Affidavit of Publication

STATE OF NEW MEXICO } SS
COUNTY OF BERNALILLO }

Ad Cost:	$449.59
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I, Bernadette Gonzales, the undersigned, Legal Representative of the Albuquerque Journal, on oath, state that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, chapter 167, Session Laws of 1937, and payment of fees has been made of assessed and a copy of which is hereto attached, was published in said publication in the daily edition, 1 time on the following date:

August 12, 2025

That said newspaper was regularly issued and circulated on those dates.
SIGNED:

Legal Representative

Subscribed to and sworn to me this 19th day of August 2025.

David Lindsey Montoya
Notary Public
_____ County Bernalillo
ID#: 1140229
My commission expires: 04-26-2027

STATE OF NEW MEXICO
NOTARY PUBLIC
DAVID LINDSEY MONTOYA
COMMISSION NUMBER 1140229
EXPIRATION DATE 04-26-2027

Gallagher & Kennedy, P.A.
2575 E Camelback Rd
1100
Phoenix, AZ 85016

NEW MEXICO WATER QUALITY CONTROL COMMISSION NOTICE OF PUBLIC RULEMAKING HEARING

The Water Quality Control Commission ("WQCC") will hold a public hearing for this matter to begin on October 14, 2025, following the WQCC's regularly scheduled meeting, which starts at 9:00 am, and continuing thereafter as necessary. The hearing shall be conducted in-person at the New Mexico State Capitol, 490 Old Santa Fe Trail, Santa Fe, New Mexico, 87501, and virtually via a video conferencing platform. The hearing will last as long as required to hear all testimony, evidence, and public comment. Detailed information concerning the time, location, and the virtual meeting link can be found on the New Mexico Environment Department's ("NMED") event calendar at https://www.env.nm.gov/events-calendar/. Please visit the WQCC website prior to the hearing for any updates at https://www.env.nm.gov/opf/water-quality-control-commission/. The WQCC may make a decision on the proposed regulatory change at the conclusion of the hearing.

The purpose of the public hearing is to consider National Technology & Engineering Solutions of Sandia, LLC's Petition for Rulemaking to Amend 20.6.4.97 NMAC and add the Rio Grande to Four Hills Bridge reach of the Tijeras Arroyo to the list of ephemeral waters. This is based on the findings of a Use Attainability Analysis conducted by Petitioners, which assessed that the Rio Grande to Four Hills Bridge reach of the Tijeras Arroyo exhibited characteristics of an ephemeral water body. The proposed rule amendment would change the aquatic life use from marginal warmwater to limited and the recreational use from primary contact to secondary contact. Petitioners sought this hearing pursuant to NMSA 1978, § 74-6-6 (1993), 20.1.6.200 NMAC, and 20.6.4.15 NMAC. The proposed regulations and supporting information may be reviewed online at https://www.env.nm.gov/opf/docketed-matters/. Technical information that served as a basis for the proposed rule may be obtained from the Petitioners upon request. Persons who wish to review a physical copy of the proposed amendments should contact the WQCC Administrator at the address provided below.

All interested people will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing; to introduce exhibits; and to examine witnesses.

Pursuant to 20.1.6.202 NMAC and any pre-hearing order issued by the hearing officer, those wishing to present direct technical testimony must file a written notice of intent to present technical testimony with the WQCC Administrator no later than 20 days prior to the hearing.

Notices of intent to present technical testimony shall conform to 20.1.6.104 NMAC and reference the docket number, **WQCC 25-28(R).**

The form and content of the notice of intent to present technical testimony shall:
- Identify the person for whom the witness(es) will testify;
- Identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their education and work background;
- Include a copy of the full written direct testimony of each technical witness in narrative form, and state the estimated duration of the direct oral testimony of that witness;
- Include the text of any recommended modifications to the proposed regulatory change; and
- 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 shall be filed with:

Pamela Jones, WQCC Administrator
New Mexico Environment Department
Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502
Telephone: (505) 660-4305
Email: pamela.jones@env.nm.gov

Those wishing to do so may offer non-technical public comment at the hearing in person or virtually. The hearing officer will hold a public comment session each day of the hearing. Non-technical written statements may be submitted in lieu of oral testimony at or before the hearing. Written comments regarding the proposed rule should reference docket number **WQCC 25-28(R)** and may be addressed to Pamela Jones, WQCC Administrator, at the above address. Additionally, the WQCC will receive and consider electronic written public comments submitted through NMED's public comment portal at: https://nmed.commentinput.com/comment/search or via email to: pamela.jones@env.nm.gov.

Pursuant to 20.1.6.203 NMAC, any person may file an entry of appearance as a party. The entry of appearance shall be filed with the WQCC Administrator, at the above address, no later than 20 days before the date of the hearing on the petition.

