



## NOTICE OF PUBLIC HEARING NEW MEXICO ENVIRONMENT DEPARTMENT

In accordance with 20.6.2.3108(N) and 20.1.4.200(C)(2) NMAC, New Mexico Environment Department (NMED) provides this public notice of a hybrid public hearing associated with the proposed groundwater discharge permit (Discharge Permit or DP-1879) for American Waste Removal (Facility) beginning at 9:00 a.m. on December 7, 2022 and continuing day-to-day as needed. Members of the public can attend the hearing through the WebEx virtual platform or in person at the Commission Chamber of the San Juan County Administrative Building, 100 South Oliver, Aztec, New Mexico 87410. The link to the WebEx virtual platform for the hearing, including how to join by telephone, can be found on the NMED Calendar at <https://www.env.nm.gov/events-calendar/>. The draft Discharge Permit was prepared in response to a discharge permit application submitted by Gregory Jarvies, President, American Waste Removal (Applicant) for a new Discharge Permit. The hearing officer will provide opportunities for oral statements or non-technical testimony from members of the public at the hearing.

**Name and address of the Applicant:** Gregory Jarvies, President, American Waste Removal, 2568 W. Horseshoe Circle, South Jordan, UT 84095.

**Location of the discharge:** The Facility is located at 280 Road 3160, approximately 4.5 miles northwest of Aztec, New Mexico in Section 35, Township 31 North, Range 12 West, in San Juan County.

**Activities that produce the discharge:** The draft Discharge Permit authorizes the Permittee to receive food-related grease trap/interceptor waste and domestic septage waste at a volume up to 2,000 gallons per day (gpd) which discharges to a dewatering system and then discharges to up to two synthetically lined impoundments for disposal of the water by evaporation. The Permittee hauls dewatered portion of the grease trap/interceptor and septage waste off-site for disposal.

**Quality, quantity, and flow characteristics of the discharge:** The draft Discharge Permit authorizes the discharge of up to 2,000 gpd of grease and septage to a disposal system. Potential contaminants from these types of discharge include nitrogen compounds. The discharge may contain water contaminants or toxic pollutants elevated above the standards of Section 20.6.2.3103 NMAC and is not subject to the exemption at Subsection 20.6.2.3105.A NMAC.

**Depth to groundwater:** A discharge at the Facility is most likely to affect groundwater at a depth of approximately 250 feet and having a total dissolved solids (TDS) concentration of approximately 365 milligrams per liter.

**Hearing procedures:** The hearing will be conducted pursuant to the NMED's Permit Procedures regulations, 20.1.4 NMAC, and the NMED Ground and Surface Water Protection regulations, 20.6.2.3110 NMAC. Any member of the public may attend the hearing and present relevant non-technical testimony, orally or in writing, and to examine witnesses testifying at the hearing. Any member of the public may

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Ground Water Quality Bureau | 1190 Saint Francis Drive, PO Box 5469, Santa Fe, New Mexico 87502-5469

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present a written non-technical statement or submit comments at any time prior to the close of the hearing through the Public Comment Portal page (<https://www.env.nm.gov/opf/docketed-matters/>). To be a party or to present technical testimony, a person must follow the procedures specified below.

**Entry of Appearance Required to be a Party:** Any person who wishes to be a party to the hearing shall file with the Hearing Clerk, and serve upon all other parties of record, including NMED and the Applicant, an *Entry of Appearance* on or before **November 16, 2022**.

**Statement of Intent to Present Technical Testimony required:** Any person who wishes to present technical evidence, data, or testimony at the hearing shall file with the Hearing Clerk and serve on the Applicant, NMED, and all other parties of record a *Statement of Intent to Present Technical Testimony* on or before **November 16, 2022**, pursuant to 20.6.2.3110(C) NMAC. A timely filed Statement of Intent shall be considered an Entry of Appearance. The Statement of Intent must comply with the requirements in 20.1.4.300 NMAC and 20.6.2.3110(C) NMAC and shall include: the name of the person filing the statement, whether the person filing the statement supports or opposes the proposed Permit, the name/address/affiliation/work background/educational background of each witness, the estimated length of direct testimony of each witness, a list of exhibits to be offered into evidence at the hearing with a copy of each exhibit that is not already part of the Record Proper, a list of all technical materials – and information where the material can be obtained – relied upon by each witness in making a technical statement of fact or opinion and an explanation of the basis for such an opinion, and the full written direct testimony of each witness including any opinions to be offered by such witness and an explanation of the basis for that opinion. Failure to file a timely Entry of Appearance or Statement of Intent to Present Technical Testimony shall preclude a person from being a party to the proceeding and from presenting technical testimony but shall not preclude a person from presenting a general written or oral statement or non-technical testimony in the proceeding.

