

New Mexico Register

The official publication for all official notices of rulemaking
and filing of proposed, adopted and emergency rules.

Volume XXXVI - Issue 8 - April 22, 2025

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The New Mexico Register

Published by the Commission of Public Records,
Administrative Law Division

1205 Camino Carlos Rey, Santa Fe, NM 87507

The *New Mexico Register* is published twice each month by the Commission of Public Records, Administrative Law Division. The cost of an annual subscription is \$270.00. Individual copies of any Register issue may be purchased for \$12.00. Subscription inquiries should be directed to: The Commission of Public Records, Administrative Law Division, 1205 Camino Carlos

Rey, Santa Fe, NM 87507.

Telephone: (505) 476-7941; Fax: (505) 476-7910; E-mail: staterules@state.nm.us.

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Notices of Rulemaking and Proposed Rules

ALBUQUERQUE- BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

NOTICE OF RULEMAKING HEARING TO AMEND EXISTING RULES 20.11.8 NMAC- AMBIENT AIR QUALITY STANDARDS

The Albuquerque-Bernalillo County Air Quality Control Board (AQCB) will hold a public hearing on June 11, 2025 at 5:30 p.m. to consider AQCB Petition No. 2025-1, filed by the City of Albuquerque Environmental Health Department (EHD). The hearing is expected to last no more than one hour, with the Board making a decision immediately following the hearing. The hearing will be held in-person (with a remote option) at the Plaza del Sol Building, Basement Hearing Room, 600 Second Street NW, Albuquerque, NM 87102. Final details will be posted online no later than June 3, 2025.

Contact Information – to learn more, receive updates, or submit comments. Websites: www.cabq.gov/airquality/ www.cabq.gov/airquality-control-board and www.cabq.gov/airquality/regulation-development/public-notices-and-comment-opportunities. Phone: Hearing Clerk, at 505-768-1915.

Email: airboard@cabq.gov. In-Person Address: EHD, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, NM 87102 (8 am - 5 pm). Postal Mail Address: EHD/AQP, PO Box 1293, Albuquerque, NM 87103.

Hearing Details. The proposed regulatory change would amend existing rule 20.11.8 NMAC- *Ambient Air Quality Standards*, to incorporate by reference the most up to date federal and state ambient air quality standards. The proposed changes update the date of incorporation for 20.11.8.11 and 20.11.8.12 NMAC and the table in 20.11.8.13 NMAC. This

amendment is necessary to ensure that federal standards are enforceable locally and will result in a revision to the State Implementation Plan (SIP) for Albuquerque-Bernalillo County.

The docket, including copies of the proposed regulatory change, is accessible at www.cabq.gov/airquality/air-quality-control-board. A link to the record can also be found under the heading “Rulemaking Procedures” on the AQCB’s website. The proposed amended regulatory text is identified as Exhibit B to EHD’s petition, which also contains the technical basis for the proposed change. Copies may also be obtained by contacting the AQCB Hearing Clerk. EHD charges fifty (50) cents per page for paper copies.

The hearing will be conducted in accordance with the Air Quality Control Act, NMSA 1978, Section 74-2-6; the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994, Section 9-5-1-6; Bernalillo County Code, Article II, Section 30-35; 20.11.82 NMAC, Rulemaking Procedures-AQCB; and other applicable procedures, including any pre-hearing orders. Pre-hearing orders will be included in the docket.

Public Participation. AQCB hearings are open to the public. All interested persons are encouraged to participate and will be given a reasonable opportunity to submit relevant data, views or arguments, orally or in writing, and to examine witnesses by filing a notice of intent to present technical testimony (“NOI”), filing an entry of appearance, or participating as a member of the general public.

Technical Testimony. Persons intending to present technical testimony must file a written NOI at least fifteen (15) days before the hearing. In addition to any requirements a pre-hearing order may have, an NOI shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness and state

the qualifications of that witness, including a description of their education and work background; (3) include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony; (4) include the text of any recommended modifications to the proposed regulatory change; (5) list and attach an original copy of all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and (6) be served pursuant to 20.11.82.16 NMAC and pre-hearing orders, including served on EHD. Unless otherwise provided for in a pre-hearing order, a NOI filing shall be accomplished by delivering the document to the AQCB Hearing Clerk via the email, in-person address, or postal mail address listed in the Contact Information.

Entry of Appearance. Any person who is or may be affected by the proposed regulatory change may file, and serve upon all parties, an entry of appearance at least fifteen (15) days prior to the hearing date and shall be a party. A timely NOI shall be considered an entry of appearance.

Non-Technical Testimony/Public Comment. Any member of the general public may present non-technical testimony and/or offer non-technical exhibits. No prior notification is required. A member of the general public, who wishes to submit a non-technical written statement for the record instead of oral testimony, shall file the written statement prior to the hearing or submit it at the hearing. Unless otherwise provided for in a pre-hearing order, written statements submitted prior to the hearing shall be delivered to the AQCB Hearing Clerk in the same manner described above for filing a NOI. The public comment period will begin on April 25, 2025 and conclude on May 25, 2025.

Notice to Persons with Disabilities or Special Needs. If you have a disability or require special assistance

to participate, including interpretation or an auxiliary aid, please contact the AQCB Hearing Clerk as soon as possible but no later than seventy-two (72) hours before the hearing. Those in need of hearing assistance can call 711.

Nondiscrimination Notice. The AQCB does not discriminate on the basis of race, color, national origin, sex, age or disability. If you believe you have been discriminated against, you may submit a complaint at www.cabq.gov/airquality/non-employee-discrimination-complaints. You may also contact Amanda Trujillo, Executive Assistant, General Services Division, at (505) 768-2534 or amandatrujillo@cabq.gov.

Nếu bạn muốn thông báo này được dịch sang tiếng Việt, vui lòng truy cập www.cabq.gov/airquality/regulation-development/public-notice-and-comment-opportunities và sử dụng tính năng Dịch ở đầu trang.

AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA ENMIENDA A LA NORMATIVA VIGENTE 20.11.8 NMAC- NORMAS DE CALIDAD DEL AIRE POR PARTE DE LA JUNTA DE CALIDAD DEL AIRE DEL CONDADO DE ALBUQUERQUE-BERNALILLO

La Junta de Calidad del Aire del Condado de Albuquerque-Bernalillo (AQCB, por sus siglas en inglés) llevará a cabo una audiencia el 11 de Junio de 2025, a las 5:30 pm, para considerar la Petición No. 2025-1 de la AQCB, presentada por el Departamento de Salud Ambiental de la Ciudad de Albuquerque (EHD, por sus siglas en inglés). La audiencia durará aproximadamente una hora, con deliberaciones inmediatamente después. La audiencia presencial (con participación a través del internet) se realizará en el edificio Plaza del Sol, en la sala de audiencias del sótano, 600 Second St. NW, Albuquerque, NM 87106. Los detalles finales serán

publicados en línea a más tardar el 3 de junio de 2025.

Información de contacto - para saber más, recibir actualizaciones, o enviar comentarios.

Páginas web: www.cabq.gov/airquality/air-quality-control-board and www.cabq.gov/airquality/regulation-development/public-notice-and-comment-opportunities. Teléfono: Secretaría de audiencia de la AQCB, al (505) 768-1915.

Correo electrónico: airboard@cabq.gov.

Dirección en persona: EHD, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, NM 87102 (8 am – 5 pm).

Dirección de correo postal: EHD, PO Box 1293, Albuquerque, NM 87103.

Detalles de la Audiencia. El cambio normativo propuesto enmendará la normativa vigente 20.11.8 del Código Administrativo de Nuevo México (NMAC, por sus siglas en inglés)- Normas de Calidad del Aire, para incorporar por referencia las normas Federales y estatales más recientes para la calidad del aire. Las revisiones propuestas consisten en la actualización de la fecha de incorporación en 20.11.8.11 y 12 NMAC y la tabla de normas en 20.11.8.13 NMAC. Esta enmienda es necesario para asegurar que las normas Federales sean enjuetables al nivel local y resultará en una revisión al Plan de Implementación Estatal para Albuquerque-Condado de Bernalillo.

Se puede acceder al expediente normativo, incluyendo copias del cambio normativo propuesto, en la página <https://www.cabq.gov/airquality/air-quality-control-board>. También se puede encontrar un enlace al registro normativo bajo el encabezado “Rulemaking Procedures” (Procedimientos de Normativas) en la página de la AQCB. El texto propuesto de enmienda de normativa se identifica como Anexo B a la petición 2025-1 del EHD, lo cual contiene la base técnica para el cambio propuesto. Se pueden

obtener copias comunicándose con la Secretaría de Audiencias de la AQCB. El EHD cobra cincuenta (50) centavos por página.

La audiencia se llevará a cabo de acuerdo al Acta de Control de Calidad del Aire de los Estatutos Anotados de Nuevo México (NMSA, por sus siglas en inglés), 1978, Sección 74-2-6; Ordenanza de la Junta de Calidad del Aire, Ordenanzas Revisadas de Albuquerque 1994, Sección 9-5-1-6; Código del Condado de Bernalillo, Artículo II, Sección 30-35; 20.11.82 NMAC, Procedimientos de Normativas-AQCB; y otros procedimientos aplicables, incluyendo todas las órdenes previas a la audiencia. Las órdenes previas a la audiencia se incluirán en el expediente normativo si se expide.

Participación pública. Las audiencias de la AQCB están abiertas al público. Todas las personas interesadas se les alienta a participar y se otorgará una oportunidad razonable para presentar datos relevantes, opiniones o argumentos, de forma oral o escrita, e interrogar a testigos luego de completar un aviso de intención de presentar testimonio técnico (NOI, por sus siglas en inglés), una actuación de comparecencia, o al participar como miembro del público general.

Testimonio técnico. Las personas que pretendan presentar testimonio técnico deberán completar un NOI escrita al menos quince (15) días antes de la audiencia. Además de todos los requisitos que una orden previa a la audiencia debe tener, un NOI deberá: (1) identificar a la persona en favor de la cual testificará el testigo; (2) identificar a cada testigo técnico e indicar las calificaciones de ese testigo, incluyendo una descripción de sus antecedentes de educación y de trabajo; (3) incluir una copia del testimonio directo de cada testigo técnico e indicar la duración estimada del testimonio; (4) incluir el texto de todas modificaciones recomendadas al cambio normativo propuesto; (5) enumerar y adjuntar

una copia original de todas las pruebas que se espera que esa persona ofrezca en la audiencia, incluyendo todas las declaraciones de las razones propuestas para la adopción de las normativas; y (6) ser notificado de conformidad a 20.11.82.16 NMAC y a las órdenes previas a la audiencia, incluidas las del EHD Salvo que se proporcionen en una orden previa a la audiencia, un NOI se debe completar y enviar a la Secretaria de Audiencia de la AQCB por medio de correo electrónico, la dirección en persona o correo postal que se detalla en la información de contacto.

Actuación de comparecencia.

Cualquier persona que se vea o pueda verse afectada por el cambio normativo propuesto puede completar y presentar una personación a todas las partes al menos quince (15) días antes de la fecha de la audiencia y queda constituido como parte. Un NOI oportuno será considerado una actuación de comparecencia.

Testimonio no técnico/opinión pública.

Cualquier miembro del público general puede presentar un testimonio no técnico y/o presentar pruebas no técnicas. No se necesita notificación previa. Un miembro del público general que desee entregar una declaración por escrito para el registro en lugar de testimonio oral deberá presentarlo antes o durante la audiencia. A menos que se entreguen en una orden previa a la audiencia, las declaraciones por escrito presentadas antes de la audiencia deberán entregarse a la secretaria de audiencia de la AQCB, de la misma forma en la que se debe enviar un NOI. El período de comentario público comenzará el 25 de abril de 2025 y se acabará el 25 de mayo de 2025.

Aviso para personas con discapacidades o necesidades especiales.

Si usted tiene una discapacidad o requiere de asistencia especial para participar, incluyendo interpretación o una asistencia auxiliar, comuníquese con la secretaria de audiencia de AQCB lo antes posible, pero no después de

setenta y dos (72) horas antes de la audiencia. Aquellos que necesiten asistencia auditiva pueden llamar al 711.

Aviso de no discriminación. La AQCB no discrimina por motivos de raza, color, nacionalidad de origen, sexo, edad o discapacidad. Si usted cree que se lo ha discriminado, puede enviar una queja a www.cabq.gov/airquality/non-employee-discrimination-complaints. También puede comunicarse con Amanda Trujillo, asistente ejecutiva, División de Servicios Generales, al (505) 768-2534 o amandatrujillo@cabq.gov.

ENVIRONMENT DEPARTMENT

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF PROPOSED RULEMAKING HEARING TO CONSIDER ADOPTION OF PROPOSED HEAT ILLNESS AND INJURY PREVENTION RULE 11.5.7 NMAC EIB 25-11(R)

The New Mexico Environmental Improvement Board (“Board”) will hold a public hearing beginning on July 16, 2025, at 9:00 a.m. to consider EIB 25-11(R) - In the Matter of Proposed New Regulation 11.5.7 NMAC – Heat Illness and Injury Prevention. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately two days. The Board may make a decision on the proposed Heat Illness and Injury rule at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person hearing will be held at the New Mexico State Capitol Building (Roundhouse), 490 Old Santa Fe Trail, Santa Fe, New Mexico 87507. Detailed information concerning the

time and location and instructions on how to join the hearing virtually is available on the New Mexico Environment Department (“NMED”) events calendar at <https://www.env.nm.gov/events-calendar/>, under the calendar entry corresponding to the hearing start date. From now until the conclusion of the hearing, comments may be submitted via the NMED public comment portal at <https://nmed.commentinput.com/?id=4PbpDC9rG> or via email to heatrule.comments@env.nm.gov or in paper format by mailing comments to NMED-OHSB, Attn: Heat Illness and Injury Prevention, P.O. Box 5469, Santa Fe, NM, 87502.

The purpose of the public hearing is for the Board to consider and take possible action on a petition by NMED requesting the Board to adopt a proposed occupational health and safety regulation concerning the prevention of heat illness and injury. The proposed regulation adds 11.5.7 NMAC, Heat Illness and Injury Prevention.

The proposed rule will set forth standards for New Mexico employers to prevent injury or illness to workers from exposure to high heat environments in the workplace. These standards include implementing a Heat Illness and Injury and Prevention Plan (HIPP), taking time to acclimate workers to hot environments, providing access to clean, cool drinking water throughout the workday, and mandating frequent rest periods in the shade. This regulation is part of a broader state effort to address worker health and safety in the state through the Occupational Health and Safety Act.

The Petition, Statement of Reasons, Amended Rule, and related documents may be viewed on NMED’s docketed matters website under the Environmental Improvement Board dropdown menu, in the section for EIB 25- 11(R) - In the Matter of Proposed Rulemaking 11.5.7 NMAC – Heat Illness and Injury Prevention. NMED’s docketed

matters website is at <https://www.env.nm.gov/opf/docketed-matters/>. Additional information is available on NMED's Occupational Health and Safety Bureau webpage at https://www.env.nm.gov/occupational_health_safety/heat-illness-and-injury-prevention/. Paper copies of the petition, the statement of reasons, and the proposed rule are available at all NMED's offices statewide. Interested persons may contact Kristy Peck at (505) 476-8712 or Robert Genoway at (505) 470-7627 or Heatrul@env.nm.gov with questions.

The hearing will be conducted in accordance with the Board's rulemaking procedures at 20.1.1 NMAC; the Environmental Improvement Act, Section 74-1-9 NMSA 1978; the Occupational Health and Safety Act, Section 50-9-7 NMSA 1978; and other applicable procedures. The Board is authorized to adopt this rule pursuant to the Occupational Health and Safety Act, NMSA 1978, Sections 50-9-7 and 50-9-12 and the Environmental Improvement Act, NMSA 1978, Section 74-1-8-(A)(9).

All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally and in writing; to introduce exhibits; and to examine witnesses. Persons wishing to present technical testimony must file a written Notice of Intent to Present Technical Testimony ("NOI") with the Board. The NOI 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 witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (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, including any proposed statement of reasons for adoption of rules.

Notices of Intent to present technical testimony at the hearing must be received in the Office of the Board not later than 5:00 p.m. on June 26, 2025, and should reference the docket number, EIB-25-11(R) and the date of the hearing. Notices of intent to present technical testimony shall be submitted to: Pamela Jones, Board Administrator, Environmental Improvement Board, P.O. Box 5496, Santa Fe, NM 87502, email: pamela.jones@env.nm.gov.

