

**NEW MEXICO WATER QUALITY CONTROL COMMISSION
NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO
20.6.4.9 NMAC – STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE WATERS –
DESIGNATION OF WATERS OF THE UPPER PECOS WATERSHED AS OUTSTANDING NATIONAL
RESOURCE WATERS, WQCC 20-18 (R)**

The New Mexico Water Quality Control Commission (“Commission”) will hold a public hearing on Tuesday, April 13, 2021, and continuing on subsequent days, as necessary, via the WebEx video conferencing platform. The purpose of the hearing is to consider amendments to the Standards for Interstate and Intrastate Surface Waters, 20.6.4.9 NMAC, Designation of the Waters of the Upper Pecos Watershed as Outstanding National Resource Waters. The Commission will begin its regular monthly meeting at 9:00 am, and the public hearing will begin at the conclusion of its regular business. Information for attending the virtual hearing via the WebEx conferencing platform will be available on the Commission website, <https://www.env.nm.gov/water-quality-control-commission/wqcc-meetings/>, at least 10 days prior to the hearing and as follows:

Meeting link:

<https://nmed-oit.webex.com/nmed-oit/j.php?MTID=m4b5e27f7fecb5ab1134aa579721dcf71>

Meeting Number: 177 379 7046

Meeting password: 3W3jmQWUwZ2

To join by phone: 1-415-655-0001 US Toll

Mobile phone: 1-415-655-0001 1773797046## US Toll

The proposed amendments to 20.6.4.9 NMAC, as petitioned by San Miguel County, the Village of Pecos, the New Mexico Acequia Association, Molino de la Isla Organics, LLC, and the Upper Pecos Watershed Association (collectively, “Petitioners”), and docketed as WQCC 20-18 (R), propose designation of the waters of the Upper Pecos Watershed in San Miguel County as Outstanding National Resource Waters (“ONRWs”).

The petition and proposed amendments are available on the Commission’s website, at <https://www.env.nm.gov/water-quality-control-commission/20-18-r/>. The petition may also be obtained electronically by contacting Pamela Jones, Commission Administrator, 1190 S. St. Francis Drive, Santa Fe, New Mexico 87502, (505) 660-4305 or Pamela.Jones@state.nm.us.

The hearing will be conducted in accordance with the New Mexico Water Quality Act, NMSA 1978, § 74-6-6; the Rulemaking Procedures for the Water Quality Control Commission, 20.1.6 NMAC; and the *Procedural Order & Hearing Guidelines* issued on November 20, 2020. A copy of the *Procedural Order & Hearing Guidelines* is available on the Commission’s website or may be obtained from the Commission Administrator at the address and phone number above. All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce relevant exhibits and to examine witnesses testifying at the public hearing.

Persons desiring to present technical testimony at the hearing must file with the Commission a written notice of intent. The notice of intent to present technical testimony shall:

- * Identify the person or entity for whom the witness(es) will testify;
- * 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;
- * Attach the full direct testimony of each technical witness, which shall include an express basis for all expert opinions offered, and shall clearly delineate which of the ONRW petition elements, 20.6.4.9.A(1)–(6) NMAC, or criteria, 20.6.4.9.B(1)–(3) NMAC, is addressed;
- * Include the text of any recommended modifications to the proposed regulatory change; and
- * Identify and attach all exhibits to be offered by the person at the hearing.

The deadline for filing notices of intent is 5:00 p.m. on Wednesday, March 10, 2021, to the Commission Administrator. Any member of the general public may present non-technical public comment at the hearing or submit a non-technical written statement in lieu of oral testimony at or before the hearing.

In order 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 Wednesday, March 24, 2021. 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.

All documents filed in this matter, including notices of intent, must be filed electronically via email to the Commission Administrator, at Pamela.Jones@state.nm.us

Those wishing to do so 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. Written comments regarding the proposed amendment may be addressed to Pamela Jones, WQCC Administrator, at the above address, and should reference docket number **WQCC 20-18 (R)**. Pursuant to 20.1.6.203 NMAC, any person may file an entry of appearance as a party. The entry of appearance shall be filed with the WQCC Administrator, at the above address, no later than March 24, 2021, 20 days before the date of the hearing.”

The Commission may make a decision on the proposed regulatory change at the conclusion of the hearing, or the Commission may convene a meeting after the hearing to consider action on the proposal.

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Pamela Jones, Commission 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) 660-4305 or email Pamela.jones@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 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. Part 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: 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. 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.