



NEW MEXICO ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

Public Involvement Plan (PIP)

2026 Triennial Review of the State of New Mexico's Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC)

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APPROVAL PAGE**

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I. Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (Department), Surface Water Quality Bureau (Bureau) developed this Public Involvement Plan (PIP) for the Triennial Review of the State's Standards for Interstate and Intrastate Surface Waters ("Surface Water Quality Standards") codified under 20.6.4 NMAC. The State of New Mexico is required under the New Mexico Water Quality Act, and the federal Clean Water Act, to adopt water quality standards that protect the public health or welfare, enhance the quality of water, and are consistent with and serve the purposes of the New Mexico Water Quality Act and the federal Clean Water Act. In accordance with 40 CFR 131.20, the State shall review these standards and petition the New Mexico Water Quality Control Commission (WQCC) to hold a public hearing at least every three years from the last date of EPA approval. As these water quality standards are applicable to all waters of the state, the Triennial Review is considered a state-wide action. The purpose of this PIP is to provide public participation opportunities and information that may be needed for the public to engage in the rulemaking process for this action.

The Bureau encourages early engagement to inform public comments and participation during the Triennial Review process. The Triennial Review does not include any waters within tribal jurisdictions; however, some stream segments are proximate to tribal boundaries. The Department will notify all Tribes in the state, with an emphasis on those that have lands or connections to waters that could be affected by the Triennial Review. Likewise, the Bureau notifies impacted stakeholders such as private landowners, and federal and state agencies whose lands, facilities, or operations could be impacted via the Bureau's email listserv, website, public meeting, New Mexico public register, and newspapers of general circulation. Ultimately, the WQCC will adopt or deny proposed regulatory language after conducting a public rulemaking hearing. If adopted, regulatory language is then sent to the Environmental Protection Agency (EPA) for approval and use for federal Clean Water Act purposes.

This PIP integrates information about the community and identifies resources needed by the Bureau to successfully incorporate community participation. The PIP identifies the Department staff and resources needed to accomplish these activities.

In developing this PIP, state-wide community participation needs were assessed to ensure appropriate promotion of public outreach by identifying whether there is a combination of environmental and demographic factors (i.e., low income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation.¹ This assessment identifies community outreach needs and provides for public access opportunities above and beyond statutorily mandated requirements, and underscores the provision of adequate public access to information about the Triennial Review.

New Mexico's 2020 Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CPP) outlines public participation actions based on the Water Quality Act (WQA), State Rules Act, and New Mexico Administrative Code (NMAC) requirements and include:

- Stakeholder identification and outreach to gather information and identify potential updates.
- Conduct public meetings (Optional).
- Minimum 30-day public comment period for draft proposal.
- Petition the WQCC at a public meeting to request a hearing for the proposed changes to the regulations (WQA, Section 74-6-6(A) NMSA 1978 and 20.1.6.200 NMAC).
- Publish hearing notice in the New Mexico Register, in one newspaper of statewide general circulation, in one newspaper in the affected area (as applicable) and mailed to the WQCC mailing

¹ See Section IV. Location and Demographics – Demographic Summary.

list (WQA, Section 74-6-6(C) NMSA 1978) 60 days prior to hearing date; (45-day notice requirement in 40 CFR 25.5, 30-day notice requirement in WQA, Section 74-6-6, NMSA 1978, 60-day notice requirement in 20.1.6.201 NMAC)

- Publish hearing notice in additional newspapers or through alternative media in affected area(s) (Optional)
- Email hearing notice to the SWQB listserv(s) (Optional)
- Post rulemaking information on Department website (State Rules Act, NMSA 1978, § 14-4-2(E))
- Post rulemaking information on State’s Sunshine Portal (State Rules Act)
- Provide electronic mail notification of hearing notice with links to supporting documentation for proposed rulemaking to the Department’s Environmental Health Division to make available at Department field and district offices (State Rules Act)
- Send rulemaking information and notice of hearing by electronic mail (if provided) to persons who have identified as a stakeholder, participated in the rulemaking, or specifically made a request for notice (State Rules Act)
- Send written notice that includes, at a minimum, an internet and street address where the information may be found to persons who provide a postal address (State Rules Act)
- Provide notice of hearing to the New Mexico legislative council for distribution to appropriate legislative committees (State Rules Act)
- Public hearing before WQCC (20.1.6 NMAC)
- Publication of approved regulation in the New Mexico Register with effective date of rule (1.24.10 NMAC)
- Post WQCC and EPA approved regulation and 20.6.4 NMAC on the Bureau’s website.