Any member of the general public may testify at the hearing. No prior notification is required to present nontechnical 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.

Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact Pamela Jones at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. TDD or TDY users please dial 7-1-1 or 800-659-8331 to access this number via Relay New Mexico.

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 Kate Cardenas, 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.

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 <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.

ENVIRONMENT DEPARTMENT

AVISO DE AUDIENCIA DE LA JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO SOBRE UNA PROPUESTA DE REGLAMENTACIÓN PARA CONSIDERAR LA ADOPCIÓN DE LA NORMA 11.5.7 NMAC PROPUESTA PARA LA PREVENCIÓN DE ENFERMEDADES Y LESIONES CAUSADAS POR EL CALOR EIB 25-11(R)

La Junta de Mejora Ambiental de Nuevo México (la "Junta") celebrará una audiencia pública a partir del 16 de julio de 2025, a las 9:00 a. m. para considerar la EIB 25-

11(R) - En relación con la Nueva Regulación Propuesta 11.5.7 NMAC - Prevención de Enfermedades y Lesiones Causadas por el Calor. La audiencia durará el tiempo necesario para escuchar todos los testimonios, pruebas y comentarios del público, y se prevé que dure aproximadamente dos días. La Junta podrá tomar una decisión sobre la norma propuesta sobre enfermedades y lesiones causadas por el calor al finalizar la audiencia, o bien podrá convocar una reunión después de la misma para considerar las medidas a tomar.

La audiencia se realizará en formato híbrido para permitir la participación tanto presencial como virtual. La audiencia presencial se llevará a cabo en el edificio del Capitolio del Estado de Nuevo México (Roundhouse), ubicado en 490 Old Santa Fe Trail, Santa Fe, Nuevo México 87507. La información detallada sobre la hora, la ubicación y las instrucciones para unirse virtualmente a la audiencia está disponible en el calendario de eventos del Departamento de Medio Ambiente de Nuevo México (NMED) en <https://www.env.nm.gov/events-calendar/> en la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Desde ahora y hasta la conclusión de la audiencia, se pueden enviar comentarios a través del portal de comentarios públicos del NMED, en <https://nmed.commentinput.com/?id=4PbpDC9rG> por correo electrónico a heartrule.comments@env.nm.gov o en formato impreso, enviando los comentarios por correo postal a NMED-OHSB, atención: Prevención de enfermedades y lesiones causadas por el calor, P.O. Box 5469, Santa Fe, NM, 87502.

El propósito de la audiencia pública es que la Junta considere y tome las medidas necesarias sobre una petición del NMED, que solicita a la Junta la adopción de una propuesta de reglamento de salud y seguridad ocupacional para la prevención de enfermedades y lesiones causadas

por el calor. El reglamento propuesto añade 11.5.7 del NMAC, Prevención de Enfermedades y Lesiones Causadas por el Calor.

La norma propuesta establecerá estándares para que los empleadores de Nuevo México eviten lesiones o enfermedades de los trabajadores por la exposición a ambientes de calor intenso en el lugar de trabajo. Estos estándares incluyen la implementación de un Plan de Prevención de Enfermedades y Lesiones Causadas por el Calor (HIPPP, por sus siglas en inglés), dedicar tiempo a la aclimatación de los trabajadores a ambientes calurosos, proporcionar acceso a agua potable limpia y fresca durante la jornada laboral y exigir descansos frecuentes a la sombra. Este reglamento forma parte de una iniciativa estatal más amplia para abordar la salud y seguridad laboral en el estado a través de la Ley de Seguridad y Salud Ocupacional.

La petición, la declaración de motivos, la norma enmendada y los documentos relacionados pueden consultarse en el sitio web de asuntos pendientes del NMED, en el menú desplegable de la Junta de Mejora Ambiental, en la sección EIB 25-11(R) - En el Asunto de Reglamentación Propuesta 11.5.7 NMAC - Prevención de Enfermedades y Lesiones por Calor. El sitio web de asuntos pendientes del NMED es <https://www.env.nm.gov/opf/docketed-matters/>. Puede encontrar información adicional en el sitio web de la Oficina de Seguridad y Salud Ocupacional del NMED: https://www.env.nm.gov/occupational_health_safety/heat-illness-and-injury-prevention/. Las copias impresas de la petición, la declaración de motivos y la norma propuesta están disponibles en todas las oficinas del NMED en todo el estado. Las personas interesadas pueden comunicarse con Kristy Peck llamando al (505) 476-8712 o con Robert Genoway al (505) 470-7627 o en Heatrul.Comments@env.nm.gov si tienen preguntas.

La audiencia se llevará a cabo de conformidad con los procedimientos de reglamentación de la Junta en 20.1.1 NMAC; la Ley de Mejora Ambiental, Sección 74-1-9 NMSA 1978; la Ley de Seguridad y Salud Ocupacional, Sección 50-9-7 NMSA 1978; y otros procedimientos aplicables. La Junta está autorizada a adoptar esta norma de conformidad con la Ley de Seguridad y Salud Ocupacional, NMSA 1978, Secciones 50-9-7 y 50-9-12 y la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-8-(A)(9).

Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar pruebas, datos, opiniones y argumentos pertinentes, oralmente o por escrito; presentar pruebas instrumentales; e interrogar a los testigos. Quienes deseen presentar testimonio técnico deberán presentar un Aviso de Intención de Presentar Testimonio Técnico ("NOI" por sus siglas por inglés) por escrito ante la Junta. El Aviso de Intención (NOI) deberá: (1) identificar a la persona para quien el testigo o los testigos testificarán; (2) identificar a cada testigo técnico que la persona pretenda presentar e indicar sus cualificaciones, incluyendo una descripción de su historial académico y profesional; (3) si la audiencia se celebrara en varias sedes, indicar la sede o sedes donde estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio normativo propuesto; y (6) enumerar y adjuntar todas las pruebas instrumentales que se prevé que la persona presente en la audiencia, incluyendo cualquier declaración propuesta de motivos para la adopción de las normas.

Los Avisos de Intención de presentar testimonio técnico en la audiencia deberán recibirse en la Oficina de la Junta a más tardar a las 5:00 p.m. del 26 de junio de 2025, y deberán mencionar el número de expediente, EIB-25-11(R), y la fecha de la audiencia. Los Avisos de Intención

de presentar testimonio técnico deberán enviarse a: Pamela Jones, administradora de la Junta, Junta de Mejora Ambiental, P.O. Box 5496, Santa Fe, NM 87502, correo electrónico: pamela.jones@env.nm.gov.

Cualquier persona del público podrá testificar en la audiencia. No se requiere aviso previo para presentar testimonio no técnico. Dicha persona también podrá presentar pruebas instrumentales no técnicas en relación con su testimonio, siempre que la prueba instrumental no repita indebidamente el testimonio. Si desea presentar una declaración por escrito para que conste en actas, en lugar de prestar testimonio oral en la audiencia, deberá presentarla antes de la audiencia o en la misma.

Las personas que requieran servicios de interpretación de idiomas o tengan una discapacidad y necesiten un lector, amplificador, intérprete de lenguaje de señas cualificado o cualquier otro tipo de servicio o dispositivo auxiliar para asistir o participar en la audiencia deben comunicarse con Pamela Jones al menos 14 días antes de la audiencia o lo antes posible llamando al (505) 660-4305 o a pamela.jones@env.nm.gov. Los usuarios de TDD o TDY pueden marcar el 7-1-1 o el 800-659-8331 para acceder a este número a través de Relay New Mexico.

El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y normativas aplicables. NMED es responsable de coordinar las iniciativas de cumplimiento y de recibir consultas sobre los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en su versión modificada. Sección 504 de la Ley de Rehabilitación de 1973; la Ley contra la Discriminación por Edad de 1975; el Título IX de las Enmiendas a la Educación de 1972; y la Sección 13 de las Enmiendas a la Ley Federal de

Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación del NMED, puede comunicarse con Kate Cardenas, coordinadora de no discriminación del Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov.

Si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la coordinadora de no discriminación identificada anteriormente o visitar <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para saber cómo y dónde presentar una queja por discriminación.

FINANCE AND ADMINISTRATION, DEPARTMENT OF INFRASTRUCTURE PLANNING AND DEVELOPMENT DIVISION

NOTICE OF RULEMAKING

The Department of Finance and Administration's Infrastructure Planning and Development Division (the Division) is proposing to repeal and replace the New Mexico Administrative Code (NMAC) rule 2.110.2 NMAC, *Procedures for Applying for a Small Cities Community Development Block Grant* to address liability associated with non-compliance by grant recipients and align with updated requirements set out in federal regulations.

Section 9-6-21, NMSA 1978, as amended, requires Infrastructure Planning and Development Division to provide assistance to local governments, councils of governments, and tribal governments in administering funding to complete capital projects.

Notice Date: April 22, 2025
Hearing Date: May 28, 2025
Adoption Date: Proposed as July 1, 2025
Technical Citations: 2.110.2 NMAC

The Department is proposing to repeal and replace the rule as follows:

Throughout the rule:

1. Language is updated to change definition of "division" to mean Infrastructure Planning and Development Division.
2. Language is revised to remove definition of "Blighted Area".
3. Language is revised to remove definition of "Slum Area".
4. Language is revised to remove "Housing" and "Economic Development" as eligible activities because terms of compliance (liability).
5. Language has been simplified or updated to allow the rules to be more coherent.
6. Language is added to reflect required certification by the Higher Education Department and the Energy, Minerals, and Natural Resources Department that buildings meet current energy compliance standards as outlined in 14.7.9 NMAC.
7. Several sections have been renumbered due to new sections being added into the NMAC.

Section 1

Subsection - is updated to change division to Infrastructure Planning and Development Division.

Section 7

This section is renumbered due to new definitions and subsections added to the NMAC.

This section is updated to add new definitions.

Subsection B - is updated to remove definition of "Blighted Area".

Subsection G - is updated to define the term "Division".

Subsection H - is updated to remove definition of "Economic Development".

Subsection N - is updated to remove definition of "Program Income".

Subsection R - is updated to remove definition of "Slum Area".

Section 11

Subsection B - is updated to remove "Housing".

Subsection D - is updated to remove "Economic Development".

Section 12

Subsection C - is updated to remove authority for applicants to use fifteen percent of grant for public facility program activities.

Section 14

Subsection B - is updated to authorize non-rural applicants may also apply for funding.

Subsection C - is updated to remove competition language and economic development and emergency categories are removed.

Section 16

Subsection - is updated to change requirement for applicants to meet national objectives.

Subsection A - part 3 - is updated to clarify that eligible activity does not need to add or improve permanent residential structures that will be occupied by low and moderate income households.

Subsection A - part 4 - is updated so that activity does not need to involve creating or retaining jobs for persons of low and moderate income.

Section 25

Subsection E - is updated to replace "conference telephone" to "video conferencing".

Section 26

Subsection A - is updated and removed.

Subsection B - is updated and removed.

Subsection C - is updated and removed.

Subsection D - is updated and removed.

Subsection E - is updated and removed.

Subsection F - is updated and removed.

Subsection G - is updated and removed.

Subsection H - is updated and removed.

Subsection I - is updated and removed.

These proposed rule changes will be contained in 2.110.2 NMAC. The register and the proposed rule are available on the Division website at: <https://www.nmdfa.state.nm.us/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting DFA Office of General Counsel at dfalegal@dfa.nm.gov and (505) 827-4985.

The IPDD proposes to implement this rule effective July 1, 2025.

A public hearing to receive testimony on this proposed rule will be held on May 28, 2025, at 9:00 a.m. The hearing will be held at the New Mexico Public Education Department, Marbry Hall Auditorium, 300 Don Gaspar Avenue, Santa Fe, New Mexico, 87501, and via Microsoft Teams.

Join Microsoft Teams Meeting

Click here to join the meeting

Dial in by phone

+1 505-312-4308, 256122521#

Phone conference ID: 256 122 521#

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact our staff to discuss your accessibility needs at least one week prior, or as soon as possible, by emailing the DFA Office of General Counsel at: dfalegal@dfa.nm.gov or calling 505-827-3985.

Copies of all comments will be made available by the Division upon request by providing copies directly to a requestor or by making them available on the Division website or at a location within the county of the requestor.

Interested persons may address written comments to:

DFA Office of General Counsel
ATTN: IPDD 2.110.2 NMAC Public Comments
407 Galisteo St.
Bataan Memorial Building, Room 180
Santa Fe, NM 87501

Recorded comments may be left at (505) 827-4985. Interested persons may also address comments via electronic mail to: dfalegal@dfa.nm.gov. Written mail, electronic mail and recorded comments must be received no later than 12:00 p.m. MT on May 28, 2025. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the DFA website at <https://www.nmdfa.state.nm.us/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

HEALTH CARE AUTHORITY INCOME SUPPORT DIVISION

NOTICE OF EMERGENCY RULEMAKING

The Health Care Authority (HCA) Income Support Division (ISD) will implement a temporary emergency rule starting May 1, 2025.

On March 21, 2025, a Federal Register was issued by the Department of Health and Human Services (HHS) Administration for Children and Families (ACF) Office of Refugee Resettlement (ORR), Notice of change of Eligibility. In accordance with ORR regulations, the Director of ORR is announcing the shortening of the shortening of the Refugee Cash Assistance (RCA) eligibility from 12 months to four months of assistance for participants who become eligible for ORR benefits 45 days after publication. ORR

determined that it must shorten the RCA eligibility period to four months to avoid a significant budget shortfall. Due to this short timeframe of notification to the time the rule must be implemented, there is insufficient time to complete the standard rulemaking process.

Therefore, this emergency rule is necessary to ensure compliance with federal regulations. Failing to implement these changes by May 1, 2025, would result in the HCA being out of compliance with federal law. HCA will follow standard rulemaking process after emergency rule is effective to ensure compliance with the rule making process.

The emergency rule changes to the New Mexico Administration Code (NMAC) will be to 8.119.100 NMAC, 8.119.410 NMAC. The language update will align with 45 CFR 400.211 eCFR :: 45 CFR 400.211 -- Methodology to be used to determine time-eligibility of refugees. and eCFR :: 45 CFR Part 400 -- Refugee Resettlement Program. Regulations issued pursuant to the act are contained in 45 CFR parts 400. Administration of HCA, including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983). The Authority promulgate these emergency rules and make them effective no later than May 1, 2025, to maintain compliance with Federal law. The emergency rulemaking process is necessary to avoid HCA in violation of Federal law.

The emergency rule will remain in effect until a permanent rule is established through the standard rulemaking process.

The Health Care Authority Register Vol. 48 No. 12 outlining the temporary emergency regulations is available on the HCA's website at: Income Support Division Registers - New Mexico Health Care Authority.

HEALTH CARE AUTHORITY INCOME SUPPORT DIVISION

NOTICE OF PUBLIC HEARING

The Health Care Authority (HCA) through Income Support Division (ISD) is promulgating regulations for the Supplemental Nutrition Program (SNAP) under the Food Stamp Program. HCA administers the SNAP program and has the authority to promulgate regulations, and is governed by Chapter 9, Article 8, NMSA (Repl. 1983). Amendments to 8.139.520.10 NMAC are being proposed to gain compliance with Code of Federal Regulations (CFR) 7 CFR 273.9(d)(6)(iii)(F).

Section 10 of 8.139.520 NMAC is being updated to reflect that the allowable expenses shall be counted as a pro rata basis, when this occurs, and how to calculate the expense.

Subsection C. (5)(b)(iii): The allowable expense(s) either billed to or paid by the ineligible alien shall be counted on a pro rata basis to the remaining eligible household members. The prorated share is calculated by dividing the expense(s) evenly by all household members, including the excluded member(s). The result is multiplied by the number of eligible household members to determine countable expense(s).

Subsection C. (5)(c)(iii): The allowable expense(s) either billed to or paid by the ineligible alien shall be counted on a pro rata basis to the remaining eligible household members. The prorated share is calculated by dividing the expense(s) evenly by all household members, including the excluded member(s). The result is multiplied by the number of eligible household members to determine countable expense(s).

All references of "ineligible alien" changed to "ineligible non-citizen".

No other sections of 8.139.520 are under review at this time.

A hybrid public hearing to receive testimony on this proposed rule will be held, pursuant to Section 14-4-5.6 NMSA 1978, on Thursday, May 29th, 2025, at 11:00 a.m. - 12:00 p.m. You may join in person, virtually, or by phone.

You may join in person at:

HCA Administrative Services (ASD) conference room, 1474 Rodeo Road, Santa Fe, NM 87505.

