

NEW  
MEXICO  
REGISTER



# Invoice

**Invoice Number:** NMR-2013- 81

**Date:** 10/17/2012

Commission of Public Records  
Administrative Law Division  
1205 Camino Carlos Rey  
Santa Fe, NM 87507-  
Phone: (505) 476-7907  
Fax: (505) 476-7910

<b>Bill To:</b> Tim Michael Water Qual Control Commission 1190 St Francis Dr Rm N2050 Santa Fe, NM 87504-	<b>Ship To (if different address):</b> Water Qual Control Commission 1190 St Francis Dr Rm N2050 Santa Fe, NM 87504-
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SRC Authorization	Phone Number	Date Requested	Date Shipped	Shipped Via	Bill To (agency code)
Louise Wood	(505) 476-7875	10/16/2012		InterAgency	667

Quantity	Description	Revenue Code	Unit Price	Total
20	Columnar inch - Notice	431902	\$2.00	\$40.00

**Subtotal** \$40.00

**Payment Amount**

**Amount Due** \$40.00

**For Internal Use Only**

**Payment Method:** Purchase Order      **Number:** 66700-0000018470

**Payment Amount:**



**Please pay promptly to Vendor Number 0000000729**

**State Records Center and Archives  
Commission of Public Records**



**New Mexico Commission of Public Records  
Administrative Law Division**

1205 Camino Carlos Rey  
Santa Fe, NM 87507  
505-476-7907

**Affidavit of Publication in the *New Mexico Register***

I, Art Bransford, certify that the agency noted below has published legal notices or rules in the New Mexico Register, and that payment has been assessed by invoice for said legal notice or publication, which appeared on the date and in the volume and issue number noted below.

**Date of Publication:** 10/15/2012

**Volume:** XXIII **Issue #:** 19

**Invoice #:** NMR-2013- 81

**Amount:** \$40.00

**Agency:**

Water Qual Control Commission

Contact: Tim Michael

1190 St Francis Dr Rm N2050

Santa Fe, NM 87504-

**Description:**

Notice

Notice of Public Hearing



State of New Mexico, County of Santa Fe

Signed and affirmed before me on Wednesday, October 17, 2012

by Art Bransford

**Notary Public:**

Bridgett Wood [My commission expires: \_\_\_\_\_]

**Affiant:** *Art Bransford*

Publisher, *New Mexico Register*

**Date:** 10/17/2012

*-Copies of the published material documented in this affidavit are enclosed-*

(seal)

may be deductible pursuant to Section 7-9-52 NMSA 1978 if a buyer engaged in the construction business delivers a nontaxable transaction certificate to the seller.

[3/16/79, 6/18/79, 4/7/82, 5/4/84, 4/2/86, 11/26/90, 11/15/96; 3.2.210.21 NMAC - Rn, 3 NMAC 2.52.21 & A, 5/31/01; A, XXX]

### 3.2.210.22 LEASE OF CONSTRUCTION EQUIPMENT:

A. This version of 3.2.210.22 NMAC applies to transactions prior to January 1, 2013. Receipts from the lease of construction equipment on or after January 1, 2013, may be deductible under Section 7-9-52.1 NMSA 1978, if all requirements set out in Section 7-9-52.1 NMSA 1978 and 3.2.249.8 and 9 NMAC are met.

[A:] B. Receipts from leasing construction equipment, with or without operators, to a person engaged in the construction business may not be deducted from the lessor's gross receipts pursuant to Section 7-9-52 NMSA 1978. Leasing of construction equipment is not a construction service as defined in Subsection A of Section 7-9-3.4 NMSA 1978.

[B:] C. In contrast, when a person who is regularly engaged in the selling of construction services, such as a subcontractor, uses the subcontractor's own construction equipment to perform construction services for a person engaged in the construction business, the subcontractor may deduct the receipts for the services and equipment under Section 7-9-52 NMSA 1978 if:

(1) the subcontractor is an independent contractor and not an employee of the person engaged in the construction business; and

(2) the subcontractor exercises control over the use of the property in performing the services; the controlling factor is whether the equipment owner has control over the performance of the construction service which involves using the equipment or is simply operating the equipment at the direction of some other person engaged in the construction business.

