

MARCH 13, 2026 AMENDED PETITION PROPOSED RULE CHANGES –
20.6.2 NMAC and 20.6.5 NMAC

20.6.2

Grammatical changes/corrections throughout

Amended references to WQA throughout due to Senate Bill 21 amendments

Substantive changes:

20.6.2.7 NMAC – Definitions

- added definition for indirect discharger and stormwater;
- amended definition for pollutant minimization plan
- clarified definition for surface water of the state

20.6.2.1220 NMAC – amended Subsection C to apply to only surface water discharges.

20.6.2.2303 NMAC –

- Subsection A(1), added “or agricultural stormwater” consistent with 20.6.5 NMAC and definition of “point source”.
- Subsection A(2), added full text from Senate Bill 21

20.6.2.2304 C – added Subsection E for Permit Terminations.

20.6.2.2305 NMAC – deleted Subsection E

20.6.2.2306 NMAC –

- Added headers to Subsections
- Split Subsection A into (1) and (2)
- Added Subsection C for review of notifications consistent with 20.6.5 NMAC
- Added Subsection F for modifications
- Added more details to Subsection G for consistency with WQA

20.6.2.2307 NMAC –

- Modified Subsection G(11) to align with 20.6.5 NMAC and 40 C.F.R. 122.21(p)
- Modified Subsection J(2) to clarify that the amount and type of impact includes losses of ecological functions, services, and values consistent with definition of “aquatic resources”

20.6.5.2308 - 20.6.2.2317 NMAC – rearranged and created new Sections to better clarify, separate, and highlight processes and align with 20.6.5 NMAC

- Identified throughout when it is applicable to an individual permit or general permit

20.6.2.2308 NMAC (NEW) – Administrative completeness of individual permit applications

- Shortened timeline for review

20.6.2.2309 NMAC (NEW) – Processing of individual permit applications

20.6.2.2310 NMAC – Draft permits, notices of intent to deny the application, and notices of intent to terminate the permit

20.6.2.2311 NMAC – Public Notice and Participation

20.6.2.2312 NMAC – Public Hearings

20.6.2.2313 NMAC – Public hearing participation

- Added section on public hearing participation for surface water permits similar to 20.1.4.500 NMAC and 20.6.2.3110 NMAC

20.6.2.2314 NMAC – Secretary review and approval for individual permits

20.6.2.2315 NMAC (NEW) – Secretary review and approval for general permits

20.6.2.2316 NMAC – Commission review of secretary decisions

20.6.2.2317 NMAC – Judicial review of commission decisions

MARCH 13, 2026 AMENDED PETITION PROPOSED RULE CHANGES –

20.6.2 NMAC and 20.6.5 NMAC

20.6.2.2350 NMAC – Fees

- Added Subsection C to link fees to legislative appropriations – if NMED receives appropriations in any given year, then the annual fees will be reduced proportional to the appropriation.
- Added clarification to waivers or fee reductions in Subsection D
- Changed annual fee invoice date to July for all permits in Subsection E

20.6.2.2351 NMAC –

- Added “design flow” to table in A(1)(a)(iii)
- Added clarification of potential complexity factors that will be used in Subsection A(2)(a)(iii)
- Separated Subsection B(2)(a) into (i) and (ii)

20.6.2.2354 NMAC – modified Tables 1 and 2

- Deleted percentiles
- Represented potential domestic wastewater fees based on different design flows
- Represented potential industrial wastewater fees based on variable complexities and number of outfalls
- Added footnote
- Added “Minor Construction Stormwater General Permit” to Table 2

20.6.5

Grammatical changes/corrections and SRCA stylistic corrections throughout

Based on EPA feedback, aligned language in several sections to CFRs, as required by 40 CFR § 123.25

Substantive changes:

20.6.5.7 NMAC – Definitions

- Aligned definition of “commission” with 20.6.2 and Senate Bill 21
- Added definition for “indirect discharger”, “new source”, and “stormwater”

20.6.5.101 – Aligned language in several sections to CFRs, as required by 40 CFR § 123.25

20.6.5.102 – Clarified exemptions, specifically those regarding silviculture activities

20.6.5.201 – Created a more detailed list of regulations incorporated by reference

20.6.5.301(A) and (C) – Clarified application format and permit renewals/noncompliance

20.6.5.301(D), (E), and (F) – Aligned language with CFRs

20.6.5.301(J) (NEW) – Based on EPA feedback, added new section specific to pretreatment

20.6.5.302 and .303 – Aligned language with CFRs

20.6.5.401, .402, and .403 – Aligned language with CFRs

20.6.5.404, .405, and .406 – Corrected internal references and aligned language with CFRs

20.6.5.407 – Aligned references to CFRs to those in .201

20.6.5.408 – Made SRCA/stylistic corrections

20.6.5.501 – Cleaned up references to CWA

20.6.5.601 –

- Added Subsection C to link fees to legislative appropriations – if NMED receives appropriations in any given year, then the annual fees will be reduced proportional to the appropriation.
- Changed annual fee invoice date to July