

NEW MEXICO ENVIRONMENT DEPARTMENT
NOTICE OF PUBLIC HEARING TO AMEND WASTEWATER FACILITY CONSTRUCTION LOAN
POLICIES AND GUIDELINES – 20.7.6 NMAC AND REPEAL AND REPLACE REVIEW
PROCEDURES FOR WASTEWATER CONSTRUCTION LOANS – 20.7.7 NMAC

The New Mexico Environment Department (“NMED”) will hold a public hearing beginning at 9:00 a.m. on Friday, January 17, 2020, and continuing thereafter as necessary in the Senator Fabian Chavez, Jr. Board Room at the PERA Building, 33 Plaza La Prensa, Santa Fe, New Mexico. The hearing location may change prior to the hearing date, and those interested in attending should visit NMED’s notice website: <https://www.env.nm.gov/public-notices/> prior to the hearing. The purpose of the hearing is to consider amendments to Wastewater Facility Construction Loan Policies and Guidelines, 20.7.6 NMAC and repeal and replacement of Review Procedures for Wastewater Construction Loans, 20.7.7 NMAC (“Rules”).

The amendments would bring the Rules into compliance with recent changes to the Wastewater Facility Construction Loan Act (NMSA 1978, Sections 74-6A-1 to -15) in 2017 and 2018. Primarily, these amendments would add state agencies to the list of qualified borrowers; expand the definition of qualified borrowers to reflect changes contained in the Water Resources Reform and Development Act of 2014, WRRDA, H.R. 3080, 113th Cong. (2014), and U.S. Environmental Protection Agency Guidance; reflect changes to the financial criteria for zero percent loans found in NMSA 1978, Section 74-6A-8(E); bring NMED’s procedures in line with the New Mexico Water Quality Control Commission’s revisions to 20.7.5 NMAC in 2018; and revise and update the procedures for clarity. Ultimately, these changes will allow for greater drawdown of existing funds in the Clean Water State Revolving Loan Fund.

NMED proposes that the NMED Secretary adopt the amendments pursuant to his authority under NMSA 1978, Sections 9-7A-6(D), 74-6-1 to -17, and 74-6A-1 to -15. Please note that formatting and minor technical changes in the Rules, other than those proposed by NMED, may be proposed at the hearing. Additionally, the Secretary may make other changes as necessary in response to public comments and evidence presented at the hearing.

The proposed amendments may be reviewed during regular business hours at the NMED Hearing Office located in the Harold Runnels Building, 1190 South St. Francis Drive, Room S-2102, Santa Fe, NM 87505. The full text of the proposed amendments is also available online at <https://www.env.nm.gov/public-notices/>.

The hearing will be conducted in accordance with the NMED Rulemaking Procedures (20.1.9 NMAC); the Department of Environment Act, NMSA 1978, Section 9-7A-6; the State Rules Act, NMSA 1978, Section 14-4-5.3; and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing; to introduce exhibits; and to examine witnesses. Any person wishing to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of the hearing.

Those wishing to present technical testimony must file a written notice of intent to do so with the Hearing Office on or before 5:00 p.m. on Thursday, January 2, 2020. The notice of intent shall:

- Identify the person or entity for whom the witness(es) will testify;
- Identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of his or her education and work background;

- Include a copy of the 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.

Notice of intent for the hearing must be received in the Hearing Office no later than 5:00 p.m. on Thursday, January 2, 2020, and should reference the name of the regulation, the date of the hearing, and docket number CPB 19-49 (R). Notices of intent to present technical testimony shall be submitted to:

Cody Barnes, Hearing Office Administrator
New Mexico Environment Department
Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502

Those wishing to do so may offer non-technical public comment at the hearing or submit a non-technical written statement in lieu of oral testimony at or before the hearing. Written comments regarding the proposed revisions may be addressed to Mr. Cody Barnes, Hearing Office Administrator, at the above address, and should reference docket number NMED 19-49 (R).

If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact Cody Barnes, Hearing Office Administrator, by Thursday January 2, 2020, at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM, 87502, telephone (505) 827-2430 or cody.barnes@state.nm.us. (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

Notice 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, you may contact: Kristine Yurdin, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.