[C:] D. Example 1: A is regularly engaged in the lease and rental of construction equipment. A enters into an agreement to lease a crane with an operator to a contractor engaged in the construction business to be used on a construction project. The contractor will direct all of the activity of the crane and operator on the construction site. A's receipts from the lease of the crane with an operator are not receipts from performing construction services. A cannot deduct such receipts.

[D:] E. Example 2: X is a heating and air conditioning subcontractor on a construction project. X owns a crane which X regularly uses to lift equipment

onto the roof of buildings on which X works. X's receipts for construction services includes payment for using the crane. X may deduct those receipts under Section 7-9-52 NMSA 1978. If, however, X agrees to lease the crane with an operator to the prime contractor for work unrelated to the subcontract, which work is performed at the direction of the prime contractor, X would not be able to deduct the receipts for the leasing of the crane.

[11/8/79, 4/7/82, 5/4/84, 4/2/86, 11/26/90, 11/15/96; 3.2.210.22 NMAC - Rn, 3 NMAC 2.52.22 & A, 5/31/01; A, 11/30/05; A, XXX]

3.2.209.22 [INGREDIENT AND COMPONENT PARTS OF A CONSTRUCTION PROJECT: In determining whether tangible personal property will become an ingredient or component part of a construction project, the department will use the following criteria, but not exclusively:

A. Did the tangible personal property become "fixtures" as defined under Subsection I of Section 3.2.1.11 NMAC?

B. Was the person performing the work using the tangible personal property required to be licensed under the Construction Industries Licensing Act, Sections 60-13-1 to 60-13-59 NMSA 1978?

C. Did the work for which the tangible personal property was used require a permit from one or more of the trade boards established by the Construction Industries Licensing Act or from a municipal building or mechanical department? [RESERVED]

[6/18/79, 4/7/82, 5/4/84, 4/2/86, 11/26/90, 11/15/96; 3.2.209.22 NMAC - Rn, 3 NMAC 2.51.22 & A, 5/31/01; Repealed, XXX]

3.2.210.7 DEFINITIONS: [HAULING AND SPREADING DEFINED: For purposes of Subsection C of Section 3.2.210.10 NMAC, hauling and spreading means the transporting of material from a location on or in proximity to a construction site and applying the material to the point of usage required as a step in completing the construction project.] [RESERVED]

[11/15/96; 3.2.210.7 NMAC - Rn, 3 NMAC 2.52.7, 5/31/01; A, 11/30/05; Repealed, XXX]

3.2.210.12 [SWEAT LABOR CONTRACT: Receipts of a person who performs construction services pursuant to a "sweat labor contract" include the value of the consideration received from the sale of construction services pursuant to the "sweat labor contract". However, such a person may deduct the receipts from the sale of these construction services to a person engaged in the construction business if the

person engaged in the construction business delivers a nontaxable transaction certificate pursuant to Section 7-9-52 NMSA 1978.] [RESERVED]

[3/9/72, 3/20/74, 7/26/76, 6/18/79, 4/7/82, 5/4/84, 4/2/86, 11/26/90, 11/15/96; 3.2.210.12 NMAC - Rn, 3 NMAC 2.52.12 & A, 5/31/01; Repealed, XXX]

## NEW MEXICO WATER QUALITY CONTROL COMMISSION

### NEW MEXICO WATER QUALITY CONTROL COMMISSION NOTICE OF PUBLIC HEARING TO CONSIDER PETITION TO AMEND SURFACE WATER QUALITY STANDARDS FOR

#### NICHOLS AND MCCLURE RESERVOIRS, THE SANTA FE RIVER AND GALISTEO WATERSHED 20.6.4 NMAC, WQCC 12-07 (R)

The New Mexico Water Quality Control Commission (WQCC) will hold a public hearing on December 11, 2012 and continuing on subsequent days as necessary in Room 307 of the State Capitol Building, Santa Fe, NM 87501 to consider proposed amendments to the Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC. The WQCC will begin its regular monthly meeting at 9:00 am, and the public hearing will begin at the conclusion of its regular business.

The proposed amendments to 20.6.4 NMAC, submitted by the New Mexico Environment Department (NMED), propose to change the classification of Nichols and McClure Reservoirs, classify the Santa Fe River through the city of Santa Fe, modify criteria that apply to the Santa Fe River below the wastewater treatment facility, and change the classification of a portion of the Galisteo Watershed.

