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State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
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PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEPUTY SECRETARY

August 13, 2001

**SUBJECT: PUBLIC NOTICE – HEARING DETERMINATION AND PUBLIC COMMENT EXTENSION
TRIASSIC PARK EPA ID# NM0001002484
HWB-TP-01-001**

Dear Interested Citizen:

Enclosed are a Public Notice confirming the New Mexico Environment Department's (NMED) intention to hold a public hearing and to extend the public comment period with regard to the Triassic Park draft permit, and copies of the Environment Department Secretary's Orders mandating the hearing and extension. Please note that the hearing location is the Roswell Independent School District's Pueblo Auditorium at 300 N. Kentucky in Roswell.

In accordance with the Public Notice, all future communication to the NMED regarding the hearing, all comments regarding the draft permit or the associated application, and all filings of *Notices of Intent to Submit Technical Testimony* and *Entry of Appearance* shall be sent to the Hearing Clerk at the address provided. Other issues regarding the draft permit may be directed to Steve Pullen of my staff at 428-2544.

Sincerely,

John E. Kieling
Manager
Permits Management Program

f.o.n

JEK:sdp

attachment

cc: file

PUBLIC NOTICE NO. 01-07

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NM**

AUGUST 15, 2001

**NOTICE OF PUBLIC HEARING
And Extension of Public Comment Period**

**CONCERNING ISSUANCE OF A FINAL PERMIT FOR THE
GANDY MARLEY, INC. TRIASSIC PARK WASTE MANAGEMENT FACILITY
EPA ID NO. NM0001002484**

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 §§ 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 that the public comment period for the Triassic Park draft permit is being extended. The details of the new public comment period, as well as how the public may make comment, are discussed further below. A June 15, 2001 Public Notice announced that a public hearing would be conducted if a timely and appropriate request was received by NMED. That hearing request has been received by the NMED, and the agency, under an Order issued by the Secretary of the Environment Department on August 9, 2001, will proceed with the hearing as described below.

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. On June 15, 2001 the final draft version of the draft permit was made available for public comment through a public notice. This public notice announcing the extension of the comment period is the fourth public notice associated with the draft permit.

PUBLIC REVIEW OF THE DRAFT PERMIT

A copy of the Triassic Park draft permit and a fact sheet may be reviewed at: the Roswell Public Library, Public Assessment Section, 3001 North Pennsylvania, Roswell, New Mexico; the Tatum Town Hall, 20 West Broadway, Tatum, New Mexico; and the NMED web site (www.nmenv.state.nm.us/hwb/hazwaste_home.html), by clicking on *Permits/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 Bureau, 2905 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 commencing Monday, October 15, 2001 at 9:30 a.m. The hearing will be located at the Roswell Independent School District's Pueblo Auditorium at 300 N. Kentucky. Please note that this is not the same hearing location previously noticed. The Hearing Officer will be Ms. Felicia Orth.

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

The above referenced regulations and procedures identify two types of public comment, "technical" and "general". Technical comment is defined as scientific, engineering, economic or other specialized testimony. General comment includes legal argument or policy issues relevant in a hearing. Any person, including the applicant, wishing to submit written or oral comment, be it technical or general, shall do so according to the procedures set forth below.

A. PREVIOUSLY SUBMITTED COMMENT

Several comments regarding the draft permit have been received by the NMED from interested citizens. Most of these comments have been general in nature. NMED will retain those comments until the hearing is concluded, at which time NMED will respond. Interested citizens who have provided comment may provide additional comment, either technical or general, on the draft permit.

B. GENERAL PUBLIC COMMENT

Any person may provide a general statement concerning the draft permit or the application at the hearing. The Hearing Officer will reserve time for general oral comment during each day of the public hearing and will set reasonable limits upon the time allowed for oral comment. Any person not interested in providing an oral statement may provide a general, non-technical written statement concerning the draft permit or the application at or before the date of the hearing. All written comment, either technical or general, must be filed with the Hearing Clerk at NMED, Room N-4071, 1190 St. Francis Drive, P.O. Box 26110, Santa Fe, New Mexico, and must reference the Triassic Park hearing docket number, HRM 01-02 (P).

C. TECHNICAL PUBLIC COMMENT

Pursuant to the requirements set forth below for submitting a *Notice of Intent to Present Technical Testimony (NOI)*, anyone may submit technical comment on the draft permit and application. Anyone wishing to submit a written technical statement without submitting a *NOI* may do so, but such technical statement must be submitted to the Hearing Clerk on or before September 21, 2001 at the above address.

Technical comments shall be based on all reasonably available information and include, to the extent practicable, all referenced factual materials. Documents in the administrative record need not be submitted if expressly referenced by the commentator. Requiring early submission of technical issues, and making the submissions available to all parties, is intended to promote efficiency, fairness and avoid prejudice and surprise at the hearing.

Therefore, technical comment will be restricted to points and factual information raised in the *NOI*, with the exception of rebuttal, as appropriate. The failure to file a timely *NOI* shall preclude a person from presenting technical comment after September 21, 2001, but shall not preclude a person from presenting general comment.

