

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

**IN THE MATTER OF THE APPLICATION
OF THE CITY OF ALBUQUERQUE
FOR A SOLID WASTE FACILITY PERMIT RENEWAL AND
MODIFICATION FOR CERRO COLORADO LANDFILL**

No. SWB 20-67 (P)

NOTICE OF PUBLIC HEARING

Description of the Requested Action: The New Mexico Environment Department (“Department”) will hold a virtual public hearing to consider the matter of the application (“Application”) by the City of Albuquerque (“Applicant”) for renewal and modification of the Cerro Colorado Landfill (“CCLF”) permit no. SWM-010221 and no. SWM- 010221(SP). The Applicant is seeking renewal and modification of the existing solid waste facility permits for 20 years. The Application was initially submitted to the Department on June 20, 2019.

Hearing Date, Time, and Location: The hearing will begin at 5:30 p.m. on Monday, May 10, 2021 and will be conducted remotely by using an internet video conferencing platform (Zoom) and telephone. Comments will be accepted at the hearing and will also be accepted by e-mail through the conclusion of the hearing.

The Zoom hearing may be joined through the following meeting link:

<https://zoom.us/j/99613819984?pwd=MVpURmdvMnp1eDFmNWxDY0ZzTTZZZz09>

The Zoom meeting ID is 996 1381 9984 and the passcode is 095895.

The Zoom hearing may also be joined by telephone: +1 669 900 6833 US; +1 253 215 8782 US; +1 346 248 7799 US; +1 929 436 2866 US; +1 301 715 8592 US; +1 312 626 6799 US.

To submit comments via e-mail, send correspondence to: public.facilitation@state.nm.us. Please enter “SWB 20-67 CCLF Comment” in the e-mail subject heading.

The hearing is being held via internet, email and telephonic means due to the concerns surrounding the Novel Coronavirus 2019 (“COVID-19”) and in accord with Governor Michelle Lujan Grisham’s Declaration of a Public Health Emergency in Executive Order 2020-004, and subsequent executive orders; various Public Health Emergency Orders limiting mass gatherings due to COVID-19; and the Office of the Attorney General’s Open Government Division’s Guidance to Public Entities Regarding the Open Meetings Act and Inspection of Public Records Act Compliance During COVID-19 State of Emergency.

The Application for a solid waste facility permit renewal and modification has been reviewed by the Department for compliance with the New Mexico Solid Waste Act (“Act”), NMSA 1978, Sections 74-9-1 to 43 (1990, amended 2011), and the New Mexico Solid Waste Rules, 20.9.2 to 20.9.10 NMAC. The Department deemed the Application complete on August 20, 2020. The Secretary of Environment shall issue, issue with conditions, or deny solid waste facility permits in accordance with the Act. The Secretary of Environment considers all public comments, including issues relating to public health and welfare, in his decision to issue, issue with conditions, or deny the permit.

Name, Address, and Phone Number of the Applicant and Contact Person:

City of Albuquerque, Solid Waste Management Department

4600 Edith Blvd. NE

Albuquerque, NM 87107

Contact Person and Phone Number: Ms. Diane Wikler, (505)761-8134

Description of Permit Application: CCLF is an existing solid waste facility located at 18000 Cerro Colorado Rd. SW, Albuquerque, Bernalillo County, NM. Permit no. SWM- 010221 and permit no. SWM- 010221(SP) were issued in June 2000. The Application seeks renewal and a modification of the permits for 20 years. The modification includes a vertical expansion of the solid waste disposal envelope by approximately 20 feet; reducing the solid waste facility from 860 acres to 499.4 acres; and authorization to dispose of special wastes characterized as “special waste not otherwise specified.” The Application consists of responses from the Applicant demonstrating compliance with, or intent to comply with, requirements of the New Mexico Solid Waste Rules; engineering plans and calculations; facility management plans including an operations plan, waste screening/inspection plan, emergency contingency plan, transportation plan, methane monitoring plan, vadose zone monitoring plan, leachate monitoring plan, facility closure plan, special waste disposal management plans, composting operations plan, and construction quality assurance plan; documentation confirming the existence of a financial assurance mechanism for facility closure; and documentation of the Applicant’s performance of public notice at the time of Application submittal in 2019.

Hearing Procedures: The public hearing will be conducted in accordance with the Permit Procedures of the Environment Department (20.1.4 NMAC), which may be obtained at no charge from the Hearing Clerk, Madai Corral, P.O. Box 5469, 1190 St. Francis Drive, S-2103, Santa Fe, NM 87502, telephone (505)490-5803, fax (505)827-2836, e-mail madai.corral@state.nm.us. The Permit Procedures are also available electronically at: <http://www.srca.nm.gov/parts/title20/20.001.0004.html>. Copies of the applicable Solid Waste Rules (20.9.2 through 20.9.10 NMAC) may also be obtained electronically at: <http://www.srca.nm.gov/chapter-9-solid-waste/> or by contacting James Dyer of the Solid Waste Bureau at (505)660-8447 or by e-mail at james.dyer@state.nm.us.

Any person may speak at the public hearing or submit general written comments without filing any documents beforehand. However, a person wishing to be an interested party or present technical testimony at the hearing must file an Entry of Appearance or Statement of Intent to Present Technical Testimony with the Hearing Clerk (above) and serve it upon other parties of record, on or before 5:00 p.m., Monday, April 26, 2021. The Statement of Intent to Present Technical Testimony shall (i) identify the person filing the statement; (ii) state whether the person filing the statement supports or opposes the Draft Permit, Application, or Petition, or in the case of the Division, the Division's recommended decision to approve, deny, or approve with conditions the Draft Permit, Application, or Petition; (iii) identify each witness, including name, address, affiliation(s), and educational and work background; (iv) estimate the length of the direct testimony of each witness; (v) identify all exhibits which are part of the Record Proper and, for exhibits not part of the Record Proper, attach a copy; (vi) list or make available all technical materials relied upon by each witness in making statement of technical fact or opinion contained in his or her direct testimony; and (vii) attach a summary of the testimony of each witness, stating any opinion(s) to be offered by such witness, and an explanation of the basis for such opinion(s).

Due to State Public Health Emergency Orders concerning COVID-19, electronic filings and service are encouraged. Technical testimony means scientific, engineering, economic or other specialized testimony, whether oral or written, but does not include legal argument, general comments or statements of policy concerning matters at issue in the hearing.

If any person requires assistance, an interpreter, auxiliary aid, or reasonable accommodations to participate in this hearing, please contact James Dyer by Monday, April 26, 2021 at the New Mexico Environment Department, Solid Waste Bureau, e-mail at james.dyer@state.nm.us.

An electronic version of the permit application may be reviewed on the Department’s website at the following location: <https://www.env.nm.gov/solid-waste/environmental-justice/#pips> (look for the Cerro Colorado Landfill heading and click on the permit application link). Any person requiring further information may contact James Dyer of the Solid Waste Bureau at (505)660-8447 or by e-mail at james.dyer@state.nm.us.

Notice of Non-Discrimination: NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is

responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kathryn Becker, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. You may also visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.