**Final determination on Permit by NMED:** The Secretary of NMED will make a final determination approving, conditionally approving, or disapproving the draft Discharge Permit based on the Administrative Record for the permit application, public comment, and the public hearing.

**Documents filed with Hearing Clerk:** All documents that need to be filed with the Hearing Clerk shall be submitted to: Madai Corral, Hearing Clerk, NMED, [madai.corral@env.nm.gov](mailto:madai.corral@env.nm.gov), P.O. Box 5469, Santa Fe, NM 87502-5469, Telephone: (505) 490-5803.

**Documents served on NMED:** All documents that need to be served on NMED shall be sent to Andrew Knight, NMED Office of General Counsel, 121 Tijeras Avenue NE, Ste 1000, Albuquerque, NM 87102, or [Andrew.Knight@env.nm.gov](mailto:Andrew.Knight@env.nm.gov).

**Transcripts of hearing:** Pursuant to 20.6.2.3110(J) NMAC, NMED will make an audio recording of the hearing. If any person requests a certified copy of the written transcript or audio recording, the requestor shall pay the cost of the transcription or audio copying.

**Further information and NMED contact:** For further information on DP-1879 and the public hearing or to obtain a copy of the draft Discharge Permit, the Public Involvement Plan (PIP), submit comments, or request to be placed on a mailing list for future notices for this Facility, please contact Gerald Knutson, NMED Ground Water Quality Bureau (GWQB), P.O. Box 5469, Santa Fe, NM 87502-5469, by telephone at (505) 660-7189, or at [Gerald.Knutson@env.nm.gov](mailto:Gerald.Knutson@env.nm.gov). The GWQB will accept comments and statements of

interest regarding the application and maintains a facility-specific mailing list for persons wishing to receive notices for permitting actions associated with this Facility. To be placed on this mailing list contact Gerald Knutson.

NMED maintains a facility specific Public Involvement Plan (PIP) for each permitting action so the agency may plan for providing public participation opportunities and information that may be needed for the community to participate in a permitting process. The draft Discharge Permit and PIP may be viewed online at <https://www.env.nm.gov/public-notices/> or at the NMED office in Farmington: 3400 Messina Drive, Suite 5000, Farmington, NM 87532. The Administrative Record may be viewed at the GWQB located at 1190 St. Francis Drive, Suite N2300, Santa Fe, NM 87505.

**How to request accommodations:** If any person requires assistance, an interpreter, or auxiliary aid to participate in this process or if you are a non-English speaker or do not speak English well and would like to request assistance, please contact Gerald Knutson by telephone at (505) 660-7189 or submit a written request to Gerald Knutson at least ten (10) calendar days prior to the hearing at NMED GWQB, P.O. Box 5469, Santa Fe, NM 87502-5469, or [Gerald.Knutson@env.nm.gov](mailto:Gerald.Knutson@env.nm.gov). Requested interpretation services during the meeting and accommodations or services for persons with disabilities will be arranged to the extent possible. Arrangements may be made for document translation or interpretation related to the permitting process as necessary and as resources allow. Telephone conversation assistance is available through Relay New Mexico at no charge for people who are deaf, hard of hearing, or have difficulty speaking on the phone, by calling 1-800-659-1779; TTY users: 1-800-659-8331; Spanish: 1-800-327-1857. Telephone interpretation assistance for persons that are a non-English speaker or do not speak English well is available at no charge when calling NMED.

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, you may contact: Kathryn Becker, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, [nd.coordinator@env.nm.gov](mailto:nd.coordinator@env.nm.gov). If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/general/environmental-justice-in-new-mexico/> to learn how and where to file a complaint of discrimination.