More detailed information about planned Bureau outreach is available in this PIP.

Activity	Dates
Notice PIP (invite Public input)	August 2025
Public Notice opening of Pre-Petition Public Review Draft	August 15, 2025
Pre-Petition Public Review Draft comment period	60-day review August 15 - October 14, 2025
Public Meeting	September 10, 2025
Petition WQCC for Hearing	December 9, 2025
Public Notice of Rulemaking	January 2026 *
Public Comments submitted to WQCC	First half of 2026 *
WQCC Hearing – Oral and written comments accepted	Last half of 2026 *
As adopted by the WQCC, submit revised 20.6.4 NMAC for EPA approval	When available*

NOTE: * -- These are illustrative deadlines for a hearing set in the July – November 2026 timeframe. If the WQCC grants a hearing, the appointed hearing officer will issue a scheduling order that will dictate the hearing date and associated deadlines which will be posted to: <https://www.env.nm.gov/opf/docketed-matters/>.

This PIP is a “living” document that may be amended after considering public comments and feedback. The Bureau Chief provides final approval of the PIP and amendments.

II. Contacts

Bureau contacts for questions regarding the Triennial Review, the Bureau's website, or this PIP, are listed below:

Michael Baca, WQS Coordinator
Surface Water Quality Bureau
1190 South St. Francis Dr.
Santa Fe, NM 87505
Phone: (505) 470-1652
Email: michael.baca1@env.nm.gov

Nathaniel Kamm, Outreach Coordinator
Surface Water Quality Bureau
1190 South St. Francis Dr.
Santa Fe, NM 87505
Phone: (505) 487-3538
Email: nathaniel.kamm@env.nm.gov

If you need to contact the Bureau regarding the Triennial Review, please call or email the bureau contacts listed above.

A. Non-English Language Speaker Assistance and Accommodations

Non-English speakers may call the Bureau contact listed in this PIP and request language assistance services, such as an interpreter, so they can learn more about the Triennial Review.

B. Department Websites

The Department maintains a website and webpages for information regarding its activities, programs, boards, and commissions.

- New Mexico Environment Department - <https://www.env.nm.gov/>
- Surface Water Quality Bureau - <https://www.env.nm.gov/surface-water-quality/>
- New Mexico Environment Department Non-Discrimination and Environmental Justice - <https://www.env.nm.gov/general/environmental-justice-in-new-mexico/>
- New Mexico Environment Department Public Notices - <https://www.env.nm.gov/public-notices/>
- New Mexico Environment Department Public Comment Portal - <https://nmed.commentinput.com/comment/search>
- New Mexico Environment Department Events Calendar - <https://www.env.nm.gov/events-calendar/>
- Water Quality Control Commission - <https://www.env.nm.gov/opf/water-quality-control-commission/>

C. Bureau Websites

The Bureau's website contains information on the Triennial Review and Water Quality Standards. These webpages will be kept up to date and has information about the revision process and important documents.

Triennial Review – <https://www.env.nm.gov/surface-water-quality/2026-triennial-review/>

Water Quality Standards - <https://www.env.nm.gov/surface-water-quality/wqs/>

III. Regulatory Framework

The Surface Water Quality Bureau is petitioning the WQCC for the Triennial Review hearing to fulfill Clean Water Act requirements. In accordance with 40 CFR 131.20, at least once every three years from the date of EPA's last approval, New Mexico must review 20.6.4 NMAC and petition the New Mexico Water Quality

Control Commission (WQCC) to hold a public hearing for the purpose of reviewing and potentially revising applicable water quality standards. New Mexico's Surface Water Quality Standards (20.6.4 NMAC), as required under the Clean Water Act, define water quality goals by designating uses for surface waters of the State, setting criteria to protect those uses, and establishing an Antidegradation Policy and implementation plan to preserve water quality.

The Statewide Triennial Review is federally mandated and is intended to ensure surface water quality standards are meeting the goals and objectives of the Clean Water Act. In accordance with 40 CFR 131.20, from time to time but at least once every three years from EPA's last approval, New Mexico must review 20.6.4 NMAC and petition the WQCC to hold a public hearing for the purpose of reviewing and potentially revising applicable water quality standards.

