

**New Mexico Register / Volume XXVI, Issue 16 / August 28, 2015****NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.6.4 NMAC – STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE WATERS – THE TRIENNIAL REVIEW**

The New Mexico Water Quality Control Commission (WQCC) will hold a public hearing to consider proposed amendments to various sections of 20.6.4 NMAC, Standards for Interstate and Intrastate Surface Waters, beginning at 9:00 a.m. on October 13, 2015 through October 16, 2015, in Room 307 of the New Mexico State Capitol Building, 490 Old Santa Fe Trail, Santa Fe, New Mexico. In the event that more time is needed after 5:00 p.m., the hearing will move across the street to the P.E.R.A. Building, Apodaca Hall, at 1120 Paseo de Peralta, Santa Fe, NM.

The proposed amendments, docketed as WQCC 14-05 (R), include amendments proposed by the New Mexico Environment Department's (Department) Surface Water Quality Bureau, as well as amendments proposed by Amigos Bravos, Peabody Energy Corporation, Freeport-McMoRan Chino Mines Company and San Juan Water Commission. Proposed amendments include revisions to various definitions, use attainability analysis requirements, uses and criteria for unclassified waters and some classified segments, provisions for site-specific criteria and other provisions. The petitions and proposed amendments may be viewed on the Department's website, at [www.env.nm.gov/swqb/TriennialReview/2013/](http://www.env.nm.gov/swqb/TriennialReview/2013/), or during regular business hours by contacting Pam Castaneda, Commission Administrator, 1190 S. St. Francis Drive, Room S-2102, Santa Fe, New Mexico 87502, (505) 827-2425.

The hearing will be conducted in accordance with the New Mexico Water Quality Act, NMSA 1978, § 74-6-6, the *Guidelines for Water Quality Control Commission Regulation Hearings (Guidelines)*, the *Procedural Order*, issued August 7, 2015, and the *Scheduling Order*, issued July 10, 2014, modified on January 30, 2015, and modified again on June 9, 2015. A copy of the *Guidelines*, *Procedural Order* and *Scheduling Orders* are available on the Department's website or may be obtained from the Commission Administrator at the address and phone number above. Notice of Hearing of WQCC 14-05 (R) was originally published on October 31, 2014, and then again on April 6, 2015 as a result of the hearing being moved to June 9, 2015; however, the date of the hearing has now been changed to October 13, 2015, therefore this notice is being issued. All current parties submitted their respective Notices of Intent to Present Technical Testimony by December 12, 2014. All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce relevant exhibits and to examine witnesses testifying at the public hearing.

Persons desiring to present technical testimony at the hearing must file with the WQCC a written notice of intent. The notice of intent to present technical testimony shall:

- identify the person for whom technical testimony will be presented;
- 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;
- attach the full direct testimony of each technical witness, which shall include an express basis for all expert opinions offered;
- include the text of any recommended modifications to the proposed regulatory change; and
- identify and attach all exhibits anticipated to be offered by the person at the hearing.

The deadline for filing notices of intent is September 14, 2015 at 5:00 p.m. in the Commission Administrator's office. All documents filed in this matter, including notices of intent, must be filed with a single-sided original and fourteen copies. Any person 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.

In order to present technical testimony rebutting the testimony of another party at the hearing, a person must file a notice of intent to present rebuttal testimony no later than 5:00 p.m. on October 5, 2015. The notice shall comply with the requirements set out above. In addition, if a party takes a position on proposed changes of other parties, the notice shall include the basis for that support or opposition.

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g. translator or sign-language interpreter, to participate in any aspect of this process, please contact J.C. Borrego by September 28, 2015, at the New Mexico Environment Department, 1190 S. St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855. (TDD or TTY users please access the number via the New Mexico Relay Network, Albuquerque TDD users:

# Transmission Report

Date/Time  
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08-14-2015  
5058272818

10:25:23 a.m.

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## ► Fax

8/14/2015

From: Pam Castaneda  
Phone: 505-827-2425  
Fax:  
Company Name: New Mexico Environment Department

To: Amanda Lopez, Administrative Law Division  
Phone: 505-476-476-7923  
Fax: 505-476-7910  
Company Name: Records and Archives

### Comments:

For Publication in the August , New Mexico Register  
Reference WQCC 14-05 (R) Triennial Review

E-mailed.

Thank you.

