

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

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

No. WQCC No. 20-07(R)

**New Mexico Environment Department,
Petitioner**

ORDER ON MOTION FOR RECORDING OF RULEMAKING HEARING

This matter came before the Water Quality Control Commission (“Commission”) on June 9, 2020, on the New Mexico Environment Department’s (“NMED”) Motion for Recording of Rulemaking Hearing (Motion) filed May 12, 2020. After hearing from NMED counsel, Christopher Atencio, and Commission Counsel, Robert F. Sánchez, considering the Motion and the relevant documents, and deliberating, the Commission finds:

1. 20.1.6.303(A) NMAC states: “Unless specified by the commission or the hearing officer, a verbatim transcript shall be made of the hearing, including any deliberations. The cost of the original transcript of the proceeding and of providing a copy for each commission member shall be borne by the petitioner.”
2. The State Rules Act states, “A rulemaking record shall contain any official transcript of a public rule hearing or, if not transcribed, any audio recording or verbatim transcript of the hearing, and any memoranda summarizing the contents of the hearing prepared by the hearing officer or agency official who presided over the hearing.” NMSA 1978, § 14-4-5.4(B)(3) (2017).
3. Pursuant to 20.1.6.303(A) NMAC, the Commission has the authority to allow electronic recordings of hearings.
4. Pursuant to Section 14-4-5.4 of the State Rules Act, audio recordings are contemplated as allowable mechanisms making a record of a public hearing.

5. As stated by Construction Programs Bureau Chief Judi Kahl at the Commission's meeting on March 10, 2020, when the Commission granted the petition for this rulemaking, and affirmed by the lack of evidence to the contrary, there is little discernable public interest in this matter at this time.
6. The cost of retaining a court reporter to prepare a verbatim transcript of a rulemaking hearing is a significant cost. NMED Exhibit 1.
7. The hearing in this matter is scheduled to be conducted via the web application WebEx on July 14, 2020, which presents unique challenges for court reporters preparing a verbatim transcript of the proceeding.
8. Based on the evidence presented, the Commission finds that a court reporter is an unnecessary cost for this proceeding, and an audio recording will be sufficient for record keeping purposes.

IT IS THEREFORE ORDERED that an electronic recording, instead of a verbatim (stenographic) transcript, be made of the rulemaking hearing before the Commission; a court reporter is not required.

Jennifer J. Pruett
Commission Chair

Certificate of Service

I hereby certify that on June _____, 2020 a copy of the foregoing Order on Motion for Recording of Rulemaking Hearing was emailed to the persons listed below. A copy can be mailed via U.S. first-class mail upon request.

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