

<p style="text-align: center;">PROPOSED RULE 36.10</p>	<p style="text-align: center;">Current Rule 36.10</p>
<p><u>A. A person who wishes to comment or request a hearing shall file comments or request a hearing on the proposed approval of an application with the division clerk within 90 days after the date of the newspaper publication provided in Subsection C of 19.15.36.9 NMAC. A request for a hearing shall be in writing and shall state specifically the reasons why a hearing should be held. The director may deny a request for hearing if the director determines the person requesting the hearing lacks standing.</u></p> <p><u>B. If the division's denies an application pursuant to Paragraphs (3) or (4) of Subsection B of 19.15.39.9 NMAC, the applicant may request a hearing within 30 days of the receipt of the notice of denial and the division shall schedule a hearing.</u></p> <p><u>C. In addition to the requests for hearing provided in Subsections A and B of 19.15.36.10 NMAC, the division shall schedule a hearing on the application if:</u></p> <p><u>(1) the division's proposed decision to approve the application includes conditions not expressly required by rule, and the applicant requests a hearing within 90 days of receipt of the notice of proposed approval;</u></p> <p><u>(2) the director determines that there is significant public interest in the application;</u></p> <p><u>(3) the director determines that comments have raised objections that have probable technical merit; or</u></p> <p><u>(4) approval of the application requires that the division make a finding, pursuant to Paragraph (3) of Subsection F of 19.15.2.7 NMAC, whether a water source has a present or reasonably foreseeable beneficial use that contamination would impair.</u></p> <p><u>D. If the division schedules a hearing on an application, the hearing shall be conducted according to 19.15.4 NMAC.</u></p>	<p><u>A. A person, whether or not such person has previously submitted comments, may file comments or request a hearing on the application by filing their comments or, in accordance with 19.15.4.9 NMAC, a hearing request with the division clerk within 30 days after the date that the applicant issued public notice of the division's tentative decision. A request for a hearing shall be in writing and shall state specifically the reasons why a hearing should be held. The division shall schedule a public hearing on the application if, in addition to the requirements in 19.15.4.9 NMAC:</u></p> <p><u>(1) the division has proposed to deny the application or grant it subject to conditions not expressly required by rule, and the applicant requests a hearing;</u></p> <p><u>(2) the director determines that there is significant public interest in the application;</u></p> <p><u>(3) the director determines that comments have raised objections that have probable technical merit; or</u></p> <p><u>(4) determination of the application requires that the division make a finding, pursuant to Paragraph (3) of Subsection F of 19.15.2.7 NMAC, whether a water source has a present or reasonably foreseeable beneficial use that contamination would impair.</u></p> <p><u>B. If the division schedules a hearing on an application, the hearing shall be conducted according to 19.15.14.1206 through 19.15.14.1215 NMAC.</u></p>