For billing contact Lorenc Kaniatobe, NMENV

(505) 827-2917

lorenc.kaniatobe@state.nm.us

Or

Pam Castaneda, Administrator to the Boards and Commissions  
New Mexico Environment Department  
Environmental Improvement Board  
Water Quality Control Commission  
(505) 827-2425 Phone  
(505) 827-02818 Fax

Total Pages Scanned : 8

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001	781	505 476 7910	10:13:21 a.m. 08-14-2015	00:11:24	8/8	1	G3	HS	CP9600

### Abbreviations:

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fail  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct

# Transmission Report

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Environmental Improvement Board  
Water Quality Control Commission  
(505) 827-2425 Phone  
(505) 827-02816 Fax

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001	777	505 476 7910	09:55:49 a.m. 08-14-2015	00:05:55	8/8	1	G3	HS	CP9600

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Urgent     For Review     Please Comment     Please Reply     Please Recycle



# State of New Mexico Purchase Order

PO Number to be on all Invoices and Correspondence  
**Dispatch via Print**

**NM Environment Department**  
NMED-1190 St. Francis Drive Rm. S4051  
Santa Fe NM 87502  
United States

**Vendor:** 0000000729  
STATE RECORDS CENTER & ARCHIVES  
COMMISSION OF PUBLIC RECORDS  
1205 CAMINO CARLOS REY  
SANTA FE NM 87507

<b>Purchase Order</b> 66700-0000025202	<b>Date</b> 07/15/2015	<b>Revision</b>	<b>Page</b> 1
<b>Payment Terms</b> Pay Now	<b>Freight Terms</b> FOB Destination	<b>Ship Via</b> Best Way	
<b>Buyer</b> Russo, Jean	<b>Phone</b>		

**Ship To:** NMED-1190 St. Francis Drive Rm. N2050  
Santa Fe NM 87502  
United States

**Bill To:** NMED-1190 St. Francis Drive Rm. N2050  
Santa Fe NM 87502  
United States

**Origin:** EXE **ExclExcl #:** 13-1-98V

Line-Sch	Item/Description	Mfg ID	Quantity	UOM	PO Price	Extended Amt	Due Date
1- 1	SWQ9901: Encumber funds for publication of legal notices for Triennial Review.		1.00	EA	4,450.00	4,450.00	07/15/2015
	66700-06400-2060000000-546900-SWQ9901- - - -116-50000						
	<b>Schedule Total</b>					<u>4,450.00</u>	
	<b>Item Total</b>					<u>4,450.00</u>	
	<b>Total PO Amount</b>					<u>4,450.00</u>	

Agency Approval - I certify that the proposed purchase represented by this document is authorized by and is made in accordance with all State (and if applicable Federal) legislation rules and regulation. I further certify that adequate unencumbered cash and budget expenditure authority exists for this proposed purchase and all other outstanding purchase commitments and accounts payable.

**Authorized Signature**

**NEW MEXICO WATER QUALITY CONTROL COMMISSION  
NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO  
20.6.4 NMAC – STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE WATERS –  
THE TRIENNIAL REVIEW**

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at the New Mexico Environment Department, 1190 S. St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855. (TDD or TTY users please access the number via the New Mexico Relay Network, Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779 (voice); TTY users: 1-800-659-8331).



**COMISIÓN DE NUEVO MÉXICO PARA EL CONTROL DE LA CALIDAD DEL AGUA  
AVISO DE AUDIENCIA PÚBLICA PARA CONSIDERAR LAS ENMIENDAS PROPUESTAS PARA  
20.6.4 NMAC – ESTÁNDARES PARA AGUAS SUPERFICIALES INTERESTATALES E INTRAESTATALES –  
REVISIÓN TRIENAL**

La Comisión de Nuevo México para el Control de la Calidad del Agua (WQCC por su sigla en inglés) celebrará una audiencia pública para considerar las enmiendas propuestas para varias secciones de 20.6.4 NMAC, Estándares para Aguas Superficiales Interestatales e Intraestatales, que comenzará a las 9:00 de la mañana del 13 de octubre de 2015 y continuará hasta el 16 de octubre de 2015, en la Sala 307 del Edificio del Capitolio Estatal de Nuevo México, 490 Old Santa Fe Trail, Santa Fe, Nuevo México. En caso de necesitarse más tiempo después de las 5:00 de la tarde, la audiencia se trasladará al edificio de enfrente: P.E.R.A. Building, Apodaca Hall, en 1120 Paseo de Peralta, Santa Fe, NM.

Las enmiendas propuestas, designadas como WQCC 14-05 (R), incluyen enmiendas propuestas por la Oficina para el Control de la Calidad del Agua Superficial del Departamento del Medio Ambiente de Nuevo México (Departamento), además de enmiendas propuestas por Amigos Bravos, Peabody Energy Corporation, Freeport-McMoRan Chino Mines Company y San Juan Water Commission. Las enmiendas propuestas incluyen revisiones de varias definiciones, requisitos para el análisis del alcance del uso, usos y criterios para aguas no clasificadas y algunos segmentos clasificados, disposiciones para criterios de lugares específicos y otras disposiciones. Las peticiones y las enmiendas propuestas podrán encontrarse en el sitio web del Departamento, [www.env.nm.gov/swqtb/TriennialReview/2013/](http://www.env.nm.gov/swqtb/TriennialReview/2013/), o durante el horario normal de oficinas por medio de la Administradora de la Comisión: Pam Castaneda, Commission Administrator, 1190 S. St. Francis Drive, Room S-2102, Santa Fe, New Mexico 87502, (505) 827-2425.

