

# AT A GLANCE

## New Mexico Environment Department Proposed Revisions to state Surface and Ground Water Protection Regulations

Public comments due August 17, 2016

### current regulations

#### 5 year limit

Currently, facilities are required to apply for renewal of water pollution variances (with opportunities for public input) every 5 years.

#### 14 Commissioners



Only Water Quality Control Commissioners have the authority to approve an individual variance, but it takes 8 Commissioners to agree to the variance.

#### Public notice



Did you know that you can request to be notified of decisions for groundwater discharge permits for a facility? NMED is required to send a written decision to **every person** who requests a copy.



Facilities that significantly change the amount of pollution they discharge need a permit "modification". Modifications require public notice and opportunity for a public hearing so that affected communities can weigh in on the permit.

### nmed's proposed revisions

#### no time limit

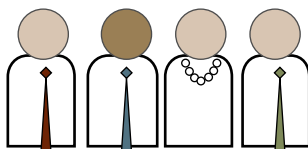
Variances for facilities that pollute water would be for an unlimited duration

#### 1 Secretary



Under NMED's proposed rules, the NMED Secretary would have sole authority to make decisions about some types of variances.

#### Not-so-public-notice



Would limit notice of NMED's decisions on discharge permits to only "persons who participated in the permitting action." (That could mean that only persons who were represented by an attorney in a permit proceeding would receive decisions!)



Proposed language would introduce ill-defined "amendments" that would replace some modifications. Amendments would not require public notice, comment or an opportunity for a public hearing.

Our clients, and residents of communities across New Mexico, rely on these current notice requirements and opportunities for public participation to work for clean water for all. Please consider sending a letter or email to NMED stating your opposition to weakening these important provisions.

Your support means that NMELC can work to defend communities and groundwater quality from proposed regulatory changes designed to reduce public participation. Please be advised that this infographic is a simplified overview - check out our legal synopsis for all the details.