

**NEW MEXICO WATER QUALITY CONTROL COMMISSION**  
**NOTICE OF PUBLIC HEARING TO CONSIDER PETITION FOR ALTERNATIVE ABATEMENT STANDARDS LOT**  
**5B, VENADA PLAZA, BERNALILLO, SANDOVAL COUNTY, NEW MEXICO, WQCC 22-45**

The New Mexico Water Quality Control Commission (WQCC) will hold a virtual public hearing on January 10, 2023 on the WebEx platform to consider a Petition filed by Vital Holding, LLC (PO Box 94778, Albuquerque, New Mexico, 87199) for alternative abatement standards under Subsection 20.6.2.4103(E) NMAC for the Lot 5B, Venada Plaza, located in Bernalillo, Sandoval County, New Mexico, New Mexico Highway 528. The property is approximately 7.4 acres located north of Venada Arroyo and near the intersection of Spanish Bluff Street and Venada Plaza Drive as shown on the Venada Plaza Plat, Section 36, Township 13N, Range 3E. The public hearing will begin immediately following the Commission's regular business meeting, which starts at 9:00 am. The hearing shall be conducted remotely. A link to this remotely conducted hearing may be found on the NMED Events Calendar page of the NMED website: <https://www.env.nm.gov/events-calendar/>

The Petition proposes to correct an error in the deed restriction related to the 2016 Petition for Alternative Abatement Standards (AAS) for the Former Price's Valley Gold North Dairy WQCC 16-02(A). The Petition requests that the deed restriction be changed to unspecified land use from the current "non-residential purposes" language in response to Bernalillo Comprehensive Plan rezoning the property to high density residential. The Commission granted the 2016 AAS Petition by Final Order in October 2016 for groundwater quality standard exceedances of 20.6.2.3103 NMAC for Total Dissolved Solids (TDS), Chloride (Cl), and Nitrate (NO<sub>3</sub>) in the isolated non-source water Valley Fill Aquifer. The approved AAS Petition established a standard of 3,310 mg/L for TDS, 350 mg/L for Cl, and 220 mg/L for NO<sub>3</sub>.

The Petition and the New Mexico Environment Department's (NMED) recommendation for approval may be viewed electronically at [www.env.nm.gov/public-notice/](http://www.env.nm.gov/public-notice/) under Sandoval County or viewed in person at the NMED Rio Rancho Field Office at 4359 Jager Drive NE, Suite B. To obtain further information or to request to be placed on the facility-specific mailing list maintained by NMED, please Contact Matthew Smith, Geoscientist, at (505) 660-8497, or email [ros.general@env.nm.gov](mailto:ros.general@env.nm.gov), or mail to 121 Tijeras Avenue, NE; Albuquerque, NM 87102.

The hearing will be conducted in accordance with Section 74-6-4 of the Water Quality Act, the WQCC Adjudicatory Procedures at 20.1.3 NMAC, the Water Quality Regulations at 20.6.2 NMAC, and any Procedural Order or Scheduling Order issued by the WQCC or Hearing Officer. These documents are available at <https://www.env.nm.gov/opf/docketed-matters/> or by contacting the WQCC Administrator at [pamela.jones@env.nm.gov](mailto:pamela.jones@env.nm.gov).

Technical Testimony: In order to present technical testimony at the hearing, a person must file a notice of intent to present technical testimony in WQCC No. 22-45(A) with the WQCC Administrator ([pamela.jones@env.nm.gov](mailto:pamela.jones@env.nm.gov)) no later than December 22, 2022 at 5 p.m. The notice shall comply with the requirements of 20.1.3.18 NMAC.

Participation by the General Public: Any member of the general public may present non-technical testimony at the hearing. Testimony of the general public is limited to five (5) minutes per individual. No prior notification is required. A member of the general public may submit a written non-technical statement to the WQCC Administrator at any time prior to the close of the hearing.

NMED maintains a Public Involvement Plan (PIP) to plan for providing public participation opportunities and information that may be needed for the community to participate in regulatory action or proceeding. PIPs may be viewed online at [www.env.nm.gov/public-notices/](http://www.env.nm.gov/public-notices/) or the NMED field office in Rio Rancho at 4359 Jager Drive NE, Suite B. If you are a non-English speaker, do not speak English well, or if you have a disability, you may contact the WQCC Administrator to request assistance, an interpreter, or auxiliary aid to learn more about the regulatory action or proceeding, or to participate in activities associated with this regulatory action or proceeding. To the extent possible, arrangements will be made for the requested interpretation services and accommodations or services for persons with disabilities. Telephone conversation assistance is available through Relay New Mexico at no charge for people who are deaf, hard of hearing, or have difficulty speaking on the phone, by calling 1-800-659-1779; TTY users: 1-800-659-8331; Spanish: 1-800-327-1857. Telephone interpretation assistance for persons that are a non-English speaker or do not speak English well is available at no charge when calling.

Notice of Non-Discrimination: NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kathryn Becker, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, [nd.coordinator@env.nm.gov](mailto:nd.coordinator@env.nm.gov). If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at [www.env.nm.gov/general/environmental-justice-in-new-mexico/](http://www.env.nm.gov/general/environmental-justice-in-new-mexico/) to learn how and where to file a complaint of discrimination.