

PERMIT REQUIREMENTS FOR DEVELOPMENT OF ENERGY  
AND OTHER SELECTED NATURAL RESOURCES FOR THE  
STATE OF NEW MEXICO

PREPARED FOR  
FOUR CORNERS REGIONAL COMMISSION  
AND THE  
U.S. GEOLOGICAL SURVEY

BY CAMP DRESSER AND MCKEE, INC.

Statements of opinion and/or recommendations are those of the authors and do not necessarily reflect the official opinion of the Four Corners Regional Commission, any of its members States, or the U.S. Geological Survey.

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Request for information on this publication should be directed to the following locations:

New Mexico Energy and Minerals Department	or	U.S. Geological Survey Environmental Affairs Office
113 Washington Avenue		760 National Center
Santa Fe, New Mexico 87501		Reston, Virginia 22092

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STATE PERMIT REQUIREMENTS FOR DEVELOPMENT OF  
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## PUBLICATION AVAILABILITY

Copies of this document can be obtained at any of the following locations:

New Mexico Energy and Minerals Dept.  
P.O. Box 2770  
113 Washington Ave  
Santa Fe, New Mexico 87501  
(505) 827-2471

Four Corners Regional Commission  
2350 Alamo, S.E., Suite 303  
Albuquerque, New Mexico 87106  
(505) 766-2990

U.S. Geological Survey  
Environmental Affairs Office  
760 National Center  
Reston, Virginia 22092  
(703) 860-6717

## INTRODUCTION

This guidebook is one of a series prepared for every State. The purpose of the guidebook is to summarize environmental and land-use permits issued by the State for the development of energy and other natural resources. The guidebook is intended not only for private developers and interest groups, but also for regulatory officials of Federal, State, and local government as well.

All State agencies having jurisdiction over the permits, licenses, and approvals described in this guidebook helped to prepare it, and they reviewed the final draft of each summary for accuracy and completeness. Users of this guidebook should be aware, however, that changes in the laws, rules and regulations, or regulatory personnel since the guidebook was published may cause significant changes in permit requirements.

The guidebook should not be construed as a legal document or a final authority on permits for the State of New Mexico. It is not intended to be a comprehensive reference to the specific requirements of each permit, but to provide concise, easy-to-use information on the State regulations that govern the development of such resources. Before attempting to obtain a permit or begin any activity that might require a permit, you should contact the appropriate State agency for further details.

The guidebook is divided into seven sections. Sections 1.0, 2.0, and 7.0 discuss introductory information, consolidated permit programs for the State of New Mexico, and local regulatory policies, respectively. The remaining sections discuss permits that apply to Resource Extraction, Land Use Regulation, Environmental Quality Management, and Social/Ecological Preservation. Each section is divided into chapters; each chapter summarizes one permit, license, or approval. Permits administered by a single agency are generally grouped together in each section.

Each permit is discussed in the standard format shown on the following pages:

## STANDARD FORMAT FOR PERMIT SUMMARIES

### CHAPTER 0.0

#### TITLE OF ACTIVITY ADDRESSED BY PERMIT, LICENSE, OR APPROVAL

#### INTRODUCTION

Description of administering agency and its role

A. NAME OF PERMIT OR APPROVAL:

Complete name of permit or approval with notation indicating mandate by state (S) or federal (F) government

B. STATUTORY AUTHORITY:

Title of state statutes authorizing permit and the legal citations of each with notation indicating pending changes (P) to the statute(s)

C. TITLE OF REGULATION:

Title of state regulation(s) which apply to permit with notation indicating pending changes (P) to the regulation(s)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

Summary of major steps involved in the permit/approval process

1. Applicability

Includes all types of activities which require the permit

2. General Requirements

Conditions which must be met by the project sponsor before a permit can be acquired; excluding Submission or Operations Requirements

3. Submission Requirements

Types of information which the project sponsor must include in the application for the permit

## CHAPTER 0.0 (continued)

### 4. Procedures for Obtaining Permit or Approval

Includes information on items such as submittal procedures, completeness and technical review, public notice, comment and hearing periods, preliminary and final decisions, inspections, and processing times

### 5. Operations Requirements

Conditions which are established by the regulatory agency following permit approval and which must be met by the project sponsor in order to continue operations

### 6. Fees

Costs incurred for obtaining and maintaining the permit

### 7. Appeal Process

Process whereby decisions concerning permit approval/denial that are made by a regulatory agency can be appealed

## E. ADMINISTERING AGENCY:

Name of the administering agency and its director, address, and telephone number

Name of the counterpart federal agency and its director, address, and telephone number

SECTION 2.0  
STATE POLICY AND PROCEDURES  
FOR CONSOLIDATED PERMIT PROGRAM

## CHAPTER 2.1

### STATE CLEARINGHOUSE OR ONE-STOP PERMIT AGENCY

No state clearinghouse or one-stop permit agency exists for a consolidated permit program in the State of New Mexico at this time. A Task Force for Coordination and Review of Energy Development Projects may be formulated by the state in the near future. For more information on this task force contact:

Mr. George Scudella, Chief  
Resource Bureau  
Energy and Minerals Department  
P.O. Box 2770  
Sante Fe, New Mexico 87501  
(505) 827-2471

**SECTION 3.0**  
**RESOURCE EXTRACTION**

## CHAPTER 3.1

### PERMITS FOR ACTIVITIES RELATED TO OIL, NATURAL GAS, AND GEOTHERMAL RESOURCES

#### INTRODUCTION

The Oil Conservation Division (OCD) of the New Mexico Energy and Minerals Department has responsibility for issuance of permits pertaining to drilling, development, and production of oil, natural gas, and geothermal resources under the authority of the Oil and Gas Act, Geothermal Resources Act, and Water Quality Act. The purpose of these permits is to prevent waste and protect correlative rights and to protect oil, gas, geothermal, water, or potash resources penetrated.

#### A. NAME OF PERMIT OR APPROVAL:

- Various permits and titles for drilling, production, transportation, storage, enhanced recovery, disposal of coproduced fluids, and related activities relative to oil, natural gas, and geothermal resources (S)

#### B. STATUTORY AUTHORITY:

- Oil and Gas Act, 70-2-1 et seq., NMSA, 1978
- Geothermal Resources Act, 71-5-1 et seq., NMSA, 1978

#### C. TITLE OF REGULATION:

- OCD Rules and Regulations (Oil and Gas)
- OCD Rules and Regulations (Geothermal)

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application on appropriate OCD forms or in accordance with appropriate rules to OCD
- Administrative and technical review by OCD Staff
- Final approval by OCD
- Compliance of application with appropriate rules and policy

## CHAPTER 3.1 (continued)

### 1. Applicability

- Activities relative to oil, natural gas, and geothermal resources such as drilling, transportation of product, fluid disposal, production, storage, and enhanced recovery

### 2. General Requirements

- Each of the permits must be obtained prior to initiation of the applicable activity

### 3. Submission Requirements

- Various, specific requirements for each permit are included in Rules and Regulations and appropriate policy memoranda

