

**STATE OF NEW MEXICO  
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF PROPOSED  
AMENDMENTS TO 20.6.8 NMAC -  
*Ground and Surface Water Protection -  
Supplemental Requirements  
For Reuse of Treated Produced Water***

**No. WQCC 25-34 (R)**

**MAXWELL'S PUBLIC COMMENT ON HEARING LOCATION**

Mr. Maxwell states the following: the Commission's hearing-location rule at 20.1.6.205 NMAC provides, "Unless otherwise provided by governing law, the commission shall hold hearings on proposed regulatory changes of statewide application in Santa Fe, and at other places the commission may prescribe." The proposed amendment to the Water Quality Act regulation is of statewide application because it regulates conduct in every county—permitting certain activities in thirteen specified counties while expressly prohibiting them in all others<sup>1</sup>. This county-specific distinction does not convert the rule into a local or regional measure; rather, it establishes a statewide reach by imposing either permissive or prohibitive requirements across the entire state. As a result, the Commission must hold the rulemaking hearing in Santa Fe, while retaining the discretion to also convene hearings "at other places the commission may prescribe" to enhance public access.

By: -s- *Nicholas Maxwell*  
Mr. Nicholas R. Maxwell  
P.O. Box 1064  
Hobbs, New Mexico 88241  
Telephone: (575) 441-3560  
Email: [inspector@sunshineaudit.com](mailto:inspector@sunshineaudit.com)

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of my public comment was served by email on August 13, 2025 to all parties of record, with a hard copy mailed upon request:

---

<sup>1</sup> See Petition, Attachment 1, at 20.6.8.2, specifically "*The discharge or use of produced or treated produced water is prohibited in all other New Mexico counties.*"

-s- *Nicholas R. Maxwell*  
Mr. Nicholas R. Maxwell