The *NOI* shall contain the following information:

1. Person/Entity: Identify the person or entity filing the *Notice*;
2. Position: State whether the person or entity filing the *Notice* supports or opposes the revised draft permit;
3. Witnesses: Identify each witness, including name, address, affiliation(s), and educational and work background;
4. Length of Testimony: Estimate the length of the direct testimony of each witness;
5. Exhibits: Identify all exhibits; for all exhibits that are not part of the Record Proper, attach a copy;

6. 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;
7. Direct Testimony: Attach a summary of direct testimony of each witness, stating any facts or opinion(s) to be offered by such witness and explaining the basis for such facts or opinion(s). Summaries of testimony shall be comprehensive, substantive and provide sufficient detail to avoid surprise, prejudice and allow for effective cross-examination. Summaries that do not meet this requirement shall be excluded. Oral technical public comment shall be limited to written technical public comment as provided above.

NMED does not intend to respond to comment at the public hearing, but instead will use the public hearing as a forum to gather ideas and comments regarding the draft permit and application. NMED will respond to all comments after the hearing. NMED will not present written or oral comment on the draft permit, but reserves the right to file a *NOI* so that it may present testimony at the public hearing. The requirements for presenting comments at the hearing shall not apply to NMED.

D. PARTY STATUS

Any person, including the applicants, who wish to be a party for purposes of public participation at the hearing, shall file either a timely *NOI* or a timely *Entry of Appearance* on or before September 21, 2001 to the Hearing Clerk at the address provided above. The *Entry of Appearance* shall include the following:

1. Person: The person or entity filing the entry and current address for written notification;
2. Position: State whether the person or entity supports or opposes the revised draft permit; and
3. Length of Testimony: Provide an estimate of the amount of time for oral comment, if any.

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 general oral public comment at the hearing. 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 *NOI*.

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:

1. Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and
2. 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, Mr. Peter Maggiore, 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).

ARRANGMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability requiring assistance or auxiliary aid to participate in the hearing 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 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).

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

**IN THE MATTER OF THE DRAFT
FINAL PERMIT FOR THE TRIASSIC PARK
WASTE DISPOSAL FACILITY
U.S. EPA NO. 0001002484**

No. HRM 01-02(P)

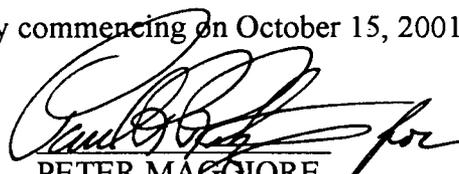
ORDER FOR PUBLIC HEARING

This matter comes before the Secretary of Environment, following substantial public interest in the proposed Triassic Park Waste Disposal Facility and the Applicant's Request for a Public Hearing regarding the Draft Permit for the Triassic Park Waste Disposal Facility to be held on or before October 15, 2001.

Having considered the public interest expressed in this matter and the Applicant's Request for Hearing and being otherwise fully advised regarding this matter;

IT IS HEREBY ORDERED:

Pursuant to 20.4.1.901.A.(5)(c) NMAC, a public hearing will be held regarding the Draft Final Permit for the Triassic Park Waste Disposal Facility commencing on October 15, 2001.


PETER MAGGIORE
Secretary of Environment

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT

IN THE MATTER OF THE DRAFT
FINAL PERMIT FOR THE TRIASSIC PARK
WASTE DISPOSAL FACILITY
U.S. EPA NO. 0001002484

No. HRM 01-02(P)

**ORDER REGARDING EXTENSION OF TIME TO SUBMIT WRITTEN
COMMENT AND INTENT TO PRESENT TECHNICAL TESTIMONY**

This matter comes before the Secretary of Environment, following numerous requests for extension of the public comment period on the Draft Permit for the Triassic Park Waste Disposal Facility (Draft Permit).

Close of the public comment period on the Draft Permit was set for August 14, 2001. A public hearing on the Draft Permit has been scheduled for October 15, 2001. Pursuant 20.4.1.901.A.(6), the time to submit public comment is automatically extended to the close of the public hearing. Many of the requests for extension of the public comment period are based on the need for greater time to review the Draft Permit and prepare for technical involvement. As set forth in the Public Notice regarding the Draft Permit, Notices of Intent to Present Technical Testimony are currently required to be submitted no later than September 15, 2001.

Having considered all the requests for extension of the public comment period, along with the date of the public hearing now set in this matter, and being otherwise fully advised regarding this matter;

IT IS HEREBY ORDERED:

To facilitate the public's ability to participate on the technical issues at the public hearing on the Draft Permit, the date to submit Notices of Intent to Present Technical

Testimony shall be extended for six days. Notices of Intent to Present Technical

Testimony shall be submitted on or before September 21, 2001.

Those wishing to provide a technical written statement without submitting a Notice of Intent to Present Technical Testimony may do so, but such statement shall be filed on or before September 21, 2001.


PETER MAGGIORE
Secretary of Environment