You may join virtually from your computer, tablet or smartphone:

Microsoft Teams

Join the meeting now

Meeting ID: 222 687 599 930

Passcode: aZ734Vp7

You may join by phone:

+1 505-312-4308# United States, Albuquerque

Find a local number

Phone conference ID: 448121174

The register and rule language are available on the HCA website at: <https://www.hca.nm.gov/lookingforinformation/income-support-division-registers-2/>. If you do not have internet access, a copy of the final register and rules may be requested by contacting HCA Office of the Secretary at (505) 827-7750.

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HCA public hearing, program, or service, please contact the American Disabilities Act Coordinator, at Office-505-709-5468, Fax-505-827-6286 or through the New Mexico Relay system, toll free at #711. The Department requests at least a 10-day advance notice to provide the requested alternative formats and special accommodations.

Written comment may be dropped off during the scheduled hearing time at the HCA Administrative Services Division (ASD) conference room, 1474 Rodeo Road, Santa Fe, NM 87505 if the individual wishes

to provide written comment during the scheduled hearing. All written comments will be posted on the agency website within 3 days of receipt.

Individuals wishing to testify may contact the Income Support Division (ISD), P.O. Box 2348, Santa Fe, NM 87504-2348, or by calling (505) 629-8725.

Individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received by 5:00 p.m. on the date of the hearing, Thursday, May 29th, 2025. Please send comments to:

Income Support Division
P.O. Box 2348
Santa Fe, NM 87504-2348

Recorded comments may be left at (505) 629-8725. You may send comments electronically to: HCA-isdrules@hca.nm.gov. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

PUBLIC EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

Public Hearing

The New Mexico Public Education Department (PED) gives notice on Tuesday, April 22, 2025, that it will conduct a public hearing for the following proposed rulemaking on Friday, May 23, 2025, from 1:30 p.m. to 2:30 p.m. (MDT) in Mabry Hall, located in the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, New Mexico 87501:

Amendment of 6.35.2 NMAC, Implementing the Indian Education Act

The PED will give a verbal summary statement, on record, at the hearing.

The purpose of the public hearing is to receive public input on the proposed rulemaking. Attendees who wish to provide public comments on the record will be given three minutes to make a statement concerning the proposed rulemaking. To submit written comments, please see the Public Comment section of this notice.

Explanation of Purpose of Rulemaking, Summary of Text, and Statutory Authority

6.35.2 NMAC, Implementing the Indian Education Act

Explanation: The purpose of the proposed rulemaking is to strengthen accountability and funding mechanisms to ensure that the educational needs of American Indian and Alaska Native students are being met.

Summary: The proposed amendment clarifies tribal consultation requirements for school districts and charter schools. The amendment also revises funding processes and reporting obligations to ensure greater transparency in the implementation of the Indian Education Act.

Statutory Authority: Sections 9-24-8, 22-2-1, and 22-23A-1 et seq. NMSA 1978.

No technical information served as a basis for this proposed rule change.

Public Comment

Interested parties may provide comments at the public hearing or may submit written comments by mail or e-mail.

Mailing Address

Policy and Legislative Affairs
Division
New Mexico Public Education
Department
300 Don Gaspar Avenue, Room 121
Santa Fe, New Mexico 87501

E-Mail Address

Rule.Feedback@ped.nm.gov

Written comments must be received no later than 5 p.m. (MDT) on Friday, May 23, 2025. The PED encourages early submission of written comments.

Public Comment Period

The public comment period is from Tuesday, April 22, 2025, to Friday, May 23, 2025, at 5:00 p.m. (MDT). The PED will review all feedback received during the public comment period and issue communication regarding a final decision of the proposed rulemaking at a later date.

Copies of the proposed rule may be obtained from Denise Terrazas at (505) 470-5303 during regular business hours or may be accessed through the PED Policy and Legislative Affairs webpage titled, "Proposed Rules," at <http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/>.

Individuals with disabilities who require the above information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Denise Terrazas at (505) 470-5303 as soon as possible before the date set for the public hearing. The PED requires at least 10 calendar days advance notice to provide any special accommodations requested.

LIVESTOCK BOARD

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Livestock Board (NMLB) will hold an in-person rulemaking hearing on June 2, 2025, at 9:00 a.m. in Ruidoso, New Mexico at the Ruidoso Convention Center, 111 Sierra Blanca Dr. Ruidoso, NM 88345 during a regular board meeting. The hearing will be held in-person only.

The NMLB will consider proposed Rule changes. The purpose of the proposed rule amendment is to make permanent rule changes for Equine Infectious Anemia to 21.30.4 NMAC AGRICULTURE AND RANCHING; ANIMALS AND ANIMAL INDUSTRY GENERAL PROVISIONS to include the testing, disposition and compliance of EIA, and grammatical/stylistic changes. See generally 21.30.4.7 through 21.30.4.13 NMAC to AGRICULTURE AND RANCHING; ANIMALS AND ANIMAL INDUSTRY GENERAL PROVISIONS.

Full copies of text of the proposed new rules can be obtained from the agency's website at www.nmlbonline.com. To request a copy of the proposed rule by mail, contact the NMLB at (505)841-6161.

Interested persons may submit written comments on the proposed Rules 21.30.4.7 through 21.30.4.13 NMAC at www.rulecomments@nmlbonline.com or individuals may mail written comments to: NMLB/ Rule Comments, 2105 Osuna Rd NE Building South, Albuquerque, NM 87113. Comments are due by 4:30 p.m. on Friday May 30, 2025. The final proposed rules will be voted on by the Board during the public hearing on Monday June 2, 2025. Interested persons may also provide data, views or arguments, orally or in writing, at the in-person public rule hearing to be held on June 2, 2025, at 9:00 a.m. in Ruidoso, New Mexico. All written comments will be posted on the agency's website within three (3) days of receipt.

Legal authority for this rulemaking can be found in the Livestock Code 77-2-7, et seq. NMSA 1978; Livestock Board's power to establish rules and regulations 77-2-7, et seq. NMSA 1978.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of

auxiliary aid or service to attend or participate in the hearing or meeting, please contact the agency at (505) 841-6161 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the NMLB at (505) 841-6161 if a summary or other type of accessible format is needed.

**REGULATION
AND LICENSING
DEPARTMENT
CANNABIS CONTROL
DIVISION**

**NOTICE OF TERMINATION
OF RULEMAKING AND
CANCELLATION OF HEARING**

The New Mexico Regulation and Licensing Department (RLD), Cannabis Control Division (CCD) is providing Notice to terminate the rulemaking and cancel the hearing scheduled for May 9, 2025 regarding the amendments to 16.8.1, 16.8.2, 16.8.3, 16.8.7, and 16.8.8 NMAC. The CCD has determined that the rulemaking will be revisited at a later date in conjunction with proposed rules to implement the provisions of recently enacted legislation.

Therefore, pursuant to Subsection C of Section 14-4-5, NMSA 1978, the rulemaking and hearing noticed on April 8, 2025 is hereby terminated and shall be promulgated at a later date.

**End of Notices of
Rulemaking and
Proposed Rules**

Adopted Rules

Effective Date and Validity of Rule Filings

Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico Register as provided in the State Rules Act. Unless a later date is otherwise provided by law, the effective date of the rule shall be the date of publication in the New Mexico Register. Section 14-4-5 NMSA 1978.

ENVIRONMENT DEPARTMENT

This is an amendment to 20.6.4 NMAC, Section 900, effective 05/22/2025.

**20.6.4.900 CRITERIA
APPLICABLE TO EXISTING,
DESIGNATED OR ATTAINABLE
USES UNLESS OTHERWISE
SPECIFIED IN 20.6.4.97
THROUGH 20.6.4.899 NMAC:**

A. Fish culture and water supply: Fish culture, public water supply and industrial water supply are designated uses in particular classified waters of the state where these uses are actually being realized. However, no numeric criteria apply uniquely to these uses. Water quality adequate for these uses is ensured by the general criteria and numeric criteria for bacterial quality, pH and temperature.

B. Domestic water supply: Surface waters of the state designated for use as domestic water supplies shall not contain substances in concentrations that create a lifetime cancer risk of more than one cancer per 100,000 exposed persons. Those criteria listed under domestic water supply in Subsection J of this section apply to this use.

C. Irrigation and irrigation storage: the following numeric criteria and those criteria listed under irrigation in Subsection J of this section apply to this use:

(1) dissolved selenium
0.13 mg/L

(2) dissolved selenium in presence of SO_4 >500 mg/L
0.25 mg/L.

D. Primary contact:
The monthly geometric mean of *E. coli* bacteria of 126 cfu/100 mL or MPN/100 mL, a single sample of *E.*

coli bacteria of 410 cfu/100 mL or MPN/100 mL, a single sample of total microcystins of 8 µg/L with no more than three exceedances within a 12-month period and a single sample of cylindrospermopsin of 15 µg/L with no more than three exceedances within a 12-month period, and pH within the range of 6.6 to 9.0 apply to this use. The results for *E. coli* may be reported as either colony forming units (CFU) or the most probable number (MPN) depending on the analytical method used.

E. Secondary contact:
The monthly geometric mean of *E. coli* bacteria of 548 cfu/100 mL or MPN/100 mL and single sample of 2507 cfu/100 mL or MPN/100 mL apply to this use. The results for *E. coli* may be reported as either colony forming units (CFU) or the most probable number (MPN), depending on the analytical method used.

F. Livestock watering: the criteria listed in Subsection J of this section for livestock watering apply to this use.

G. Wildlife habitat:
Wildlife habitat shall be free from any substances at concentrations that are toxic to or will adversely affect plants and animals that use these environments for feeding, drinking, habitat or propagation; can bioaccumulate; or might impair the community of animals in a watershed or the ecological integrity of surface waters of the state. The numeric criteria listed in Subsection J for wildlife habitat apply to this use.

H. Aquatic life:
Surface waters of the state with a designated, existing or attainable use of aquatic life shall be free from any substances at concentrations that can impair the community of plants and animals in or the ecological integrity of surface waters of the state. Except as provided in

Paragraph (7) of this subsection, the acute and chronic aquatic life criteria set out in Subsections I, J, K and L of this section and the human health-organism only criteria set out in Subsection J of this section are applicable to all aquatic life use subcategories. In addition, the specific criteria for aquatic life subcategories in the following paragraphs apply to waters classified under the respective designations.

(1) **High quality coldwater:** dissolved oxygen 6.0 mg/L or more, 4T3 temperature 20°C (68°F), maximum temperature 23°C (73°F), pH within the range of 6.6 to 8.8 and specific conductance a segment-specific limit between 300 µS/cm and 1,500 µS/cm depending on the natural background in the particular surface water of the state (the intent of this criterion is to prevent excessive increases in dissolved solids which would result in changes in community structure). Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 4T3 temperature applies.

(2) **Coldwater:** dissolved oxygen 6.0 mg/L or more, 6T3 temperature 20°C (68°F), maximum temperature 24°C (75°F) and pH within the range of 6.6 to 8.8. Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 6T3 temperature applies.

(3) **Marginal coldwater:** dissolved oxygen 6 mg/L or more, 6T3 temperature 25°C (77°F), maximum temperature 29°C (84°F) and pH within the range from 6.6 to 9.0. Where a single segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature and no 6T3 temperature applies.

(4) **Coolwater:** dissolved oxygen 5.0 mg/L or more, maximum temperature 29°C (84°F) and pH within the range of 6.6 to 9.0.

(5) **Warmwater:** dissolved oxygen 5 mg/L or more, maximum temperature 32.2°C (90°F) and pH within the range of 6.6 to 9.0. Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.

(6) **Marginal warmwater:** dissolved oxygen 5 mg/L or more, pH within the range of 6.6 to 9.0 and temperatures that may routinely exceed 32.2°C (90°F). Where a segment-specific temperature criterion is indicated in 20.6.4.101-899 NMAC, it is the maximum temperature.

(7) **Limited aquatic life:** The acute aquatic life criteria of Subsections I and J of this section apply to this subcategory. Chronic aquatic life criteria do not apply unless adopted on a segment-specific basis. Human health-organism only criteria apply only for persistent toxic pollutants unless adopted on a segment-specific basis.

I. Hardness-dependent acute and chronic aquatic life criteria for metals are calculated using the following equations, excluding aquatic life criteria for copper (Cu) for the Pajarito plateau surface waters in the Rio Grande basin as described in Paragraph (4) of Subsection I of 20.6.4.900 NMAC. The criteria are expressed as a function of hardness (as mg CaCO₃/L). With the exception of aluminum, the equations are valid only for hardness concentrations of 0-400 mg/L. For hardness concentrations above 400 mg/L, the criteria for 400 mg/L apply. For aluminum the equations are valid only for hardness concentrations of 0-220 mg/L. For hardness concentrations above 220 mg/L, the aluminum criteria for 220 mg/L apply. Calculated criteria must adhere to the treatment of significant figures and rounding identified in *Standard Methods For The Examination Of Water And Wastewater*, latest edition, American public health association.

(1) **Acute aquatic life criteria for metals:** The equation to calculate acute criteria in µg/L is $\exp(m_A[\ln(\text{hardness})] + b_A)(CF)$. Except for aluminum, the criteria are based on analysis of dissolved metal. For aluminum, the criteria are based on analysis of total recoverable aluminum in a sample that has a pH between 6.5 and 9.0 and is filtered to minimize mineral phases as specified by the department. The equation parameters are as follows:

Metal	m_A	b_A	Conversion factor (CF)
Aluminum (Al)	1.3695	1.8308	
Cadmium (Cd)	0.9789	-3.866	$1.136672 - [(\ln \text{hardness})(0.041838)]$
Chromium (Cr) III	0.8190	3.7256	0.316
Copper (Cu)	0.9422	-1.700	0.960
Lead (Pb)	1.273	-1.460	$1.46203 - [(\ln \text{hardness})(0.145712)]$
Manganese (Mn)	0.3331	6.4676	
Nickel (Ni)	0.8460	2.255	0.998
Silver (Ag)	1.72	-6.59	0.85
Zinc (Zn)	0.9094	0.9095	0.978

(2) **Chronic aquatic life criteria for metals:** The equation to calculate chronic criteria in µg/L is $\exp(m_C[\ln(\text{hardness})] + b_C)(CF)$. Except for aluminum, the criteria are based on analysis of dissolved metal. For aluminum, the criteria are based on analysis of total recoverable aluminum in a sample that has a pH between 6.5 and 9.0 and is filtered to minimize mineral phases as specified by the department. The equation parameters are as follows:

Metal	m_C	b_C	Conversion factor (CF)
Aluminum (Al)	1.3695	0.9161	
Cadmium (Cd)	0.7977	-3.909	$1.101672 - [(\ln \text{hardness})(0.041838)]$
Chromium (Cr) III	0.8190	0.6848	0.860
Copper (Cu)	0.8545	-1.702	0.960
Lead (Pb)	1.273	-4.705	$1.46203 - [(\ln \text{hardness})(0.145712)]$
Manganese (Mn)	0.3331	5.8743	
Nickel (Ni)	0.8460	0.0584	0.997
Zinc (Zn)	0.9094	0.6235	0.986

(3) Selected values of calculated acute and chronic criteria ($\mu\text{g/L}$):

Hardness as CaCO_3 , dissolved (mg/L)		Al	Cd	Cr III	Cu	Pb	Mn	Ni	Ag	Zn
25.0	Acute	512	0.490	183	3.64	13.9	1,880	145	0.30	45.4
	Chronic	205	0.253	23.8	2.74	0.541	1,040	16.1		34.4
30.0	Acute	658	0.581	212	4.32	17.0	2,000	169	0.40	53.5
	Chronic	263	0.290	27.6	3.20	0.664	1,100	18.8		40.5
40.0	Acute	975	0.761	269	5.67	23.5	2,200	216	0.66	69.5
	Chronic	391	0.360	35.0	4.09	0.916	1,220	24.0		52.7
50.0	Acute	1,320	0.938	323	6.99	30.1	2,370	260	0.98	85.2
	Chronic	530	0.426	42.0	4.95	1.17	1,310	28.9		64.5
60.0	Acute	1,700	1.11	375	8.30	36.9	2,520	304	1.3	100
	Chronic	681	0.489	48.8	5.79	1.44	1,390	33.8		76.2
70.0	Acute	2,100	1.28	425	9.60	43.7	2,650	346	1.7	116
	Chronic	841	0.549	55.3	6.60	1.70	1,460	38.5		87.6
80.0	Acute	2,520	1.46	474	10.9	50.6	2,770	388	2.2	131
	Chronic	1,010	0.607	61.7	7.40	1.97	1,530	43.0		98.9
90.0	Acute	2,960	1.62	523	12.2	57.6	2,880	428	2.7	145
	Chronic	1,190	0.664	68.0	8.18	2.24	1,590	47.6		110
100	Acute	3,420	1.79	570	13.4	64.6	2,980	468	3.2	160
	Chronic	1,370	0.718	74.1	8.96	2.52	1,650	52.0		121
200	Acute	8,840	3.43	1,000	25.8	136	3,760	842	10	300
	Chronic	3,540	1.21	131	16.2	5.30	2,080	93.5		228
220	Acute	10,100	3.74	1,090	28.2	151	3,880	912	12	328
	Chronic	4,030	1.30	141	17.6	5.87	2,140	101		248
300	Acute		5.00	1,400	37.8	208	4,300	1,190	21	434
	Chronic		1.64	182	22.9	8.13	2,380	132		329
400 and above	Acute		6.54	1,770	49.6	281	4,740	1,510	35	564
	Chronic		2.03	231	29.3	10.9	2,620	168		428

(4) **Copper criteria for Pajarito plateau surface waters:** Pajarito plateau surface waters

extend from Guaje canyon in the north to the Rito de los Frijoles watershed in the south, from their headwaters to their confluence with the Rio Grande and all tributaries and streams thereto. The equations used to calculate copper criteria, for purposes of this Part, use dissolved organic carbon (DOC) in units of milligrams carbon per liter (mg C/L); and hardness in units of mg/L as CaCO_3 . In waters that contain DOC concentrations greater than 29.7 mg/L , a value of 29.7 mg/L shall be used in the following equations. In waters that contain hardness concentrations greater than 207 mg/L , a value of 207 mg/L shall be used in the following equations.

