

New Mexico Register / Volume XXVI, Issue 10 / May 29, 2015**Amended Notice of Public Hearing to Consider Proposed Amendments to the Underground Injection Control Rules, 20.6.2.3000 NMAC and 20.6.2.5000 NMAC**

This Amended Notice of Public Hearing revises the Notice of Hearing published in the New Mexico Register on May 15, 2015. This Notice contains additional deadlines established by the procedural order governing the hearing. The Notice also includes an updated location for the hearing in Artesia, New Mexico.

The New Mexico Water Quality Control Commission will hold a public hearing beginning at 9:00 a.m. on July 14, 2015 at the Artesia City Hall Chambers, 511 West Texas Avenue, Artesia, New Mexico, 88210 to consider proposed amendments to the New Mexico Water Quality Act rules, 20.6.2 NMAC, proposed in WQCC Docket Number 14-15 (R) by Navajo Refining Company, L.L.C. The proposal addresses the underground injection control rules and would amend Sections 20.6.2.3106-07, 20.6.2.3109, 20.6.2.5002-04, 20.6.2.5101-04, 20.6.2.5200-01, 20.6.2.5204, and 20.6.2.5209-10 NMAC and add new text as 20.6.2.5300 through 20.6.2.5399 NMAC.

In 1982, New Mexico applied for and received Primary Enforcement Authority ("Primacy") from the United States Environmental Protection Agency ("EPA") to administer the Federal Safe Drinking Water Act Underground Injection Control Program in New Mexico. The New Mexico Water Quality Control Commission rules contain the principal parts of New Mexico's approved program delegation. The proposed rule changes that are the subject of the July 14, 2015 hearing seek to amend certain parts of those rules governing Class I underground injection control wells. Specifically, the proposed rule changes would (1) modify the current prohibition on Class I underground injection control wells for hazardous waste to allow oil refineries to seek permits to operate Class I underground injection control wells for hazardous waste that they generate; and (2) authorize the permitting of Class I underground injection control wells for hazardous waste generated by oil refineries that are consistent with federal construction, operation, monitoring, closure, and financial assurance standards. If the Water Quality Control Commission adopts the proposed rule changes, the final rule will be submitted to EPA for approval as part of New Mexico's delegated authority to administer the Underground Injection Control program.

The proposed changes and the procedural order governing the hearing may be reviewed during regular business hours at the Commission Administrator's office located in the Harold Runnels Building, 1190 St. Francis Drive, Room S-2102 Santa Fe, New Mexico, 87502. In addition, copies of the proposed amendments and the procedural order governing the hearing are posted on the NMED website at <http://www.nmenv.state.nm.us>. Copies at this location will be available to individuals for photocopying at their own expense. Requests for further information about the proposed rule should be directed to Pam Castañeda, Commission Administrator, at the above address.

The hearing will be conducted in accordance with the Guidelines for Water Quality Control Commission Regulation Hearings, the Water Quality Act, Section 74-6-6 NMSA 1978, and other applicable procedures and procedural orders. Written comments regarding the proposed revisions may be addressed to Pam Castañeda, Commission Administrator, at the above address; reference docket number WQCC 14-15 (R). Written comments must be received by July 14, 2015.

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 who wishes 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.

Pursuant to the procedural order, persons wishing to present technical testimony must file with the Commission a written notice of intent to do so. The requirements for a notice of intent can be found in the Commission's Guidelines for Regulation Hearings. Notices of intent for the hearing, along with written technical testimony, must be received by the Office of the Commission Administrator by 5:00 pm on June 15, 2015, and should reference the name of the regulation, the date of the hearing, and docket number WQCC 14-15 (R). Any rebuttal testimony to the written technical testimony must be submitted to the Office of the Commission Administrator by 5:00 pm on June 29, 2015, and should reference the name of the regulation, the date of the hearing, and docket number WQCC 14-15 (R). All motions related to the hearing must be received by the Office of the Commission Administrator by 5:00 pm on July 6, 2015, and should reference the name of the regulation, the date of the hearing, and docket number WQCC 14-15 (R).

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, contact Pam Castañeda at least ten days prior to the hearing or as soon as possible at 505.827.2425 or Pam.Castaneda@state.nm.us. Public documents can be provided in various accessible formats. Contact Pam Castañeda if accessible format is needed.

The Commission may make a decision on the proposed regulatory changes at the conclusion of the hearing, or may convene a meeting after the hearing to consider action on the proposal.