

CLOVIS NEWS JOURNAL  
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CLOVIS, NM 88101  
(505) 763-3431  
June 15, 2001

NM ENVIRONMENT DEPT  
JOHANNA SANDOVAL  
P O BOX 26110  
SANTA FE NM 87502

ACCT NO 61711

LEGAL 7192 PO 102426  
NOTICE OF PUBLIC COMMENT PERIOD & PUBLIC HEARING

DATES RUN :	# OF LINES	RATE	CHARGE
June 15, 2001	614	0.440	270.16
		0.352	0.00
		0.352	0.00
		0.352	0.00
		0.352	0.00
		0.352	0.00
		0.352	0.00
STATEMENT FEE	1	1.00	1.00
AFFIDAVIT	1	20.00	20.00
TEAR SHEET FEE		1.00	0.00
SALES TAX			18.56
TOTAL		TOTAL	<u>309.72</u>

ADVERTISING DUE AND PAYABLE 15 DAYS AFTER BILLING DATE.  
A 1 1/2% FINANCE CHARGE WILL BE ADDED ON ALL BALANCES OVER  
30 DAYS.

AFFIDAVIT OF LEGAL PUBLICATION

Legal 7192

Copy of Publication

STATE OF NEW MEXICO  
COUNTY OF CURRY:

CINDY L. COLE being duly sworn, says:  
That she is the Bookkeeper of  
The Clovis News Journal, a daily  
Newspaper of general circulation,  
published in English at Clovis,  
said county and state, and that the  
hereto attached

NOTICE OF PUBLIC COMMENT PERIOD & PUBLIC HEARING

was published in said Clovis News  
Journal, a daily newspaper duly  
qualified for that purpose within  
the meaning of Chapter 167 of the  
1937 Session Laws of the State of  
New Mexico for 1 consecutive  
days/weeks on the same days as  
follows:

- First Publication : JUNE 15, 2001
- Second Publication:
- Third Publication :
- Fourth Publication:
- Fifth Publication :
- Sixth Publication :

Cindy L. Cole

Subscribed and sworn to before me  
This 15TH day of JUNE, 2001.

Jennette S. Lovitt  
NOTARY PUBLIC

My Commission Expires: MAY 24, 2003.



OFFICIAL SEAL  
JENNETTE S. LOVITT  
NOTARY PUBLIC - STATE OF NEW MEXICO  
My Commission Expires: 5-24-03

Legal 7192  
June 15, 2001

PUBLIC NOTICE  
NO. 01-15

NEW MEXICO  
ENVIRONMENT  
DEPARTMENT  
HAZARDOUS  
WASTE BUREAU  
SANTA FE, NM

JUNE 15, 2001

NOTICE OF PUBLIC  
COMMENT PERIOD  
AND PUBLIC HEARING

CONCERNING ISSU-  
ANCE OF A FINAL  
PERMIT FOR THE GAN-  
DY MARLEY, INC. TRI-  
ASSIC PARK WASTE  
MANAGEMENT FACILI-  
TY EPA ID NO.  
NM0001002484

The New Mexico Envi-  
ronment Department  
(NMED) proposes to is-  
sue a final permit for the  
treatment, storage and  
disposal of hazardous  
waste at the proposed  
Triassic Park Waste  
Management Facility pur-  
suant to the New Mexico  
Hazardous Waste Act,  
NMSA 1978 §§ 74-4-1 et  
seq. (Repl. Pamp. 2000)  
The permit applicant,  
Gandy Marley, Inc. (GMI)  
of 1109 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 Tri-  
assic Park draft permit  
for the public comment,  
and an opportunity for  
the public to request a  
public hearing prior to is-  
suanace of a final permit.  
NMED also announces  
the availability of a fact  
sheet that sets out in de-  
tail the principle basis for  
NMED's decision to issue  
a final permit, and the  
significant factual, legal  
and policy questions con-  
sidered in preparing the  
draft permit. The fact  
sheet will also explain in  
detail the type and quan-  
tity of wastes which are  
proposed to be treated,  
stored and disposed at  
the Triassic Park; a sum-  
mary of the basis for per-  
mit conditions, including  
applicable statutory and  
regulatory support; and  
the reason why any re-  
quested variance may be  
justified.

On April 4, 1996, NMED  
issued an earlier version  
of the draft permit for  
public review and com-  
ment. 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 ver-  
sion was found to have  
been an incorrect ver-  
sion, so it was rescinded  
on May 17, 2001. This  
public notice is the third  
notice of the permit's  
availability for public re-  
view and comment.

