



NEW MEXICO ENVIRONMENT DEPARTMENT  
*Surface Water Quality Bureau*

Public Involvement Plan (PIP)  
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)

**August 2025  
APPROVAL PAGE**

---

Shelly Lemon  
Chief, Surface Water Quality Bureau (MOD for)

---

Date

---

Susan A. LucasKamat  
Program Manager, Point Source Regulation Section

---

Date

## **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 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).

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.

As these water quality standards are applicable to all waters of the state, the New Mexico Surface Water Quality State Permitting Program 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 New Mexico Surface Water Quality State Permitting Program process. The New Mexico Surface Water Quality State Permitting Program 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. The Department will notify all Tribes, Pueblos, and Nations in the state, and all downstream Tribes, Pueblos and Nations in adjacent states. Likewise, the Bureau notifies stakeholders such as members of the public, private landowners, industries, and federal, regional, state and local agencies whose lands, facilities, or operations could be impacted by the New Mexico Surface Water Quality State Permitting Program via the Bureau's email listservs, NMED website, Bureau public meetings, New Mexico 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 U.S. 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.<sup>1</sup> This

---

<sup>1</sup> See Section IV. Location and Demographics – Demographic Summary.

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 New Mexico Surface Water Quality State Permitting Program.

New Mexico's 2020 Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CPP), available at <https://www.env.nm.gov/surface-water-quality/wqmp-cpp/>, outlines public participation actions based on the Water Quality Act (WQA), State Rules Act, and New Mexico Administrative Code (NMAC) requirements, which 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 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 20.6.2 NMAC and 20.6.5 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 29, 2025
Public Notice opening of Pre-Petition Public Review Draft	August 29, 2025
Pre-Petition Public Review Draft comment period	60-day review August 29 - October 28, 2025
Public Meetings	September 22, 24, and 2025
Petition WQCC for Hearing	December 9, 2025
Public Notice of Rulemaking	February 2026 *
Public Comments submitted to WQCC	From Hearing Notice to Close of Administrative Record *
WQCC Hearing – Oral and written comments accepted	Spring 2026 *
As adopted by the WQCC, submit 20.6.5 NMAC to EPA in NPDES primacy application	When available*

NOTE: \* -- These are illustrative deadlines for a hearing set in the May – July 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 New Mexico Surface Water Quality State Permitting Program, the Bureau’s website, or this PIP, are listed below:

Trent Botkin  
State Permit Program Team Supervisor  
Surface Water Quality Bureau  
1190 South St. Francis Dr.  
Santa Fe, NM 87505  
Phone: (505) 690-9319  
Email: [swq.pp@env.nm.gov](mailto:swq.pp@env.nm.gov)

Susan Lucas Kamat  
Program Manager, Point Source Section  
Surface Water Quality Bureau  
1190 South St. Francis Dr.  
Santa Fe, NM 87505  
Phone: (505) 946-8924  
Email: [psrs.program.manager@env.nm.gov](mailto:psrs.program.manager@env.nm.gov)

If you need to contact the Bureau regarding the New Mexico Surface Water Quality State Permitting Program, please call or email the bureau contacts listed above.

### A. Non-English Language Speaker Assistance and Accommodations

Non-English speakers may call or email the Bureau contact listed in this PIP and request language assistance services, such as an interpreter, so they can learn more about the New Mexico Surface Water Quality State Permitting Program.

## 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/>
- New Mexico Environment Department 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-notice/>
- 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 New Mexico Surface Water Quality State Permitting Program and Water Quality Standards. These webpages will be kept up to date and have information about the revision process and important documents.

Surface Water Quality State Permitting Program - <https://www.env.nm.gov/surface-water-quality/spp/>  
Water Quality Standards - <https://www.env.nm.gov/surface-water-quality/wqs/>

## III. Regulatory Framework

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 Surface Water Quality Bureau is petitioning the WQCC to approve rules that will establish the 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).

As required in the state’s approved Water Quality Management Plan/Continuing Planning Process, any

new surface water quality standards or requirements or revisions to existing surface water quality standards or requirements proposed by NMED or a third party, including those being proposed in the amendments to 20.6.2 NMAC and the creation of 20.6.5 NMAC, must include a minimum 30-day public review draft comment period prior to petitioning the New Mexico Water Quality Control Commission (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 New Mexico Surface Water Quality State Permitting Program 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.

