

Affidavit of Publication

State of New Mexico,
County of Eddy, ss.

Dawn Higgins

being first duly sworn, on oath says:

That she is Business Manager of the Carlsbad Current-Argus, a newspaper published daily at the City of Carlsbad, in said county of Eddy, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof on the date as follows, to wit:

August 15	2001
	2001
	2001
	2001
	2001
	2001

That the cost of publication is \$ 266.55, and that payment thereof has been made and will be assessed as court costs.

Dawn Higgins

Subscribed and sworn to before me this

17 day of August, 2001
Randine Roopote

My commission expires 5/25/03
Notary Public

P.O.# 02-064-200530



AUGUST 15, 2001

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 ISSU-
ANCE OF A FINAL PER-
MIT FOR THE GANDY
MARLEY, INC.
TRIASSIC PARK
WASTE MANAGEMENT
FACILITY EPA ID NO.
NM0001002484

The New Mexico Environ-
ment 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. Pamph. 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 per-
mit for Triassic Park.

NMED announces that
the public comment peri-
od for the Triassic Park
draft permit is being ex-
tended. The details of the
new public comment peri-
od, as well as how the
public may make com-
ment, are discussed fur-
ther below. A June 15,
2001 Public Notice an-
nounced that a public
hearing would be con-
ducted if a timely and ap-
propriate request was re-
ceived by NMED. That
hearing request has been
received by the NMED,
and the agency, under an
Order issued by the Sec-
retary 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 com-
ments received, NMED is-
sued a public notice re-
scinding the draft permit
and required GMI to sig-
nificantly amend its appli-
cation. On March 15,
2001, NMED issued an-
other version of the draft
permit. That version was
found to have been an in-
correct version, so it was
rescinded on May 17,
2001. On June 15, 2001
the final draft version of
the draft permit was made

procedures set forth be-
low.

A. PREVIOUSLY SUB- MITTED COMMENT

Several comments re-
garding 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 com-
ments until the hearing is
concluded, at which time
NMED will respond. Inter-
ested citizens who have
provided comment may
provide additional com-
ment, either technical or
general, on the draft per-
mit.

B. GENERAL PUBLIC COMMENT

Any person may provide a
general statement con-
cerning the draft permit or
the application at the
hearing. The Hearing Of-
ficer 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 pro-
vide a general, non- tech-
nical written statement
concerning the draft per-
mit or the application at or
before the date of the
hearing. All written com-
ment, 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 require-
ments set forth below for
submitting a *Notice of In-
tent to Present Techni-
cal Testimony (NOI)*, anyone
may submit technical
comment on the draft per-
mit and application. Any-
one wishing to submit a
written technical state-
ment without submitting a
NOI may do so, but such
technical statement must
be submitted to the Hear-
ing Clerk on or before
September 21, 2001 at
the above address.

Technical comments sha-
be based on all reasona-
bly available informatio-
and include, to the exte-
practicable, all reference
factual materials. Docu-
ments in the administra-
tive record need not be
submitted if expressly re-
ferenced by the comm-
tator. Requiring early sub-
mission of technica-
issues, and making th-
submissions available to
all parties, is intended to
promote efficiency, fair-
ness and avoid prejudice
and surprise at the hear-
ing.

ENTERED

No 21835

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 *En-
try of Appearance* on or
before September 21,
2001 to the Hearing Clerk
at the address provided
above. The *Entry of Ap-
pearance* 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 op-
poses 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 pro-
ceeding, but shall not pre-
clude a person from pres-
enting 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 Of-
ficer shall make a hearing
schedule available for
public participation and
mail it to each person
who files an *Entry of Ap-
pearance* or

PROCEDURE FOR ISSUANCE OF FINAL PERMIT DECISION

NMED will respond in
writing to public com-
ments 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 provi-
sion, if any, of the draft
permit have been
changed in the final per-
mit decision, and the rea-
sons for the change; and
2. Briefly describe and
respond to all public com-
ments on the draft permit
or the permit application
raised during the public
comment period or public
hearing.

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/haz_waste_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

therefore, technical comment will be restricted to points of factual information noted 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

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.