### 4. Procedures for Obtaining Permit or Approval

- Vary according to each permit
- Applicant submits application to applicable agency
  - Applications to drill may be approved immediately
  - Applications for administrative orders require a waiting period of 15 to 30 days
  - Applications for hearings must be published 10 days in advance of the hearing
- Time review and approval by applicable agency
- Estimated processing time, 4-6 weeks

### 5. Operations Requirements

- Permittees must follow general rules and regulations, any appropriate special pool rules, and any special conditions set out in the permit

### 6. Fees

- None

CHAPTER 3.1 (concluded)

7. Appeal Process

- Concerned parties may request a public hearing
- A de novo and rehearing process is provided
- Further action must be pursued in District Court

E. ADMINISTERING AGENCY:

State Agency:

Director  
Oil Conservation Division  
Energy and Minerals Department  
P.O. Box 2088  
Santa Fe, New Mexico 87501  
(505) 827-3260

Federal Agency:

Deputy Conservation Manager  
U.S. Geological Survey, South Central Region  
P.O. Box 26124  
Albuquerque, New Mexico 87125  
(505) 766-2841

CHAPTER 3.2  
EXPLORATION PLAN APPROVAL

INTRODUCTION

The Mining and Minerals Division (MMD) of the New Mexico Energy and Minerals Department has responsibility for issuance of approval of coal exploration plans under the authority of the New Mexico Surface Mining Act. The purpose of this approval is to ensure proper initiation and completion of exploration activities for environmental protection.

A. NAME OF PERMIT OR APPROVAL:

- Coal Exploration Plan Approval (S)

B. STATUTORY AUTHORITY:

- Surface Mining Act, 69-25A-1, NMSA, 1978, et seq.

C. TITLE OF REGULATION:

- Coal Surface Mining Commission (CSMS) Rule 80-1, Part 6

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to MMD
- Final review and approval by MMD
- 1. Applicability
  - Required for any person conducting coal exploration in New Mexico
- 2. General Requirements
  - Approval must be obtained prior to initiation of any exploration activities
- 3. Submission Requirements

Requirements for less than 250 tons

  - Name, address, and telephone number of applicant
  - Name, address, and telephone number of agent

## CHAPTER 3.2 (continued)

- Period of exploration
- Description of practices to be followed to avoid adverse environmental impact
- Description of basis for right of entry

### Requirements for more than 250 tons

- All requirements for less than 250 tons
- An operations plan including
  - Narrative of mining method
  - Method of complying with federal and state environmental statutes
  - Description of reclamation procedures

#### 4. Procedures for Obtaining Permit or Approval

- Applicant submits application to MMD
- Final review and approval by MMD
- Bond required for operations more than 250 tons and may be required by the Director for less than 250-ton operations

#### 5. Operations Requirements

- The operator must comply with Part 19 of CSMC Rule 80-1

#### 6. Fees

- A \$50 filing fee is required for less than 250 tons
- A \$100 filing fee is required for more than 250 tons

#### 7. Appeal Process

- If the approval is denied, the applicant may appeal to the CSMC

CHAPTER 3.2 (concluded)

E. ADMINISTERING AGENCY:

Director  
Mining and Minerals Division  
Energy and Minerals Department  
P.O. Box 2860  
1222 Luisa Street  
Santa Fe, New Mexico 87501  
(505) 827-5451

CHAPTER 3.3  
COAL SURFACE MINING PERMIT

INTRODUCTION

The Mining and Minerals Division (MMD) of the New Mexico Energy and Minerals Department has responsibility for issuance of permits for coal surface mining under the authority of the New Mexico Surface Mining Act. The purpose of this permit is to protect the environment surrounding the mine which may be disturbed during mining activities.

A. NAME OF PERMIT OR APPROVAL:

- Coal Surface Mining Permit (S)

B. STATUTORY AUTHORITY:

- Surface Mining Act, 69-25A-1, NMSA, 1978, et seq.

C. TITLE OF REGULATION:

- Coal Surface Mining Commission (CSMC) Rule 80-1

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Submit application and mine plan to MMD
- Final review and approval by MMD with recommendations from other applicable agencies

1. Applicability

- Surface and underground coal mining

2. General Requirements

- A mining and reclamation plan for the mine must be submitted and approved prior to approval of mining permit
- Underground coal mines must also file for a permit because of surface disturbance

3. Submission Requirements

- Identification of interests
- Right of entry

## CHAPTER 3.3 (continued)

- Environmental resources information
  - Geology and hydrology information
  - Climatology information
  - Fish and wildlife information
  - Vegetation information
  - Soils information
  - Land use and related information
  - Operation plans
  - Reclamation plans
4. Procedures for Obtaining Permit or Approval
- Applicant submits permit application and mine plan to MMD
  - Public notice is published for 4 weeks
  - A public hearing is conducted on the basis of a complete application
  - MMD conducts completeness and adequacy review of application and consults with other state agencies on specific areas of the plan
  - The plan is approved or denied
  - A bond must be posted prior to issuance of the permit
5. Operations Requirements
- Compliance with Chapter K of CSMC Rule 80-1
6. Fees
- Original permit filing fee \$1,000 plus \$15 per acre for land disturbed in first year
  - Annual fee \$1,000 plus \$15 per acre of land under bond (maximum of \$10,000 annual fee)
7. Appeal Process
- Appeal to CSMC

### CHAPTER 3.3 (concluded)

#### E. ADMINISTERING AGENCY:

Director  
Mining and Minerals Division  
Energy and Minerals Department  
P.O. Box 2860  
1222 Luisa Street  
Santa Fe, New Mexico 87501  
(505) 827-5451

## CHAPTER 3.4

### ANNUAL MINE REGISTRATION (Non-coal Mines)

#### INTRODUCTION

The New Mexico State Mine Inspector requires every non-coal mine to register annually under the authority of the NMSA, 1978, Chapter 69. The purpose of this registration is to inform the Inspector of continuation of the mine to prevent hazardous conditions.

A. NAME OF PERMIT OR APPROVAL:

- Annual Mine Registration (S)

B. STATUTORY AUTHORITY:

- NMSA, 1978, 69-26-1 through 69-26-3

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Submit annual registration form by February 15 of each year to the State Mine Inspector

1. Applicability

- All non-coal mining operations

2. General Requirements

- Applicant must submit this form every year prior to February 15

3. Submission Requirements

- Mine name and address
- Name of person in charge
- Type of mine (mineral)
- Estimated production
- Value of production
- Number of employees

CHAPTER 3.4 (continued)

- Type of equipment and mining method
  - Other requirements as applicable (required by mine inspection)
4. Procedures for Obtaining Permit or Approval
- Applicant submits annual registration form by February 15 of each year to the State Mine Inspector
5. Operations Requirements
- Applicant must comply with New Mexico Mine Safety Statutes and Mine Safety Rules adopted by the State Mine Inspector
6. Fees
- None
7. Appeal Process
- None

E. ADMINISTERING AGENCY:

State Agency:

State Mine Inspector  
Bureau of Mine Inspection  
2340 Menaul Boulevard, N.E., Suite 106  
Albuquerque, New Mexico 87107  
(505) 842-3055

Federal Agency:

Supervising Mine Inspector  
Mine Safety and Health Administration  
421 Gold Avenue, S.W., Room 201  
P.O. Box 2245  
Albuquerque, New Mexico 87103  
(505) 766-3124

## CHAPTER 3.5

### ANNUAL MINE REGISTRATION (Coal Mines)

#### INTRODUCTION

The New Mexico State Mine Inspector requires every coal mine to register annually under the authority MMSA, 1978, Chapter 69. The purpose of this registration is to inform the Inspector of continuation of the mine to prevent hazardous conditions.

