:

1. Residential municipal solid waste;
2. Commercial municipal solid waste;
3. Construction and demolition debris;

Special waste includes:

4. Ash;
5. Sludge;

6. Spills of chemical or commercial products;
7. Industrial solid waste;
8. Petroleum contaminated soils;
9. Packing house and killing plant offal;
10. Asbestos containing materials; and
11. Treated formerly characteristic hazardous wastes (TFCH);

The landfill anticipates accepting approximately 90% municipal solid waste and less than 10% special waste annually. It is anticipated that the majority of waste received at the NENMRL will originate in northeastern New Mexico, but may also come on occasion from other states, via the railway which adjoins the facility boundary. 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.

NENMRL included with the initial application for a solid 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/modification 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 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 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., August 6, 2007.

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. 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

Persons having a disability and needing help in participating in this hearing should contact Judy Bentley by August 13, 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 Drive, Santa Fe, New Mexico (contact Auralie Ashley-Marx (505-827-2775

New Mexico Environment Department, Las Vegas Field Office, 505 East National Avenue #3&4, Las Vegas , New Mexico (505-425-6764)

Sally Worthington, Hearing Clerk
NM Environment Department