(a) **Acute aquatic life criteria:** The equation to calculate acute criteria in $\mu\text{g/L}$ is $\exp(-22.914 + 1.017 \times \ln(\text{DOC}) + 0.045 \times \ln(\text{hardness}) + 5.176 \times \text{pH} - 0.261 \times \text{pH}^2)$.

(b) **Chronic aquatic life criteria:** The equation to calculate chronic criteria in $\mu\text{g/L}$ is $\exp(-23.391 + 1.017 \times \ln(\text{DOC}) + 0.045 \times \ln(\text{hardness}) + 5.176 \times \text{pH} - 0.261 \times \text{pH}^2)$.

J. Use-specific numeric criteria.

(1) **Table of numeric criteria:** The following table sets forth the numeric criteria applicable to existing, designated and attainable uses. For metals, criteria represent the total sample fraction unless otherwise specified in the table. Additional criteria that are not compatible with this table are found in Subsections A through I and K [and E] through M of [this section] 20.6.4.900 NMAC.

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
Aluminum, dissolved	7429-90-5		5,000			750 i	87 i		
Aluminum, total recoverable	7429-90-5					a	a		
Antimony, dissolved	7440-36-0	6						640	P
Arsenic, dissolved	7440-38-2	10	100	200		340	150	9.0	C,P
Asbestos	1332-21-4	7,000,000 fibers/L							
Barium, dissolved	7440-39-3	2,000							
Beryllium, dissolved	7440-41-7	4							
Boron, dissolved	7440-42-8		750	5,000					
Cadmium, dissolved	7440-43-9	5	10	50		a	a		
Chloride	1688-70-06					860,000	230,000		
Chlorine residual	7782-50-5				11	19	11		
Chromium III, dissolved	16065-83-1					a	a		
Chromium VI, dissolved	18540-29-9					16	11		
Chromium, dissolved	7440-47-3	100	100	1,000					
Cobalt, dissolved	7440-48-4		50	1,000					
Copper, dissolved	7440-50-8	1300	200	500		a	a		
Cyanide, total recoverable	57-12-5	200			5.2	22.0	5.2	400	
Iron	7439-89-6						1,000		
Lead, dissolved	7439-92-1	15	5,000	100		a	a		
Manganese, dissolved	7439-96-5					a	a		
Mercury	7439-97-6	2		10	0.77				
Mercury, dissolved	7439-97-6					1.4	0.77		
Methylmercury	22967-92-6							0.3 mg/kg in fish tissue	P
Molybdenum, dissolved	7439-98-7		1,000						
Molybdenum, total recoverable	7439-98-7					7,920	1,895		
Nickel, dissolved	7440-02-0	700				a	a	4,600	P
Nitrate as N		10 mg/L							
Nitrite + Nitrate				132 mg/L					
Selenium, dissolved	7782-49-2	50	b	50				4,200	P
Selenium, total recoverable	7782-49-2				5.0	20.0	5.0		
Silver, dissolved	7440-22-4					a			

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
Thallium, dissolved	7440-28-0	2						0.47	P
Uranium, dissolved	7440-61-1	30							
Vanadium, dissolved	7440-62-2		100	100					
Zinc, dissolved	7440-66-6	10,500	2,000	25,000		a	a	26,000	P
Adjusted gross alpha		15 pCi/L		15 pCi/L					
Radium 226 + Radium 228		5 pCi/L		30.0 pCi/L					
Strontium 90		8 pCi/L							
Tritium		20,000 pCi/L		20,000 pCi/L					
Acenaphthene	83-32-9	2,100						90	
Acrolein	107-02-8	18				3.0	3.0	400	
Acrylonitrile	107-13-1	0.65						70	C
Aldrin	309-00-2	0.021				3.0		0.0000077	C,P
Anthracene	120-12-7	10,500						400	
Benzene	71-43-2	5						160	C
Benzidine	92-87-5	0.0015						0.11	C
Benzo(a)anthracene	56-55-3	0.048						0.013	C
Benzo(a)pyrene	50-32-8	0.2						0.0013	C,P
Benzo(b)fluoranthene	205-99-2	0.048						0.013	C
Benzo(k)fluoranthene	207-08-9	0.048						0.13	C
alpha-BHC	319-84-6	0.056						0.0039	C
beta-BHC	319-85-7	0.091						0.14	C
gamma-BHC (Lindane)	58-89-9	0.20				0.95		4.4	
Bis(2-chloroethyl) ether	111-44-4	0.30						22	C
Bis(2-chloro-1-methylethyl) ether	108-60-1	1,400						4,000	
Bis(2-ethylhexyl) phthalate	117-81-7	6						3.7	C
Bis(chloromethyl) ether	542-88-1							0.17	C
Bromoform	75-25-2	44						1,200	C
Butylbenzyl phthalate	85-68-7	7,000						1	C
Carbaryl	63-25-2					2.1	2.1		
Carbon tetrachloride	56-23-5	5						50	C
Chlordane	57-74-9	2				2.4	0.0043	0.0032	C,P
Chlorobenzene	108-90-7	100						800	
Chlorodibromomethane	124-48-1	4.2						210	C
Chloroform	67-66-3	57						2,000	
Chlorpyrifos	2921-88-2					0.083	0.041		

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
2-Chloronaphthalene	91-58-7	2,800						1,000	
2-Chlorophenol	95-57-8	175						800	
Chrysene	218-01-9	0.048						1.3	C
Demeton	8065-48-3						0.1		
Diazinon	333-41-5					0.17	0.17		
2,4-Dichlorophenoxyacetic acid	94-75-7							12,000	
Dichlorodiphenyldichloroethane (DDD)	72-54-8							0.0012	C
Dichlorodiphenyldichloroethylene (DDE)	72-55-9							0.00018	C
Dichlorodiphenyltrichloroethane (DDT)	50-29-3							0.0003	C,P
4,4'-DDT and derivatives		1.0			0.001	1.1	0.001		
Dibenzo(a,h)anthracene	53-70-3	0.048						0.0013	C
Dibutyl phthalate	84-74-2	3,500						30	
1,2-Dichlorobenzene	95-50-1	600						3,000	
1,3-Dichlorobenzene	541-73-1	469						10	
1,4-Dichlorobenzene	106-46-7	75						900	
3,3'-Dichlorobenzidine	91-94-1	0.78						1.5	C
Dichlorobromomethane	75-27-4	5.6						270	C
1,2-Dichloroethane	107-06-2	5						6,500	C
1,1-Dichloroethylene	75-35-4	7						20,000	
2,4-Dichlorophenol	120-83-2	105						60	
1,2-Dichloropropane	78-87-5	5.0						310	C
1,3-Dichloropropene	542-75-6	3.5						120	C
Dieldrin	60-57-1	0.022				0.24	0.056	0.000012	C,P
Diethyl phthalate	84-66-2	28,000						600	
Dimethyl phthalate	131-11-3	350,000						2,000	
2,4-Dimethylphenol	105-67-9	700						3,000	
Dinitrophenols	25550-58-7							1,000	
2,4-Dinitrophenol	51-28-5	70						300	
2,4-Dinitrotoluene	121-14-2	1.1						17	C
Dioxin	1746-01-6	3.0E-05						5.1E-08	C,P
1,2-Diphenylhydrazine	122-66-7	0.44						2.0	C
alpha-Endosulfan	959-98-8	62				0.22	0.056	30	
beta-Endosulfan	33213-65-9	62				0.22	0.056	40	
Endosulfan sulfate	1031-07-8	62						40	
Endrin	72-20-8	2				0.086	0.036	0.03	

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
Endrin aldehyde	7421-93-4	10.5						1	
Ethylbenzene	100-41-4	700						130	
Fluoranthene	206-44-0	1,400						20	
Fluorene	86-73-7	1,400						70	
Guthion	86-50-0						0.01		
Heptachlor	76-44-8	0.40				0.52	0.0038	0.000059	C
Heptachlor epoxide	1024-57-3	0.20				0.52	0.0038	0.00032	C
Hexachlorobenzene	118-74-1	1						0.00079	C,P
Hexachlorobutadiene	87-68-3	4.5						0.1	C
Hexachlorocyclohexane (HCH)-Technical	608-73-1							0.1	C
Hexachlorocyclopentadiene	77-47-4	50						4	
Hexachloroethane	67-72-1	25						1	C
Ideno(1,2,3-cd)pyrene	193-39-5	0.048						0.013	C
Isophorone	78-59-1	368						18,000	C
Malathion	121-75-5						0.1		
Methoxychlor	72-43-5						0.03	0.02	
Methyl bromide	74-83-9	49						10,000	
3-Methyl-4-chlorophenol	59-50-7							2,000	
2-Methyl-4,6-dinitrophenol	534-52-1	14						30	
Methylene chloride	75-09-2	5						10,000	C
Mirex	2385-85-5						0.001		
Nitrobenzene	98-95-3	18						600	
Nitrosamines	Various							12.4	C
Nitrosodibutylamine	924-16-3							2.2	C
Nitrosodiethylamine	55-18-5							12.4	C
N-Nitrosodimethylamine	62-75-9	0.0069						30	C
N-Nitrosodi-n-propylamine	621-64-7	0.050						5.1	C
N-Nitrosodiphenylamine	86-30-6	71						60	C
N-Nitrosopyrrolidine	930-55-2							340	C
Nonylphenol	84852-15-3					28	6.6		
Parathion	56-38-2					0.065	0.013		
Pentachlorobenzene	608-93-5							0.1	
Pentachlorophenol	87-86-5	1.0				19	15	0.4	C
Phenol	108-95-2	10,500						300,000	

Pollutant	CAS Number	DWS	Irr/Irr storage	LW	WH	Aquatic Life			Type
						Acute	Chronic	HH-OO	
Polychlorinated Biphenyls (PCBs)	1336-36-3	0.50			0.014	2	0.014	0.00064	C,P
Pyrene	129-00-0	1,050						30	
1,2,4,5-Tetrachlorobenzene	95-94-3							0.03	
1,1,2,2-Tetrachloroethane	79-34-5	1.8						30	C
Tetrachloroethylene	127-18-4	5						290	C,P
Toluene	108-88-3	1,000						520	
Toxaphene	8001-35-2	3				0.73	0.0002	0.0071	C
1,2-Trans-dichloroethylene	156-60-5	100						4,000	
Tributyltin (TBT)	Various					0.46	0.072		
1,2,4-Trichlorobenzene	120-82-1	70						0.76	C
1,1,1-Trichloroethane	71-55-6	200						200,000	
1,1,2-Trichloroethane	79-00-5	5						89	C
Trichloroethylene	79-01-6	5						70	C
2,4,5-Trichlorophenol	95-95-4							600	
2,4,6-Trichlorophenol	88-06-2	32						28	C
2-(2,4,5-Trichlorophenoxy) propionic acid (Silvex)	93-72-1							400	
Vinyl chloride	75-01-4	2						16	C

(2) Notes applicable to the table of numeric criteria in Paragraph (1) of this subsection.

(a) Where the letter “a” is indicated in a cell, the criterion is [hardness] based on receiving water characteristics and can be referenced in Subsection I of 20.6.4.900 NMAC.

(b) Where the letter “b” is indicated in a cell, the criterion can be referenced in Subsection C of 20.6.4.900 NMAC.

(c) Criteria are in µg/L unless otherwise indicated.

(d) Abbreviations are as follows: CAS - chemical abstracts service (see definition for “CAS number” in 20.6.4.7 NMAC); DWS - domestic water supply; Irr/Irr storage- irrigation and irrigation storage; LW - livestock watering; WH - wildlife habitat; HH-OO - human health-organism only; C – criteria based on cancer-causing endpoint; P - persistent toxic pollutant.

(e) The criteria are based on analysis of an unfiltered sample unless otherwise indicated. The acute and chronic aquatic life criteria for aluminum are based on analysis of total recoverable aluminum in a sample that is filtered to minimize mineral phases as specified by the department.

(f) The criteria listed under human health-organism only (HH-OO) are intended to protect human health when aquatic organisms are consumed from waters containing pollutants. These criteria do not protect the aquatic life itself; rather, they protect the health of humans who ingest fish or other aquatic organisms.

(g) The dioxin criteria apply to the sum of the dioxin toxicity equivalents expressed as 2,3,7,8-TCDD dioxin.

(h) The criteria for polychlorinated biphenyls (PCBs) apply to the sum of all congeners, to the sum of all homologs or to the sum of all aroclors.

(i) The acute and chronic aquatic life criteria for dissolved aluminum only apply when the concurrent pH is less than 6.5 or greater than 9.0 S.U. If the concurrent pH is between 6.5 and 9.0 S.U. then the hardness-dependent total recoverable aluminum criteria in Paragraphs (1) and (2) of Subsection I of 20.6.4.900 NMAC apply.

K. The criteria for total ammonia consider sensitive freshwater mussel species in the family Unionidae, freshwater non-pulmonate snails, and *Oncorhynchus* spp. (a genus of fish in the family Salmonidae), hence further protecting the aquatic community. The total ammonia criteria magnitude is measured as Total Ammonia Nitrogen (TAN) mg/L. TAN is the sum of NH_4^+ and NH_3 . TAN mg/L magnitude is derived as a function of pH and temperature (EPA 2013).

L. The acute aquatic life criteria for TAN (mg/L) was derived by the EPA (2013) as the one-hour average concentration of TAN mg/L that shall not be exceeded more than once every three years on average. The EPA acute criterion magnitude was derived using the following equation:

$$\text{Acute TAN Criterion Magnitude for 1-hour average} = \left(\frac{0.275}{1+10^{7.204-pH}} + \frac{39}{1+10^{pH-7.204}} \right) \times \left(0.7249 \times \left(\frac{0.0114}{1+10^{7.204-pH}} + \frac{1.6181}{1+10^{pH-7.204}} \right) \times (23.12 \times 10^{0.036(20-T)}) \right)$$

MIN

T (temperature C) and pH are defined as the paired values associated with the TAN sample.

(1) Temperature and pH-dependent values of the acute TAN criterion magnitude -when *Oncorhynchus* spp. absent.

