

# State (WQA) Program

NMOGA Representative

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# Proposed Permits for Surface Waters of the State (SWOTS)

- General Principles
  - Proposed use of the NPDES program as a template for regulating discharges to SWOTS is appropriate and cost-effective.
  - Requiring monitoring and reporting on “emerging contaminants” is open-ended and highly subjective.
    - NMED must have scientifically supportable guidelines to identify when a permit includes such monitoring and reporting.
    - This policy must apply equally to all point source dischargers, e.g., industrial and municipal.

# Proposed Permits for Surface Waters of the State (SWOTS)

- General Principles
  - New Mexico is not unique in terms of having point source discharges to state waters that are not WOTUS. Nevada, Arizona, Utah, Idaho and Texas are just a few examples with state programs for point source discharges that are not into WOTUS.
  - NMED should review the existing state permit programs for point source discharges to non-WOTUS state waters to take advantage of their experience.

# Proposed Permits for Surface Waters of the State (SWOTS)

- Design
  - Integrating state water quality permits into the existing administrative process and using the same public participation process as for state-issued NPDES permits is appropriate.
  - The state permit program should include the use of General Permits wherever practical. NMED should review General Permits issued by other states and not just those authorized by EPA.

# Proposed Permits for Surface Waters of the State (SWOTS)

- Design
  - The proposed inclusion of a requirement to “... disturb the smallest area possible” is a land use decision and is inappropriate for inclusion in a permitting program for point source discharges.
  - There does not appear to be any provision in the 20.6.2 NMAC that would authorize a land use regulation.

# Proposed Permits for Surface Waters of the State (SWOTS)

- Implementation
  - The implementation of both the NPDES (NMPDES) permits and the state equivalent for non-WOTUS surface waters by a single agency is appropriate.
  - Transition from the NPDES permits to state permits should be simple and cost effective.
    - The existing NPDES permits for discharges to what are no longer WOTUS can be reissued as state permits with no changes other than the permit number and cover page.
  - Using electronic platforms for permit applications, reporting, etc. is efficient and is the approach now used by most state programs