

ACTION ALERT

Tell NM Environment Department DON'T Cut the Public Out of Water Pollution Decisions

NMED's draft rules limit public participation and give polluters the upper hand

Send in your comments to NMED by August 17

The New Mexico Environment Department (NMED) is in the process of revising statewide surface water and groundwater quality regulations for the state. Our colleagues at the NM Environmental Law Center have analyzed the rules and flagged some significant problems with how the Martinez Administration is trying to strip provisions for public participation and streamline the permitting process for polluters.

Public participation is critical to water pollution decision-making.

Because NMED's decisions can negatively impact people's lives and the environment, public input is an important part of the decision-making process and is required under the state's Water Quality Act. Public participation provisions require notification of communities about potential impacts to surface and groundwater quality from polluters and provide opportunities for people to raise concerns about projects that could contaminate water resources.

Proposed rule changes limit your voice in water pollution decisions.

The Martinez Administration wants to limit your knowledge of and participation in NMED's decisions. Proposed changes to the state's water quality rules would introduce ill-defined permit "amendments" that would replace some permit modifications. Amendments would not require public notice, comment or an opportunity for a public hearing, allowing polluters to sneak through changes with potential negative consequences without public knowledge and input. Proposed language would limit notice of the agency's decisions on discharge permits to only "persons who participated in the permitting action." This could mean that only persons who were represented by an attorney in a permit proceeding would receive decisions.

Existing ground and surface water protection rules limit polluters' ability to violate water quality standards.

Currently, polluters need a variance from groundwater quality rules if they will contaminate groundwater above water quality standards. Polluters must reapply for the variance every five years. Given importance of granting a variance, only the 14-member Water Quality Control Commission can approve them and the public is allowed to participate in these proceedings and provide public comment.

Proposed rule changes "streamline" the water quality discharge permitting process to the polluter's advantage.

Variances for facilities that pollute water would be for an unlimited duration rather than for a five-year period and NMED's periodic review of the variance would not necessarily require a public hearing before the WQCC. Under NMED's proposed rules, the NMED Secretary would have sole authority to make decisions about some types of variances. These rule changes work to the advantage of the polluter and could shut out the public from the decision-making process.

Tell NMED you oppose weakening these important public participation and variance provisions in the Ground and Surface Water Protection Regulations.

Comments on NMED's Revisions to Ground and Surface Water Protection Regulations are due August 17, 2016




Letters should be sent to Steve Huddleson, Pollution Prevention Section, Room N2250, New Mexico Environment Department, 1190 St. Francis Drive, Santa Fe, NM 87505.

Emails can be sent to NMENV.GWQBrulev@state.nm.us.

More information: . <https://www.env.nm.gov/gwb/>

http://nmenvirolaw.org/images/pdf/NMED_PROP_REVISIONS_TO_SURFACE-GROUND_WATER_REGS.pdf

NMELC legal analysis:

current regulations	nmmed's proposed revisions
<p>5 year limit</p>  <p>Currently, facilities are required to apply for renewal of water pollution variances (with opportunities for public input) every 5 years.</p>	<p>no time limit</p> <p>Variances for facilities that pollute water would be for an unlimited duration</p>
<p>14 Commissioners</p>  <p>Only Water Quality Control Commissioners have the authority to approve an individual variance, but it takes 8 Commissioners to agree to the variance.</p>	<p>1 Secretary</p>  <p>Under NMED's proposed rules, the NMED Secretary would have sole authority to make decisions about some types of variances.</p>
<p>Public notice</p>  <p>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.</p>	<p>Not-so-public-notice</p>  <p>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!)</p>
<p>"modifications"</p>  <p>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.</p>	<p>"amendments"</p>  <p>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.</p>

NMELC legal analysis:

Town of Silver City to Update Comprehensive Plan

Community Development Department Holding Input Meetings by District

It's that time again. The Town of Silver City is overdue for an update of the 2004 Comprehensive Plan, a tool to guide how our community will grow in the future, to protect important assets and resources, and to address our town's problems. State law requires that the Town have an updated Comprehensive Plan in order to be eligible for Community Development Block Grants.

But more than a check mark on a list of grant requirements, the Comprehensive Plan is a critical driver in implementing the Town's priorities, shaping land use, transportation, economic development, and our environment and quality of life.

The Silver City Community Development Department will be holding meetings to gather input for the revision to the Comprehensive Plan. GRIP encourages you to attend the meeting for your district and identify problems you see in your neighborhood, provide feedback on the Town's existing plans and policies, and offer ideas you have to improve the Town and quality of life for its residents.



Dennis O'Keefe photo

As you consider your input, here are some key principles for guiding growth to keep in mind:

- Develop a diverse and sustainable regional economy
- Protect historic downtown and neighborhoods
- Preserve and enhance the quality of the natural environment, open space, water and other resources
- Maintain and improve community facilities, parks, open space and recreational opportunities
- Protect Silver City's unique character
- Maintain Town's cultural diversity and protect historic traditions

Town Hall Meetings on Silver City Comprehensive Plan Update

For more information and to RSVP, call Community Development Department at 575-534-6348

August 11 - District 4 - 6 - 7pm Silver City Rec Center, 1016 N. Silver St.

August 17 - District 2 - 6 - 7pm WNMU Student Memorial Building 3rd Floor.

August 25 - District 1 - 6 - 7pm Silver High Little Theater, 3200 N. Silver St.

District 3 meeting to be scheduled.