



NEW MEXICO ENVIRONMENT DEPARTMENT
Surface Water Quality Bureau

Public Involvement Plan (PIP) for the
Clean Water Act Section 401 Certification of the
draft NPDES New Mexico Statewide
Municipal Separate Storm Sewer System (MS4s)
General Permit,
NPDES permit number NMR04B000.

April 2026

APPROVAL PAGE

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Date

Public Notice Date: April 2 and 3, 2026

I. Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (NMED or Department), Surface Water Quality Bureau (SWQB or Bureau) developed this Public Involvement Plan (PIP) for the Clean Water Act Section 401 Certification of the EPA draft NPDES New Mexico Statewide Municipal Separate Storm Sewer System (MS4) General Permit, NPDES permit number NMR04B000. The permit specifically covers the following urbanized and designated areas: Albuquerque / Middle Rio Grande urbanized area, Farmington urbanized area, Las Cruces / El Paso urbanized area, Los Alamos County designated area, Los Lunas urbanized area, Santa Fe urbanized area, and Rio Rancho urbanized area.

The Bureau encourages the public to learn about and get involved in regulatory decision-making opportunities for the NPDES process. The purpose of this PIP is to provide public participation opportunities and information that may be needed to participate in the Clean Water Act Section 401 Certification process.

This PIP integrates information about the community and identifies resources needed by the Bureau to successfully incorporate community participation activities into the decision-making process for the 401 Certification. The PIP identifies the Department staff and resources needed to accomplish these activities.

The Bureau will meet the public participation requirements for the 401 Certification by following this PIP, which includes all applicable policy, regulatory and statutory public participation requirements.

In developing this PIP, community participation needs were assessed to ensure appropriate promotion of public outreach by identifying whether there is a combination of environmental and demographic factors (i.e., low-income community, minority community, limited English proficiency individuals, linguistically isolated households, etc.) that may impact public participation. These factors are presented in Section IV: Location and Demographics. This assessment identifies community outreach needs and provides for public access opportunities above and beyond statutorily mandated requirements and underscores the importance of adequate public access to information about the Section 401 Certification.

As much as possible, public participation and informational activities related to the 401 Certification will be held within the timelines outlined in the table below. This timeline is tentative and subject to change; activities subject to statutory or regulatory deadlines are noted.

More detailed information about planned Bureau outreach is available in this PIP.

Activity	Dates
Notice Public Involvement Plan (PIP) to invite public input	Thursday, April 2 through Monday, May 4, 2026
EPA-Public Notice for the draft 2026 NPDES New Mexico Statewide Municipal Separate Storm Sewer System (MS4) General Permit, NPDES permit # NMR04B0000	Wednesday, March 4, 2026, through Monday, May 4, 2026
Public Notice/Comment Period for the Department’s 401 Certification of the draft NPDES New Mexico Statewide Municipal Separate Storm Sewer System (MS4) General Permit, NPDES permit # NMR04B0000	Thursday, April 2, 2026, through Monday, May 4, 2026
Bureau sends 401 Certification to EPA Headquarters and Region 6	To be determined. EPA has not notified NMED of the 401 certification timeframe

This PIP is a “living” document that may be amended after considering public comments and feedback. The Bureau Chief provides final approval of the PIP and amendments.

II. Bureau Contacts

If you have questions about the State of New Mexico 401 Certification Process, the Bureau’s website, or this PIP, please contact:

Susan Lucas Kamat
 Program Manager, Point Source Section
 Surface Water Quality Bureau
 1190 St. Francis Dr.
 Santa Fe, NM 87505
 Phone: (505) 946-8924
 Email: psrs.program.manager@env.nm.gov

Antonio Griego
 Stormwater Permit Specialist
 Surface Water Quality Bureau
 1190 St. Francis Dr.
 Santa Fe, NM 87505
 Phone: (505) 690-7854
 Email: antonio.griego@env.nm.gov

If you need to contact the Bureau regarding the draft 2026 New Mexico Statewide Municipal Separate Storm Sewer System (MS4) General Permit or draft NPDES permit # NMR04B0000, please call or email the Bureau contacts listed above.

A. Non-English Language Speaker Assistance and Accommodations

Non-English speakers may call the Bureau contact listed in this PIP and request language assistance services, such as an interpreter, so they can learn more about the New Mexico Surface Water Quality State Permitting Program.

B. Department Websites

- New Mexico Environment Department – <https://www.env.nm.gov/>
- New Mexico Environment Department Surface Water Quality Bureau – <https://www.env.nm.gov/surface-water-quality/>
- New Mexico Environment Department Non-Discrimination and Environmental Justice – <https://www.env.nm.gov/general/environmental-justice-in-new-mexico/>

- New Mexico Environment Department Public Notices – <https://www.env.nm.gov/public-notices/>
- New Mexico Environment Department Public Comment Portal – <https://nmed.commentinput.com/comment/search>
- New Mexico Environment Department Events Calendar <https://www.env.nm.gov/events-calendar/>
- Water Quality control Commission – <https://www.env.nm.gov/opf/water-quality-control-commission/>

C. 401 Certification Website

The Bureau maintains a website for information on NPDES certifications, permits, and inspections at: <https://www.env.nm.gov/surface-water-quality/point-source-regulation-section/>. The website is kept up to date and has links to 401 certifications and other important documents. Information on draft NPDES permits that are in the comment period for the Department’s 401 Certification can be found at: <https://www.env.nm.gov/public-notices/>.

