

NMED SOLID WASTE BUREAU

Guideline Changes from 10 to 20 year permits for Privately Owned and Operated Solid Waste Facilities per Senate Bill 155 signed by Governor Martinez on April 7, 2011

The main change was under the Solid Waste Act wording for 74-9-24.G(2). It now allows for a 20 year permit life with certain conditions for private solid waste facilities as noted below:

- A. Any privately owned and privately operated **new** landfill, transfer station, composting facility or recycling facility shall be allowed up to a twenty (20) year permit.
- B. Any **existing** privately owned and privately operated facility that was permitted prior to July 1, 2011 shall submit in writing to the Department **no later than September 1, 2011** their decision to opt into the twenty (20) year permit cycle. This written submittal shall contain the following information:
 1. Proof that the facility had a permit prior to July 1, 2011.
 2. Demonstrate that the requested twenty year period is less than the remaining life of the facility in terms of air space.
 3. Adjust financial assurance to accommodate the additional life span per requirements pursuant to the Solid Waste Rules (20.9.2 – 20.9.10 NMAC). (You will now have more waste cell space to close).

The following conditions are placed on privately owned/operated facilities requesting a twenty(20) year permit.

1. Permit will still be reviewed every five years under requirements of 20.9.3.24 NMAC.
2. For **existing** permitted facilities be sure to submit your request **NO LATER THAN SEPTEMBER 1, 2011** or you will not be allowed to opt for the 20 year permit under your current permit.
3. For **existing** permitted facilities, the approved 20 year permit will be reduced by the number of years the facility has already operated under its current permit at the time of approval for opting into the plan. Example: If you began your permit on April 24, 2004 under your existing ten year permit and you were approved for a twenty year permit on April 24, 2011, you would have operated for 7 years, so your new permit life would be 20 years minus 7 years or 13 years additional. Your new expiration date instead of being April 24, 2014 will now be April 24, 2024. In essence this just adds twenty years to your existing permit issue date.

Any questions contact the Solid Waste Bureau Permit Section at 505-827-2328.