A. NAME OF PERMIT OR APPROVAL:

- Annual Mine Registration (Coal Mines) (S)

B. STATUTORY AUTHORITY:

- NMSA, 1978, 69-11-1 and 69-11-2

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to the State Mine Inspector on or before February 15 each year

1. Applicability

- All coal mines

2. General Requirements

- Operators of mines and mills are required to register annually and report production on forms supplied by the State Mine Inspector on or before February 15 of each year
- Operators must also report terminations, suspensions, and reactivation of operations.

3. Submission Requirements

- Production
- Value of production

## CHAPTER 3.5 (continued)

- Persons employed
  - Mining equipment and methods
  - Other related information
4. Procedures for Obtaining Permit or Approval
- Applicant submits application to the State Mine Inspector on or before February 15 each year.
5. Operations Requirements
- Applicant must comply with New Mexico Safety Statutes and Mine Safety Rules adopted by the State Mine Inspector
6. Fees
- None
7. Appeal Process
- None

E. ADMINISTERING AGENCY:

State Agency:

State Mine Inspector  
Bureau of Mine Inspection  
2340 Manual Boulevard, N.E.  
Albuquerque, New Mexico 87107  
(505) 842-3055

Federal Agency:

Supervising Mine Inspector  
Mine Safety and Health Administration  
421 Gold Avenue, S.W., Room 201  
P.O. Box 2245  
Albuquerque, New Mexico 87103  
(505) 766-3124

## CHAPTER 3.6

### APPROVAL OF DRILL HOLE PLUGGING

#### INTRODUCTION

Approval of drill hole plugging is required by the Water Resources Division of the State Engineer's office to ensure that water encountered during drilling activities is confined to the aquifer in which it was encountered.

#### A. NAME OF PERMIT OR APPROVAL:

- Approval of Drill Hole Plugging

#### B. STATUTORY AUTHORITY:

- NMSA, 1978, 69-3-6

#### C. TITLE OF REGULATION

- Rules and regulations governing the drilling of wells and appropriation and use of ground water in New Mexico, 1966
- Procedures for plugging and reporting of drill holes in San Juan Structural Basin, May 11, 1971

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Party submits report with information on drill hole and plugging to the Director of the State Bureau of Mines and Mineral Resources and the State Engineer

##### 1. Applicability

- Drilling of mine discovery or drill holes (plugging and reporting of mine lode discovery or mine drill hole that encounters a water body or water bearing stratum at a depth of 10 feet or more)

## CHAPTER 3.6 (continued)

### 2. General Requirements

- State Engineer procedures are described in the San Juan Structural Basin Document (May 11, 1971) and Article 4 of the State Engineer Ground Water Rules and Regulations

### 3. Submission Requirements

- Name
- Well record
- Location
- Method of plugging

### 4. Procedures for Obtaining Permit or Approval

- Within 90 days from date of discovery, party is required to report in writing the depth, location, and manner of plugging the water body to the State Engineer and the Director of the State Bureau of Mines and Minerals Resources

### 5. Operations Requirements

- Failure to comply is subject to a fine (NMSA, 1978, 69-3-9)

### 6. Fees

- None

### 7. Appeal Process

- Administrative decision is subject to a hearing before the State Engineer and his decision may be appealed to the District Court

## E. ADMINISTERING AGENCY:

State Engineer  
Water Resources Division  
Natural Resources Department  
Bataan Memorial Building, Room 101  
Santa Fe, New Mexico 87503  
(505) 827-2423

**SECTION 4.0**  
**LAND USE REGULATIONS**

## CHAPTER 4.1

### CERTIFICATE OF CONVENIENCE AND NECESSITY

#### INTRODUCTION

A Certificate of Convenience and Necessity, administered by the New Mexico Public Service Commission, is required of parties desiring to operate as a utility in the State of New Mexico, to provide for regulation of utilities which are deemed most suitable to fulfill the needs of the state.

A. NAME OF PERMIT OF APPROVAL:

- Certificate of Convenience and Necessity

B. STATUTORY AUTHORITY:

- NMSA, 1978, 62-2-1 through 62-15-33

C. TITLE OF REGULATION:

- General Orders 1-37 of Public Service Commission

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Operations as a utility in the State of New Mexico, any person who builds an electrical generating plant capable of producing 300,000 kW or more even if it will be engaged solely in interstate operations, or anyone building lines to such a plant

2. General Requirements

- A utility is any person or entity not engaged solely in interstate business who operates a plant for the sale of gas, electricity, or water to the public
- The Public Service Commission does not have jurisdiction over the rates and service standards of municipally owned utilities unless the municipality elects to come under the Commission's jurisdiction, nor does the Commission's jurisdiction extend to utilities operating on Indian Land

## CHAPTER 4.1 (continued)

- In order to operate a gas, water, or electric plant in the State of New Mexico, or to build or extend such a plant, all utilities must obtain a Certificate of Convenience and Necessity by petitioning the Commission
3. Submission Requirements
- A petition to operate as a utility must be submitted with a \$25 filing fee to the Public Service Commission
4. Procedures for Obtaining Permit or Approval
- The Certificate may be obtained before the commencement of construction of the power facility and must be obtained before that commencement, and remains in effect for the period designated by the Commission
  - The Commission may at its discretion call for a public hearing as part of the assessment process
  - If an existing utility plans an expansion, a petition for a Certificate of Convenience and Necessity is required
  - The Public Service Commission's decisions on licensing are based on its responsibility to three sectors: the consumer, the utility investor, and the public interest at large, to provide public utilities in the most economic, efficient, and reliable means possible
  - In petitioning the Commissioner for Certification, a proposed utility must demonstrate need for the capacity of the facility
  - The proposed facility must also demonstrate, to the satisfaction of the Commission, that it will meet that need in the most efficient way possible in both technical and economic aspects
  - Reliability of the facility to provide service through its particular technology must also be demonstrated
  - The Commission must address environmental issues when assessing a petition
  - A utility must petition the Public Service Commission for permission to issue securities

CHAPTER 4.1 (concluded)

5. Operations Requirements

- A utility is required to pay to the Public Service Commission a annual fee for inspection and supervision of the utility business, at the rate of 1/2 of 1 percent of the utility's gross receipts from business conducted within New Mexico for the preceding calendar year
- The payment of this fee is to be in quarterly installments due in February, May, August and November

6. Fees

- \$25 filing fee, plus requirements of 5 above

7. Appeal Process

- Appeals in decisions related to Certificates are to the District Court of Santa Fe County and then directly to the State Supreme Court

E. ADMINISTERING AGENCY:

Executive Director  
Public Service Commission  
Bataan Memorial Building  
Santa Fe, New Mexico 87503  
(505) 827-2827

## CHAPTER 4.2

### STATE TRUST LAND LEASES

#### INTRODUCTION

State Trust Land Leases, administered by the Commissioner of Public Lands of the New Mexico State Land Office, are required of persons desiring to lease state trust land for development activities to provide for controlled leasing of state property and protection of natural resources of the State of New Mexico.

