

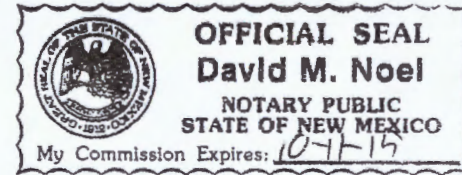
AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
County of Bernalillo SS

Linda MacEachen, being duly sworn, declares and says that she is Classified Advertising Manager of **The Albuquerque Journal**, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 times, the first publication being on the 30 day of November, 2011, and the subsequent consecutive publications on _____, 20____.

Linda MacEachen

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 30th day of November of 2011.



PRICE \$ 198.19

Statement to come at end of month.

ACCOUNT NUMBER C81227

CLA-22-A (R-1/93)

ENTERED

ADM

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**PUBLIC NOTICE No. 11-07
NEW MEXICO ENVIRONMENT
DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
November 30, 2011
NOTICE OF PUBLIC COMMENT
PERIOD AND OPPORTUNITY
TO REQUEST A PUBLIC
HEARING ON A DRAFT POST-
CLOSURE CARE HAZARDOUS
WASTE PERMIT FOR PUBLIC
SERVICE COMPANY OF NEW
MEXICO PERSON
GENERATING STATION, EPA ID
NUMBER: NMT 360010342**

The New Mexico Environment Department (Department) intends to issue a Hazardous Waste Permit for Post-Closure Care (Permit) for the Public Service Company of New Mexico (PNM), Person Generating Station (Facility). The Permit requires the Facility to conduct post-closure care and to perform corrective action in accordance with the New Mexico's Hazardous Waste Act (HWA) and its associated regulations. The Department is charged with ensuring that PNM's post-closure care activities are managed in a manner protective of human health and the environment.

The Facility is located in Bernalillo County, New Mexico in the south valley of Albuquerque, approximately one mile east of the Rio Grande River, northeast of the intersection of Rio Bravo Blvd. and Broadway Blvd. The Facility occupies approximately 22 acres. The Facility is a closed electricity generating station owned by PNM (the Permittee) and was in operation between 1952 and 1986.

The Facility is located at the following mailing address: PNM Resources, Alvarado Square, Albuquerque, NM 87158-2104. The Applicant's primary contact for this action is: Mr. John Hale at the same mailing address.

The Facility generates wastes that are regulated under the federal Resource Conservation and Recovery Act (RCRA), the New Mexico Hazardous Waste Act (Chapter 74, Article 4 NMSA 1978, or the HWA), and their implementing regulations.

The Department also announces the availability of a Fact Sheet providing the basis for the proposed action on the draft Permit and the significant factual and regulatory issues considered in preparing the draft Permit. The Fact Sheet explains the basis for the draft permit and permit conditions, including applicable statutory and regulatory support.

**PUBLIC REVIEW OF THE
DRAFT PERMIT**

The Administrative Record for this proposed action consists of the permit application, the draft Permit, this Public Notice, the Fact Sheet, and other supporting documentation the Department relied on to develop the draft Permit. The Administrative Record may be reviewed, with prior appointment, at the following location during the public comment period.

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East,
Building 1
Santa Fe, New Mexico
87505-6303
Phone: (505) 476-6000
Monday - Friday:
8:00 a.m. to 5:00 p.m.
Contact: Pam Allen

A copy of the draft Permit, this Public Notice, and the Fact Sheet are also available on the Department's website at: <http://www.nmenv.state.nm.us/hwb/PNMperm.html> under Draft Permit. To obtain a copy of the Administrative Record or a portion thereof, please contact Ms. Pam Allen at (505) 476-6000, or at address given above. The Department will provide copies, or portions thereof, of the Administrative Record at a cost to the requestor.

The Department issues this public notice on November 30, 2011, to announce the beginning of a 60-day comment period that will end at 5:00 p.m. MST, January 30, 2012. Any person who wishes to comment on the revised draft Permit or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and physical address to the respective address below. Only comments and/or requests received before 5:00 p.m. MST on January 30, 2011 will be considered.

John E. Kieling,
Acting Bureau Chief
Hazardous Waste Bureau - New
Mexico Environment Department
2905 Rodeo Park Drive East,
Building 1
Santa Fe, New Mexico
87505-6303
Phone: (505) 476-6000
E-mail: john.kieling@state.nm.us
Ref: PNM draft Permit

Written comments must be based on reasonably available information and include, to the extent practicable, all referenced factual materials. Documents in the administrative record need not be re-submitted if expressly referenced by the commenter. Requests for a public hearing must provide: (1) a clear and concise factual statement of the nature and scope of the interest of the person requesting the hearing; (2) the name and physical address of all persons whom the requestor represents; (3) a statement of any objections to the draft Permit, including specific references to any conditions; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. The Department will provide a thirty day notice of a public hearing, if one is scheduled.

The Department must ensure that the draft Permit is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted will be considered in formulating a decision on issuance of a final permit, or that may cause the revised draft Permit to be modified. The Department will respond in writing to all public comments. This response will specify which provisions, if any, of the draft Permit have been changed in the final permit and the reasons for the changes. All persons presenting written comments or who requested notification in writing will be notified of the decision by mail. These responses will also be posted on the Department's website.

After consideration of all the written public comments received the Secretary of the Department or his designee will make the final decision on this draft Permit. The decision will be publicly available, and shall be included in a notification to the Applicants by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the HWA.

**ARRANGEMENTS FOR
PERSONS WITH DISABILITIES**

Persons having a disability and requiring assistance or auxiliary aid to participate in this process should contact Judy Bentley at the New Mexico Environment Department, Human Resources Bureau, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone number: (505) 827-3872. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.

Journal: November 30, 2011