NMED's Petition is available at <http://www.nmenv.state.nm.us/swqcb/>. The Petition may also be obtained electronically or reviewed in person by contacting:

Pam Castaneda  
WQCC Administrator  
1190 S. St. Francis Drive  
PO Box 5469  
Santa Fe, NM 87502  
Tel (505) 827-2425, Fax (505) 827-2836,  
E-mail [pam.castaneda@state.nm.us](mailto:pam.castaneda@state.nm.us)

The hearing will be conducted in accordance with Section 74-6-6 of the Water Quality Act, the Guidelines for WQCC Regulation Hearings, and the Procedural Order and Scheduling Order issued by the WQCC

Hearing Officer. These documents are available at: <http://www.nmenv.state.nm.us/WQCC/> or by contacting the WQCC Administrator.

Technical Testimony:

In order to present technical testimony at the hearing, a person must file a notice of intent to present technical testimony in WQCC No. 12-07 (R) with the WQCC Administrator no later than November 19, 2012 at 5:00 pm. The notice 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. Attach the full direct testimony of each technical witness;
4. State the anticipated duration of the direct testimony of each technical witness;
5. Include the text of any recommended modifications to the proposed regulatory change and a statement of basis;
6. Identify and attach all exhibits to be offered by the person at the hearing in their direct case; and
7. Identify whether the person supports or opposes the nomination to be considered by the WQCC and the basis for the position.

The Hearing Officer shall enforce the above requirements through the exclusion of technical testimony, exhibits or recommended modifications, as appropriate.

Participation by the General Public:

Any member of the general public may present non-technical testimony and exhibits at the hearing. No prior notification is required. Persons desiring to present non-technical testimony may be heard at the end of each technical case, and at other times as the hearing officer allows. A member of the general public may submit a written non-technical statement for the record to the WQCC Administrator in lieu of oral testimony at any time prior to the hearing or at the hearing at any time prior to the close of the hearing.

Post-hearing Procedures

At the conclusion of the hearing, the WQCC may make a final decision or may provide information regarding post-hearing submittals and a timeframe for its final decision.

Assistance

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Connie Joseph at least ten days prior to the hearing date at NMED, Personnel Service Bureau, Room N-4071, 1190 S. St. Francis Drive, PO Box 5469, Santa Fe, NM 87502, (505) 827-9769. TDY users may access Ms. Joseph's number through the New Mexico Relay Network at 1-800-659-8331.

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**End of Notices and Proposed  
Rules Section**

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THE SANTA FE  
**NEW MEXICAN**  
Founded 1849

NM ENVIRONMENT DEPA  
1190 FRANCIS DR RM S410  
PO BOX 26110  
SANTA FE NM 87502

ALTERNATE ACCOUNT: 56634  
AD NUMBER: 00381298 ACCOUNT: 00002166  
LEGAL NO: 94103 P.O. #:  
237 LINES 1 TIME(S) 241.84  
AFFIDAVIT: 0.00  
TAX: 19.80  
TOTAL: 261.64

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO  
COUNTY OF SANTA FE

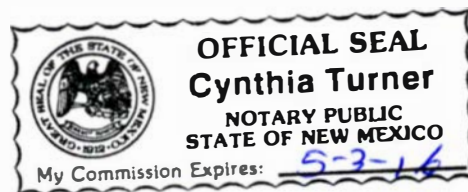
I, V. Wright, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the publication # 94103 a copy of which is hereto attached was published in said newspaper 1 day(s) between 10/26/2012 and 10/26/2012 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 26th day of October, 2012 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

ISI V. Wright  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 26th day of October, 2012

Notary Cynthia Turner

Commission Expires: 5-3-16



SantaFeNewMexican.com

**NEW MEXICO WATER  
QUALITY CONTROL  
COMMISSION  
NOTICE OF PUBLIC  
HEARING TO CON-  
SIDER PETITION  
TO AMEND SURFACE  
WATER QUALITY  
STANDARDS  
FOR  
NICHOLS AND  
MCCLURE RESER-  
VOIRS, THE SANTA FE  
RIVER  
AND GALISTEO WA-  
TERSHED 20.6.4 NMAC,  
WQCC 12-07 (R)**

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The proposed amendments to 20.6.4 NMAC, submitted by the New Mexico Environment Department (NMED), propose to change the classification of Nichols and McClure Reservoirs, classify the Santa Fe River through the city of Santa Fe, modify criteria that apply to the Santa Fe River below the wastewater treatment facility, and change the classification of a portion of the Galisteo Watershed.