Geothermal resource leasing is shown here as an example, but the requirements for each resource are unique; therefore, contact the Commissioner of Public Lands for detailed information.

#### A. NAME OF PERMIT OR APPROVAL:

- State Trust Land Leases (S)

#### B. STATUTORY AUTHORITY:

- State Trust Land Leasing Statutes, 19-7-1, 19-8, 19-9, 19-10, 19-11, 19-13, et seq., NMSA, 1978  
36 Stat. at Large 557, Chapter 310, as amended

#### C. TITLE OF REGULATION:

- Rules and regulations concerning the sale, lease, and other disposition of State Trust Land, January 1981

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

##### 1. Applicability

- Persons desiring to lease state trust land for development activities

## CHAPTER 4.2 (continued)

### 2. General Requirements

- See below

### 3. Submission Requirements

- A letter must be submitted to the New Mexico State Land Commissioner nominating the tract of land desired to be leased
- To place a bid for the tract, persons must complete a prescribed form obtained from the State Land Office and submit it to the Commissioner. The form is accompanied by a check for \$10.00, the required filing fee, and a separate check for (1) the first year's rent at \$1/acre or part of an acre and (2) the bonus offered
- A minimum bonus for each tract of land is set by the Commissioner

### 4. Procedures for Obtaining Permit or Approval

- Following submittal of a letter indicating which tract of land is desired to be leased, the State Land Commissioner may reject the nomination or hold a sale for the lease of the tract of land at his discretion
- Leases of State Trust Lands are sold at public auction which is designated as sale by sealed or oral bids
- Leases are granted to the bidder offering the highest bonus. Once a bidder has been awarded the lease, he has 30 days in which to file a performance bond (in the amount of \$1,000 for a single lease, or \$2,000 in the case of multiple leases) and to sign the lease
- The Commissioner has the power to cancel the lease offer for just cause at any time between the date of sale and the signing of the lease
- Once the lease is signed, the lessee must, before commencing any activity on the land, file a bond in the amount prescribed by the Commissioner (but not less than \$5,000) in favor of the State of New Mexico, to secure payment for damages to

## CHAPTER 4.2 (concluded)

improvements on the leased land that might result from operational development by the lessee

### 5. Operations Requirements

- A lease is awarded for 10 years consisting of a primary term of 5 years and a secondary term of 5 years. The annual rental is \$1/acre or portion of an acre
- Secondary term fees and royalties are determined on an individual basis
- The land to be leased must be contiguous
- No leases are granted for a tract of land which is less than 640 acres, unless the desired tract is isolated and not contiguous with other lands available for leasing
- No leases are granted which contain more than 2,560 acres
- No person or association of persons may hold or control more than 51,200 acres in geothermal resource leases

### 6. Fees

- See Step 4 above on Procedures

### 7. Appeal Process

- Determined by bidding process

## E. ADMINISTERING AGENCY:

Commissioner of Public Lands  
State Land Office  
State Land Office Building  
P.O. Box 1148  
Sante Fe, New Mexico 87503  
(505) 827-5378

SECTION 5.0  
ENVIRONMENTAL QUALITY MANAGEMENT

## CHAPTER 5.1

### AIR QUALITY CONSTRUCTION PERMIT

#### INTRODUCTION

The Air Quality Bureau (AQB) of the Environmental Improvement Division of the New Mexico Health and Environment Department has responsibility for Air Quality Construction permits under the authority of the Air Quality Control Act. The purpose of this permit is to prevent faulty construction or modification of sources of air contaminants which could constitute hazardous conditions. Permits for Bernalillo County are reviewed and issued by the Albuquerque Services Department.

#### A. NAME OF PERMIT OR APPROVAL:

- Air Quality Construction Permit (S)

#### B. STATUTORY AUTHORITY:

- Air Quality Control Act, 74-2-1 through 74-2-17 (specifically 74-2-7), NMSA, 1978, as amended 1981

#### C. TITLE OF REGULATION:

- Air Quality Control Regulation 702, Permits (P)

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to AQB
- Final review and approval by AQB

##### 1. Applicability

- Construction or modification of a source of air contaminants
- Applies only to sources with uncontrolled emissions greater than 10 pounds per hour or 25 tons per year, or any quantity of a hazardous air pollutant

##### 2. General Requirements

- This permit must be obtained at least 60 days prior to commencement of construction or modification of any source

## CHAPTER 5.1 (continued)

### 3. Submission Requirements

- Description of equipment used for emissions measurements
- Proposed location
- Expected nature and quantity of emissions of air contaminants
- Description of proposed control equipment
- Information to show compliance with regulations and standards under the New Mexico Air Quality Control Act or the Federal Act, including New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits application to AQB at least 60 days prior to initiation of construction or modification
- Final completeness review within 15 days
- Publication of public notice, followed by a 15-day public comment period
- Estimated minimum processing time 30 days, maximum 120 days
- Notification of initial start-up by owner/operator
- Performance tests and/or facility inspection required within 60 days of full production but not more than 180 days from start-up
- Permit may be cancelled if commencement of construction is not within 1 year of issuance date

### 5. Operations Requirements

- Applicant must comply with all applicable emission limit regulations or the emission rates specified in the application (whichever is lower as necessary to meet ambient standards) and any conditions placed on permit

### 6. Fees

- None

### 7. Appeal Process

- Applicant may appeal permit denial to the Environmental Improvement Board, and may further appeal that decision to the Court of Appeals

CHAPTER 5.1 (concluded)

E. ADMINISTERING AGENCY:

State Agency:

Chief  
Air Quality Bureau  
Environmental Improvement Division  
Health and Environment Department  
P.O. Box 968  
Santa Fe, New Mexico 87503  
(505) 827-5271, ext. 370

Federal Agency:

Chief  
Technical Support Section  
U.S. Environmental Protection Agency  
Region VI  
1201 Elm Street  
Dallas, Texas 75270  
(214) 767-2742

## CHAPTER 5.2

### EFFLUENT DISCHARGE PLAN APPROVAL

#### INTRODUCTION

The Oil Conservation Division (OCD) of the New Mexico Energy and Minerals Department has responsibility for approval of effluent discharge plans under the authority of the Water Quality Act. The purpose of this permit is to prevent discharge of pollutants into underground water supplies which could constitute hazardous conditions.