La audiencia se llevará a cabo conforme a la Ley de Nuevo México para la Calidad del Agua, NMSA 1978, § 74-6-6, *Pautas para las Audiencias de Reglamentación de la Comisión para el Control de la Calidad del Agua (Pautas)*, la *Orden de Procedimientos*, emitida el 7 de agosto de 2015, y la *Orden de Programación*, emitida el 10 de julio de 2014, modificada el 30 de enero de 2015, y modificada nuevamente el 9 de junio de 2015. Los interesados podrán encontrar una copia de las *Pautas*, la *Orden de Procedimientos* y las *Órdenes de Programación* en el sitio web del Departamento o por medio de la Administradora de la Comisión en la dirección y teléfono antes mencionados. El Aviso de Audiencia de WQCC 14-05 (R) se publicó inicialmente el 31 de octubre de 2014 y nuevamente el 6 de abril de 2015 como consecuencia del cambio de fecha de la audiencia para el 9 de junio de 2015. Sin embargo, la fecha de la audiencia se ha cambiado ahora para el 13 de octubre de 2015 y, por ese motivo, se emite este aviso. Todas las partes actualmente interesadas presentaron sus respectivos Avisos de Intención de Presentar Testimonio Técnico antes del 12 de diciembre de 2014. Los interesados tendrán una oportunidad razonable durante la audiencia para presentar pruebas pertinentes, datos, puntos de vista y argumentos, oralmente o por escrito, de presentar documentos y objetos de prueba pertinentes y de interrogar a los testigos que testifiquen en la audiencia pública.

Las personas que deseen presentar testimonio de carácter técnico durante la audiencia deberán presentar ante la WQCC un aviso de intención por escrito. El aviso de intención de presentar testimonio técnico deberá:

- identificar a la persona para quien se presentará el testimonio técnico;
- identificar a cada testigo técnico que esa persona desee presentar y establecer las cualificaciones de cada testigo, incluso una descripción de su antecedentes educativos y laborales;
- adjuntar el testimonio directo completo de cada testigo técnico, el cual deberá incluir un fundamento explícito de todas las opiniones periciales ofrecidas;
- incluir el texto de toda modificación recomendada para el cambio normativo propuesto; e
- identificar y adjuntar todos los documentos u objetos de prueba que esa persona tenga previsto presentar en la audiencia.

La fecha límite para presentar el aviso de intención es el 14 de septiembre de 2015, hasta las 5:00 de la tarde, en la oficina del Administrador de la Comisión. Todos los documentos a presentarse para este asunto, incluso los avisos de intención, deberán entregarse en originales impresos en un solo lado de la hoja y con catorce copias. Cualquier persona podrá ofrecer comentarios del público que no sean de carácter técnico durante la audiencia o presentar declaraciones escritas que no sean de carácter técnico en lugar de testimonio oral antes o durante la audiencia.

Quienes deseen presentar testimonio técnico que refute el testimonio de alguna de las demás partes durante la audiencia deberán presentar un aviso de intención de presentar testimonio de refutación antes de las 5:00 de la tarde

del 5 de octubre de 2015. El aviso deberá cumplir con los requisitos antes indicados. Asimismo, si una de las partes interesadas tomara una posición con respecto a los cambios propuestos por otras partes, el aviso deberá incluir el fundamento de ese respaldo u oposición.

Las personas con discapacidades y que necesiten ayuda o un dispositivo auxiliar, por ejemplo, un intérprete de idiomas hablados o de lenguaje de señas, para participar en cualquier aspecto de este proceso, deberán comunicarse con J.C. Borrego antes del 28 de septiembre de 2015 en New Mexico Environment Department, 1190 S. St. Francis Drive, P. O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855. (Los usuarios de TDD y de TTY podrán acceder a ese número de teléfono a través de New Mexico Relay Network; usuarios de TDD en Albuquerque: (505) 275-7333; fuera de Albuquerque: 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

STATE OF NEW MEXICO  
GENERAL SERVICES DEPARTMENT- PURCHASING DIVISION  
TERMS AND CONDITIONS UNLESS OTHERWISE SPECIFIED

SPD-101A (07/92)

