



PUBLIC NOTICE NO. 25-07

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
October 31, 2025**

**NOTICE OF PUBLIC COMMENT PERIOD FOR PROPOSED EPA AUTHORIZATION CHANGES TO
THE NEW MEXICO HAZARDOUS WASTE MANAGEMENT REGULATIONS,
20.4.1 AND 20.4.3 NMAC**

The New Mexico Environment Department (NMED) is planning to petition the Environmental Improvement Board (EIB) to adopt rules to ensure accurate delineation of the responsibilities of the state and federal government in the management of hazardous waste, making technical corrections, and conforming New Mexico's aerosol waste management program to newer federal standards.

Background

The Hazardous Waste Management Regulations, 20.4.1 New Mexico Administrative Code (HWMR) provide for the adoption of the federal hazardous waste management standards, and define the authority of NMED and United States Environmental Protection Agency (EPA) in regulating hazardous waste. In the 2018 rulemaking before the EIB, the HWMR were amended to provide for prospective adoption of hazardous waste regulations to ensure consistency with the federal program.

EPA has established the Electronic Manifest system for the shipment of hazardous wastes in regulatory changes beginning February 7, 2014, and through a small number of revisions to those regulations after that time. These regulations, which have been in effect in New Mexico already for several years, are progressively modernizing the shipment process for hazardous waste to Treatment, Storage, and Disposal Facilities, saving paper by distributing manifest paperwork electronically. The Electronic Manifest, or E-manifest, system is managed by the EPA, with many day-day data maintenance functions performed by NMED. The implementing regulations for E-manifest were adopted by the New Mexico Environmental Improvement Board (EIB) under the authority of NMSA 1978 74-4-4 in 2018, and have been updated by prospective adoption since that time, but are implemented by EPA and contain several provisions on imports and exports which cannot be delegated to the State of New Mexico. This results in the need to perform changes to the structure of the HWMR to fully clarify roles and responsibilities for E-manifest.

During review of regulations for the purpose of obtaining federal authorization of New Mexico's regulatory adoptions, NMED and EPA determined that further rulemaking is required to apply prospective adoption procedures to all relevant sections of the HWMR. Specifically, some

permitting procedures in 20.4.1.901 New Mexico Administrative Code (NMAC) were inadvertently left unchanged during the 2018 action and should have been revised to reflect NMED's intent to allow for prospective adoption. NMED's proposed rulemaking provides more regulatory consistency.

Also, during review of regulations for this action an additional typo in the form of an incorrect citation was discovered in 20.4.3.202(C) that requires correction. This provision was most recently promulgated by the EIB following a 2019 hearing and intended to allow NMED to adjust annual hazardous waste generation fees for inflation. However, the citation for the annual hazardous waste generation fees in this section is incorrect.

Additionally, to ensure that New Mexico provides for protection of human health and the environment that is at least as stringent as federal requirements, NMED must ensure that the HWMR are consistent with the new federal requirements for universal waste aerosol cans that were enacted by EPA on December 9, 2019 and since prospectively adopted into the HWMR. Conflicting and less stringent state-specific requirements must be removed from 20.4.1.1001(D) NMAC.

NMED is pursuing a rulemaking hearing before the EIB in FY26 to enact these necessary changes to the HWMR. The Hazardous Waste Act, NMSA 74-4 requires that NMED provide a process whereby members of the public may comment on the rulemaking and respond to those comments in its hearing before the EIB.

How to participate

Comments will be accepted via mail, email, and NMED's Smart Comment Portal at <https://nmed.commentinput.com/comment/search>. All other related information will be available on NMED's website through the Smart Comment Portal

A copy of the Public Notice and a Fact Sheet providing further details on the regulatory changes are available electronically on the NMED website at: www.env.nm.gov/hazardous-waste/hazardous-waste-regulation-and-authorization/.

Any person seeking additional information regarding this notice or the Hazardous Waste Management Regulations may contact:

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Members of the public and other interested parties may submit comment on NMED's action. NMED will now receive public comment through **5:00 p.m. MDT, November 30, 2025**. Only comments and/or requests received on or before 5:00 p.m. MDT, November 30, 2025, will be considered.

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NMED must ensure that the HWMR will be consistent with the requirements of the Hazardous Waste Act. All written comments submitted on the 2025 RCRA Authorization Rulemaking will become part of the Administrative Record and will be considered in the rulemaking. NMED will respond in writing to all significant public comment. This response will also be posted on the NMED website in addition to NMED notifying all persons providing written comments.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability requiring assistance or auxiliary aid should contact Kate Cardenas, Non-Discrimination Coordinator, by phone at (505) 469-0732, or via email at: nd.coordinator@env.nm.gov. Toll-free numbers are available for TDD or TDY users to access the New Mexico Relay Network at 1-800-659-1779 (voice); TTY users: 1-800-659-8331.

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, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kate Cardenas, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov. You may also visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.