III. Regulatory Framework

The Environmental Protection Agency (EPA) retains permitting authority for the National Pollutant Discharge Elimination System (NPDES) Program in New Mexico, and as such, drafts permits for storm sewer systems that discharge pollutants into surface waters located in New Mexico. The New Mexico Environment Department’s role in NPDES permitting is to ensure that federal permits comply with the requirements of state law, including New Mexico’s antidegradation requirements. The Department’s permit certification process is outlined in Section 401 of the Clean Water Act, and New Mexico’s Administrative Code at 20.6.2.2001 NMAC.

The Bureau has three options in a 401 Certification. If there is an existing state law or regulation (such as water quality standards) that requires more stringent limitations than the federal permit, the Bureau can write a condition for that requirement, and EPA must include the condition in the final permit. However, the Bureau cannot condition a permit to make it less stringent. The second option is that the Bureau can comment on the draft permit based on best professional judgement and on-the-ground knowledge of the facility. EPA will consider but may not incorporate suggestions made in comments into the final permit. Thirdly, the Bureau can deny certification of the permit if it will not comply with the applicable sections of the Clean Water Act and appropriate requirements of state law. This would prohibit EPA from issuing the permit.

The federal requirement for public notice of draft NPDES permits issued by EPA is at least a 30-day public review and comment period (40 CFR Part 124.10(b)), and the state requirement for 401 Certification is at least a 30-day public comment period (20.6.2.2001 NMAC). EPA posts draft permits for New Mexico facilities which are on public notice on their website: <https://www.epa.gov/publicnotices/notices-search?f%5B0%5D=location%3ANew%20Mexico>. The draft 2026 MS4 NPDES permit, fact sheet, and supporting documents is available at: <https://www.epa.gov/nm/new-mexico-statewide-municipal-separate-storm-sewer-system-ms4-general-permit-proposal>.

Final permits (along with EPA's response to comments) are posted to the EPA's website at: <https://www.epa.gov/npdes-permits/new-mexico-npdes-permits>.

The Bureau does not prepare a draft 401 Certification for the public to review, but accepts comments for consideration in the certification during this public notice period. The Bureau cannot provide a draft document for public review due to stringent federal timelines for permit issuance – after EPA's comment period is concluded, the Bureau is required to issue or deny 401 Certification within 45 days from the date that the request to grant certification is received by the Bureau unless circumstances require a longer timeframe (20.6.2.2001.G NMAC). Federal regulations also require that the 401 Certification is received by EPA Headquarters and Region 6 no later than 60 days after the draft permit is mailed unless the Regional Administrator finds that unusual circumstances require a longer time frame (40 CFR Part 124.53(c)(3)). A final copy of the 401 Certification will be sent to EPA Headquarters and Region 6, and those who submitted comments for consideration in the 401 Certification.

A list of final NMED 401 Certifications for NPDES permits is posted on the Bureau's website: <https://www.env.nm.gov/surface-water-quality/point-source-regulation-section/>.

The public participation requirements of specific water quality programs are specified in 40 CFR Section 25.4 and described in New Mexico's Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CP¹). At a minimum, the public participation process for New Mexico's water quality programs consists of the following:

- Providing the public with the information and assistance necessary for meaningful involvement;
- Providing a central location of reports, studies, plans, and other documents;
- Maintaining a list of affected or interested parties and stakeholders; and
- Notifying stakeholders in a timely fashion prior to consideration of major decisions (generally at least 30 days).

The Bureau invites the public to submit comments on EPA's draft NPDES permit for the New Mexico Statewide Municipal Separate Storm Sewer System (MS4) General Permit, NPDES permit number NMR04B000, directly to EPA Region 6 staff in Dallas, Texas. Directions on how to submit comments to EPA are documented on this website: <https://www.epa.gov/publicnotices/notices-search?f%5B0%5D=location%3ANew%20Mexico>.

Comments related to water quality standards may be submitted to the Bureau for consideration and inclusion in the Department's 401 Certification of the draft NPDES 2026 Multi-Sector General Permit, NPDES permit # NMR04B000. If you would like to comment, please submit written comments to the NMED Public Comment portal at <https://nmed.commentinput.com/comment/search>, email written comments to the Bureau at psrs.program.manager@env.nm.gov, or send written comments to the Bureau contacts listed above in Section II.

