

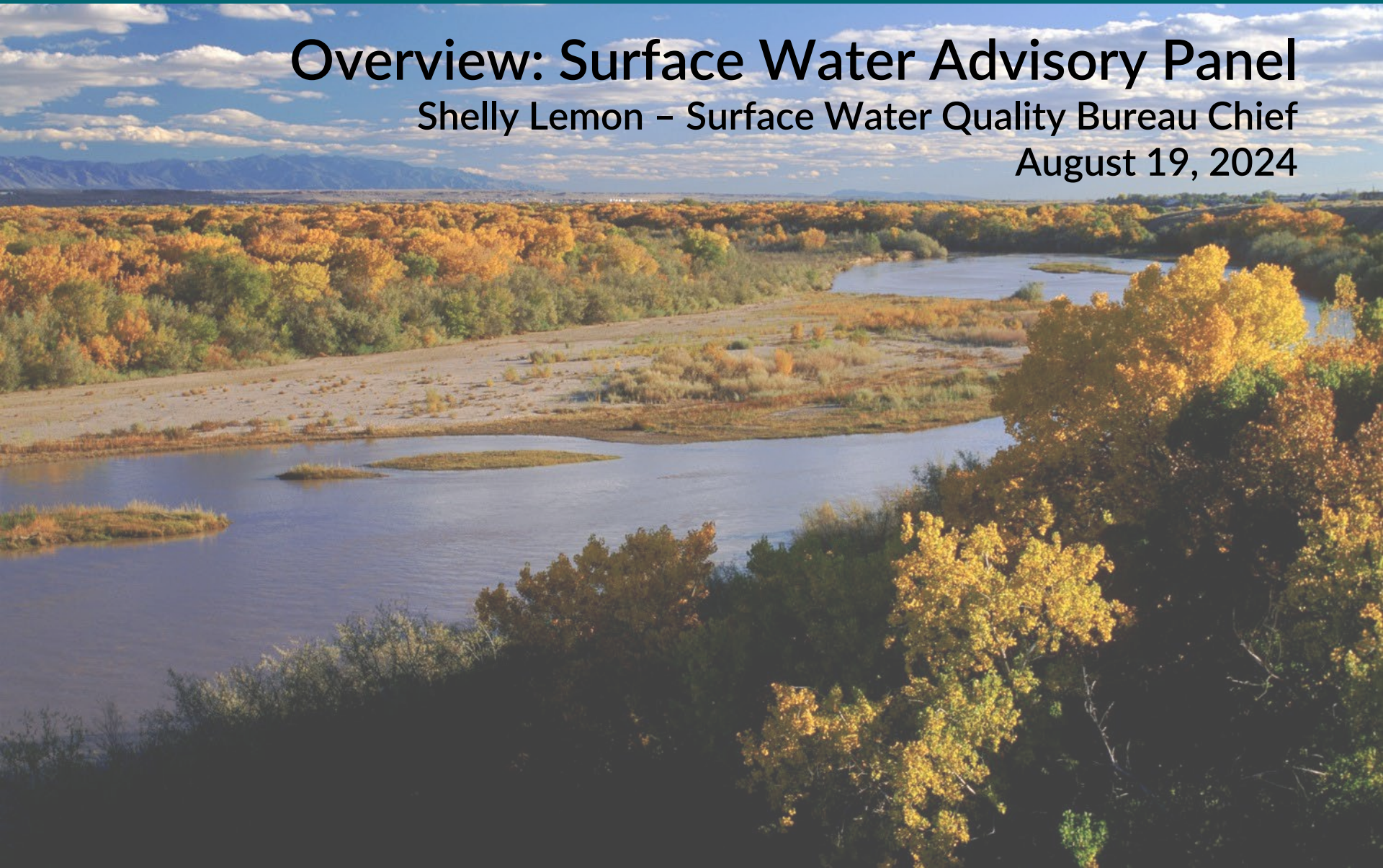


New Mexico Environment Department

Overview: Surface Water Advisory Panel

Shelly Lemon – Surface Water Quality Bureau Chief

August 19, 2024





State Permitting Program

- Governor Michelle Lujan Grisham, in the 50-Year Water Action Plan, and the State Legislature have directed NMED to develop a state-led discharge permitting program to protect the water quality of the state's surface waters.
- The program has two components:
 1. Delegation to implement the existing federal National Pollutant Discharge Elimination System (NPDES) program
 2. A new state "gap" program under the authority of the Water Quality Act to control the discharge of pollutants and dredge and fill materials



Surface Water Advisory Panel (SWAP)



- ❑ Provide technical information, practical considerations, and policy perspectives
- ❑ Inform NMED's development of legislation and rules for consideration by the Water Quality Control Commission
- ❑ Prior to formal rulemaking process



Surface Water Advisory Panel (SWAP)



- ❑ Not a consensus-seeking process
- ❑ Not a forum for discussing specific permitting or enforcement actions
- ❑ Not public and will not be recorded (only SWAP members, alternates, invited guests, & agency reps)
- ❑ NMED will post updates on the SWAP process here: <https://www.env.nm.gov/surface-water-quality/swap/>



Meeting Process – General

AM – Intro/Presentation with Questions on Specific Topic
Member discussion

PM – Presentation with Questions on Specific Topic
Member discussion
Presentation to introduce next meeting's topic

Wrap-Up & Adjourn



Meeting Process – Member Input

- May request to make a presentation on a topic.
- Can present from a remote location.
- Provide slides to NMED no later than 3 working days before meeting.
- Please include the following slides in each presentation:
 - Slide 1 presenter, topic, date
 - Slide 2 key points
 - Slide 3 citations for supporting data and information, including hyperlinks if available
- Other forms of input (publications, research results, etc.)
- Written input from members



Meeting Process – Attendance

In-Person Attendance

- To the extent practicable, SWAP members are expected to attend in-person.
- Alternate may attend if SWAP member cannot.
- When a SWAP member cannot attend, they should prep the designated alternate to participate in the meeting.
- Please keep side discussions to a minimum for the benefit of those observing remotely.

Remote Attendance

- Available only for SWAP members, alternates, invited presenters, and agency representatives.
- Please modify avatar so NMED can confirm who is in the meeting.
- Meetings will not be delayed or adjourned due to audio or technical difficulties.



Meeting Process – Rules

Chatham House Rule

As a condition of participation in the SWAP process, SWAP members, alternates, presenters, and representatives of NMED and participating agencies agree to comply with the Chatham House Rule during and after the SWAP process.



The Chatham House Rule applies to all written and oral communications, including social media, regarding the SWAP.

When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.



SWAP – Final Report

- Written report
- Describe the SWAP process.
- Summarize the input received.
- Include all written input.

NMED will request SWAP review and comment on the draft version of the report.



Agendas/Topics

Meeting 1 – August 19:

Introduction

Meeting 2 – September 11

NMPDES Statute and Rule
Delegation

General Principles of a State Program

Meeting 3 – October 1

State Program - Scope and Process

Meeting 4 – October 2

State Program - Point Source Options

Meeting 5 – October 15

State Program - Dredge and Fill

Meeting 6 – October 25

Program Costs and Funding Options
Draft WQA Amendments

Meeting 7 – November 13

Reserved, if more discussion needed

Meeting 8 – November 14

Reserved, if more discussion needed

Topics outside the program scope include water rights adjudications, access to waters on private lands, water quality standards (somewhat)



15-Minute Break



15-minute break