

**NEW MEXICO WATER QUALITY CONTROL COMMISSION
NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO
20.6.4 NMAC – STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE WATERS –
SAN ISIDRO ARROYO AND TRIBUTARIES**

The New Mexico Water Quality Control Commission (Commission) will hold a public hearing to start after the regularly scheduled Commission hearing which begins at 9:00 a.m. on Tuesday, October 8, 2019, and continuing on subsequent days, as necessary, at the New Mexico State Capitol Building, 490 Old Santa Fe Trail, Room 307, Santa Fe, New Mexico 87501. The purpose of the hearing is to consider amendments to the Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC. Peabody Natural Resources Company (PNRC) is the proponent of the proposed amendments. The hearing location may change prior to the hearing date, and those interested in attending should check the Commission website before the hearing at: <https://www.env.nm.gov/water-quality-control-commission/wqcc/>.

The proposed amendments to 20.6.4 NMAC, submitted by PNRC and docketed as WQCC 19-03 (R), propose changes to the aquatic life use classification of the San Isidro Arroyo and its tributaries. PNRC justifies the changes based on the results of Level 1 Hydrology Protocol evaluations, supporting regional hydrologic studies, and mine-specific hydrologic information as provided in the Lee Ranch Mine's permit from the New Mexico Mining and Minerals Division.

The PNRC's petition and proposed amendments are available on the New Mexico Environment Department's website, at <https://www.env.nm.gov/wqcc-19-03-a/>. The petition and amendments may also be obtained electronically or reviewed in person by contacting Cody Barnes, Commission Administrator, 1190 S. St. Francis Drive, Santa Fe, New Mexico 87502, (505) 827-2428 or cody.barnes@state.nm.us.

The hearing will be conducted in accordance with the New Mexico Water Quality Act, Section 74-6-6, NMSA 1978, and the Rulemaking Procedures for the Water Quality Control Commission, 20.1.6 NMAC.

Any person, including the petitioner, who intends to present technical testimony at the hearing shall, no later than 20 days prior to the hearing, file a notice of intent to present technical testimony. The notice shall:

1. Identify the person for whom the witness(es) will testify;
2. Identify each technical witness the person intends to present, and state the qualifications of that witness, including a description of their educational and work background;
3. If the hearing will be conducted at multiple locations, indicate the location or locations at which the witness will be present;
4. Include a copy of the direct testimony of each technical witness in narrative form, and state the estimated duration of the direct oral testimony of that witness;
5. Include the text of any recommended modifications to the proposed regulatory change; and
6. List and attach all exhibits anticipated to be offered by that person at the hearing.

Any member of the general public may testify at the hearing. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer non-technical exhibits in connection with their testimony, so long as the exhibit is not unduly repetitious of the testimony. A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Written comment must be mailed or delivered to the commission administrator.

The deadline for filing notices of intent is September 18, 2019 at 5:00 p.m. in the Commission Administrator's office. All documents filed in this matter, including notices of intent, must be filed with a single-sided original and three copies. Any person may offer non-technical public comment at the hearing or submit a non-technical written statement in lieu of oral testimony at or before the hearing.

To present technical testimony rebutting the testimony of another party at the hearing, a person must file a notice of intent to present rebuttal testimony no later than 5:00 p.m. on September 18, 2019. The notice shall comply with the requirements set out above. In addition, if a party takes a position on proposed changes of other parties, the notice shall include the basis for that support or opposition.

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Cody Barnes, WQCC Administrator at least 14 days prior to the hearing date at P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone (505) 827-2428 or email cody.barnes@state.nm.us. (TDD or TTY) users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

NMED does not discriminate based on 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: Kristine Yurdin, 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@state.nm.us. You can also visit the Department's website to see how to register a complaint at: <https://www.env.nm.gov/non-employee-discrimination-complaint-page/>. 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.