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ATTN: JOHANNA SANDOVAL
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SANTA FE, NM 87502

AD NUMBER: 211155 ACCOUNT: 56634
LEGAL NO: 69497 P.O.#: 102429
928 LINES 1 time(s) at \$ 408.61
AFFIDAVITS: 5.25
TAX: 25.87
TOTAL: 439.73

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
COUNTY OF SANTA FE

I, M. Weedeman being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe and Los Alamos, State of New Mexico and being a Newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the publication #69497 a copy of which is hereto attached was published in said newspaper 1 day(s) between 06/15/2001 and 06/15/2001 and that the notice was published in the newspaper proper and not in any supplement; the first publication being on the 15 day of June, 2001 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

/s/

M. Weedeman

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this
15 day of June A.D., 2001

Notary

Laura L. Harbige

Commission Expires

11/23/03

PUBLIC REVIEW OF THE DRAFT PERMIT
A copy of the Triassic Park draft permit and the cover sheet may be reviewed at the Roswell Public Library, Public Assessment Section, 3001 North Pennsylvania, Roswell, New Mexico, 87505, Town Hall, 20 West Broadway, Tatum, New Mexico, and the NMED web site <http://www.nmem.state.nm.us/new/hazwaste/home.html>, by clicking on **Permit/Draft Permits**. The entire administrative record for the draft permit, including the draft permit and the fact sheet, may be reviewed at: New Mexico Environment Department, Hazardous Waste Evaluation, Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505, (505) 428-2544. Attn: Mr. Stephen Pullen.

PUBLIC HEARING

NMED will conduct a public hearing only if, prior to August 14, 2001, it receives a timely request for public hearing containing the information specified below. If the Secretary of the NMED does not receive a request for public hearing, then the Secretary will cancel the public hearing and notify the public of that decision no later than August 31, 2001, in the following manner: (1) NMED will provide written notice to all persons submitting written comments or who request to be notified of the cancellation of the hearing; and (2) NMED will publish a notice of cancellation of the public hearing in a newspaper of general circulation in the vicinity of GAN's proposed landfill.

PUBLIC NOTICE NO. 0105

NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NM
June 15, 2001

NOTICE OF PUBLIC COMMENT PERIOD AND PUBLIC HEARING

CONCERNING ISSUANCE OF A FINAL PERMIT FOR THE GANDY MARLEY, INC. TRIASSIC PARK WASTE MANAGEMENT FACILITY EPA ID NO. NM0001002494

The New Mexico Environment Department (NMED) proposes to issue a final permit for the treatment, storage and disposal of hazardous waste at the proposed Triassic Park Waste Management Facility pursuant to the New Mexico Hazardous Waste Act, NMSA 1978 §574-4.1, et seq. (PMP, Pamp. 2000). The permit applicant, Gandy Marley, Inc. (GMI) of 1105 East Broadway, Tatum NM, is proposing to construct and operate the Triassic Park Waste Management Facility 43 miles east of Roswell in Chaves County, New Mexico, approximately two miles south of NM Highway 380. This notice provides the procedure for issuance of a final permit for Triassic Park.

NMED announces both the availability of the Triassic Park draft permit for public comment, and an opportunity for the public to request a public hearing prior to issuance of a final permit. NMED also announces the availability of a fact sheet that sets out in detail the principal basis for NMED's decision to issue a final permit, and the significant factual, legal and policy questions considered in preparing the draft permit. The fact sheet will also explain in detail the type and quantity of wastes which are proposed to be treated, stored and disposed at Triassic Park, a summary of the basis for permit conditions, including applicable statutory and regulatory support; and the reason why any requested variance may be justified.

On April 4, 1996, NMED issued an earlier version of the draft permit for public review and comment. Based upon the comments received, NMED issued a public notice rescinding the draft permit and required GMI to significantly amend its application. On March 15, 2001, NMED issued another version of the draft permit. That version was found to have been an incorrect version, so it was rescinded on May 17, 2001. This public notice is the third notice of the permit's availability for public review and comment.

for public hearing shall provide: (1) a clear and concise factual statement of the nature of the person receiving the hearing; (2) persons whom the requester represents; (3) a statement of any objections to the draft permit, including specific references to permit conditions; and (4) a statement of the issues which such persons propose to raise for consideration at the hearing. The Secretary may decide not to hold a public hearing if he does not receive the above information. Documents in the administrative record need not be submitted if expressly referenced by the commentor. Written comment must be filed with the Hearing Clerk on or before August 14, 2001 at NMED, Room 4071, 1150 St. Francis Drive, P.O. Box 26110, Santa Fe, New Mexico 87505.

