

NEW MEXICO WATER QUALITY CONTROL COMMISSION
NOTICE OF PUBLIC HEARING TO AMEND
WASTEWATER FACILITY CONSTRUCTION LOANS – 20.7.5 NMAC

The New Mexico Water Quality Control Commission (“WQCC”) will hold a public hearing beginning at 9:00 a.m. on Tuesday, September 8, 2020, and continuing thereafter as necessary via the web application WebEx. This time-sensitive hearing is being held via WebEx due to restrictions currently in place by the Governor’s Executive Orders and various emergency public health orders designed to protect the public and prevent the spread of COVID-19. The hearing location may change prior to the hearing date, and the WQCC may hold the hearing in person if circumstances allow. Even if the WQCC holds the hearing in person, the Commission Administrator will provide teleconference access to those wishing to participate without being at the hearing in person. Thus, those interested in attending should contact the WQCC administrator or visit the WQCC’s website: <https://www.env.nm.gov/water-quality-control-commission/wqcc/> prior to the hearing for WebEx teleconference access or specific location information. The purpose of the hearing is to consider amendments to regulations governing Wastewater Facility Construction Loans found at 20.7.5 NMAC (“Rules”).

The Wastewater Facility Construction Loan Act, NMSA 1978, Sections 74-6A-1 to -15 (“Act”), creates the Wastewater Facility Construction Loan Fund to provide low-cost financing for wastewater and storm water drainage projects that protect surface and ground water. The amendments would revise the definition of the base interest rate for wastewater facility construction loans found at 20.7.5.14 NMAC. The amendments would further allow the New Mexico Environment Department (“NMED”) to establish other interest rates and conditions through policies to be reported annually to the WQCC.

NMED proposes that the WQCC adopt the amendments pursuant to its authority under the Act, specifically NMSA 1978, Section 74-6A-9. 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 WQCC may make other changes as necessary in response to public comments and evidence presented at the hearing. The WQCC may deliberate and make a decision on the proposed amendments at the hearing.

The proposed amendments may be reviewed during regular business hours at the NMED Office of Public Facilitation located in the Harold Runnels Building, 1190 South St. Francis Drive, Room S-2102, Santa Fe, NM 87505 when public access is again available. The full text of the proposed amendments is also available online at <https://www.env.nm.gov/water-quality-control-commission/wqcc-20-07-r/>.

The hearing will be conducted in accordance with the WQCC Rulemaking Procedures (20.1.6 NMAC); the Wastewater Facility Construction Loan Act; 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.

The deadline for submittal of technical testimony was Monday, June 29, 2020, and is not extended. Those wishing to submit non-technical testimony prior to the hearing may submit relevant evidence, data, views, and arguments to:

WQCC Administrator
New Mexico Environment Department
Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502

Those submitting non-technical public comment at the hearing or submit a non-technical written statement in lieu of oral testimony at or before the hearing should reference docket number WQCC 20-07(R). Public comment and non-technical testimony may also be submitted to the WQCC Administrator at public.facilitation@state.nm.us.

If any person requires assistance, an interpreter, or an auxiliary aid to participate in this process, please contact the WQCC Administrator, by Tuesday, August 25, 2020, at 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM, 87502, telephone (505) 827-2430 or public.facilitation@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.