As required in the state's approved Water Quality Management Plan/Continuing Planning Process, any proposed revisions to 20.6.4 NMAC by NMED or a third party, including those being proposed as part of the Triennial Review, must include a minimum 30-day public review draft comment period prior to petitioning the WQCC for a hearing. At a minimum, the public participation process for New Mexico's water quality programs consists of the following:

- Providing the public with the information and assistance necessary for meaningful involvement,
- Providing a central location of reports, studies, plans, and other documents,
- Maintaining a list of affected or interested parties and stakeholders, and
- Notifying stakeholders in a timely fashion prior to consideration of major decisions (generally at least 30 days).

Additional requirements specific to the Triennial Review are outlined in Section I above. To fulfill these requirements, the Bureau will identify directly impacted stakeholders and will conduct one-on-one outreach meetings, if requested, to gather input and identify potential updates. Based on interest and resources, the Bureau will hold a public meeting in September 2025 to educate the public about the Triennial Review and increase participation during the proceedings. The Bureau will release the Triennial Review Public Comment Draft for a 60-day public comment period in August 2025 by emailing notice of the public comment period to interested and affected parties via the Bureau's listserv(s), and posting the draft regulatory language on the Department's website and at its field offices. The Bureau will also hold a virtual public meeting during the review period. After the public comment period, the Bureau will incorporate public comments, as appropriate, into the draft regulatory language before requesting a rulemaking hearing at the December 2025 WQCC meeting. If granted a hearing, the Department will publish a notice of rulemaking in the New Mexico Register and newspapers to provide the public with rulemaking information and participation instructions as outlined by the State Records Act (SRA) and the commissions rulemaking procedures at 20.1.6 NMAC. The Department will update its website with the notice of the hearing, rulemaking information, public comment information and participation instructions. Additionally, the bureau will send this information via email to the Bureau's listserv, the Sunshine Portal and the Legislative Services Committee. The Bureau may consider timely written public comments provided to the WQCC and make amendments to the petition prior to the hearing. All oral and written public comments received within specified deadlines will be included in the administrative hearing record. If the WQCC adopts the proposed amendments from the Triennial Review, the Bureau will post the approved regulation on the Department website and publish notice of the effective date in the New Mexico Register.

IV. Location and Demographics

The Triennial Review is a statewide rulemaking because Water Quality Standards are applicable to waters across the state.

Demographic Summary

The state of New Mexico has an estimated population of 2,114,768. Of the population 53.6% percent of the community identifies as white, 2.1% percent identifies as Black, and 9.5% percent identifies as American Indian and Alaskan Native, 1.7% percent identifies as Asian, 0.1% present identifies as Native Hawaiian and Other Pacific Islander, 12% percent identifies with some other race, and 20.9% percent identifies as multiracial. Of the total population, 48.2% percent identify as Hispanic. The percent of persons that communicate in a language other than English (non-English) at home is 29.9% percent (632,982 individuals), with 8.7% of the population noted as speaks English “less than very well” While the national average is 8.4%, the per capita income for New Mexico for 2019-2023 is \$34,823, as compared to the national per capita income for 2019-2023 of \$43,289. From the 2019-2023 ACS data, there are 43,594 linguistically isolated households (5.2%) while the national average is 4.2%. These results indicate that the percentage of non-English-speaking communication in New Mexico is significant and various demographic factors (i.e. low-income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) may impact public participation.

Therefore, the Bureau will provide information in Spanish and in English for public comment notices and other announcements and strive to make public participation efforts as inclusive as possible within Bureau budget and time limitations. Specific information repositories that may be used depending on the need are provided in Section V.F of this PIP.

V. Public Participation & Outreach Activities

The public may ask questions about the Triennial Review, at any time. However, the Bureau emphasizes that to be included in the administrative record, comments solicited by public notices about the Triennial Review must be submitted during the noticed public comment periods, and in accordance with the public notice.

Specific outreach activities related to the Triennial Review include:

- Conducting stakeholder outreach and meetings to gather information and identify potential updates;
- Maintain informational web pages with attachments and links to all pertinent documents (see part II.B and II.C above) and provide paper copies in field offices;
- Developing public notices announcing public comment periods for the Triennial Review;
- Posting notices to the Department’s websites and the New Mexico Sunshine Portal;
- Publishing notices in a newspaper of general circulation in the affected counties and in a newspaper of general statewide circulation;
- Emailing public notices to stakeholders including tribes, permittees, state and federal agencies; the Legislative Services Council, the Small Business Regulatory Advisory Council, and the Bureau’s extensive listserv through the GovDelivery e-mail delivery service (1,924 email addresses as of August 4, 2025); and
- Sending this public notice to the Department’s public relations officer for a press release and social media posts.