B. ORAL PUBLIC COMMENT

At the public hearing, NMED will accept technical and non-technical oral comment. The Hearing Officer will set reasonable limits upon the time allowed for oral comment. Oral comment on the draft permit shall be accepted as set forth below:

1. **Non-Technical:** Any person may present non-technical oral public comment at the hearing. The Hearing Officer will reserve time for non-technical oral comment during each day of the public hearing. Any person may file non-technical written comment in lieu of oral comment on or before the date of the hearing with the Hearing Clerk at the address provided above. Technical testimony is defined as scientific, engineering, economic or other specialized testimony, and can be in either written or oral form. Technical testimony does not include legal argument, general comment, or statements of policy concerning matters at issue in the hearing. To promote efficiency, fairness and avoid prejudice and surprise, technical oral comment will be restricted to concise and factual information raised in written comment with the exception of rebuttal, as appropriate. The Notice shall contain the following information:

PUBLIC COMMENT

Any person, including the applicant, wishing to submit written public comment or present oral public comment at the public hearing for NMED's consideration, shall do so according to the procedures set forth below. The public comment period commences on the date of this notice and continues for 60 days, ending on August 14, or if the Secretary holds a public hearing, the comment period will continue through the public hearing.

Several comments regarding the draft permit were received by the NMED from interested citizens during the public comment period that commenced on March 15, 2001. NMED will retain those comments until August 14, at which time NMED will respond as appropriate. Interested citizens who provided comment may provide additional comment on the revised draft permit.

A. WRITTEN PUBLIC COMMENT AND REQUESTS FOR PUBLIC HEARING

NMED will accept written public comment and requests for public hearing through August 14, 2001. Written comments shall be based on all reasonably available information and include, to the extent practicable, all referenced factual

and provide sufficient detail to avoid surprise, prejudice and allow for effective cross-examination. Any summary which does not meet this requirement shall be excluded. Oral public comment shall be limited to written public comment as provided above.

C. PARTY STATUS

1. Any person, including the applicants, who wish to be a party for purposes of public participation at the hearing shall file either a timely Notice of Intent to Present Technical Testimony or a timely Entry of Appearance on or before September 15, 2001 to the Hearing Clerk at the address provided above. The Entry of Appearance shall include the following:
 - A. **Party:** the person or entity filing the entry and current address for written notification;
 - B. **Position:** State whether the person or entity supports or opposes the revised draft permit; and
 - C. **Length of Testimony:** Provide an estimate of the amount of time for oral comment, if any.
2. The failure to file a timely Entry of Appearance shall preclude a person from participating in the proceeding, but shall not preclude a person from presenting non-technical oral public comment at the hearing.
3. NMED may file an Entry of Appearance to participate at the public hearing.

PROCEDURE FOR ISSUANCE OF FINAL PERMIT DECISION

NMED will respond in writing to public comments prior to proposing a final decision to the Secretary. The Secretary will issue a final permit decision and response to comments. This response shall:

- (a) specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and
- (b) briefly describe and respond to all public comments on the draft permit or the permit application, including the public comment period of public hearing.

The Secretary will make the final permit decision publicly available and shall notify the applicants by certified mail. All persons presenting written comment, who filed an Entry of Appearance or requested notification in writing shall be notified of the decision by first-class regular mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the Hazardous Waste Act (74-4-14 NMSA 1978).

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Cliff Hawley by September 15, 2001, at the following address: New Mexico Environment Department, Room N4030, P.O. Box 26110, 1150 St. Francis Drive, Santa Fe, New Mexico 87505-6110, (505) 927-2850. TDD or TTY users please access Mr. Hawley's number via the New Mexico Relay Network. Albuquerque users may access Mr. Hawley's number at (505) 275-7333 or 800-659-1779.

ADDITIONAL INFORMATION
Any person seeking additional information regarding this draft permit, or who would like to arrange for copies of the draft permit at 35 cents a page after the first 80 pages, may contact Mr. Stephen Pullen at the Hazardous Waste Bureau by mail or in person at 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505, or by telephone at (505) 428-2544. Legal #69497
Pub. June 15, 2001

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