



Overview of NMED's New Surface Water Permitting Program

What is the Surface Water Permitting Program?

Surface Water Permitting is the system that regulates the discharge of pollutants into rivers, lakes, streams, and wetlands to maintain clean and healthy waters.

In 2025, the New Mexico Legislature passed Senate Bill 21, giving the New Mexico Environment Department (NMED) the authority to take over the federal National Pollutant Discharge Elimination System (NPDES) permitting program, implement and enforce a permit program for state waters not protected by federal law, and safeguard downstream and tribal waters. This allows NMED to continue protecting its surface waters and restores protections that were in place for 50 years under the Clean Water Act.

Why does New Mexico need this program?

- Currently, most of New Mexico's waters face unregulated pollution threats because the state lacks control over its surface water discharge permit program.
- Permits are currently issued by the Environmental Protection Agency office in Dallas, making New Mexico the only Western state to have its surface water permitted by the federal government.
- New Mexico's rivers, streams, lakes, and wetlands are essential to our culture, economy, and ecosystems — and by implementing this program, the state can take the lead in protecting them.

Key goals for the Surface Water Permitting Program:

- **Set safe discharge limits:** Sets maximum pollutant levels allowed in discharges.
- **Mandate monitoring & reporting:** Dischargers must regularly sample and submit their pollutant data to NMED.
- **Ensure compliance:** Provides technical support and advice to permit holders to ensure compliance.
- **Standardize enforcement:** Shore up NMED with legal tools to address violations.
- **Prioritize public participation:** Allows crucial community input during permit development and renewal.





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Benefits of state permitting program

- Establishes a program that better reflects New Mexico's values and priorities.
- Allows collaboration with local experts who understand New Mexico's unique water challenges to shape permits, instead of relying solely on federal authority.
- Enhances protection for waters in New Mexico that are not covered by federal law.
- Ensures New Mexican experts oversee local waters.
- Promotes local accountability for polluters.
- Strengthens protections for tribal and downstream communities.

Public Review & Comment Period

Your voice matters! NMED's draft rules are ready for your feedback – help shape how New Mexico protects its water.

NMED has drafted rules for a permit program to protect water quality & regulate discharges of pollutants into our waterways.

NMED invites the public to review and comment on draft rules for implementing a state-led surface water quality permitting program consistent with Senate Bill 21.

The 60-day public review & comment period for the draft rules begins August 29, 2025 & ends October 28, 2025

Access the public review draft rules on NMED's website by [clicking here](#) or through the Smart Comment Portal [here](#).

How to participate:

Comments will be accepted through swq.pp@env.nm.gov & NMED's smart comment portal [here](#).

- Public Meetings: NMED is hosting three virtual informational meetings via Zoom on September 22, 24, and 26 to discuss NMED's draft rules – [register here](#).
- Next Steps: After the 60-day public review and comment period, NMED will petition the Water Quality Control Commission for a rulemaking hearing. The Commission will have an additional public comment period for the rulemaking hearing.



Stay updated on NMED's latest Surface Water Permit Program news by visiting our [website](#), emailing swq.pp@env.nm.gov, or signing up for our listserv by [clicking here](#).

