

F. Permit decisions made pursuant to this section shall be subject to the procedures established in Section 74-6-5 NMSA 1978, including notice and appeals.

**History:** Laws 1993, ch. 291, § 12.

### ANNOTATIONS

**Cross references.** — For Section 5, Chapter 38, Title 1 of the Securities Act of 1933, see 15 U.S.C. § 77e.

#### **74-6-5.2. Water quality management fund created.**

There is created as a nonreverting fund in the state treasury the "water quality management fund" to be administered by the department. The fund consists of appropriations, gifts, grants, donations and money received by the department. All fees collected pursuant to Section 74-6-4 NMSA 1978 and for the operation and maintenance of a permitted facility pursuant to Subsection I of Section 74-6-5 NMSA 1978 shall be deposited in the fund. Money in the fund is appropriated to the department for the purpose of administering the rules adopted by the commission pursuant to Sections 74-6-4 and 74-6-5 NMSA 1978. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of environment.

**History:** Laws 1993, ch. 100, § 4; 2025, ch. 112, § 4.

### ANNOTATIONS

**The 2025 amendment**, effective June 20, 2025, specified that the water quality management fund is a nonreverting fund, and provided that the fund consists of appropriations, gifts, grants, donations and money received by the department of environment; after "created" added "as a nonreverting fund", after "administered by the department" added "The fund consists of appropriations, gifts, grants, donations and money received by the department", and after the first occurrence of "pursuant to" deleted "the regulations adopted by the commission under Subsection H of Section 74-6-5 NMSA 1978" and added "Section 74-6-4 NMSA 1978 and for the operation and maintenance of a permitted facility pursuant to Subsection I of section 74-6-5 NMSA 1978", and after "pursuant to Sections" added " 74-6-4 and".

#### **74-6-5.3. Neglected and contaminated sites fund; created.**

A. The "neglected and contaminated sites fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants, donations and money received by the department. Unless otherwise required by law, money received or recovered by the state by or on behalf of the department arising from claims for enforcement actions, response actions or response costs relating to the contamination

liability, including any fees, settlement funds, recovered litigation costs and any interest derived therefrom, shall be deposited in the fund.

B. The department shall administer the fund. Money in the fund is appropriated to the department for the state to respond to, investigate and remediate water pollution and contamination in soil and soil vapor.

C. Money in the fund shall be disbursed on warrants signed by the secretary of finance and administration pursuant to vouchers signed by the secretary of environment or the secretary's designee.

**History:** Laws 2025, ch. 112, § 8.

### ANNOTATIONS

**Effective dates.** — Pursuant to N.M. Const., art. IV, § 23, Laws 2025, ch. 112 did not pass with the required two-thirds vote of each house. Therefore, the effective date of Laws 2025, ch. 112 was June 20, 2025.

### **74-6-6. Adoption of regulations and standards; notice and hearing.**

A. No regulation or water quality standard or amendment or repeal thereof shall be adopted until after a public hearing.

B. Any person may petition in writing to have the commission adopt, amend or repeal a regulation or water quality standard. The commission shall determine whether to hold a hearing within ninety days of submission of the petition. The denial of such a petition shall not be subject to judicial review.

C. Hearings on regulations or water quality standards of statewide application shall be held in Santa Fe. Hearings on regulations or standards that are not of statewide application may be held within the area that is substantially affected by the regulation or standard. At least thirty days prior to the hearing date, notice of the hearing shall be published in the New Mexico register and a newspaper of general circulation in the area affected and mailed to all persons who have made a written request to the commission for advance notice of hearings and who have provided the commission with a mailing address. The notice shall state the subject, the time and the place of the hearing and the manner in which interested persons may present their views. The notice shall also state where interested persons may secure copies of any proposed regulation or water quality standard.

D. At the hearing, the commission shall allow all interested persons reasonable opportunity to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing. The commission may designate a hearing officer to take evidence in the hearing. Any person heard or represented at the hearing shall be given written notice of the action of the commission.