#### A. NAME OF PERMIT OR APPROVAL:

- Effluent Discharge Plan Approval (S)

#### B. STATUTORY AUTHORITY:

- Water Quality Act, 74-6-1 et seq., NMSA, 1978

#### C. TITLE OF REGULATION:

- Water Quality Control Commission Regulations

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Crude oil or natural gas transporters, processors, or refiners and geothermal resource transporters and/or users whose operations result in a directly related effluent shall, in triplicate, submit a discharge plan, in accordance with the Water Quality Control Commission Regulations to OCD
- Final review and approval by OCD
  1. Applicability
    - This plan approval applies to effluent disposal into ground waters having total dissolved solids concentrations of 10,000 mg/l or less. (The purpose is to maintain contaminant levels at or below those set out in Section 3-103 of the regulations.)
  2. General Requirements
    - Applicant must obtain plan approval prior to initiation of discharge activities

## CHAPTER 5.2 (continued)

### 3. Submission Requirements

- Comprehensive report with complementary charts and diagrams outlining the methodology and processes to be used for disposing of effluent

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits notice to submit a discharge plan to OCD (120 days)
- Technical review of plan by OCD (30 days)
- Public notice and comment period (30 days)
- Public hearing notice, if required (30 days)
- Approval or disapproval of plan (60 or more days as required)

### 5. Operations Requirements

- Applicant submits periodic data and results of testing as set forth in each discharge plan to OCD
- OCD has the right to inspect the discharge plan facilities and copy records of test data

### 6. Fees

- None

### 7. Appeal Process

- Discharger files written request to the Director of OCD seeking the Water Quality Control Commission's consideration, and can appeal the Commission's findings to the Court of Appeals as per NMSA, 1978 Comp., 74-6-5 (O)

## E. ADMINISTERING AGENCY:

Director  
Energy and Minerals Department  
Oil Conservation Division  
P.O. Box 2088  
Santa Fe, New Mexico 87501  
(505) 827-3260

## CHAPTER 5.3

### GROUND WATER DISCHARGE PLAN

#### INTRODUCTION

The Water Pollution Control Bureau (WPCB) of the Environmental Improvement Division of the New Mexico Health and Environment Department has responsibility for approval of ground water discharge plans under the authority of the Water Quality Act. The purpose of this permit is to prevent water pollution which could result from improper discharge of ground water constituting hazardous conditions.

A. NAME OF PERMIT OR APPROVAL:

- Ground Water Discharge Plan (S)

B. STATUTORY AUTHORITY:

- Water Quality Act, 74-6-1 through 74-6-16 (specifically 74-6-5), NMSA, 1978
- Water Quality Act, 74-6-1 through 74-6-13 (specifically 74-6-5), NMSA, 1978

C. TITLE OF REGULATION:

- Water Quality Control Commission Regulations, Part 3

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Discharge of contaminants to ground water

2. General Requirements

- Discharger must notify Director of WPCB of Intent to Discharge
- A discharge plan may or may not be required

3. Submission Requirements

- Quantity, quality, and flow characteristics
- Location of discharge near water bodies and monitoring wells

## CHAPTER 5.3 (continued)

- Depth and total dissolved solids concentration of ground water most likely to be affected
  - Sampling sites and methods
  - Certain geological and hydrological information (contact administering agencies for details)
4. Procedures for Obtaining Permit or Approval
- Applicant notifies Director of WPCB of intent to discharge
  - Director notifies discharger (within 60 days) of conditions of discharge plan
  - If a discharge plan is required, the plan is submitted to WPCB
  - Public hearings may be held if there is significant public interest
  - Final review and approval or denial by WPCB prior to initiation of discharge
  - The Director may, for good cause, allow discharge without an approved plan for a maximum of 120 days
5. Operations Requirements
- Applicant must operate in accordance with the approved discharge plan, including conditions, if any, or approved modification
6. Fees
- None
7. Appeal Process
- Applicant may appeal denial or conditions to the Water Quality Control Commission
  - If appeal is denied, applicant may take it to the Court of Appeals

CHAPTER 5.3 (concluded)

E. ADMINISTERING AGENCY:

State Agency:

Chief  
Water Pollution Control Bureau  
Environmental Improvement Division  
Health and Environment Department  
P.O. Box 968  
Santa Fe, New Mexico 87503  
(505) 827-5271, ext. 232

Federal Agency:

Chief  
Ground Water Protection Section (GAWSG)  
U.S. Environmental Protection Agency  
Region VI  
1201 Elm Street  
Dallas, Texas 75270  
(214) 767-2774

(Contact USEPA for possible future underground injection control (UIC) program requirements)

## CHAPTER 5.4

### WATER SUPPLY CONSTRUCTION PERMIT

#### INTRODUCTION

The Water Supply Section (WSS) of the Environmental Improvement Division of the New Mexico Health and Environment Department has responsibility for issuance of Water Supply Construction permits under the authority of the Environmental Improvement Act. The purpose of this permit is to prevent faulty construction of water supply facilities which could constitute hazardous conditions.

A. NAME OF PERMIT OR APPROVAL:

- Water Supply Construction Permit (S)

B. STATUTORY AUTHORITY:

- Environmental Improvement Act, 74-1-1 through 74-1-10 (specifically 74-1-8A(2)), NMSA, 1978
- Water Supply Construction Act, 75-1-1 through 75-1-4 (specifically 75-1-4), NMSA, 1978

C. TITLE OF REGULATION:

- Regulations Governing Water Supplies, Section 103

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to WSS
  - Final review and approval by WSS
1. Applicability
    - Construction or modification of storage, treatment, or production facilities
  2. General Requirements
    - Application must be submitted on forms provided by WSS
    - Plans and specifications must be prepared by a professional engineer licensed in New Mexico

## CHAPTER 5.4 (continued)

### 3. Submission Requirements

- Application
- Plans and specifications
- Any other relevant information required by WSS

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits application to WSS at least 60 days prior to initiation of construction or modification. (Application must be filed at least 60 days prior to beginning of construction or modification. Agency must approve, approve subject to conditions, or deny the application within 30 days.)
- Final review and approval or denial by WSS (approval may be subject to conditions)
- Estimated processing time is 30 days

### 5. Operations Requirements

- Applicant must comply with maximum contaminant levels in Regulations Governing Water Supplies, Part II

### 6. Fees

- None

### 7. Appeal Process

- Water supplier or customer may appeal to Environmental Improvement Board

## E. ADMINISTERING AGENCY:

Manager  
Water Supply Section  
Community Support Services Bureau  
Environmental Improvement Division  
Health and Environment Department  
P.O. Box 968  
Santa Fe, New Mexico 87505  
(505) 827-5271

## CHAPTER 5.5

### PERMIT TO APPROPRIATE THE PUBLIC WATER OF NEW MEXICO

#### INTRODUCTION

The Water Resources Division (WRD) of the New Mexico Natural Resources Department has responsibility for issuance of permits to appropriate the public water supply of New Mexico under the authority of NMSA, 1978, Chapter 72. The purpose of this permit is to prevent detriment or impairment of existing water rights and to ensure the beneficial use of public water.

