

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

**IN THE MATTER OF PROPOSED  
REVISIONS TO 20.7.5 NMAC,  
WASTEWATER FACILITY  
CONSTRUCTION LOANS.**

**WQCC No. 20-07(R)**

**New Mexico Environment Department,  
Petitioner.**

**ORDER SETTING HEARING DATE**

This matter came before the Hearing Officer on the motion of the New Mexico Environment Department (NMED) requesting the setting of a hearing date in this matter. Based on the argument and evidence submitted, the Hearing Officer finds as follows:

1. This matter was scheduled for public hearing on July 14, 2020, by order of the hearing officer.
2. The public hearing was not held because of staffing issues for the Water Quality Control Commission (“Commission”) and the cancellation of the July 14, 2020 Commission meeting.
3. Pursuant to NMSA 1978, Section 14-4-5.2(D) and 20.1.6.204(C) NMAC, the Commission must provide notice to the public if the hearing date in a rulemaking matter is changed.
4. The public has had the opportunity to submit Notices of Intent to Present Technical Testimony and may still submit non-technical comments and participate in the hearing pursuant to 20.1.6.204 NMAC.
5. It is important that the changes to 20.7.5 NMAC Wastewater Facility Construction Loans be considered as quickly as possible as they impact the operations of the Clean Water State Revolving Loan Fund program and the decisions of qualified borrowers in obtaining loans,

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all of which are important to ensure clean drinking water and water sources. In view of the public importance of this matter during the ongoing public health epidemic, 30 days notice is adequate to ensure public participation in this matter.

**IT IS THEREFORE ORDERED** that the public hearing in this matter be scheduled for September 8 or October 13, 2020 following the Commission's regularly scheduled meeting (based on when public notice consistent with this order has been provided), and that the New Mexico Environment Department provide notice to the public of this hearing date in the methods required by 20.1.6.204(C) NMAC as defined in 20.1.6.7.P NMAC, with an exception for the requirements in Subsection (3) for posting in state office, as long as the public health order is in force and state buildings are closed to the public, rendering this method of notice to the public ineffective.

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Jennifer J. Pruett  
Hearing Officer