The hearing will be conducted in accordance with the WQCC Rulemaking Procedures (20.1.6 NMAC); Use Attainability Analysis regulatory requirements (20.6.4.15 NMAC), the Water Quality Act, (Sections 74-6-1 to -17 NMSA 1978 (1967 as amended through 2019); the State Rules Act, (Section 14-4-5.3 NMSA 1978), other applicable procedures and any additional procedural order or scheduling order issued by the WQCC or hearing officer. These documents are available online at https://www.env.nm.gov/opf/docketed-matters/ or by contacting the WQCC Administrator at pamela.jones@env.nm.gov.

If any person requires assistance, language interpretation, or auxiliary aid to participate in this process, please contact Pamela Jones, WQCC Administrator, at the above address, at least 14 days prior to the hearing date. (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

STATEMENT OF NON-DISCRIMINATION
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, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kate Cardenas, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502 or (505) 827-2855 or 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 NMED's Non-Discrimination Coordinator identified above.

Journal: August 12, 2025.

INVOICE

NM Commission of Public Records
1205 Camino Carlos Rey
Santa Fe, NM 87507

darlene.martinez@srca.nm.gov
+5054767914
www.nmcpr.state.nm.us

Water Quality Ctrl. Commn.

Bill to
NMED - Water Quality Ctrl. Commn.
c/o: National Technology & Engineering
Solutions of Sandia, LLC
ACCTS PAYABLE P.O. BOX 5800 MS 1385
Albuquerque, NM 87185

Ship to
NMED - SWQB
Water Quality Ctrl. Commn.
1190 St Francis Dr Rm N2050
Santa Fe, NM 87504

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Due date: 08/12/2025

Volume: XXXVI
Issue: 15
P.O. number: bill third party directly

#	Product or service	Description	Qty	Rate	Amount
1.	**NM Register - 431902**	Notice of Public Rulemaking Hearing, hearing date: 10/14/2025	36	$3.00	$108.00
2.	**NM Register - 431902**	Aviso de Audiencia Publica Para La Ebaboracion de Normas, hearing date: 10/14/2025	41	$3.00	$123.00

Total **$231.00**

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Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # 8320 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXXVI, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # 8320, and that Invoice # 8320 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

Affiant: _____
Matthew Ortiz

Subscribed, sworn and acknowledged before me this 13th day of August 2025.

Notary Public: _____
My Commission Expires: 1/22/2028

PAMELA ANNE LUJAN Y VIGIL
Notary Public
State of New Mexico
Comm. # 2001927
My Comm. Exp. Jan 22, 2028

New Mexico Register / Volume XXXVI, Issue 15 / August 12, 2025

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COMISIÓN DE CONTROL DE LA CALIDAD DEL AGUA DE NUEVO MÉXICO
AVISO DE AUDIENCIA PÚBLICA PARA LA ELABORACIÓN DE NORMAS

La Comisión de Control de la Calidad del Agua ("WQCC") celebrará una audiencia pública para este asunto que comenzará **el 14 de octubre de 2025**, después de la reunión programada regularmente de WQCC, que comienza a las 9:00 am, y continuará después según sea necesario. La audiencia se llevará a cabo en persona en el Capitolio del Estado de Nuevo México, 490 Old Santa Fe Trail, Santa Fe, Nuevo México, 87501, y virtualmente a través de una plataforma de videoconferencia. La audiencia durará el tiempo necesario para escuchar todos los testimonios, pruebas y comentarios del público. Encontrará información detallada sobre la hora, el lugar y el enlace a la reunión virtual en el calendario de eventos del Departamento de Medio Ambiente de Nuevo México ("NMED") en https://www.env.nm.gov/events-calendar/. Por favor, visite la página web de WQCC antes de la audiencia para cualquier actualización en https://www.env.nm.gov/opf/water-quality-control-commission/. WQCC podrá tomar una decisión sobre el cambio reglamentario propuesto al término de la audiencia.

El propósito de la audiencia pública es considerar la petición de National Technology & Engineering Solutions of Sandia, LLC para que se modifique la norma 20.6.4.97 NMAC y se añada el tramo Río Grande a Four Hills Bridge del arroyo Tijeras a la lista de aguas efímeras. Esto se basa en las conclusiones de un análisis de alcanzabilidad de uso realizado por los peticionarios, en el que se evaluó que el tramo del río Grande al puente de las Cuatro Colinas del arroyo Tijeras presentaba características de una masa de agua efímera. La propuesta de modificación de la norma cambiaría el uso para la vida acuática de marginal de aguas cálidas a limitado y el uso recreativo de contacto primario a contacto secundario. Los peticionarios solicitaron esta audiencia de conformidad con NMSA 1978, § 74-6-6 (1993), 20.1.6.200 NMAC y 20.6.4.15 NMAC. Los reglamentos propuestos y la información complementaria pueden consultarse en línea en https://www.env.nm.gov/opf/docketed-matters/. La información técnica que sirvió de base para la norma propuesta puede obtenerse de los peticionarios previa solicitud. Las personas que deseen revisar una copia física de las enmiendas propuestas deben ponerse en contacto con el Administrador de WQCC en la dirección que se indica a continuación.