#### A. NAME OF PERMIT OR APPROVAL:

- Permit to appropriate the Public Water of New Mexico (surface or underground water) (S)

#### B. STATUTORY AUTHORITY:

- NMSA, 1978, 72-5, Appropriation and Use of Surface Water
- NMSA, 1978, 72-12, Underground Water

#### C. TITLE OF REGULATION:

- Rules and regulations governing the appropriation and use of the surface waters of the State of New Mexico, revised August 1953
- Rules governing drilling wells and appropriation and use of ground water in New Mexico, 1966

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to the WRD. Notice of application is required to be published once a week for 3 consecutive weeks in a newspaper of general circulation in the stream system or county in which the well is to be drilled prior to action by the State Engineer (such notice gives other water right owners the right to protest if the granting of the application would impair or be to the detriment of the person's water right)

## CHAPTER 5.5 (continued)

- If there is a protest, a hearing before the State Engineer is required prior to acting on the application
  - Final review and action by the State Engineer
1. Applicability
    - Construction of works, drilling of water wells, and the appropriation of public water for a beneficial use within a certain time frame, usually 4 years
  2. General Requirements
    - Engineering plans and specifications are required for any dam which exceeds 10 feet in height above the lowest natural ground surface elevation or impounds more than 10 acre-feet of water
    - Artesian wells must be drilled in accordance with the State Engineer's regulations
  3. Submission Requirements
    - Source of supply
    - Location of point of diversion or well
    - Quantity of water to be appropriated
    - Period of use
    - Description of works
    - Use
    - Engineering maps and plans as may be required by the State Engineer
    - For wells to be drilled on private land and not owned by applicant, permission of owners must accompany application
  4. Procedures for Obtaining Permit or Approval
    - Applicant submits application to WRD
    - Review by State Engineer's staff
    - Notice for publication is issued

## CHAPTER 5.5 (continued)

- Applicant submits proof of publication by affidavit from newspaper
- If no protest is filed, application is considered by State Engineer based on his record and field investigation
- If a protest is filed, a hearing before the State Engineer is required before action on the application can be taken, and the State Engineer's decision is based upon his record and the evidence submitted at the hearing
- Estimated processing time for a non-protested application, about 6 to 8 weeks
- No time period can be estimated for a protested application

### 5. Operations Requirements

- Proof of completion of works, proof of application of water to beneficial use, and final inspection report are required to be submitted within a specified period of time, usually a 4-year period
- Extension of time may be approved if diligence or reasonable cause for delay can be shown to the satisfaction of the State Engineer

### 6. Fees

- Application to appropriate surface water \$10.00 plus \$1.00 per \$1,000 estimated cost of storage structure
- Application to appropriate ground water \$5.00
- Application for extension of time \$10.00 - surface, \$5.00 - ground water
- Proof of completion of works \$5.00 - surface
- License to appropriate \$5.00

### 7. Appeal Process

- Decisions of the State Engineer may be set aside within 30 days of receipt of his action if no hearing is held
- A hearing before the State Engineer is required before the matter may be appealed to the District Court which must occur within 30 days of receipt of his action after hearing

CHAPTER 5.5 (concluded)

E. ADMINISTERING AGENCY:

State Engineer  
Water Resources Division  
Natural Resources Department  
Bataan Memorial Building, Room 101  
Santa Fe, New Mexico 87503  
(505) 827-2423

## CHAPTER 5.6

### MINE DEWATERING PERMIT

#### INTRODUCTION

The Water Resources Division (WRD) of the New Mexico Natural Resources Department has responsibility for issuance of permits for mine dewatering under the authority of NMSA, 1978, Chapter 72. The purpose of the Act is to promote maximum economic development of mineral resources while ensuring that such development does not impair existing water rights.

A. NAME OF PERMIT OR APPROVAL:

- Mine Dewatering Permit (S)

B. STATUTORY AUTHORITY:

- NMSA, 1978, 72-12A-1 et seq.

C. TITLE OF REGULATION:

- Rules and regulations governing drilling of wells and appropriation of ground water in New Mexico, 1966

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to WRD
- Notice of application is required to be published once a week for 3 consecutive weeks in a newspaper of general circulation in the county
- Such notice gives water right owners the right to protest
- If a protest is filed, a hearing before the State Engineer is required
- Final review and action by the State Engineer
- 1. Applicability
  - Allows for mine dewatering and the disposal of the water
- 2. General Requirements
  - If mine dewatering impairs existing water rights, applicant may submit a plan of replacement of such water to parties impaired

## CHAPTER 5.6 (continued)

### 3. Submission Requirements

- Mine dewatering plan
- Engineering studies showing the effects of such plan on existing water rights
- Plan of replacement should show the plan the applicant proposes that would overcome the effects on other water rights

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits application to WRD
- Review by State Engineer staff
- Notice for publication is issued
- Applicant submits proof of publication by affidavit from newspaper
- If there is no protest, the application is considered by the State Engineer based on his record and field investigation
- If protests occur, a hearing before the State Engineer is required before action on the application can be taken, and the State Engineer's decision is based upon his record and the evidence submitted at the hearing
- Estimated processing time for a non-protested application is approximately 6 to 8 weeks
- No time period can be estimated for a protested application

### 5. Operation Requirements

- Conditions to be set by the State Engineer after acting on an application to ensure that no water right is impaired by the mine dewatering plan

### 6. Fees

- Application fee \$5.00

### 7. Appeal Process

- Decision of the State Engineer may be set aside within 30 days of receipt of his action if no hearing is held

## CHAPTER 5.6 (concluded)

- A hearing before the State Engineer is required before the matter may be appealed to the District Court which must occur within 30 days of receipt of his action hearing.

### E. ADMINISTERING AGENCY:

State Engineer  
Water Resources Division  
Natural Resources Department  
Bataan Memorial Building, Room 101  
Santa Fe, New Mexico 87503  
(505) 827-2423

## CHAPTER 5.7

### SOLID WASTE REGISTRATION CERTIFICATE

#### INTRODUCTION

The Environmental Improvement Division (EID) of the New Mexico Health and Environment Department has responsibility for the Solid Waste Registration Certificate under the authority of the Environmental Improvement Act. The purpose of this certificate is to register solid waste management systems.

