

**NEW MEXICO WATER QUALITY CONTROL COMMISSION
NOTICE OF PUBLIC RULEMAKING HEARING**

The New Mexico Water Quality Control Commission (Commission) will hold a public hearing beginning at 9:00 a.m. on September 28, 2026, and continuing through October 1, 2026, as necessary. The Commission may continue the hearing thereafter to hear all testimony, evidence, and public comments. The hearing will be held at the State Capitol Building, 490 Old Santa Fe Trail, Santa Fe, New Mexico 87501. Additionally, a virtual participation option will be provided with meeting links and details posted on the events calendar at <https://www.env.nm.gov/events-calendar>. The purpose of the hearing is to consider the docketed matter of WQCC 25-75 (R) to amend 20.6.4 NMAC, *Standards for Interstate and Intrastate Surface Waters*. The petitioner for this proposed regulatory change is the New Mexico Environment Department (NMED).

The federal Clean Water Act (CWA) requires states to evaluate existing water quality standards (WQS), consider new scientific information, provide public participation opportunities, and amend WQS as necessary, every three years. This process is commonly referred to as the Triennial Review and culminates in a public hearing. NMED proposed amendments in this matter based on public comments on 20.6.4 NMAC, communication with the Environmental Protection Agency (EPA), federal guidance documents, monitoring and fish data, as well as internal comments and implementation concerns. The amendments include new and revised definitions, clarification of third-party rulemaking procedures and costs, revisions to segment descriptions to match hydrological breaks, WQS for wetlands, clarification of implementation language, updated references, as well as new or revised designated uses, criteria, and antidegradation requirements.

The hearing will be conducted in accordance with the Water Quality Act, Sections 74-6-4 and 74-6-6 NMSA 1978, the State Rules Act, Section 14-4-5.3 NMSA 1978, 20.1.6 NMAC (*Rulemaking Procedures – Water Quality Control Commission*), the Pre-Hearing Order for WQCC 25-75 (R), and other applicable procedures and authorities. The Commission may make a decision on the proposed rule at the conclusion of the hearing.

All interested persons will be given reasonable opportunity at the hearing to submit data, views or arguments orally or in writing, and examine witnesses testifying at the hearing. Persons wishing to present technical testimony must file a written notice of intent (NOI) with the Commission. The NOI shall:

- (1) identify the person for whom the witness(es) will testify;
- (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background;
- (3) include a copy of the direct testimony of each technical witness in narrative form;
- (4) include the text of any recommended modifications to the proposed regulatory change; and
- (5) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

Entries of appearance and NOIs for direct testimony must be filed with the Commission Administrator no later than 5:00 p.m. on July 30, 2026, and should reference the docket number, WQCC 25-75 (R), and the date of the hearing. Notices of intent to present technical testimony shall be filed electronically with the Commission Administrator at pamela.jones@env.nm.gov.

Persons wishing to present rebuttal testimony, shall file an NOI electronically with the Commission Administrator no later than 5:00 p.m. on August 28, 2026. Rebuttal NOIs should include a narrative of rebuttal testimony and the other required elements of a direct NOI, as detailed in items (1) – (5) above.

One paper copy of all NOIs for the Hearing Officer's use shall be delivered by 12:00 p.m. (noon) on September 25, 2026, to:

Pamela Jones, Commission Administrator
Water Quality Control Commission
P.O. Box 5469
Santa Fe, NM 87502

The Hearing Officer will provide an opportunity for non-technical public comment each day of the hearing in a manner that accommodates the public pursuant to 20.1.6.204 NMAC. Public comment sessions will be reserved for 4:00 p.m. each day, until the close of the hearing record.

Members of the public wishing to offer non-technical public comment may do so only once either in person or on the virtual platform with access provided and managed by the Administrator. Oral public comment is limited to 3 minutes; written public comment submitted to the Administrator is unlimited and must be received prior to adjournment of the hearing. Written public comments may be submitted electronically or as a single original document to the Administrator at the above address. Please submit electronic written comments regarding the proposed rule prior to adjournment of the hearing via the Smart Comment Portal at <https://nmed.commentinput.com/comment/search> or through email to pamela.jones@env.nm.gov with reference to WQCC 25-75 (R).

NMED based the proposed rule on a variety of technical information, including NMED monitoring data, CWA Section 304(a) guidance documents, past CWA 303(d)/305(b) Integrated Lists/Integrated Reports, and fish surveys. The proposed rule may be reviewed during regular business hours at the NMED Surface Water Quality Bureau, 1190 St. Frances Dr., Suite N2000, Santa Fe, NM 87505, at NMED Field Offices, or on NMED's web site at <https://www.env.nm.gov/surface-water-quality/2026-triennial-review/>. For copies of the proposed rule, how to obtain technical information, or questions about participating in the hearing, please contact Michael Baca at (505) 470-1652 or michael.baca1@env.nm.gov or Pamela Jones at (505) 660-4305 or pamela.jones@env.nm.gov.

Persons requiring assistance, an interpreter, or any other form of auxiliary aid or service (i.e., reader, amplifier, qualified sign language interpreter, etc.) to attend or participate in the hearing should contact Pamela Jones no later than September 14, 2026 at (505) 660-4305 or pamela.jones@env.nm.gov.

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, you may contact: Kate Cardenas, NMED Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855 or nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to an NMED program or activity, please contact the Non-Discrimination Coordinator.