Durante la audiencia, todas las personas interesadas dispondrán de una oportunidad adecuada para presentar evidencias, datos, opiniones y argumentos relevantes, ya sea de forma oral o escrita; asimismo, podrán aportar documentos probatorios y realizar interrogatorios a los testigos.

De conformidad con 20.1.6.202 NMAC y cualquier orden previa a la audiencia emitida por el oficial de audiencias, quienes deseen presentar testimonio técnico directo deberán presentar una notificación por escrito de su intención de presentar testimonio técnico ante el Administrador de WQCC a más tardar 20 días antes de la audiencia.

Los avisos de intención de presentar testimonios técnicos deberán ajustarse a 20.1.6.104 NMAC y hacer referencia al número de expediente, **WQCC 25-28(R).**

La forma y el contenido de la notificación de intención de presentar un testimonio técnico deberán:

- Identificar a la persona por la que testificarán los testigos;
- Identificar a cada testigo técnico que la persona pretenda presentar e indicar las calificaciones de este, incluyendo una descripción de su formación y experiencia laboral;
- Incluir una copia del testimonio directo escrito completo de cada testigo técnico en forma narrativa, e indicar la duración estimada del testimonio oral directo de dicho testigo;
- Incluir el texto de cualquier modificación recomendada al cambio normativo propuesto; y
- Enumerar y adjuntar todas las pruebas que prevea ofrecer en la audiencia, incluida cualquier propuesta de exposición de motivos para la adopción de normas.

Las notificaciones de la intención de presentar un testimonio técnico se presentarán ante:

Pamela Jones, Administradora de WQCC
Departamento de Medio Ambiente de Nuevo México
Edificio Harold Runnels

P.O. Box 5469
Santa Fe, NM 87502
Teléfono: (505) 660-4305
Correo electrónico: pamela.jones@env.nm.gov

Quienes lo deseen podrán ofrecer comentarios públicos no técnicos en la audiencia en persona o virtualmente. El consejero auditor celebrará una sesión de comentarios públicos cada día de la audiencia. Podrán presentarse declaraciones escritas no técnicas en lugar de testimonios orales en la audiencia o antes de la misma. Los comentarios por escrito relativos a la norma propuesta deben hacer referencia al número de expediente **WQCC 25-28(R)** y pueden dirigirse a Pamela Jones, administradora de WQCC, a la dirección que se indica arriba. Además, WQCC recibirá y considerará los comentarios públicos electrónicos por escrito enviados a través del portal de comentarios públicos del NMED en: https://nmed.commentinput.com/comment/search o por correo electrónico a: pamela.jones@env.nm.gov.

De conformidad con 20.1.6.203 NMAC, cualquier persona puede presentar una comparecencia como parte. La comparecencia deberá presentarse ante el Administrador de WQCC, en la dirección que se indica arriba, a más tardar 20 días antes de la fecha de la audiencia sobre la petición.

La audiencia se llevará a cabo de acuerdo con los Procedimientos de Reglamentación de WQCC (20.1.6 NMAC); Requisitos reglamentarios del Análisis de Accesibilidad de Uso (20.6.4.15 NMAC), la Ley de Calidad del Agua (Secciones 74-6-1 a -17 NMSA 1978 (1967 modificada hasta 2019); la Ley de Reglas Estatales (Sección 14-4-5.3 NMSA 1978), otros procedimientos aplicables y cualquier orden procesal adicional u orden de programación emitida por WQCC o por el oficial de audiencias. Estos documentos están disponibles en línea en https://www.env.nm.gov/opf/docketed-matters/ o poniéndose en contacto con el administrador de WQCC en pamela.jones@env.nm.gov.

Si alguna persona necesita asistencia, interpretación de idiomas o ayuda auxiliar para participar en este proceso, póngase en contacto con Pamela Jones, administradora de WQCC, en la dirección que se indica arriba, al menos 14 días antes de la fecha de la audiencia. (Los usuarios de TDD o TTY pueden acceder al número a través de la Red de Retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

DECLARACIÓN DE NO DISCRIMINACIÓN
NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y de la recepción de consultas relativas a los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, según enmienda; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972 y la Sección 13 de las Enmiendas de la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, o si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede ponerse en contacto con: Kate Cárdenas, Coordinadora de No Discriminación, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502 o (505) 827-2855 o nd.coordinator@env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede ponerse en contacto con el Coordinador de No Discriminación de NMED identificado anteriormente.