A. NAME OF PERMIT OR APPROVAL:

- Solid Waste Registration Certificate (S)

B. STATUTORY AUTHORITY:

- Environmental Improvement Act, 74-1-1 to 74-1-10 (specifically 74-1-8A(3)), NMSA, 1978

C. TITLE OF REGULATION:

- Solid Waste Management Regulations, Section 103

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to EID
- Review and issuance of registration certificate by EID
- 1. Applicability
  - Collection, transportation, or disposal of solid waste
- 2. General Requirements
  - This certificate must be obtained at least 30 days prior to creation or modification of the system
- 3. Submission Requirements

The application, obtainable from EID, requires the following:

- Type of storage containers (residential, recreational, and commercial)
- Number of residential, recreational, and commercial accounts served

## CHAPTER 5.7 (continued)

- Description of collection vehicles (number and condition)
  - Number of crew members per vehicle
  - Collection frequency (per week) for residential, commercial, institutional, industrial, and recreational accounts
  - The transport distance from the nearest and farthest points to the disposal site
  - Brief statement describing the plan for storage, collection, and transportation operation
  - Location of any water courses or water wells within 200 feet of the disposal site
  - Estimated depth to ground water
  - Methods of fire prevention/control, including who notifies disposal site operator
  - Means of preventing entry of runoff water into the fill
  - Means of minimizing blowing waste
  - Type of fencing
  - Wording of signs
  - Refuse cover/compaction equipment: number, type, age of equipment, ownership, and location of stored equipment
4. Procedures for Obtaining Permit or Approval
- Applicant submits application to EID
  - Certificate must be obtained at least 30 days prior to creation or modification of the system
  - Review or issuance of registration certificate by EID
  - Noncompliance with Solid Waste Management Regulations Sections 105-108 will be noted on the certificate
5. Operations Requirements
- Applicant must comply with all applicable requirements of the regulations
6. Fees
- None

CHAPTER 5.7 (concluded)

7. Appeal Process

- None

E. ADMINISTERING AGENCY:

Manager  
Physical Environmental Management Section  
Community Support Services Bureau  
Environmental Improvement Division  
Health and Environment Department  
P.O. Box 968  
Santa Fe, New Mexico 87503  
(505) 827-5271

## CHAPTER 5.8

### RADIOACTIVE MATERIAL LICENSE

#### INTRODUCTION

The Environmental Improvement Division (EID) under the New Mexico Health and Environment Department has responsibility for issuance of Radioactive Material Licenses under the authority of the Radiation Protection Act. The purpose of this license is to ensure that the licensed operation will be in conformance with New Mexico Radiation Protection Regulations.

A. NAME OF PERMIT OR APPROVAL:

- Radioactive Material License (S)

B. STATUTORY AUTHORITY:

- Radiation Protection Act, 74-3-1 through 74-3-16, NMSA, 1978

C. TITLE OF REGULATION:

- Radiation Protection Regulations

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application along with a Radiation Safety Program and an Environmental Report, if required, to EID
- If acceptable, and operations are determined to be accomplished within the regulations, and the applicant is determined to be qualified, the license is issued

1. Applicability

- Any requested operation involving radiation including X-ray machines, radioisotope sources (sealed or unsealed), source material refiners, and radioactive tailing (by-product material) disposal

2. General Requirements

- Requirements of the Radiation Protection Regulations must be met

## CHAPTER 5.8 (continued)

### 3. Submission Requirements

- Preparation of Environmental Report (where required) describing:
  - Proposed operation
  - Site selection
  - Alternatives
  - Radiological impacts
  - Nonradiological impacts
  - Decommissioning
  - Reclamation
  - Stabilization

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits application containing information under Step 3 above to EID
- EID conducts a pre-acceptance review
- EID has 60 days to respond on adequacy and sufficiency of information
- Public notice for major actions (uranium mill, commercial on-site, etc.)
- Public comment period and public hearing process if there is significant public interest
- Site inspections during review process
- Estimated processing time is 12-24 months for major license actions, such as conventional uranium mills

### 5. Operations Requirements

- For major licensing actions, pre-operational inspection
- Periodic inspection (twice per year for major facilities)
- Periodic reports of monitoring
- Compliance with regulation standards

## CHAPTER 5.8 (concluded)

- Demonstration of compliance
- License renewal each 5 years

### 6. Fees

- None

### 7. Appeal Process

- Appeal to Director of EID, Environmental Improvement Board, and Courts

## E. ADMINISTERING AGENCY:

### State Agency:

Director  
Environmental Improvement Division  
Health and Environment Department  
P.O. Box 968  
Santa Fe, New Mexico 87503  
(505) 827-5271, ext. 201

### Federal Agency:

U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
(303) 492-8170

## CHAPTER 5.9

### HAZARDOUS WASTE DISPOSAL SITE PERMIT

#### INTRODUCTION

Because of recent changes to the New Mexico Hazardous Waste Act and significant expected changes in the Hazardous Waste Regulations, the Environmental Improvement Division (EID) of the New Mexico Health and Environment Department does not have authorization for issuance of federal Hazardous Waste Disposal Site permits until spring 1982. A federal permit for hazardous waste required by the U.S. Environmental Protection Agency must be obtained at this time in addition to the state permit. The purpose of this permit is to protect the environment and prevent contamination resulting from hazardous waste disposal which could constitute hazardous conditions. These regulations will be drastically modified within the next year so that they will reflect requirements of the federal Resource Conservation and Recovery Act of 1976.

#### A. NAME OF PERMIT OR APPROVAL:

- Hazardous Waste Management Facility Permit (Treatment, Storage, Disposal) (S)

#### B. STATUTORY AUTHORITY:

- Hazardous Waste Act, 74-4-1 through 74-4-12 (specifically 74-4.A), NMSA, 1978, as amended 1981

#### C. TITLE OF REGULATION:

- Hazardous Waste Regulations, Section 103

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application to EID
- Final review and approval by EID
- 1. Applicability
  - Operation of hazardous waste disposal site
- 2. General Requirements
  - This permit must be obtained prior to construction commencement or hazardous waste disposal activities

## CHAPTER 5.9 (continued)

### 3. Submission Requirements

- Engineering plans
- Types of waste acceptable
- Comprehensive survey
- Types of treatment and disposal for evaporation or incineration
- Components of waste emitted to atmosphere
- Final disposal of residue
- Name, address, and qualifications of site supervisor
- Detailed map of disposal site
- Contingency plan
- Legal description of site
- Other relevant information required by the agency

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits application to EID at least 90 days prior to construction commencement or disposal activities
- Agency may approve, approve subject to conditions, or deny the permit
- 30-day public comment period
- Final review and approval or denial by EID
- Approval may be subject to conditions until applicant proves requirements have been met according to Water Quality Control Commission Regulations, Part 3

### 5. Operations Requirements

- Applicant must comply with all applicable state or federal laws or regulations

### 6. Fees

- None

## CHAPTER 5.9 (concluded)

### 7. Appeal Process

- Appeals may be made to the Environmental Improvement Board within 15 days after notice of agency action

### E. ADMINISTERING AGENCY:

#### State Agency:

Manager  
Physical Environmental Management Section  
Community Support Services Bureau  
Environmental Improvement Division  
Health and Environment Department  
P.O. Box 968  
Santa Fe, New Mexico 87503  
(505) 827-5271, ext. 282

#### Federal Agency:

Chief  
RCRA Section  
U.S. Environmental Protection Agency  
Region VI  
1201 Elm Street  
Dallas, Texas 75270  
(214) 767-3663

## CHAPTER 5.10

### LICENSE FOR WATER WELL DRILLERS

#### INTRODUCTION

The Water Resources Division (WRD) of the New Mexico Natural Resources Department has responsibility for issuance of licenses for water well drillers under the authority of NMSA, 1978, Chapter 72. The purpose of this license is to regulate the drilling of water wells within underground water basins declared by the State Engineer.

