

AFFIDAVIT OF LEGAL PUBLICATION

Legal 7343

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 HEARING-EPA ID NO. NM0001002484

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 : AUGUST 14, 2001
Second Publication:
Third Publication :
Fourth Publication:
Fifth Publication :
Sixth Publication :

Cindy L. Cole

Subscribed and sworn to before me
This 14TH day of AUGUST, 2001.

Jennette S. Lovett
NOTARY PUBLIC

My Commission Expires: MAY 24, 2003.



OFFICIAL SEAL
JENNETTE S. LOVETT
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: _____

Legal 7343
August 14, 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. TRIAS-
SIC PARK WASTE MAN-
AGEMENT FACILITY
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 no-
tice provides the proce-
dure for issuance of a fi-
nal permit 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
period, as well as how
the public may make
comment, are discussed
further 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 Secretary of the En-
vironment Department on
August 9, 2001, will pro-
ceed with the hearing as
described below.

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 require
GMI to significantly
amend its application. Or
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. On
June 15, 2001 the final
draft version of the draft
permit was made availa-
ble for public comment
through a public notice.
This public notice an-
nouncing 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 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/hazwaste_home.ht
ml), by clicking on Per-
mits/Draft Permits. The
entire administrative re-
cord for the draft permit,
including the draft permit
and the fact sheet, may
be reviewed at: New
Mexico Environment De-
partment, Hazardous
Waste Bureau, 2905 Ro-
deo 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 commenc-
ing 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 previ-
ously noticed. The Hear-
ing Officer will be Ms. Fe-
licia 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).

ARRANGEMENTS 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.