

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT



IN THE MATTER OF THE APPLICATION OF
LEA LAND, INC. FOR THE MODIFICATION
OF THE SOLID WASTE LANDFILL FACILITY
PERMIT FOR THE LEA LAND NON-HAZARDOUS
INDUSTRIAL SOLID WASTE LANDFILL

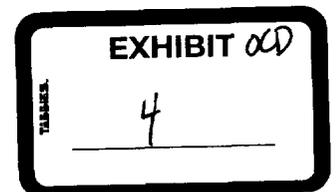
SW 00-08 (M)

FINAL ORDER

This matter comes before the Secretary of Environment (Secretary), following a hearing before the Hearing Officer on September 12, 2000, in Carlsbad, New Mexico. The Secretary properly delegated his decision-making in this matter to me.

The Applicant, Lea Land, Inc. seeks modification of its solid waste permit for an existing landfill facility, the Lea Land Non-Hazardous Industrial Solid Waste Landfill located in Carlsbad, Eddy County, New Mexico. The modification would allow the installation of a twenty-foot berm to increase final cap elevation and recover waste capacity compromised by the impossibility of excavating into caliche; the modification would also delete a prohibition relating to the acceptance of oil and gas waste contained in Condition No. 8 and expressly allow certain non-hazardous, non-domestic, non-unique oil and gas wastes to be accepted at the facility following the submission of a disposal management plan. The New Mexico Environment Department Solid Waste Bureau supports the modification of the permit, which was originally issued in February, 1996, with conditions necessary to protect public health and welfare and the environment.

Having considered the hearing record, including the parties' Closing Arguments,



Proposed Findings of Fact and Conclusions of Law, and the Hearing Officer's Report;
and being otherwise fully advised regarding this matter;

I HEREBY ADOPT THE PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW SET OUT IN THE HEARING OFFICER'S REPORT.

IT IS THEREFORE ORDERED:

The permit modification requested is issued in part, and denied in part, effective upon the
execution of this Order, as follows:

1. The permit modification is issued as proposed for the installation of the berm.
2. The existing Permit Condition No. 8 is deleted.
3. The proposal to insert a new permit condition in lieu of Condition No. 8
expressly allowing the disposal of waste regulated by the Oil Conservation
Division of the New Mexico Energy, Minerals and Natural Resources
Department is denied.

 12/14/00

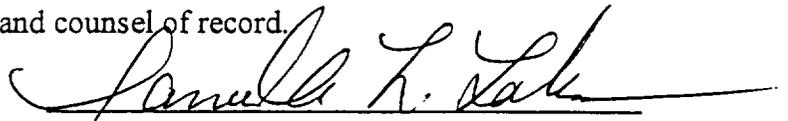
GREG LEWIS, DIRECTOR
Water and Waste Management Division

NOTICE OF PROCEDURE FOR APPELLATE REVIEW

Any aggrieved party may seek appellate review in the Court of Appeals, pursuant to NMSA 1978, Section 74-9-30.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Final Order was mailed on ^{December 12th} 18, 2000, via first-class mail, to each of the parties and counsel of record.


TAMELLA LAKES, HEARING CLERK