A. NAME OF PERMIT OR APPROVAL:

- Water Well Driller's License (S)

B. STATUTORY AUTHORITY:

- NMSA, 1978, 72-12-12

C. TITLE OF REGULATION:

- Rules and regulations governing drilling of wells and appropriation of ground water in New Mexico, 1966

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits application on forms furnished by the State Engineer accompanied by a filing fee of \$20.00 and a performance bond in the amount of \$5,000 and with surety approved by the State Engineer

- Final review and action by WRD

- License valid for a 2-year period

1. Applicability

- Any water well drilling within any of the underground water basins declared by the State Engineer

## CHAPTER 5.10 (continued)

### 2. General Requirements

- Each licensee when drilling in a declared underground water basin must display his license number and the expiration date of license
- A licensee may drill, deepen, repair, or clean a well within a declared underground water basin only when owner of such well has a valid permit from the State Engineer for the work to be performed

### 3. Submission Requirements

- Name and address
- Type of wells to be drilled (artesian/non-artesian)
- Statement of qualifications
- References
- Description of each well rig, photograph of rig's side view, and well driller's bond

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits application, driller's bond, and fees to WRD
- Final review and approval by WRD
- Estimated processing time, 1 week or less

### 5. Operations Requirements

- Well driller is responsible for ensuring that owner has a valid permit to drill the well
- Driller is required to file a well record with the State Engineer within 10 days of completion of the well

### 6. Fees

- Application fee \$20.00
- Surety bond in the amount of \$5,000
- Renewal fee \$10.00

## CHAPTER 5.10 (concluded)

### 7. Appeal Process

- Party may ask for hearing before the State Engineer within 30 days of any prior action taken by the State Engineer
- The decision after the hearing may be appealed to District Court.

### E. ADMINISTERING AGENCY:

State Engineer  
Water Resources Division  
Natural Resources Department  
Bataan Memorial Building, Room 101.  
Santa Fe, New Mexico 87503  
(505) 827-2423

## CHAPTER 5.11

### NOISE REGULATIONS

No regulations, permits, or approvals exist for state regulation of noise in the State of New Mexico at this time. Noise may be regulated on the local government level in the state. Local government agencies may be contacted for information related to noise regulations.

SECTION 6.0  
SOCIAL/ECOLOGICAL PRESERVATION

## CHAPTER 6.1

### RARE AND ENDANGERED SPECIES

The Heritage Program of the New Mexico Natural Resources Department administers the New Mexico Endangered Species Act. New Mexico's rare and endangered species lists include all federally recognized rare and endangered species pursuant to the federal Endangered Species Act and U.S. Fish and Wildlife Service regulations. There is no state statutory authority on plants. The Heritage Program provides guidance on plant species. Further information on rare and endangered species in New Mexico can be obtained by contacting:

Heritage Program  
Natural Resources Department  
Villagra Building  
Santa Fe, New Mexico 87503  
(505) 827-5231

## CHAPTER 6.2

### PERMIT FOR ARCHAEOLOGICAL SURVEY AND EXCAVATION EASEMENTS

#### INTRODUCTION

The Historic Preservation Bureau (HPB) of the New Mexico State Planning Division has responsibility for issuance of permits for Archaeological Survey and Excavation Easements under the authority of the Cultural Properties Act of 1969. The purpose of these permits is to preserve and maintain registered cultural properties and objects of antiquity or general scientific interests.

#### A. NAME OF PERMIT OR APPROVAL:

- Permit for Archaeological Survey Easement (S)
- Permit for Archaeological Excavation Easement (S)

#### B. STATUTORY AUTHORITY:

- Cultural Properties Act of 1969, 18-6-1 through 18-6-17 (specifically 18-6-5), NMSA, 1978 Comp. as amended (P)

#### C. TITLE OF REGULATION:

Regulations Pertaining to the Preservation and Maintenance of Registered Cultural Properties and Objects of Antiquity or General Scientific Interests (P)

#### D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- Applicant submits applications to HPB for initial review for completeness and accuracy of information
- Final review and approval by the Chairman, Cultural Properties Review Committee, and State Archaeologist, Office of the Commissioner of Public Lands
- When State Trust Lands are involved, the Commissioner of Public Land completes final approval

##### 1. Applicability

- All activity conducted for the purpose of locating, identifying, excavating, or otherwise affecting cultural resources located on state land

## CHAPTER 6.2 (continued)

### 2. General Requirements

- The applicant must be recognized as a competent professional archaeologist capable of performing investigations, meeting professionally acceptable standards for methodology, and researching and reporting as demonstrated by education, experience, and past performance

### 3. Submission Requirements

- Documentation of professional qualifications
- Research design for investigations to be conducted
- Project description including maps and legal descriptions of the location

### 4. Procedures for Obtaining Permit or Approval

- Applicant submits application to HPB to be reviewed for professional adequacy of proposed investigations and accuracy of information provided
- A field inspection is conducted by the State Land Office of areas affected by excavation permits
- Final approval by HPB
- Normal processing time is 2 - 3 weeks

### 5. Operations Requirements

- A permittee is required to demonstrate the ability to conduct research in a professionally acceptable manner and submit reports of investigations within the required time to be eligible to receive approval for future permit applications

### 6. Fees

- Surveys - \$10.00 filing fee for the first 3 land sections covered plus \$3.50 for each additional section
- Excavations - \$10.00 filing fee and \$50.00 inspection fee required by the State Land Office

## CHAPTER 6.2 (concluded)

### 7. Appeal Process

- Any applicant whose application is denied may appeal the decision to the Cultural Properties Review Committee or to the Commissioner of Public Lands depending on where the denial was made

#### E. ADMINISTERING AGENCY:

State Historic Preservation Officer  
Historic Preservation Bureau  
State Planning Division  
505 Don Gaspar Avenue  
Santa Fe, New Mexico 87503  
(505) 827-2108

**SECTION 7.0**  
**LOCAL REGULATORY POLICY**

## CHAPTER 7.1

### LOCAL GOVERNMENT LAND USE AND NATURAL RESOURCE CONTROL ENABLING LAWS

There are no local government land use and natural resource enabling laws specifically governing energy project development in New Mexico. The New Mexico municipal code contains statutes which confer zoning authority on counties and cities, as well as statutes conferring general ordinance-making authority. These statutes include Planning and Platting, 3-19-1 through 3-19-12, NMSA, 1978 Comp. as amended; Subdivisions, 3-20-1 through 3-20-16; Zoning, 3-21-1 through 3-21-26; and General Ordinances, 3-17-1 through 3-17-6. Municipalities and counties may also own and operate gas and electric utilities pursuant to statutory mechanisms. Utilities are subject to the municipal occupation tax.

Additional information on local government land use and natural resource control enabling laws may be obtained from the following agencies:

State Planning Division  
Department of Finance and Administration  
421 State Capitol  
Santa Fe, New Mexico 87503  
(505) 827-2665

New Mexico Municipal League  
P.O. Box 846  
Santa Fe, New Mexico 87503  
(505) 982-5573