

August [REDACTED], 2016

By email to: NMENV.GWQBrulerev@state.nm.us

Steve Huddleson, P.G., C.P.G.
Manager, Pollution Prevention Section
Ground Water Quality Bureau
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505

Re: Public Comments about Proposed Changes to New Mexico's Surface and Ground Water Protection Regulations 20.6.2 NMAC

Dear Mr. Huddleson:

I am deeply concerned about the proposed changes to New Mexico's Surface and Ground Water Protection regulations that reduce or eliminate the public's due process rights required in permit decision-making processes. I have reviewed the November 2015 Ground Water Quality Bureau's Hit List and find the Department's attempt to eviscerate the public's rights to participate in permitting decision-making alarming.

I urge the Department to strike the proposals that would:

1. Add a definition for a "discharge permit amendment." The New Mexico Water Quality Act does not authorize the Department to amend a discharge permit, only to renew or modify a permit. The Department is proposing to exceed its authority.
2. Allow the Department to issue a formal letter to renew a permit. The Water Quality Act is clear that public participation is required in permit renewal decision-making. The Department is again proposing to exceed its authority.
3. Allow the Department to issue permit variances in perpetuity. The Water Quality Act authorizes the Water Quality Control Commission to issue variances for no more than five years. The goal is for the facility to come into compliance with the surface and ground water protection regulations. If a facility requires additional time exceeding five years, it is required to go before the Commission. Public notice and opportunity for public input is required. Again, the Department is proposing to exceed its authority.
4. Allow the Department to conduct an internal five-year review of a variance. The Water Quality Act is clear that the facility must come before the Water Quality Control Commission. Again the Department is proposing to exceed its authority.
5. Reduce the size of the public notice sign required to be posted at the facility from 2 feet by 3 feet to a mere 11 inches by 17 inches. A 2 x 3 foot sign is too small; it should be required to be larger (at least 3 x 4 feet) so that the public can see the sign

when driving past the facility and learn about proposed changes at the facility, who to contact for more information, and how to participate in the decision-making process.

Please add my name to your update list about this regulatory process. I would like to be informed about when this matter will come before the Water Quality Control Commission this fall.

Thank you for your careful consideration of my comments. Please contact me with any questions or concerns you may have.

Sincerely,

Insert name and email address