PUBLIC REVIEW OF  
THE DRAFT PERMIT

A copy of the Triassic  
Park draft permit and the  
fact sheet may be re-  
viewed at: the Roswell  
Public Library, Public As-  
sessment Section, 3001  
North Pennsylvania,  
Ros-  
well, New Mexico; the  
Tatum town Hall, 20  
West Broadway, Tatum,  
New Mexico; and the  
NMED web site  
([www.nmenv.state.nm.us/hwb/haz-waste\\_home.html](http://www.nmenv.state.nm.us/hwb/haz-waste_home.html)), by  
clicking on Permits/Drafts  
Permits. The entire ad-  
ministrative record for the  
draft permit, including the  
draft permit and the fact  
sheet, may be reviewed  
at: New Mexico Environ-  
ment Department, Haz-  
ardous Waste Bureau,  
2905 Rodeo Park Drive  
East, Building 1, Santa  
Fe, New Mexico 87505,  
(505) 428-2544. Attn: Mr.  
Stephen Pullen.

PUBLIC HEARING

NMED will be conduct a  
public hearing only if, pri-  
or to August 14, 2001, it  
receives a timely request  
for public hearing con-  
taining the information  
specified below. If the  
Secretary of the NMED  
does not receive a re-  
quest for public hearing,  
then the Secretary will  
cancel the public hearing  
and directly 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 comment 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 GMI's pro-  
posed landfill.

If NMED holds a public hearing, it will be to accept additional public comment on the draft permit. The hearing will begin Monday, October 15, 2001 at 9:30 a.m., and be located at the Roswell Civic Center, 912 North Main Street. The public hearing will provide interested persons a reasonable opportunity to present data, views, and arguments, as well as to examine witnesses. The hearing will continue daily with morning, afternoon, and evening sessions as appropriate, until all persons have been afforded an adequate opportunity to present comment. The hearing will be conducted in accordance with the Hazardous Waste Management Regulations, 20.4.1.901.F NMAC, and the following sections of the Environment Department Permit Procedures, 20 NMAC 1.4: 100-116; 201.A and B.; 202; 203.C; 204; 301; 302; 402-403; 501-503.

#### 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 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 refer-

enced factual materials. All requests for public hearing shall provide: a clear and concise factual statement of the nature and scope of the interest of the person requesting the hearing; (2) the name and address of all persons whom the requester represents; (3) a statement of any objections to the draft permit, including specific references to the permit condition; and (4) a statement of the issues which such persons proposes 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 commentator. Written comment must be filed with the Hearing Clerk on or before August 14, 2001 at NMED, Room N-4071, 1190 St. Francis Drive, P.O. Box 26110, Santa Fe, New Mexico.

#### 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 at the public hearing 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 on or before the date of the hearing with the Hearing Clerk at the address provided above.

2. **Technical:** Any person, including the applicant, who wishes to present technical oral comment shall file a Notice of Intent to Present Technical Testimony on or before September 15, 2001 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 comments, 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 points and factual information raised in written comment with the exception of rebuttal, as appropriate. Notice shall contain the following information:

A. **Person/Entity:** Identify the person or entity filing the Notice;

B. **Position:** State whether the person or entity filing the Notice supports or opposes the revised draft permit;

C. **Witnesses:** Identify each witness, including name, address, affiliations(s), and educational and work background;

D. **Length of Testimony:** Estimate the length of the direct testimony of each witness;

E. **Exhibits:** Identify all exhibits; for all exhibits which are not part of the Record Proper, attach a copy;

F. **Technical Materials:** Identify all technical materials relied upon by each witness in making a statement of technical fact or opinion contained in the direct testimony; attach a copy of such technical materials for the Record Proper; submit a copy of such technical materials to the Hearing Clerk concurrently with the filing of the notice;

G. **Direct Testimony:** Attach a summary of direct testimony of each witness, stating any facts or opinions(s) to be offered by such witness and explaining the basis for such facts or opinions(s). Summaries of testimony shall be comprehensive, substantive 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.

3. The failure to file a timely Notice of Intent to Present Technical Testimony meeting the requirements above shall preclude a person from presenting technical oral comment, but shall not preclude a person from presenting non-technical oral comment.

4. The requirements for presenting oral comment shall not apply to NMED. NMED will not present written or oral comment on the draft permit, but reserves the right to file a Notice of Intent to Present Technical testimony so that it may present testimony at public hearing.

#### 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. **Person:** 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 being a party 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.

As soon as practicable, but in no event later than two weeks prior to the hearing, the Hearing Officer shall make a hearing schedule available for public participants and mail it to each person who files an Entry of Appearance or Notice of Intent to Present Technical testimony.

#### 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 raised during the public comment period or 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 N-4030, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico 87502-6110, (505) 827-2850. TDD or TDY 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 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.