1. **GENERAL:** When the State Purchasing Agent issues a purchase document in response to the Vendors bid, a binding contract is created.
2. **VARIATION IN QUANTITY:** No variation in the quantity of any item called for by this order will be accepted unless such variation has been caused by conditions of loading, shipping, packing or allowances in manufacturing process, and then only to the extent, if any, specified elsewhere in this order.
3. **ASSIGNMENT:**
  - A: Neither the order, nor any interest therein, nor claim thereunder, shall be assigned or transferred by the Vendor, except as set forth in subparagraph 3B below or as expressly authorized in writing by the STATE PURCHASING AGENTS OFFICE. No such assignment or transfer shall relieve the Vendor from the obligations and liabilities under this order.
  - B: Vendor agrees that any and all claims for overcharge resulting from antitrust violations which are borne by the State as to goods, services, and materials purchased in connection with this bid are hereby assigned to the State.
4. **STATE FURNISHED PROPERTY:** State furnished property shall be returned to the state upon request in the same condition as received except for ordinary wear, tear, and modifications ordered hereunder.
5. **DISCOUNTS:** Prompt payment discounts will not be considered in computing the low bid. Discounts for payment within 20 days will be considered after the award of the contract. Discounted time will be computed from the date of receipt of the merchandise or invoice, whichever is later.
6. **INSPECTION:** Final inspection and acceptance will be made at the destination. Supplies rejected at the destination for non-conformance with specifications shall be removed, at the Vendors risk and expense, promptly after notice of rejection.
7. **INSPECTION OF PLANT:** The State Purchasing Agent may inspect, at any reasonable time, the part of the contractors, or any subcontractors plant or place of business, which is related to the performance of this contract.
8. **COMMERCIAL WARRANTY:** The Vendor agrees that the supplies or services furnished under this order shall be covered by the most favorable commercial warranties the Vendor gives to any customer for such supplies or services, and that the rights and remedies provided herein shall extend to the State and are in addition to and do not limit any rights afforded to the State by any other cause of this order. Vendor agrees not to disclaim warranties of fitness for a particular purpose or merchantability.
9. **TAXES:** The unit price shall exclude all State taxes.
10. **PACKING, SHIPPING AND INVOICING:**
  - A: The States purchase document number and the Vendors name, users name and location shall be shown on each packing and delivery ticket, package, bill of lading and other correspondence in connection with the shipment. The users count will be accepted by the Vendor as final and conclusive on all shipments not accompanied by a packing ticket.
  - B: The Vendors invoice shall be submitted in triplicate, duly certified and shall contain the following information: order number, description of supplies or services, quantities, unit prices and extended totals. Separate invoices shall be rendered for each and every complete shipment.
  - C: Invoices must be submitted to the using agency and NOT THE STATE PURCHASING AGENT.
11. **DEFAULT:** The State reserves the right to cancel all or any part of this order without cost to the State, if the Vendor fails to meet the provisions of this order and, except as otherwise provided herein, to hold the Vendor liable for any excess cost occasioned by the State due to the Vendors default. The Vendor shall not be liable for any excess costs if failure to perform the order arises out of causes beyond the control and without the fault or negligence of the Vendor, such causes include, but are not restricted to, acts of God or of the public enemy, acts of the State or of the Federal Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargos, unusually severe weather and defaults of subcontractors due to any of the above, unless the State shall determine that the supplies or services to be furnished by the subcontractor where obtainable from other sources in sufficient time to permit the Vendor to meet the required delivery scheduled. The rights and remedies of the State provided in this paragraph shall not be exclusive and are in addition to any other rights now being provided by law or under this order.
12. **NON-COLLUSION:** In signing this bid, the Vendor certifies he/she has not, either directly or indirectly, entered into action in restraint of free competitive bidding in connection with this proposal submitted to the State Purchasing Agent.
13. **NON-DISCRIMINATION:** Vendors doing business with the State of New Mexico must be in compliance with the Federal Civil Rights Act of 1964 and Title VII of that Act, Rev., 1979.
14. **THE PROCUREMENT CODE:** Sections 13-1-28 through 13-1-199 NMSA 1978 imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.
15. All bid items are to be NEW and most current production, unless otherwise specified.
16. **PAYMENT FOR PURCHASES:** Except as otherwise agreed to: late payment charges may be assessed against the user state agency in the amount and under the conditions set forth in section 13-14158 NMSA 1978.
17. **WORKERS COMPENSATION:** The Contractor agrees to comply with state laws and rules pertaining to workers compensation benefits for its employees. If the Contractor fails to comply with Workers Compensation Act and applicable rules when required to do so, this (Agreement) may be terminated by the contracting agency.
18. **PAY EQUITY RECORDING:** The Contractor agrees to comply with New Mexico Pay Equity reporting requirements as detailed in Executive Order 2009-049 Implementation Guidance available at <http://www.generalservices.state.nm.us/spd/guidance.pdf>