



Notice of Public Review Drafts, Public Comment Period, and Informational Meetings

*New Mexico Surface Water Quality State Permitting Program:
Ground and Surface Water Protection (20.6.2 NMAC) and
New Mexico Pollutant Discharge Elimination System (20.6.5 NMAC)*

The New Mexico Environment Department's (NMED) Surface Water Quality Bureau (SWQB) invites the public to review and comment on NMED's draft amendments to the State's Standards for Ground and Surface Water Protection, at 20.6.2 New Mexico Administrative Code (NMAC) and NMED's draft new rule to establish the New Mexico Pollutant Discharge Elimination System, at 20.6.5 NMAC. **The 60-day public review and comment period for the draft amendments begins August 29, 2025, and closes October 28, 2025.**

You can access the public review draft regulations on NMED's website at <https://www.env.nm.gov/surface-water-quality/spp/> or through the Smart Comment Portal at <https://nmed.commentinput.com/comment/search>. Please note that comments submitted to NMED SWQB on the Public Review Drafts will help NMED further develop the draft amendments and rules prior to petitioning the Water Quality Control Commission for a rulemaking hearing. An additional public comment period will be held in conjunction with the rulemaking hearing pursuant to 20.1.6.204(B) NMAC.

Background

It is the objective of the federal Clean Water Act (CWA) to restore and maintain the chemical, physical, and biological integrity of the nation's waters, including those in New Mexico. New Mexico relies on federal CWA permits to control the discharge of pollutants into its surface waters. Recent federal rulemakings, Supreme Court decisions, and Executive Orders have scaled back federal jurisdiction, leaving many surface waters of New Mexico at risk of contamination and degradation.

To protect state waters not covered by the Clean Water Act, New Mexico is developing a state permitting program pursuant to Senate Bill 21, which was passed in the 2025 Regular Legislative Session, to ensure clean water for drinking, recreational, agricultural, cultural, and other uses. In the public review drafts, NMED proposes two (2) program components:

1. Regulations that allow NMED to implement the federal National Pollutant Discharge Elimination System (NPDES) program in New Mexico, which regulates the discharge of pollutants into waters of the United States protected under the federal Clean Water Act, in 20.6.5 NMAC – a new rule; and
2. Regulations that create a new State permitting program to regulate the discharge of pollutants, including dredged and fill materials, into surface waters of the state under the authority of the New Mexico Water Quality Act, in 20.6.2 NMAC – amendments to an existing rule.

The program will not apply to discharges to tribal waters, but NMED will be responsive to tribal concerns and ensure that permitted discharges do not adversely affect tribal water quality programs.

How to participate

Comments will be accepted via mail, email, and NMED's smart comment portal at <https://nmed.commentinput.com/comment/search>. The public review draft regulations and all other related information may be found on NMED's website at <https://www.env.nm.gov/surface-water-quality/spp/> or through the Smart Comment Portal.

For more information and to submit comments contact Trent Botkin, State Permit Program Team Supervisor, NMED SWQB, P.O. Box 5469, Santa Fe, NM, 87502, (505) 690-9319 or email swq.pp@env.nm.gov. To stay up to date with the latest news from NMED, please email swq.pp@env.nm.gov or signup for our listserv at https://public.govdelivery.com/accounts/NMED/subscriber/new?topic_id=NMED_209.

Public Meetings

In addition, NMED SWQB will be hosting three virtual informational meetings via Zoom to present and discuss NMED's draft amendments to the State's Standards for Ground and Surface Water Protection, at 20.6.2 NMAC and NMED's draft new regulations known as the New Mexico Pollutant Discharge Elimination System, at 20.6.5 NMAC, and to provide a forum for interested parties and the public to ask questions. The virtual informational meetings will be held at the following dates and times:

Monday, September 22, 2025, at 6:00 pm (MDT)

Wednesday, September 24, 2025, at 2:00pm (MDT)

Friday, September 26, 2025, at 10:00am (MDT)

Registration for the public meetings is available at

https://www.zoomgov.com/webinar/register/WN_uCUWvCmQSagb5BmjkPTiA.

If any person requires assistance, language interpretation, or auxiliary aid to participate in this public process, please contact Trent Botkin, State Permit Program Team Supervisor, NMED SWQB, P.O. Box 5469, Santa Fe, NM, 87502, or email swq.pp@env.nm.gov. Telephone conversation assistance is available through Relay New Mexico for people who are deaf, hard of hearing, or have difficulty speaking on the phone, by calling 1-800-659-1779; TTY users: 1-800-659-8331; Spanish: 1-800-327-1857. NMED will try to accommodate interpretation requests for the public meetings made by September 8, 2025, but may only be able to do so for a particular session.