	Temperature (°C)																				
pH	0-10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
6.5	51	48	44	41	37	34	32	29	27	25	23	21	19	18	16	15	14	13	12	11	9.9
6.6	49	46	42	39	36	33	30	28	26	24	22	20	18	17	16	14	13	12	11	10	9.5
6.7	46	44	40	37	34	31	29	27	24	22	21	19	18	16	15	14	13	12	11	9.8	9
6.8	44	41	38	35	32	30	27	25	23	21	20	18	17	15	14	13	12	11	10	9.2	8.5
6.9	41	38	35	32	30	28	25	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	7.9
7.0	38	35	33	30	28	25	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	7.9	7.3
7.1	34	32	30	27	25	23	21	20	18	17	15	14	13	12	11	10	9.3	8.5	7.9	7.2	6.7
7.2	31	29	27	25	23	21	19	18	16	15	14	13	12	11	9.8	9.1	8.3	7.7	7.1	6.5	6
7.3	27	26	24	22	20	18	17	16	14	13	12	11	10	9.5	8.7	8	7.4	6.8	6.3	5.8	5.3
7.4	24	22	21	19	18	16	15	14	13	12	11	9.8	9	8.3	7.7	7	6.5	6	5.5	5.1	4.7
7.5	21	19	18	17	15	14	13	12	11	10	9.2	8.5	7.8	7.2	6.6	6.1	5.6	5.2	4.8	4.4	4
7.6	18	17	15	14	13	12	11	10	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5
7.7	15	14	13	12	11	10	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5	3.2	2.9
7.8	13	12	11	10	9.3	8.5	7.9	7.2	6.7	6.1	5.6	5.2	4.8	4.4	4	3.7	3.4	3.2	2.9	2.7	2.5
7.9	11	9.9	9.1	8.4	7.7	7.1	6.6	3	5.6	5.1	4.7	4.3	4	3.7	3.4	3.1	2.9	2.6	2.4	2.2	2.1
8.0	8.8	8.2	7.6	7	6.4	5.9	5.4	5	4.6	4.2	3.9	3.6	3.3	3	2.8	2.6	2.4	2.2	2	1.9	1.7
8.1	7.2	6.8	6.3	5.8	5.3	4.9	4.5	4.1	3.8	3.5	3.2	3	2.7	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4
8.2	6	5.6	5.2	4.8	4.4	4	3.7	3.4	3.1	2.9	2.7	2.4	2.3	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2
8.3	4.9	4.6	4.3	3.9	3.6	3.3	3.1	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.4	1.3	1.2	1.1	1	0.96
8.4	4.1	3.8	3.5	3.2	3	2.7	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79
8.5	3.3	3.1	2.9	2.7	2.4	2.3	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2	1.1	0.98	0.9	0.83	0.77	0.71	0.65
8.6	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.5	1.3	1.2	1.1	1	0.96	0.88	0.81	0.75	0.69	0.63	0.58	0.54
8.7	2.3	2.2	2	1.8	1.7	1.6	1.4	1.3	1.2	1.1	1	0.94	0.87	0.8	0.74	0.68	0.62	0.57	0.53	0.49	0.45
8.8	1.9	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79	0.73	0.67	0.62	0.57	0.52	0.48	0.44	0.41	0.37
8.9	1.6	1.5	1.4	1.3	1.2	1.1	1	0.93	0.85	0.79	0.72	0.67	0.61	0.56	0.52	0.48	0.44	0.4	0.37	0.34	0.32
9.0	1.4	1.3	1.2	1.1	1	0.93	0.86	0.79	0.73	0.67	0.62	0.57	0.52	0.48	0.44	0.41	0.37	0.34	0.32	0.29	0.27

(2) Temperature and pH-dependent values for the acute TAN criterion magnitude- when *Oncorhynchus* spp. are present.

	Temperature (°C)																
pH	0-14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30

6.5	33	33	32	29	27	25	23	21	19	18	16	15	14	13	12	11	9.9
6.6	31	31	30	28	26	24	22	20	18	17	16	14	13	12	11	10	9.5
6.7	30	30	29	27	24	22	21	19	18	16	15	14	13	12	11	9.8	9
6.8	28	28	27	25	23	21	20	18	17	15	14	13	12	11	10	9.2	8.5
6.9	26	26	25	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	7.9
7.0	24	24	23	21	20	18	17	15	14	13	12	11	10	9.4	8.6	8	7.3
7.1	22	22	21	20	18	17	15	14	13	12	11	10	9.3	8.5	7.9	7.2	6.7
7.2	20	20	19	18	16	15	14	13	12	11	9.8	9.1	8.3	7.7	7.1	6.5	6
7.3	18	18	17	16	14	13	12	11	10	9.5	8.7	8	7.4	6.8	6.3	5.8	5.3
7.4	15	15	15	14	13	12	11	9.8	9	8.3	7.7	7	6.5	6	5.5	5.1	4.7
7.5	13	13	13	12	11	10	9.2	8.5	7.8	7.2	6.6	6.1	5.6	5.2	4.8	4.4	4
7.6	11	11	11	10	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5
7.7	9.6	9.6	9.3	8.6	7.9	7.3	6.7	6.2	5.7	5.2	4.8	4.4	4.1	3.8	3.5	3.2	3
7.8	8.1	8.1	7.9	7.2	6.7	6.1	5.6	5.2	4.8	4.4	4	3.7	3.4	3.2	2.9	2.7	2.5
7.9	6.8	6.8	6.6	6	5.6	5.1	4.7	4.3	4	3.7	3.4	3.1	2.9	2.6	2.4	2.2	2.1
8.0	5.6	5.6	5.4	5	4.6	4.2	3.9	3.6	3.3	3	2.8	2.6	2.4	2.2	2	1.9	1.7
8.1	4.6	4.6	4.5	4.1	3.8	3.5	3.2	3	2.7	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4
8.2	3.8	3.8	3.7	3.5	3.1	2.9	2.7	2.4	2.3	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2
8.3	3.1	3.1	3.1	2.8	2.6	2.4	2.2	2	1.9	1.7	1.6	1.4	1.3	1.2	1.1	1	1
8.4	2.6	2.6	2.5	2.3	2.1	2	1.8	1.7	1.5	1.4	1.3	1.2	1.1	1	0.9	0.9	0.8
8.5	2.1	2.1	2.1	1.9	1.8	1.6	1.5	1.4	1.3	1.2	1.1	1	0.9	0.8	0.8	0.7	0.7
8.6	1.8	1.8	1.7	1.6	1.5	1.3	1.2	1.1	1	1	0.9	0.8	0.8	0.7	0.6	0.6	0.5
8.7	1.5	1.5	1.4	1.3	1.2	1.1	1	0.9	0.9	0.8	0.7	0.7	0.6	0.6	0.5	0.5	0.5
8.8	1.2	1.2	1.2	1.1	1	0.9	0.9	0.8	0.7	0.7	0.6	0.6	0.5	0.5	0.4	0.4	0.4
8.9	1	1	1	0.9	0.9	0.8	0.7	0.7	0.6	0.6	0.5	0.5	0.4	0.4	0.4	0.3	0.3
9.0	0.88	0.9	0.9	0.8	0.7	0.7	0.6	0.6	0.5	0.5	0.4	0.4	0.4	0.3	0.3	0.3	0.3

M. The chronic aquatic life criteria for TAN (mg/L) was derived by the EPA (2013) as a thirty-day rolling average concentration of TAN mg/L that shall not be exceeded more than once every three years on average. In addition, the highest four-day average within the 30-day averaging period should not be more than 2.5 times the CCC (e.g., 2.5 x 1.9 mg TAN/L at pH 7 and 20°C, or 4.8 mg TAN/L) more than once in three years on average. The EPA chronic criterion magnitude was derived using the following equation:

Chronic TAN Criterion Magnitude for 30-day average=

$$0.8876 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right) \times (2.126 \times 10^{0.028 \times (20 - MAX(T, 7))})$$

T (temperature °C) and *pH* are defined as the paired values associated with the TAN sample.

Temperature and pH-Dependent Values of the Chronic TAN Criterion Magnitude.

	Temperature (°C)																													
pH	0-7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30						
6.5	4.9	4.6	4.3	4.1	3.8	3.6	3.3	3.1	2.9	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.6	1.5	1.5	1.4	1.3	1.2	1.1						
6.6	4.8	4.5	4.3	4	3.8	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1						
6.7	4.8	4.5	4.2	3.9	3.7	3.5	3.2	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1						
6.8	4.6	4.4	4.1	3.8	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1						
6.9	4.5	4.2	4	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1						
7.0	4.4	4.1	3.8	3.6	3.4	3.2	3	2.8	2.6	2.4	2.3	2.2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1						
7.1	4.2	3.9	3.7	3.5	3.2	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	1						

7.2	4	3.7	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	1	0.9
7.3	3.8	3.5	3.3	3.1	2.9	2.7	2.6	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	1	0.9	0.9
7.4	3.5	3.3	3.1	2.9	2.7	2.5	2.4	2.2	2.1	2	1.8	1.7	1.6	1.5	1.4	1.3	1.3	1.2	1.1	1	1	0.9	0.9	0.8
7.5	3.2	3	2.8	2.7	2.5	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	1	0.9	0.8	0.8	0.7
7.6	2.9	2.8	2.6	2.4	2.3	2.1	2	1.9	1.8	1.6	1.5	1.4	1.4	1.3	1.2	1.1	1.1	1	0.9	0.9	0.8	0.8	0.7	0.7
7.7	2.6	2.4	2.3	2.2	2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1	0.9	0.9	0.8	0.8	0.7	0.7	0.6	0.6
7.8	2.3	2.2	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	1	0.9	0.8	0.8	0.7	0.7	0.7	0.6	0.6	0.5
7.9	2.1	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.2	1.1	1	1	0.9	0.8	0.8	0.7	0.7	0.7	0.6	0.6	0.5	0.5	0.5
8.0	1.8	1.7	1.6	1.5	1.4	1.3	1.2	1.1	1.1	1	0.9	0.9	0.8	0.8	0.7	0.7	0.6	0.6	0.6	0.5	0.5	0.4	0.4	0.4
8.1	1.5	1.5	1.4	1.3	1.2	1.1	1.1	1	0.9	0.9	0.8	0.8	0.7	0.7	0.6	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4
8.2	1.3	1.2	1.2	1.1	1	1	0.9	0.8	0.8	0.7	0.7	0.7	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3
8.3	1.1	1.1	1	0.9	0.9	0.8	0.8	0.7	0.7	0.6	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3
8.4	1	0.9	0.8	0.8	0.7	0.7	0.7	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.3	0.2	0.2
8.5	0.8	0.8	0.7	0.7	0.6	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2
8.6	0.7	0.6	0.6	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
8.7	0.6	0.5	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.1	0.1
8.8	0.5	0.5	0.4	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1
8.9	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1
9.0	0.4	0.3	0.3	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1

[20.6.4.900 NMAC - Rp 20 NMAC 6.1.3100, 10/12/2010; A, 10/11/2002; A, 5/23/2005; A, 7/17/2005; A, 12/1/2010; A, 3/2/2017; A, 4/23/2022; A, 05/22/2025]

NEW MEXICO FINANCE AUTHORITY WATER TRUST BOARD

This is an amendment to 19.25.10 NMAC, Sections 6, 7, 8, 11, and 18, effective April 22, 2025.

19.25.10.6 OBJECTIVES:

A. Section 72-4A-5, NMSA 1978 provides that the New Mexico water trust board is required to adopt rules governing terms and conditions of grants and loans recommended by the board for appropriation by the state legislature from the water project fund giving priority to projects that have urgent needs, that have been identified for implementation of a completed regional water plan that is accepted by the interstate stream commission and that have matching contributions from federal or local funding sources; and authorizes qualifying water projects to the authority that are for: (1) storage, conveyance or delivery of water to

end users; (2) implementation of federal Endangered Species Act of 1973; (3) restoration and management of watersheds; (4) flood prevention; and (5) conservation, recycling, treatment or reuse of water as provided by law. Additionally, the board shall create a drought strike team to coordinate responses to emergency water shortages caused by drought conditions. Section 72-4A-9, NMSA 1978, creates the “water project fund” within the New Mexico finance authority.

B. Section 72-4A-5, NMSA 1978, provides that the board shall give priority to qualifying water projects that (1) have been identified by the board as being urgent to ~~[meet the needs of a regional water planning area that has had a completed regional water plan accepted by the interstate stream commission]~~ address public health and safety issues; (2) have matching contributions from federal or local funding sources available and (3) have obtained all requisite state

and federal permits and authorizations necessary to initiate the qualifying water project. The purpose of these rules is to set forth the intent of the board and to outline, in general terms, the criteria and procedures to be used in evaluating and funding qualifying water projects.

C. Section 72-4A-5, NMSA 1978, provides that the board shall evaluate projects, including their environmental impacts, and recommend projects to the interstate stream commission pursuant to the provisions of Section 72-14-45, NMSA 1978.

[E] D. Section 72-4A-6, NMSA 1978, provides that the authority shall provide support for the water trust board, develop application procedures and forms for qualifying entities to apply for grants and loans from the water project fund; and make loans or grants to qualifying entities for qualifying water projects authorized by the state legislature, provided that the service area for the project is wholly within the

boundaries of the state or the project is an interstate project that directly benefits New Mexico.

[D] E. Section 72-4A-9, NMSA 1978, provides that the authority may adopt separate procedures and rules for administration of the water project fund and recover from the water project fund costs of administering the water project fund and originating grants and loans.

[19.25.10.6 NMAC - Rp, 19.25.10.6 NMAC, 7/31/2008; A, 4/22/2025]

19.25.10.7 DEFINITIONS:

A. “Act” means the Water Project Finance Act, Sections 72-4A-1 through 72-4A-10, NMSA 1978, as the same may be amended and supplemented.

B. “Agreement” means the document or documents signed by the board and a qualifying entity which specify the terms and conditions of obtaining financial assistance from the water project fund.

C. “Applicant” means a qualifying entity which has filed a water project proposal with the authority for initial review and referral to the board’s project review committee.

D. “Authority” means the New Mexico finance authority.

E. “Authorized representative” means one or more individuals duly authorized to act on behalf of the qualifying entity in connection with its financial application, water project proposal or agreement.

F. “Board” means the New Mexico water trust board created by the act.

G. “Bylaws” means the bylaws of the board adopted on September 25, 2001, and amended on June 27, 2007, and as may be further amended and supplemented.

H. “Financial application” means a written document filed with the authority by an applicant for the purpose of evaluating the applicant’s qualifications for types of financial assistance which may be provided by the board.

I. “Financial assistance” means loans, grants and any other type of assistance authorized by the act, or a combination thereof, provided from the water project fund to a qualified entity for the financing of a qualifying water project.

J. “Policy committee” means a standing committee, appointed by the chairman of the board from the members of the board pursuant to the bylaws to review policies and policy related matters and make recommendations to the full board.

K. “Political subdivision” means a municipality, county, land grant-merced controlled and governed pursuant to Section 49-1-1 through 49-1-18 or 49-4-1 through 49-4-21 NMSA 1978, regional or local public water utility authority created by statute, irrigation district, conservancy district, special district, acequia or soil and water conservation district, water and sanitation district, or an association organized and existing pursuant to the Sanitary Projects Act, Chapter 3, Article 29 NMSA 1978.

L. “Project review committee” means a standing committee, appointed by the chairman of the board from the members of the board pursuant to the bylaws to review water projects to be recommended for funding from the water project fund.

M. “Qualifying entity” means a state agency, a political subdivision of the state, an intercommunity water or natural gas supply association or corporation organized under Chapter 3, Article 28 NMSA 1978, a recognized Indian nation, tribe or pueblo, the boundaries of which are located wholly or partially in New Mexico or an association of such entities created pursuant to the Joint Powers Agreement Act, Chapter 11, Article 1 NMSA 1978 or other authorizing legislation for the exercise of their common powers.

N. “Qualifying water project” means a project

recommended by the board for funding by the legislature which includes a water project serving an area wholly within the boundaries of the state for (1) storage, conveyance or delivery of water to end users; (2) implementation of federal Endangered Species Act of 1973 collaborative programs; (3) wastewater conveyance and treatment; (4) restoration and management of watersheds; [(4)] (5) flood prevention; or [(5)] (6) conservation, recycling, treatment or reuse of water as provided by law and which has been approved by the state legislature pursuant to Subsection B of Section 72-4A-9, NMSA 1978.

O. “State” means the state of New Mexico.

P. “State agency” means any agency or institution of the state.

Q. “Water project account” means a fund designated by a qualifying entity exclusively for receipt of financial assistance.

R. “Water project fund” means the fund of that name created in the authority by Section 72-4A-9, NMSA 1978.

S. “Water project proposal” means a written proposal submitted by a qualifying entity for review by the project review committee.