The Bureau will release the State Surface Water Permitting Regulations Public Review 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 listservs and posting the draft regulatory language on the Department's website. The Bureau will hold three virtual public meetings in September 2025 to educate the public about the Surface Water Quality State Permitting Program and increase participation during the proceedings. The virtual meetings are scheduled for:

- Monday, September 22, 2025, at 6:00 pm (MDT),
- Wednesday, September 24, 2025, at 2:00pm (MDT), and
- Friday, September 26, 2025, at 10:00am (MDT).

Registration for the virtual meetings is available at:

[https://www.zoomgov.com/webinar/register/WN\\_uCUWvCmQSagb5BmjkPTiA](https://www.zoomgov.com/webinar/register/WN_uCUWvCmQSagb5BmjkPTiA).

Any person requiring assistance, language interpretation, or auxiliary aid to participate in this public process to participate in the public comment process can contact the Bureau staff listed in Section II above. 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.

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 Bureau anticipates publishing the notice of rulemaking in some or all of the following newspapers:

- Albuquerque Journal
- Carlsbad Current-Argus
- Eastern New Mexico News
- Farmington Tri-City Record
- Gallup Independent
- Las Cruces Sun
- Las Vegas Optic

- Los Alamos Daily Post
- Navajo Times
- Roswell Daily News
- Santa Fe New Mexican
- Silver City Daily Press
- Taos News
- Union County Leader

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 listservs, the Sunshine Portal, and the Legislative Services Committee.

If the WQCC adopts the proposed amendments from the New Mexico Surface Water Quality State Permitting Program, the Bureau will post the approved regulations on the Department's website and publish notice of the effective date in the New Mexico Register.

## **IV. Location and Demographics**

The New Mexico Surface Water Quality State Permitting Program is a statewide rulemaking because water quality standards and related permitting programs 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 U.S. Census Bureau American Community Survey (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 English and in Spanish 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 New Mexico Surface Water Quality State Permitting Program at any time. However, the Bureau emphasizes that to be included in the administrative record, comments solicited by public notices about the New Mexico Surface Water Quality State Permitting Program must be submitted during the noticed public comment periods, and in accordance with the public notice.

Specific outreach activities related to the New Mexico Surface Water Quality State Permitting Program 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);
- Developing public notices announcing public comment periods for the New Mexico Surface Water Quality State Permitting Program;
- 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 listservs through the GovDelivery e-mail delivery service (a total of 4,648 email addresses in the SWQB General, Groundwater Quality Bureau General, National Pollutant Discharge Elimination System permit, and State Permitting Program listservs as of August 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 attend 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 extensive email listservs (a total of 4,648 email as of August 2025) that includes permittees and individuals interested in surface water quality issues, water quality issues, and the state permitting program. The listservs are 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 lists 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. If you would like to be signed up for the Bureau's State Permit Program listserv at [https://public.govdelivery.com/accounts/NMED/subscriber/new?topic\\_id=NMED\\_209](https://public.govdelivery.com/accounts/NMED/subscriber/new?topic_id=NMED_209). For help, you can contact the Bureau's website liaison, Heidi Henderson at (505) 819-9986 or email [Heidi.Henderson@env.nm.gov](mailto: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 Public Comment Portal at <https://nmed.commentinput.com/comment/search>, Bureau's webpages at



<https://www.env.nm.gov/surface-water-quality/>, and Commission's webpage at <https://www.env.nm.gov/opf/water-quality-control-commission/>, 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 New Mexico Surface Water Quality State Permitting Program from August 29, 2025, to October 28, 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 listservs and website postings. The 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 may 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 New Mexico Surface Water Quality State Permitting Program will be available to download from <https://www.env.nm.gov/surface-water-quality/spp/> or by contacting Bureau contacts listed above in Section II.

The Bureau will post the proposed New Mexico Surface Water Quality State Permitting Program 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 New Mexico Surface Water Quality State Permitting Program 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 New Mexico Surface Water Quality State Permitting Program, please contact Trent Botkin at (505) 946-8924 or [swq.pp@env.nm.gov](mailto:swq.pp@env.nm.gov). You may also contact Susan A. Lucas Kamat at (505) 946-8924 and [psrs.program.manager@env.nm.gov](mailto:psrs.program.manager@env.nm.gov).

#### **G. New Mexico Surface Water Quality State Permitting Program 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 Bureau will amend the petition and associated regulatory language to incorporate feedback received prior to filing a petition with the WQCC. NMED will present the final draft rule language and supporting information for the New Mexico Surface Water Quality State Permitting Program to WQCC for approval and adoption into 20.6.2 NMAC and 20.6.5 NMAC at a WQCC hearing estimated to be in the Spring or Summer of 2026.