On August 3, 2012 NMED filed a Petition of Hearing, Statement of Reasons and Proposed Regulatory Change. These documents are available at [www.nmenv.state.nm.us/swqb/](http://www.nmenv.state.nm.us/swqb/). NMED may revise the proposal in response to public comments. NMED's revised proposal, including revised Statement of Reasons and Proposed Regulatory Change will be available at the same web site after November 19.

The proposal may also be obtained electronically or reviewed in person by contacting:  
Pam Castaneda  
WQCC Administrator  
1190 S. St. Francis  
Drive  
PO Box 5469  
Santa Fe, NM 87502

Tel (505) 827-2425, Fax  
(505) 827-2836, E-mail  
pam.castaneda@stat  
e.nm.us

The hearing will be conducted in accordance with Section 74-6-6 of the Water Quality Act, the Guidelines for WQCC Regulation Hearings, and the Procedural Order and Scheduling Order issued by the WQCC Hearing Officer. These documents are available at: <http://www.nmenv.state.nm.us/WQCC/> or by contacting the WQCC Administrator.

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In order to present technical testimony at the hearing, a person must file a notice of intent to present technical testimony in WQCC No. 12-07 (R) with the WQCC Administrator no later than November 19, 2012 at 5:00 pm. The notice shall:

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Legal # 94103  
Pub. Oct. 26, 2012



# AFFIDAVIT OF PUBLICATION

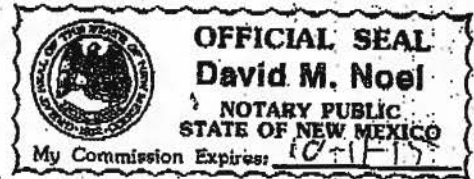
STATE OF NEW MEXICO

County of Bernalillo SS

Linda MacEachen, being duly sworn, declares and says that she is Classified Advertising Manager of The Albuquerque Journal, and 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 that payment therefore has been made of assessed as court cost; that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 times, the first publication being on the 26 day of October, 2012, and the subsequent consecutive publications on \_\_\_\_\_, 20\_\_\_\_.

Linda MacEachen

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 26 day of October of 2012.



*[Handwritten Signature]*

PRICE \$112.57

Statement to come at end of month.

ACCOUNT NUMBER 1010595

**Albuquerque Publishing Company**  
 7777 Jefferson N.E. Albuquerque, New Mexico 87109  
 P.O. Drawer J-T Albuquerque, New Mexico 87103  
 (505) 823-7777

Account Number  
 1010595

Ad Order Number  
 0001018395

\*\*\*\*Ad Proof \*\*\*\*

N M DEPT OF ENVIRONMENT  
 WATER QUALITY CONTROL COMM ,  
 1190 ST FRANCIS DR RM 4075 ,  
 SANTA FE NM 87502

<u>Ordered By</u>	tim michael	<u>Customer Phone</u>	505-827-2425	<u>Pickup #</u>	
<u>Customer Email</u>		<u>PO Number</u>	18240	<u>Joint Ad #</u>	
<u>Ad Cost</u>	\$105.21	<u>Sales Rep</u>	dnoel		
<u>Tax Amount</u>	\$7.36	<u>Order Taken by:</u>	pnorman		
<u>Total Amount</u>	\$112.57	<u>Payment Method</u>			
<u>Amount Due</u>	\$112.57	<u>Payment Amount</u>		\$0.00	

<u>Product</u>	Albuquerque Journal	<u>Placement</u>	Legal Notices
<u>Ad Number</u>	0001018395-01	<u>Classification</u>	Government-0000
<u>Ad Type</u>	APC-Legals	<u>Sort Text</u>	NEWMEXICOWATERQUALITY(
<u>Ad Size</u>	: 1.0 X 167 Li		
<u>Color</u>	<NONE>		
<u>Run Dates</u>	10/26/2012		

Affidavits  
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NEW MEXICO WATER QUALITY  
 CONTROL COMMISSION  
 NOTICE OF PUBLIC HEARING  
 TO CONSIDER PETITION  
 TO AMEND SURFACE WATER  
 QUALITY STANDARDS  
 FOR  
 NICHOLS AND MCCLURE  
 RESERVOIRS, THE SANTA FE  
 RIVER AND GALISTEO  
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Journal: October 26, 2012