T. “Water trust fund” means the fund of that name created in the state treasury by Section 72-4A-8, NMSA 1978.

[19.25.10.7 NMAC - Rp, 19.25.10.7 NMAC, 7/31/2008; A, 12/30/2013; A, 4/22/2025]

19.25.10.8 ELIGIBILITY: PRIORITIZATION OF WATER PROJECTS:

The board will develop and consider a variety of factors in reviewing and evaluating water project proposals to determine which water projects to recommend as qualifying water projects for appropriation by the state legislature. The board shall give priority to projects that have urgent needs [that have been identified for implementation of a completed regional water plan that is accepted by the interstate stream commission] and

that have matching contributions from federal or local sources as provided for in Section 72-4A-5 NMSA 1978. Pursuant to Section 72-4A-5.1 NMSA 1978, the board, in conformance with the state water plan and pursuant to the provisions of the Water Project Finance Act, shall prioritize the planning and financing of water projects required to implement the plan. The board shall identify opportunities to leverage federal and other funding. The board shall establish policies for prioritization of water projects.

[19.25.10.8 NMAC - Rp, 19.25.10.8 NMAC, 7/31/2008; A, 12/30/2013; A, 4/30/2015; A, 4/22/2025]

19.25.10.11 QUALIFYING WATER PROJECTS AND ELIGIBLE COSTS:

A. The board may authorize the authority to provide financial assistance from the water project fund to qualifying entities only for qualifying water projects as provided by Section 72-4A-6 and Section 72-4A-7, NMSA 1978.

B. Financial assistance shall be made only to qualify entities that:

(1) agree to provide for the operation and maintenance of the water project so that it will function properly over the structural and material design life ~~[which shall not be less than twenty years];~~

(2) require the contractor of the construction project to post a performance and payment bond in accordance with the requirements of Section 13-4-18, NMSA 1978;

(3) provide written assurance signed by an attorney or provide a title insurance policy that the political subdivision has proper title, easements and rights of way to the property upon or through which the water project proposed for funding is to be constructed or extended;

(4) meet the requirements of the financial capability set by the ~~[board]~~ authority to ensure sufficient revenues to

operate and maintain the water project for its useful life and to repay the loan;

(5) agree to properly maintain financial records ~~[and to do an audit of the project's financial records]~~ in accordance with all applicable laws; and

(6) agree to pay costs of originating grants and loans as determined by rules adopted by the ~~[board]~~ authority.

C. Plans and specifications for a water project shall be approved by the ~~[New Mexico environment department or by another appropriate agency designated by the]~~ authority after review and upon the recommendation of the state engineer and the environment department before grant or loan disbursements to pay for construction costs ~~[is]~~ are made to a qualifying entity. Plans and specifications for a water project shall incorporate available technologies and ~~[operations]~~ operational design for water efficiency.

D. Financial assistance shall be made for eligible items, which include:

(1) matching requirements for federal and local cost shares;

(2) engineering feasibility reports;

(3) contracted engineering design;

(4) inspection of construction;

(5) special engineering services;

(6) environmental or archeological surveys;

(7) construction;

(8) land acquisition;

(9) easements and rights of way; and

(10) legal costs ~~[and fiscal agent fees within limits set by the board].~~

E. A qualified entity which has had financial assistance approved by the state legislature for financing a qualifying water project may apply to the board to redirect

the financial assistance to a different water project made necessary by unanticipated events. The decision to redirect the financial assistance to a different qualifying water project will be at the sole discretion of the board and subject to approval of the state legislature as required by Subsection B of Section 72-4A-9, NMSA 1978. [19.25.10.11 NMAC - Rp, 19.25.10.11 NMAC, 7/31/2008; A, 5/28/2010; A, 4/22/2025]

19.25.10.18 ADMINISTRATION OF THE WATER PROJECT FUND:

A. The water project fund shall be administered by the authority as a separate account but may consist of such subaccounts as the authority deems necessary to carry out the purposes of the fund.

B. Money in the water project fund may be used by the authority to (1) make loans or grants to qualified entities recommended by the water trust board, (2) hire contractors to provide financial and administrative capacity development and direct technical assistance to entities on water projects, and (3) pay administrative costs of the authority.

C. Money from repayments of loans made by the board for qualifying water projects shall be deposited in the water project fund. The water project fund shall also consist of any other money appropriated, distributed or otherwise allocated to the water project fund for the purpose of financing qualifying water projects.

[E] D. The authority shall adopt a uniform accounting system for the water project fund and each account and subaccount established by the authority, based on generally accepted accounting principles.

[D] E. The authority may establish procedures and adopt rules as required to administer the fund and to recover from the fund costs of administering the fund and originating grants and loans.

[19.25.10.18 NMAC - Rp, 19.25.10.18 NMAC, 7/31/2008; A, 4/22/2025]

**HEALTH CARE
AUTHORITY
INCOME SUPPORT DIVISION**

This is an emergency amendment to 8.119.100 NMAC, Section 7 effective 5/1/2025.

8.119.100.7 DEFINITIONS:

A. Definitions

beginning with "A":

(1) Alien:

means an individual residing in the U.S. who does not hold U.S. citizenship.

(2)

Application: means a written request for assistance, on the appropriate ISD form, signed by or on behalf of an individual or family.

(3) Asylee:

means an individual who while in the U.S. is granted permanent residence under Section 208 of the Immigration and Nationality Act (INA) and is unable or unwilling to return to his or her country of origin because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

(4) Asylee

applicant: means an individual who has applied for, but not yet received, asylum in the U.S. and who is therefore ineligible for the RRP.

(5)

Authorized representative: means a person aged 18 years or older who is designated, in writing, by the applicant and is sufficiently knowledgeable about the applicant/benefit group's circumstances to complete the application form correctly and represent the benefit group.

B. Definitions

beginning with "B": Benefit group: means an individual or group of individuals authorized to receive cash assistance financed by federal or state funds.

C. Definitions

beginning with "C":

(1) Case

management services: means

the determination of appropriate service(s) to refer a refugee, referral to such services(s), and tracking of the refugee's participation in such services(s).

(2)

Conditional entrant: means an individual who was admitted to the U.S. under Section 203(a)(7) of the INA.

(3) Cuban/

Haitian entrant: means a citizen of Cuba or Haiti who is admitted to the U.S. under section 212(d)(5) of the INA.

D. Definitions

beginning with "D":

(1) Date of

entry: means the date established by the department of homeland security as the date a refugee or Cuban/Haitian entrant was lawfully admitted to the U.S. for permanent residence. For asylees it means the date on which asylum was granted.

(2)

Department: means the human services department.

(3)

Documentation of immigration status: means documents issued to the individual by DHS or USCIS that identifies the individual's lawful immigration status. The documentation provided by an individual is copied for the case file.

E. Definitions

beginning with "E":

(1) Earned

income: means cash or payments in-kind that are received as wages from employment or payment in lieu of wages; and earnings from self-employment or earnings acquired from direct provision of services, goods or property, production of goods, management of property or supervision of services.

(2) Economic

self-sufficiency: means the ability of a refugee to meet his or her basic needs without the need for cash assistance.

(3)

Employability plan: means an individualized written plan for a refugee, registered for

employment services, that sets forth a program of services intended to achieve the earliest possible employment of the refugee.

(4)

Employability services: means services designed to enable an individual to attain employment and to improve the work skills of the individual.

F. Definitions

beginning with "F": Form I-94:

means the white arrival/departure card issued by the department of homeland security to each alien entering the U.S. which identifies the date of entry and the immigration status granted to that person.

G. Definitions

beginning with "G": [RESERVED]

H. Definitions

beginning with "H":

[RESERVED]

I. Definitions

beginning with "I":

(1)

Individualized employability plan (IEP): means a written plan, developed by the refugee and the case manager, or the actions to be taken by an employable refugee to achieve employment and economic self-sufficiency.

(2) Institution

of higher education: means any educational institution which normally requires a high school diploma or equivalency certificate for enrollment, including but not limited to colleges, universities, and vocational or technical schools at the post-high school level.

J. Definitions

beginning with "J":

[RESERVED]

K. Definitions

beginning with "K":

[RESERVED]

L. Definitions

beginning with "L":

(1) Local

affiliate: means a not-for-profit agency that is affiliated with a national voluntary agency (VOLAG) and has been approved by the U.S. department of state to conduct a refugee resettlement program.

(2) **Local resettlement agency:** means a local affiliate of a VOLAG that has entered into a grant, contract, or cooperative agreement with the U.S. department of state to provide initial reception and placement services to refugees.

(3) **Local sponsor:** means an individual, church, or civic organization that has agreed to assist a refugee to resettle in a specific community.

M. Definitions
beginning with “M”:

(1) **Match grant:** means a program sponsored by the office of refugee resettlement (ORR) that provided matching funds to voluntary agencies and local affiliates to provide cash assistance and services to refugees for no more than six months after their lawful arrival in the U.S.

(2) **Medicaid:** means medical assistance under Title XIX of the Social Security Act, as amended.

(3) **Minor unmarried parent:** means an unmarried parent, who is under the age of 18 years, or is age 18 and enrolled in high school.

N. Definitions
beginning with “N”:

(1) **National voluntary agency (VOLAG):** means one of the national resettlement agencies that has entered into a contract, or cooperative agreement with the U.S. department of state or other federal agency to provide for the resettlement of refugees and to oversee the work of a national network or local affiliates.

(2) **New Mexico works:** means the federally funded temporary assistance for needy families (TANF) program that carries a 60 month term limit for adults in the state of New Mexico and requires participation in a variety of job search and skill development activities to maintain eligibility.

O. Definitions
beginning with “O”:
[RESERVED]

P. Definitions
beginning with “P”: **Payment:** means the amount of the cash assistance benefit.

Q. Definitions
beginning with “Q”:
[RESERVED]

R. Definitions
beginning with “R”:

(1) **Reception and placement grant:** means a grant provided by the U.S. department of state or U.S. department of justice that is intended to assist refugees to meet their basic needs during the first 30 to 90 days after admission to the U.S.

(2) **Recipient:** means a person receiving cash assistance benefits.

(3) **Refugee:** means any person who is admitted into the U.S. under Section 207 of the INA and is unable or unwilling to return to his or her country of origin because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

(4) **Resources:** means tangible assets and property owned by the applicant with the exception of assets and property in the refugee’s country of origin and assets and property given to the refugee as part of the reception and placement program.

(5) **Refugee cash assistance (RCA):** ~~[means a one hundred percent federally funded cash assistance program for non-TANF, non-SSI, eligible needy refugees during their first 12 months in the U.S.]~~ means financial assistance to refugees, including TANF, SSI, refugee cash assistance under title IV of the Social Security Act.

(6) **Refugee medical assistance (RMA):** ~~[means a one hundred percent federally funded medical assistance program for non-Medicaid eligible needy refugees during their first 12 in the U.S.]~~ medical assistance to refugees who are ineligible for the medicaid program.

S. Definitions
beginning with “S”:

(1) **Secondary migrant:** means a refugee who was initially resettled in another state but who has relocated their residence to New Mexico.

(2) **Spend down:** means to deduct incurred medical expenses from countable income, thereby lowering the amount of countable income to a level that may meet the financial eligibility standard.

(3) **Standard of deed:** means a maximum cash benefit amount that is based on federal regulation for TANF standard of need.

(4) **Supplemental security income (SSI):** means monthly cash payments to income eligible persons over the age of 65 or who are determined to be disabled under the authority of Title XVI of the Social Security Act.

T. Definitions
beginning with “T”:
[RESERVED]

U. Definitions
beginning with “U”: **Unearned income:** means income from one of these sources: old age, survivors and disability insurance payments (social security); railroad retirement benefits; veteran’s administration compensation or pension payments; military retirement and allotments; pensions, annuities and retirement benefits; lodge or fraternal benefits; other public or private disability or retirement benefits or pensions; shared shelter payments; individual Indian money (IIM); royalty or lease payments for land or property owned by a benefit group member; settlement payments resulting from insurance or litigation; worker’s compensation benefits; child support; unemployment compensation benefits; union benefits paid in cash; gifts and contributions; and real property income.

V. Definitions
beginning with “V”: **Victim of human trafficking:** means an individual who has received certification from ORR as a victim of human trafficking.

W. Definitions
beginning with “W”:

[RESERVED]

X. Definitions
beginning with "X":

[RESERVED]

Y. Definitions
beginning with "Y": [RESERVED]

Z. Definitions
beginning with "Z": [RESERVED]

[8.119.100.7 NMAC - N, 11/01/2013;
A, 11/1/2022; A/E, 5/1/2025]

HEALTH CARE AUTHORITY INCOME SUPPORT DIVISION

This is an emergency amendment to
8.119.410 NMAC, Section 8 effective
5/1/2025.

8.119.410.8 GENERAL RECIPIENT REQUIREMENTS:

A. Citizenship:

(1) To be

eligible for inclusion in the RCA
benefit group, the applicant must be
classified as a "refugee."

(2) To be

eligible for inclusion in the RRP
benefit group the individual must
provide proof, in the form of
documentation issued by USCIS, of
one of the following statuses under
the INA as a condition of eligibility:

(a)

paroled as a refugee or asylee under
section 212(d)(5) of INA; or

(b)

admitted as a refugee under section
207 of the INA; or

(c)

granted asylum under section 208 of
the INA; or

(d)

Cuban and Haitian entrants including:

(i)

any individual granted parole status
as a Cuban/Haitian entrant (status
pending) or granted any other special
status subsequently established under
the immigration laws for nationals of
Cuba or Haiti, regardless of the status
of the individual at the time assistance
or services are provided; and

(ii)

any other national of Cuba or Haiti
who was paroled into the U.S. and has
not acquired any other status under

the INA; is the subject of exclusion
or deportation proceedings under
the INA; or has an application for
asylum pending with the INS; and
with respect to whom a final, non-
appealable, and legally enforceable
order of deportation or exclusion has
not been entered; or

(e)

certain Amerasians from Vietnam who
are admitted to the U.S. as immigrants
pursuant to section 584 of the Foreign
Operations, Export Financing, and
Related Programs Appropriations Act,
1988 (as contained in section 101(e)
of the 9th proviso under Migration
and Refugee Assistance in title II
of the Foreign Operations, Export
Financing, and Related Programs
Appropriations Acts 1989 (Public
Law 100-461 as amended)); or

(f)

admitted for permanent residence,
provided the individual previously
held one of the statuses identified
above.

(3) An

applicant for asylum is not eligible for
assistance under title IV of the INA
unless otherwise provided by federal
law.

[B. Time limits:

(1) Eligibility

for RCA is limited to 12 months from
the date of entry, date of asylum, or
date deportation was withheld.

(2) For

refugee assistance cases involving
U.S. born children, the eligibility for
RCA for the child expires when the
refugee parent who last arrived in the
U.S. has been in the country for eight
months.

C. General eligibility

requirements:

(1) RCA

eligibility is limited to those who
are ineligible for TANF. The benefit
groups' eligibility for TANF must
be determined before determining
eligibility for RCA.

(2) An

individual who is enrolled full-time
in an institution of higher education
will be ineligible to participate in
the RCA program except where such
enrollment has been approved as
part of the individual's individual

employability plan (IEP) and in which
the enrollment will last for a period of
less than one year.

(a)

An individual is considered to be
enrolled in an institution of higher
education, if the individual is enrolled
in a business, technical, trade or
vocational school, that normally
requires a high school diploma or
equivalency certificate for enrollment
in the curriculum or if the individual
is enrolled in a regular curriculum at a
college or university that offers degree
programs regardless of whether a high
school diploma is required.

(b)

The enrollment status of a student
shall begin on the first day of the
school term. Such enrollment shall be
deemed to continue through normal
periods of class attendance, vacation
and semester breaks. Enrollment
status shall terminate when the
student graduates, is expelled, does
not re-enroll or is suspended for a
period in excess of 30 calendar days.

(3) A

refugee must provide the name of
the resettlement agency which was
responsible for their resettlement.

(4) Possession

of a social security number is not a
requirement of eligibility for RCA.]

B. General eligibility

requirements:

(1) Eligibility

for RCA is limited to those who:

(a)

are new arrivals who have resided in
the U.S. less than the RCA eligibility
period determined by the ORR
director in accordance with 45 CFR
400.211;

(b)

are ineligible for cash assistance
under Title IV of the Social Security
Act;

(c)

meet immigration status and
identification requirements in 45
CFR part 400 Subpart D or are the
dependent children of, and part of the
same family unit as, individuals who
meet the requirements in subpart D,
subject to the limitation in 45 CFR
400.208 with respect to nonrefugee
children; and

(d)

are not full-time students in institutions of higher education, as defined by the ORR director.

(2)

A refugee may be eligible for refugee cash assistance under this subpart during a period to be determined by the ORR director in accordance with 45 CFR 400.211.

