

**NEW MEXICO WATER QUALITY CONTROL COMMISSION
PUBLIC HEARING APPEALING THE DESIGNATION BY THE
NEW MEXICO ENVIRONMENT DEPARTMENT OF THE
RIO PUERCO WATERSHED TMDL**

AND

**NEW MEXICO ENVIRONMENT DEPARTMENT PUBLIC MEETING
TO DISCUSS REVISED RIO PUERCO WATERSHED TMDL**

HEARING

The New Mexico Water Quality Control Commission (Commission) will hold a public hearing beginning on **September 12, 2006**, at 10:00 a.m., following the Commission's regularly scheduled monthly meeting, in the Council Chambers of the Cuba Municipal Complex, 16B Cordova Road, Cuba, New Mexico 87013. The hearing will be held to consider an appeal submitted by Ernest Torrez, appealing the designation by the New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) of the Rio Puerco Watershed total maximum daily load (TMDL), the written plan and analysis established to ensure that a water body will attain and maintain water quality standards, including consideration of existing pollutant loads and reasonably foreseeable increases in pollutant loads.

The hearing will be conducted in accordance with a Procedural Order which will be issued by the Hearing Officer, Felicia Orth, before July 7, 2006. The Procedural Order will be drawn from the Commission's Rulemaking Guidelines and the Commission's Adjudicatory Procedures at 20.1.3 NMAC and other procedures that may apply. A copy of the Procedural Order, Commission Guidelines and Adjudicatory Procedures may be obtained from the Commission Administrator, Joyce Medina, in the Commission's offices, Room N-2150, 1190 St. Francis Drive, P.O. Box 26110, Santa Fe, New Mexico 87502, (505) 827-2425, joyce.medina@state.nm.us; or at <http://www.nmenv.state.nm.us/wqcc>.

All interested participants 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 hearing.

Non-Technical Public Comment-- Any person who wishes to submit a non-technical written statement in lieu of oral testimony may do so at or before the hearing. Prior to hearing, comments may be sent to the Commission Administrator at the address noted above. Public comment will be invited at 11:30 a.m., 6 p.m. and following the conclusion of the technical presentations.

Technical Testimony--Any person who wishes to present technical evidence at the hearing must timely file a statement of intent to present technical evidence and must be qualified to offer the testimony. The statement of intent shall include:

- The name of the person filing the statement;

- An indication of whether the person filing the statement supports or opposes the Appeal;
- The name of each witness;
- An estimate of the length of direct testimony of each witness;
- A list of exhibits, if any, to be offered into evidence at the hearing; and
- A summary or outline of the anticipated direct testimony of each witness;

Any person wishing to be treated as an interested participant and cross-examine witnesses at the hearing shall file and serve on all parties an entry of appearance. An entry of appearance must identify the person wishing to be treated as an interested participant, any individual who may appear on behalf of that person and the subjects they intend to address. A statement of intent will be considered an entry of appearance.

The deadline for filing statements of intent to present technical evidence and entries of appearance is **August 18, 2006** at 5:00 p.m. An original and fourteen copies of statement of intent and entry of appearance documents must be filed in the Commission's office, Harold Runnels Building, Room N-2150, 1190 St. Francis Drive, P.O. Box 26110, Santa Fe, New Mexico 87502, (505) 827-2425, and should reference the Rio Puerco TMDL appeal, WQCC 06-06(A) and the date of the hearing. Copies of any document filed must also be served on the Petitioner, Ernest Torrez, and Tannis Fox of the NMED Office of General Counsel, Counsel for the NMED.

A Spanish language interpreter will be present for the entirety of the hearing to interpret between Spanish and English and English and Spanish.

If you are an individual with a disability and you require assistance of any auxiliary aid, e.g., Sign Language Interpreter to participate in any aspect of this process, please contact Judy Bentley, Personnel Services Bureau, NMED, 1190 St Francis Drive, P.O. Box 26110, Santa Fe, NM 87502, (505) 827-9872 as soon as possible. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331. Copies of the appeal will be available in alternative forms, e.g., audiotape, if requested by September 1, 2006.

The Commission may deliberate and rule on the appeal at the close of the hearing.

MEETING PRIOR TO HEARING

The NMED SWQB will hold a public meeting on Thursday, **August 10, 2006**, 6:00 to 8:00 p.m., at the Cuba Senior Center, 16A Cordova Street, off Highway 550. The public meeting will be held to provide information on NMED's revised TMDL for the Rio Puerco Watershed and to provide a forum for interested parties to ask questions and provide comments. Interested persons may obtain a copy of the revised TMDL from Heidi Henderson, SWQB, by calling 505-827-2901 or emailing heidi.henderson@state.nm.us or through the NMED website www.nmenv.state.nm.us/swqb.