The most direct way to learn about and be involved in the decision-making process for this Plan revision is to submit a comment to the Bureau during the public comment period and/or attending the rulemaking

hearing when the Bureau presents the designation to the WQCC for adoption.

Based on the demographics report discussed in the PIP, basic information about public involvement opportunities will be in both English and Spanish. This information will include how to request materials in Spanish or to speak with Bureau staff through an interpreter. Further details about public participation for this activity are outlined below.

A. Postal Mailing or E-Mailing of Notices to Persons on the Surface Water Quality Bureau's Email List

The Bureau maintains an extensive email list (1,924 email addresses as of August 4, 2025) that includes individuals interested in surface water quality issues and activities. This list is a combination of previously interested persons who requested the Bureau provide them with information about surface water quality in New Mexico. The list is maintained through a professional email messaging platform with standard options for users to maintain, modify, or cancel subscriptions. The Bureau regularly maintains contact information, which is updated or supplemented if additional information is found. Individuals, organizations, and other interested parties are added to the email list as requested.

B. Email Updates

If you would like to be added to the Bureau's email list for information and updates, visit the Bureau's website at: <https://www.env.nm.gov/surface-water-quality/> and click on the "Subscribe to SWQB News" button on the bottom of the home page. For help, you can contact the Bureau's website liaison, Heidi Henderson at (505) 819-9986 or email Heidi.Henderson@env.nm.gov.

C. Public Notices – Comments, Meetings, Hearings, and Other Notices

Based on the Bureau's evaluation of the community, public notices and listservs will be translated into Spanish. In addition, the Bureau will post notices, in English and Spanish, with participation details, access to supporting information, and communication instructions on the Department's Events Calendar at <https://www.env.nm.gov/events/>, the Department's Smart Comment Website, Bureau's webpages, and Commission's webpage, as appropriate. Sections II.B and II.C list website addresses where information and notices will be posted.

D. Public Comment Period and Hearing.

The Bureau will hold a 60-day public comment period on the Triennial Review from August 15, 2025, to September 14, 2025. Another public comment opportunity direct to the WQCC will be available in conjunction with the rulemaking hearing. The first public comment period will be announced through direct emails to the Bureau's listserv and website postings. This second public comment opportunity will start with publishing the notice of rulemaking in the New Mexico Register. Oral and written comments will be received at the hearing through the close of the administrative record. Interested parties may also provide technical testimony at the hearing by filing a Notice of Intent prior to the hearing. Details for participating in the hearing, submitting comments, providing technical testimony, and deadlines will be outlined in each public notice.

E. Other Outreach

Other means of outreach such as flyers, radio advertisements, or hard copy postings will not be used. However, any updates to the material or rulemaking process will be posted on the Department's website.

F. Information Repositories

Copies of the Triennial Review will be available to download from <https://www.env.nm.gov/surface-water-quality/wqs/> or by contacting Bureau contacts listed above in Section II.

The Bureau will post the proposed Triennial Review Petition, proposed regulatory language and supporting information at all Department offices until the completion of the hearing. The Bureau emphasizes that individuals can access the Triennial Review documents and information online at the links noted above. If requested, the Bureau will work with individuals to provide hard copies. If you would like to request hard copies of important documents or information about how to comment on the Triennial Review, please contact Michael Baca at (505) 470-1652 or michael.baca1@env.nm.gov. You may also contact Nathaniel Kamm at (505) 487-3538 or email: nathaniel.kamm@env.nm.gov.

G. Triennial Review Response to Comments, Amendments, and Participating in the Rulemaking Hearing.

To address stakeholder and community members input, the Bureau will consider all public comments on the Public Review Draft received within the pre-hearing SWQB public comment period. If appropriate, the petition and associated regulatory language will be amended to incorporate feedback received prior to filing a petition with the WQCC. The final rule language, supporting information for the Triennial Review will be presented to WQCC for approval and adoption into 20.6.4 NMAC by the Bureau at a WQCC hearing estimated to be in the second half of 2026. Once approved by the WQCC, SWQB will submit the adopted Triennial Review Final Rule Language (20.6.4. NMAC) to EPA for approval.