(3)

Possession of a social security number is not a requirement of eligibility for RCA. [8.119.410.8 NMAC - Rp 8.119.410.8 NMAC, 7/1/2024; A/E, 5/1/2025]

LIVESTOCK BOARD

The New Mexico Livestock Board, approved the repeal of 21.30.6 NMAC, Bovine Trichomoniasis filed (6/21/2005) and replaced it with 21.30.6 NMAC, Bovine Trichomoniasis adopted on 3/26/2025 and effective 4/22/2025.

LIVESTOCK BOARD

TITLE 21 AGRICULTURE AND RANCHING CHAPTER 30 ANIMALS AND ANIMAL INDUSTRY GENERAL PROVISIONS PART 6 BOVINE TRICHOMONIASIS

21.30.6.1 ISSUING

AGENCY: New Mexico Livestock Board.

[21.30.6.1 NMAC - Rp, 21.30.6.1 NMAC, 04/22/2025]

21.30.6.2 SCOPE: All owners, transporters, or handlers of livestock in the state of New Mexico and those that apply to bring livestock into the state for any reason. Additional requirements for livestock owners governing livestock business activities can be found in 21.32, 21.33 and 21.35 NMAC.

[21.30.6.2 NMAC - Rp, 21.30.6.2 NMAC, 04/22/2025]

21.30.6.3 STATUTORY AUTHORITY: Section 77-2-7

Article 3 of Chapter 77, NMSA 1978. [21.30.6.3 NMAC - Rp, 21.30.6.3 NMAC, 04/22/2025]

21.30.6.4 DURATION:

Permanent.

[21.30.6.4 NMAC - Rp, 21.30.6.4 NMAC, 04/22/2025]

21.30.6.5 EFFECTIVE

DATE: April 22, 2025 unless a later date is cited at the end of a section.

[21.30.6.5 NMAC - Rp, 21.30.6.5 NMAC, 04/22/2025]

21.30.6.6 OBJECTIVE:

To prevent introduction and to control the bovine venereal disease trichomoniasis, specifically *Tritrichomonas foetus* (*T. foetus*) infection.

[21.30.6.6 NMAC - Rp, 21.30.6.6 NMAC, 04/22/2025]

21.30.6.7 DEFINITIONS:

A. Definitions

beginning with "A":

(1)

"Acceptable specimen" means a specimen determined satisfactory for diagnostic testing by the testing laboratory, including complete documentation.

(2)

"Accredited veterinarian" means an individual who is currently licensed to practice veterinary medicine and is accredited by the United States department of agriculture, animal plant health inspection service, veterinary services in the state of New Mexico.

(3) "Agent"

means the executive director, deputy director, veterinarian, livestock inspector or employee of the board.

(4)

"Approved laboratory" means any laboratory designated and approved by the state veterinarian for examining *T. foetus* samples.

(5)

"Approved veterinarian" means an accredited veterinarian who has attended trichomoniasis training that is approved by the New Mexico state veterinarian. Such training must include preputial sampling, sample

handling and shipping, appropriate record keeping and official bull trichomoniasis identification. A trained and certified designee, in the employ of the veterinarian of record for a New Mexico licensed sale yard, may work under the guidance of said approved veterinarian. These lay trich testers are limited to working at licensed New Mexico sale yards.

B. Definitions

beginning with "B":

(1) "Board"

means the New Mexico livestock board.

(2) "Bovine"

means any sexually intact male or female animal of the genus *bos* including bison (*Bison bison*).

(3) "Bovine

pregnancy diagnosis technician" means an individual who has met the requirements for and has been granted by the New Mexico board of veterinary medicine a permit to perform pregnancy diagnosis on cattle and is currently licensed.

C. Definitions

beginning with "C":

(1)

"Certificate of veterinary inspection (CVI)" means the form issued by the state of origin that records the consignor, consignee, identity, origin, destination and health status of animals, issued by an accredited veterinarian of that state. It is commonly known as a health certificate.

(2)

"Commingle" means bovids of opposite sex and belonging to different owners in the same enclosure or pasture with a reasonable opportunity for sexual contact.

(3) "Complete

bull herd test" means an official *T. foetus* test from each non-virgin bull in the herd.

(4) "Confined

feeding" means a dry lot feeding facility (not grazing) where there is no sexual contact among bovine therein.

D. Definitions

beginning with "D": "Direct

slaughter" means transporting an animal to a slaughter plant without unloading prior to arrival at the slaughter plant.

E. Definitions

beginning with “E”: “Exposed herd” means a herd adjacent to a premises occupied by an affected herd, herds sharing common pasture or having contact with affected herd(s) as determined by the state veterinarian.

F. Definitions

beginning with “F”: [RESERVED]

G. Definitions

beginning with “G”: [RESERVED]

H. Definitions

beginning with “H”:

(1) “Herd”

means the group of animals consisting of all bovines over 12 months of age (male and female) which have commingled during the last 12 months.

(2) “Herd management plan”

means a plan developed to eradicate the disease from a positive herd. The herd management plan will be developed by the producer in coordination with the local veterinarian and livestock inspector. It shall be approved by the state veterinarian.

I. Definitions

beginning with “I”: “Import permit” means a document issued by the state veterinarian’s office authorizing specific livestock movements into New Mexico. Permits expire 30 days after issuance and are not transferable.

J. Definitions

beginning with “J”: [RESERVED]

K. Definitions

beginning with “K”: [RESERVED]

L. Definitions

beginning with “L”: [RESERVED]

M. Definitions

beginning with “M”: [RESERVED]

N. Definitions

beginning with “N”:

(1) “N’ brand”

means the official brand registered to New Mexico livestock board, used to designate any livestock which must be shipped to slaughter or an approved feedlot.

(2) “Negative *T. foetus* bull”

means a bull which qualifies by one of the following:

(a)

originates from a herd not known to be infected and has had a negative official *T. foetus* bull test within the last 60 days;

(b)

originates from a positive herd but has a series of three negative official *T. foetus* bull tests at intervals of at least one week; or

(c)

qualified with a negative import or negative in-state official *T. foetus* bull test.

(3) “Negative *T. foetus* herd”

means a herd which has received a complete bull herd test with negative results within the last twelve months.

(4) “New Mexico commuter permit”

means a permit issued by the New Mexico state veterinarian’s office to New Mexico livestock producers who utilize pasture lands and other livestock operations in one or multiple states that are contiguous with New Mexico.

O. Definitions

beginning with “O”:

(1) “Official *T. foetus* bull test”

means the sampling of the preputial content of a bull by a licensed, accredited and *T. foetus* test certified veterinarian or a veterinarian from the New Mexico livestock board. Such test must be conducted after at least one (1) week separation from all female bovine. The bull and sample must be positively and individually identified and documented for laboratory submission. The official laboratory test shall be a genetic based test such as polymerase chain reaction (PCR), either standard or real time, or other technologies as approved by the state veterinarian. Test is not considered official until results are reported by the testing laboratory.

(2) “Official *T. foetus* laboratory testing”

means the laboratory procedures that shall be approved by the state veterinarian for identification of *T. foetus*.

P. Definitions

beginning with “P”:

(1) “Positive

T. foetus bull” means a bull that has had a positive *T. foetus* test.

(2) “Positive *T. foetus* herd”

means the group of all bovines which have had any opportunity for sexual contact in the previous breeding season and in which any animal (male or female) has had a positive diagnosis for *T. foetus*.

Q. Definitions

beginning with “Q”:

(1)

“Quarantine” means movement restriction issued by a New Mexico livestock inspector that shall be placed on all cattle in a positive *T. foetus* herd. Such restriction shall specify the identity of the animals and the premises where the animals shall be confined.

(2)

“Quarantine feedlot” means a dry lot feeding facility approved by the state veterinarian where positive *T. foetus* bulls or bovine females from a positive *T. foetus* herd may be fed prior to slaughter and there is no sexual contact with the opposite sex bovine.

(3)

“Quarantine release” means that a herd has completed all regulatory requirements to eliminate *T. foetus* infection in that herd and is no longer classified as a positive herd.

R. Definitions

beginning with “R”: “Regulatory veterinarian” means the state veterinarian or his designee. This may be a state or USDA employed veterinarian or any accredited veterinarian holding a current state license.

S. Definitions

beginning with “S”:

(1) “State veterinarian”

means the veterinarian designated by the New Mexico livestock board.

(2) “Suspect *T. foetus* bull”

means a bull from a positive *T. foetus* herd that has not yet had three consecutive negative official *T. foetus* bull tests.

T. Definitions

beginning with “T”:

“*Trichomonas foetus* (or

T. foetus)” means a protozoan parasite that is the causative agent to the contagious venereal disease trichomoniasis. The disease exhibits as infertility, pyometra, abortions and reproductive inefficiency in the female bovine.

U. Definitions

beginning with “U”: “Unacceptable sample” means a sample that is deemed not diagnostic by the official testing laboratory.

V. Definitions

beginning with “V”: “Virgin bull” means a sexually intact male bovine less than 12 months of age.

W. Definitions

beginning with “W”:
[RESERVED]

X. Definitions

beginning with “X”: [RESERVED]

Y. Definitions

beginning with “Y”: {RESERVED}

Z. Definitions

beginning with “Z”: [RESERVED]
[21.30.6.7 NMAC - Rp, 21.30.6.7 NMAC, 04/22/2025]

21.30.6.8 IMPORT REQUIREMENTS:

A. Breeding bull.

(1) All

non-virgin bulls, except as noted in Paragraph (7) of this subsection (below), shall be accompanied by a certificate of veterinary inspection (CVI), import permit and a negative official *T. foetus* test within 60 days prior to entry and no sexual contact between testing and entry.

(2) If the

pre-entry test is not an official *T. foetus* test and is not conducted at a laboratory approved by the American association of veterinary laboratory diagnosticians or the New Mexico state veterinarian, an in-state, post-entry test shall be required within 10 days of entry into New Mexico and prior to commingling with other cattle.

(3) No bull

which has ever previously tested positive for *T. foetus* shall enter New Mexico unless the bull is consigned directly to slaughter and is individually identified for movement by a NMLB approved method.

(4) Each CVI

issued for bulls covered under this rule shall bear one of the following statements:

(a)

“*T. foetus* has not been diagnosed in the herd of origin”; or

(b)

“The bull(s) represented on this CVI have had a negative official *T. foetus* bull test within 60 days prior to entry and there has been no female contact since the last qualifying test.”

(5) The

veterinarian issuing the CVI shall forward a copy of all official negative *T. foetus* tests for the bull(s) represented on the CVI to the New Mexico state veterinarian’s office.

(6) No bull

from a known positive *T. foetus* herd shall enter New Mexico unless the bull has three consecutive negative official *T. foetus* bull tests at least a week apart within 60 days prior to entry. The post-entry official test is also required. Bulls must be isolated from all females until the in-state test results are known. Identification procedures are listed below.

(7) Exceptions

to the importation testing and slaughter surveillance requirements are:

(a)

transient rodeo or exhibition (show) bulls, which shall have no sexual contact with a female bovine and are held in a secure facility to prevent such contact (does not include pasture) while in New Mexico;

(b)

bulls consigned direct to slaughter; or

(c)

bulls consigned to confined feeding; or

(d)

bulls originating from a certified trichomoniasis-free herd, in a state with requirements equivalent to those New Mexico has in place for such a herd designation, as determined by the New Mexico state veterinarian. This exemption requires documentation of current trichomoniasis-free certification in the state of origin and a copy of the program requirements for certification.

B. Reproductive bovine female.

(1) No female

bovine originating from a known positive *T. foetus* herd will be allowed to enter New Mexico. Exceptions include the following:

(a)

on the premises of origin, there were three consecutive official negative *T. foetus* tests of the entire bull population and the only allowed females are those which:

(i)

have a calf at side and no exposure to other than known negative bulls since parturition; or

(ii)

are at least 120 days pregnant; or

(iii)

are known virgin heifers; or

(iv)

are heifers exposed only to known negative bulls and not yet 120 days pregnant; or

(v)

are documented to have had at least 120 days of sexual isolation; and

(vi)

no other female will be allowed entry into New Mexico for breeding purposes from such herds;

(b)

consigned directly to slaughter or to a quarantined feedlot.

(2) Bovine

breeding females must have the following statement placed on the CVI and signed by the owner/ manager of the herd of origin:

(a)

“the cows listed on this CVI did not originate from a known positive *T. foetus* herd”; or

(b)

“the cows listed on this CVI are at least 120 days pregnant”; or

(c)

“the cows listed on this CVI originated from a positive *T. foetus* herd and are consigned for slaughter”; or

(d)

“the heifers listed on this CVI were exposed for their first breeding only to a known negative *T. foetus* bull or artificially inseminated and are not yet 120 days pregnant”; or

(e)
“the females listed on this CVI have had at least 120 days of sexual isolation immediately preceding the date of their movement into New Mexico.”

C. Commuter permitted cattle.

(1) All bulls must be negative to an official *T. foetus* test within 60 days prior to entry. There shall be no commingling between testing and entry. All purchased bulls added to herd shall comply with test provisions.

(2) In any herd, should a bull be a positive *T. foetus* bull, he shall be identified and sold to slaughter only.

(a)
All remaining bulls must test negative on three consecutive official tests at least one week apart.

(b)
Only females which have a calf at side and no exposure to other than known negative *T. foetus* bulls since parturition, are at least 120 days pregnant, are known virgin heifers or are heifers exposed only to known negative bulls and not yet 120 days pregnant shall be allowed to accompany the commuting herd. Other open cows shall be sold to slaughter, moved under quarantine to be fed for slaughter or artificial insemination or held in sexual isolation for a 120 day period.

D. Import permit.

(1) All cattle must obtain an import permit, which will be recorded on the CVI.

(2) All cows originating from a premises where *T. foetus* has been diagnosed within the last year must obtain an import permit, and prior approval for entry from the New Mexico state veterinarian, which will be recorded on the CVI.

E. Public livestock sales (auctions).

(1) All out-of-state bulls must be accompanied by an import permit.

(2) All non-virgin bulls (imported) shall be accompanied by an official laboratory negative *T. foetus* test, conducted

within 60 days prior to sale with no exposure to bovine females from the time of sample collection until sold. Any bull without a test will be placed under quarantine and tested at the livestock sale premises within 10 days of sale or will be sold for slaughter purposes only. Bulls shall be isolated from all females until the in-state test results are known. Identification procedures are listed below.

(3) All bulls not qualifying as above will be announced in the sale ring as having “unknown *T. foetus* status” and shall be so designated on the buyer’s documents. Such bulls shall be identified with a back tag designating them as having no *T. foetus* test prior to being offered for sale.

(4) Untested bulls may be sold for confined feeding. To be removed from confined feeding, bulls must be identified with the official New Mexico livestock board “N” fire brand or other NMLB approved method and go directly to slaughter or have a negative official *T. foetus* bull test.

(5)
Bovine breeding females shall be accompanied by one of the following statements signed by the owner/manager of the herd of origin on the CVI or other suitable document. In the absence of one of these statements, any female bovine over the age of 12 months shall be consigned and sold to slaughter (or quarantined feed for slaughter) only:

(a)
“The cows listed on this document did not originate from a known positive *T. foetus* herd.”

(b)
“The heifers on this document have been exposed to only known negative *T. foetus* bulls and are not yet 120 days pregnant.”

(c)
“The cows listed on this document are at least 120 days pregnant.” or

(d)
“The cows listed on this document originate from a positive *T. foetus* herd and are consigned for slaughter.” [21.30.6.8 NMAC - Rp, 21.30.6.8 NMAC, 04/22/2025]

21.30.6.9 INTRASTATE BREEDING BULLS:

A. All non-virgin bulls including culled herd sires sold for slaughter, must have a negative *T. foetus* test within 60 days prior to:

(1) change of ownership (sold to slaughter buyers),
(a) all slaughter bulls can be N branded and have a trich sample collected, but may go to slaughter with results pending. Slaughter surveillance bulls do not need to be held for test results.

(b)
any New Mexico producer that tests for trichomoniasis annually (complete herd bull test), and has a defined breeding season, will be exempt from slaughter surveillance, upon presentation of the annual trichomoniasis test results.

(2) change of possession under lease or rental, sharing or

(3) any other agreement that would place the bull in a different breeding herd.

B. There shall be no sexual contact between the time of testing and change of possession. A NMLB inspection shall be required to verify change of possession and appropriate *T. foetus* testing. The owner presenting the bull for sale is financially responsible for the testing.

C. Mature bulls, two years of age or older, that have been castrated or banded are not exempt from slaughter surveillance.

D. Culled herdsires with medical conditions (broken penis, lameness, etc.) shall be tested at the owner’s expense. If it appears it would be inhumane (at the discretion of the NMLB inspector or herd veterinarian) to put the bull through the chute, crippled and chronic broken penis bulls will be exempt.

E. Bulls shall not be exposed to females at the new premises until the results of the test are known.

F. Any bull with a positive test shall be immediately quarantined and the positive bull(s) shall be identified with the official New Mexico livestock board “N”

fire brand or other NMLB approved method.

G. The positive *T. foetus* bull's herd of origin will be placed under quarantine.

H. The quarantine will be released in accordance to the regulatory section of this rule. [21.30.6.9 NMAC - Rp, 21.30.6.9 NMAC, 04/22/2025]

21.30.6.10 VOLUNTARY NEW MEXICO *T. FOETUS* FREE HERD CERTIFICATION REQUIREMENTS - MAY BE AN INDIVIDUAL HERD, RANCH, GRAZING ASSOCIATION OR FEDERAL LAND PERMITEE:

A. Breeding bulls.

(1) All non-virgin breeding bulls shall be tested annually for *T. foetus* for the three years following the adoption of this rule.

(2) During the three year inception period, all non-virgin breeding bulls with changes of ownership, leased, rented or otherwise, shall be tested for *T. foetus* within 60 days prior to such change unless consigned direct to slaughter. The test will be completed and test results known prior to the time a bull is physically transferred to the receiving premises or herd.

(3) Negative *T. foetus* bulls will be identified with the official New Mexico negative *T. foetus* tag described in the identification section of this part.

(4) All slaughter bulls removed from the herd will be tested for *T. foetus*. The test may be performed at a slaughter facility if prior arrangement with a veterinarian and an appropriate agreement with the slaughter facility management is made.

(5) Bovine females added to a certified herd shall not originate from a known *T. foetus* infected herd. Female herd additions must originate from a New Mexico certified *T. foetus*-free herd or qualify in one of the following categories:

(a) calf at side and no exposure to other than known negative *T. foetus* bulls;

(b) checked by an accredited veterinarian or bovine pregnancy diagnosis technician, at least 120 days pregnant and so recorded;

(c) virgin; or

(d) heifers exposed as virgins only to known negative *T. foetus* infected bulls and not yet 120 days pregnant.

(6) Records must be maintained for all tests including all non-virgin bulls entering the herd and made available for inspection by an accredited veterinarian or state animal health official.

(7) Following successful completion of the three-year testing requirement, the participating entity shall receive a *T. foetus*-free certification from the New Mexico state veterinarian's office. Annual re-certification will require documented evidence that all male herd additions were virgin or that non-virgin breeding bulls added to the herd had three official negative *T. foetus* tests within 60 days prior to commingling with female bovine and that all slaughter bulls removed from the herd have been negative for *T. foetus* prior to or at slaughter.

(8) A herd in which a bull has a confirmed *T. foetus* infection will be classified as a positive *T. foetus* herd and shall be removed from the "free" status. The herd will be quarantined until positive *T. foetus* bulls are sent to slaughter and all other bulls in the herd test negative to three consecutive official *T. foetus* tests at least seven days apart. The third *T. foetus* test will be completed within 12 months of the initial *T. foetus* confirmation in the herd and will be conducted after the bulls have had breeding exposure to the cow herd. The bulls will be removed from the cow herd at least seven days prior to the official *T. foetus* test. If more than 12 months have passed since confirmation of *T. foetus* in the herd, the state veterinarian may require additional *T. foetus* testing prior to release of quarantine. The initial negative *T.*

foetus test is included in the three negative tests.

B. A non-tested, non-virgin bull that commingles with a herd that holds or is actively working toward the New Mexico certified *T. foetus*-free status, by fence breach or any commingled situation, shall obligate the owner of the non-tested bull to test the bull from one to three times at the option of the state veterinarian in consultation with the owner and veterinarian of the negative herd.

C. A bull from a herd which holds a current or has pending a *T. foetus*-free certification and which commingles with a non-tested herd, shall undergo one to three official *T. foetus* test(s) prior to return to his herd of origin. Shall such test be positive, all bulls from both herds may be subject to testing. The state veterinarian in consultation with the herd owner and herd veterinarian will determine the appropriate number of tests and number of bulls to be tested. [21.30.6.10 NMAC - Rp, 21.30.6.10 NMAC, 04/22/2025]

21.30.6.11 REGULATORY ACTION:

A. Commingled grazing. All non-virgin bulls commingling in grazing associations or multiple permittee allotments or leases, shall have the official *T. foetus* bull test conducted annually prior to turn out. A new official test will be required each time the bull(s) enter a different grazing association or multiple permittee allotment or lease. If a bull is found positive, the entire bull population present on the allotment or lease, regardless of ownership, will be required to have an official *T. foetus* test conducted. All positive bulls shall be identified with the official New Mexico livestock board "N" fire brand or NMLB approved method, and be sold for slaughter only. All test negative bulls will be required to have a second negative test prior to turn out and a third negative official test after the bull(s) are removed from the grazing association or multiple permittee allotment or lease.

B. Positive *T. foetus* bull & herd. Any confirmed *T. foetus* bovine and its herd (as defined by state animal health officials) shall immediately be placed under quarantine and will continue under quarantine until the following rules are completed.

(1) Positive *T. foetus* bulls shall be identified with the official New Mexico livestock board "N" fire brand or other NMLB approved method.

(2) Positive *T. foetus* bulls shall be quarantined and sent directly to slaughter or to public livestock market for slaughter only. Positive bulls may be required to move on a NMLB approved method. Confined feeding may be allowed provided bulls are "N" branded.

(3) All other bulls in a positive *T. foetus* herd shall test negative to three consecutive official *T. foetus* tests at least seven days apart. The third *T. foetus* test will be completed within 12 months of *T. foetus* confirmation in the herd and will be conducted after the bulls have had breeding exposure to the cow herd for a minimum of 65 consecutive days. A shorter breeding season must be approved by the state veterinarian, and be provided for in the herd management plan. The bulls will be removed from the cow herd at least seven days prior to the official *T. foetus* test. If more than 12 months have passed since confirmation of *T. foetus* in the herd, the state veterinarian may require additional *T. foetus* testing prior to release of quarantine.

(4) Any bull entering a quarantined premise will be required to test negative prior to re-introduction to its herd of origin

(5) If a herd management plan has not been developed and activated within 45 days of confirmation of *T. foetus* infection in the herd, all bovids, except steers and spayed heifers, will be required to go directly to slaughter upon leaving the ranch.

(6) If the producer has not completed requirements to have the quarantine

lifted within one year, the herd management plan will be updated annually on the anniversary of the start date of the quarantine with the approval of the NMLB.

C. Reproductive bovine females from a positive *T. foetus* herd.

(1) Females over 12 months of age (not known to be virgin heifers) from a positive *T. foetus* herd may be sold direct to slaughter or quarantined on the premises of origin. Individual females may be released from quarantine when either all requirements of Paragraph (3) of Subsection B of 21.30.6.11 NMAC have been met or the cow(s) has a calf at side with no exposure to other than known negative *T. foetus* bulls since parturition, has documented 120 days of sexual isolation or is determined by an accredited veterinarian or bovine pregnancy diagnosis technician to be at least 120 days pregnant. Heifers known to be virgin at the time of turnout or heifers exposed only to known negative *T. foetus* bulls and not yet 120 days pregnant are allowed unrestricted movement.

(2) Open females shall be sold to slaughter or held in isolation from all bulls for 120 days. Any female sold to slaughter through a livestock market shall be identified with an official New Mexico restricted movement tag or NMLB approved method during the quarantine period.

(3) Breeding by artificial insemination is allowed during the quarantine period and cows confirmed by an accredited veterinarian or bovine pregnancy diagnosis technician to be at least 120 days pregnant as well as cows documented to have 120 days sexual isolation will be released from quarantine.

(4) If a herd management plan has not been developed and activated within 45 days of confirmation of *T. foetus* infection in the herd, all bovids, except steers and spayed heifers, will be required to go directly to slaughter upon leaving the ranch.

D. Regulatory action.

(1) Any stray non-virgin bull of unknown *T. foetus* status, or from a positive *T. foetus* herd, that enters the land of a neighboring premise, and may have commingled with the herd on that premise, will be quarantined until the bull(s) has one or more official *T. foetus* test(s) conducted. A NMLB livestock inspector shall be involved in the interaction.

(2) The test(s) shall be the responsibility of the bull(s) owner. The conditions of the quarantine and the number of tests will be determined by the state veterinarian.

E. Neighboring facilities of a positive *T. foetus* herd.

(1) All facilities that share a common boundary with a positive *T. foetus* herd will be notified by the NMLB and will be required to test, due to the fact that *T. foetus* is a regional disease, and all neighbors testing will facilitate a more rapid regional eradication. Certified New Mexico *T. foetus* free herds in compliance with the provisions of 21.30.6.10 NMAC, will be exempt from testing, as well as instances where the state veterinarian has determined such testing to be unnecessary based on epidemiological investigation.

(2) Any exposed herds found positive upon testing will be designated as a positive *T. foetus* herd.

[21.30.6.11 NMAC - Rp, 21.30.6.11 NMAC, 04/22/2025]

21.30.6.12

IDENTIFICATION:

A. Bulls which have been sampled for the official *T. foetus* bull test shall be identified with an official New Mexico *T. foetus* tag. Tags will be supplied by the New Mexico livestock board and be assigned to approved veterinarians, who shall apply such tags at the time samples are collected. The approved veterinarian shall record any form of positive official identification worn by the bull or apply USDA-recognized official identification per CFR title 9,

part 86, as a secondary identification if none exists. Bulls so identified pending test results shall be isolated from all females until the test result is reported. The official New Mexico *T. foetus* tag color shall be changed annually.

B. Positive *T. foetus* bulls shall be identified with the official New Mexico livestock board “N” fire brand or other identification approved by the state veterinarian and applied by the attending livestock inspector. Existing USDA-recognized official identification per CFR title 9, part 86, and the official *T. foetus* tag shall be recorded when the “N” brand is applied.

C. Any quarantined bovids moved from the original premises of quarantine shall be identified with the official New Mexico livestock board “N” fire brand or other identification approved by the state veterinarian.
[21.30.6.12 NMAC - Rp, 21.30.6.12 NMAC, 04/22/2025]

21.30.6.13 SPECIMEN COLLECTION FACILITIES:

A. The bull owner must provide adequate corrals and restraint, or transport the bull(s) to a location with such corrals and restraint, to protect the animal and veterinarian from undue injury risk.

B. The approved veterinarian shall determine the adequacy of such facilities and may require the bulls be delivered to a mutually agreed facility if the owner’s facility is deemed inadequate.
[21.30.6.13 NMAC - Rp, 21.30.6.13 NMAC, 04/22/2025]

21.30.6.14 APPROVED LABORATORY RESPONSIBILITIES:

A. An approved laboratory is required to immediately report any positive specimen to the state veterinarian’s office. Such report will include the animal identification, brand, owner name, address, telephone number and the submitting veterinarian’s name, address and telephone number.

B. The laboratory shall report unacceptable samples to the state veterinarian. If any sample is deemed unacceptable, the submitting veterinarian shall submit a retest specimen. The state veterinarian may require the offending veterinarian to attend an approved trichomoniasis training session and submit acceptable specimens to continue as an approved trichomoniasis veterinarian.
[21.30.6.14 NMAC - Rp, 21.30.6.14 NMAC, 04/22/2025]

21.30.6.15 RULE

EXCEPTION: The New Mexico state veterinarian may grant a written exception to this rule only on an individual basis.
[21.30.6.15 NMAC - Rp, 21.30.6.15 NMAC, 04/22/2025]

21.30.6.16 COMPLIANCE:

Livestock Inspectors who are certified peace officers, in accordance with Section 30-18-14 NMSA 1978 shall enforce the provisions of Chapter 30, Article 18 NMSA 1978 and other criminal laws relating to livestock. Livestock inspectors may arrest persons found in the act or whom they have probable cause to believe are guilty of driving, holding or slaughtering stolen livestock. Any person who violates the provisions of these rules may be subject to the criminal and civil penalties pursuant to Sections 77-2-9 & 77-2-22 NMSA 1978. Penalties for misdemeanor crimes can include imprisonment of less than one year or fines up to \$1000 or both. Penalties for petty misdemeanors can include imprisonment not to exceed six months or fines up to \$500 or both. Furthermore, any person who violates a rule adopted under the power granted to the board unless the penalty has been fixed by law is guilty of a misdemeanor and upon conviction shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978.

[21.30.6.16 NMAC - Rp, 21.30.6.16 NMAC, 04/22/2025]

21.30.6.17 RE-EVALUATION OF RULES: These

rules shall be re-evaluated by the working Trichomoniasis Committee every two years.

HISTORY OF 21.30.6 NMAC: [RESERVED]

History of Repealed Material:

21.30.6 NMAC, Bovine Trichomoniasis filed (6/21/2005)
Repealed effective 04/22/2025

Other History:

21 NMAC 30.6 - Bovine Trichomoniasis filed (6/21/2005) and replaced it with 21.30.6 NMAC - Bovine Trichomoniasis adopted on 04/22/2025 and effective 04/22/2025.

End of Adopted Rules

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Other Material Related to Administrative Law

NEW MEXICO FINANCE AUTHORITY WATER TRUST BOARD

NOTICE OF MINOR, NONSUBSTANTIVE CORRECTION

The New Mexico Finance Authority, Water Trust Board, gives Notice of a Minor, Nonsubstantive Correction to 19.25.10 NMAC.

Pursuant to the authority granted under State Rules Act, Subsection D of Section 14-4-3 NMSA 1978, please note that the following minor, non-substantive corrections to spelling, grammar and format have been made to all electronic copies of the above rules, as follows:

Section 18: Subsection B, paragraphs were incorrectly numbered as (i),(ii) and (iii). These paragraphs were changed to (1),(2) and (3).

A copy of this Notification will be filed with the official version of the above amendment.

RACING COMMISSION

NOTICE OF MINOR, NONSUBSTANTIVE CORRECTION

The Racing Commission gives Notice of a Minor, Nonsubstantive Correction to 15.2.1 NMAC and 15.2.6 NMAC.

Pursuant to the authority granted under State Rules Act, Subsection D of Section 14-4-3 NMSA 1978, please note that the following minor, non-substantive corrections to spelling, grammar and format have been made to all electronic copies of the above rules, as follows:

15.2.1 NMAC:

Section 9: Subsection A,

paragraph (2) has a subparagraph (a) without any other subparagraph. Accordingly, subparagraph (a) numbering was removed. Subsection B, paragraph (22) has a subparagraph (a) without any other subparagraph. Accordingly, subparagraph (a) numbering was removed.

15.2.5 NMAC:

Section 12: Subsection B, paragraph (1), subparagraph (a) has an incorrect rule citation. That rule citation is corrected to "... Subparagraphs (a) – (e) of Paragraph (8) of Subsection C of 15.2.6.9 NMAC."

Section 13: Subsection E, paragraph (8) has a subparagraph (a) without any other subparagraph. Accordingly, subparagraph (a) numbering was removed.

A copy of this Notification will be filed with the official version of each of the above amendment.

End of Other Material Related to Administrative Law

2025 New Mexico Register

Submittal Deadlines and Publication Dates

Volume XXXVI, Issues 1-24

Issue	Submittal Deadline	Publication Date
Issue 1	January 3	January 14
Issue 2	January 16	January 28
Issue 3	January 30	February 11
Issue 4	February 13	February 25
Issue 5	February 27	March 11
Issue 6	March 13	March 25
Issue 7	March 27	April 8
Issue 8	April 10	April 22
Issue 9	April 24	May 6
Issue 10	May 8	May 20
Issue 11	May 23	June 11
Issue 12	June 12	June 24
Issue 13	June 26	July 15
Issue 14	July 17	July 29
Issue 15	July 31	August 12
Issue 16	August 14	August 26
Issue 17	August 28	September 9
Issue 18	September 11	September 23
Issue 19	September 25	October 7
Issue 20	October 9	October 21
Issue 21	October 23	November 4
Issue 22	November 6	November 18
Issue 23	November 20	December 9
Issue 24	December 11	December 23

The *New Mexico Register* is the official publication for all material relating to administrative law, such as notices of rulemaking, proposed rules, adopted rules, emergency rules, and other similar material. The Commission of Public Records, Administrative Law Division, publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978. The New Mexico Register is available free online at: <http://www.srca.nm.gov/new-mexico-register/>. For further information, call 505-476-7941