¹ <https://www.env.nm.gov/surface-water-quality/wqmp-cpp/>

IV. Location and Demographics

The EPA draft NPDES New Mexico Statewide Municipal Separate Storm Sewer System (MS4) General Permit, NPDES permit number NMR04B000, provides coverage across all of New Mexico, but specifically covers the following urbanized and designated areas: Albuquerque / Middle Rio Grande urbanized area, Farmington urbanized area, Las Cruces / El Paso urbanized area, Los Alamos County designated area, Los Lunas urbanized area, Santa Fe urbanized area, and Rio Rancho urbanized area.

Demographic Summary

Demographic indicators were obtained from the U.S. Census Bureau 2020-2024 American Community Survey (ACS) data, available at <https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/>. The 2020- 2024 ACS 5-year report data profile for the state of New Mexico was used for the analysis. The U.S. Census Bureau collects data through the ACS provide quantitative information regarding various demographic indicators and to assess language characteristics within a geographic area.

Summary of Census Bureau Data

- Area of Concern = State of New Mexico
- Specific Areas of Concern: Albuquerque, Farmington, Las Cruces/El Paso, Los Lunas, Rio Rancho, and Santa Fe urbanized areas; Los Alamos designated area

The 2020-2024 ACS 5-year Report indicates that New Mexico has an estimated total population of 2,120,246. Of the total population, 47.8 percent of the community identifies as white, 2.1 percent identifies as Black or African American, 1.8 percent identifies as Asian, 0.1 percent identifies as Native Hawaiian and other Pacific Islander, 9.5% percent identifies as American Indian and Alaska Native, 13% percent identifies as some other race, and 25.8 percent identifies as multiracial. Of the total population, 48.4% percent identify as Hispanic. The percent of persons that communicate in a language other than English (non-English) at home is 31.34% percent (629,876 individuals), with 180,595 individuals speaking English “less than very well.” The per capita income for the state of New Mexico from 2020-2024 is \$36,218, as compared to the national per capita income for 2020-2024 of \$44,673 From the 2020-2024 ACS data, there are 43,594 linguistically isolated households in the State of New Mexico. These results indicate that the percentage of non-English-speaking communication in New Mexico is significant and various demographic factors (i.e. low-income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) may impact public participation.

Therefore, the Bureau will provide information in English and in Spanish for public comment notices and other announcements and strive to make public participation efforts as inclusive as possible within Bureau budget and time limitations. Specific information repositories that may be used depending on the need are provided in Section V.F of this PIP.

V. Public Participation & Outreach Activities

The public may ask questions about NPDES permits at any time. Interested community members do not need to wait for a formal public comment period to contact the Bureau. However, the

Bureau emphasizes that to be included in the administrative record, comments solicited by public notices about the draft permit must be submitted during the noticed comment periods, and in accordance with the public notice and 20.6.2.2001 NMAC.

Specific outreach activities related to this draft NPDES permit and the Bureau's 401 Certification process include:

- Maintaining a specific Department public notice web page (<https://www.env.nm.gov/public-notices/>) with attachments and links to EPA's draft permit documents (found at <https://www.epa.gov/publicnotices/notices-search?f%5B0%5D=location%3ANew%20Mexico>) and EPA's final permit (found at <https://www.epa.gov/npdes-permits/new-mexico-mpdes-permits>),
- Creating and maintaining a specific archive webpage with the final 401 Certification letters sent to EPA Region 6 (<https://www.env.nm.gov/surface-water-quality/point-source-regulation-section/>),
- Developing a public notice announcing the opening of the 30-day (or more, if applicable) public comment period (joint notice with EPA Region 6),
- Posting this public notice to the Department's event calendar (<https://www.env.nm.gov/events-calendar/>),
- Emailing this public notice to Bureau's email list through the GovDelivery e-mail delivery service (3,991 email addresses as of April 2026), and
- Listing the public notice on the NMED Public Comment Portal (<https://nmed.commentinput.com/comment/search>) with attachments and links to EPA's draft permit documents (found at <https://www.epa.gov/publicnotices/notices-search?f%5B0%5D=location%3ANew%20Mexico>).

Copies of the draft permit and any supporting documents may be obtained via download from the EPA Region 6 website during the comment period at <https://www.epa.gov/publicnotices/notices-search?f%5B0%5D=location%3ANew%20Mexico>, or by contacting Susan A. LucasKamat at (505) 946-8924, susan.lucaskamat@env.nm.gov, NMED SWQB, P.O. Box 5469, Santa Fe, New Mexico, 87505.

The most direct way to learn about and be involved in the decision-making process for draft NPDES permits is to comment on the federal permit directly to EPA. Relevant comments may also be submitted to the Bureau for the 401 Certification through the NMED Public Comment Portal (<https://nmed.commentinput.com/comment/search>). As stated in Section III above, the Bureau can only mandate changes to the draft permit if based on state law; however, EPA does consider the Bureau's comments based on best professional judgement. Additionally, the public may request to review documents at the Bureau or one of the information repositories listed below.

Based on the demographics report discussed in the PIP, basic information about public involvement opportunities will be in both English and Spanish. This information will include how to request materials in Spanish or to speak with Bureau staff through an interpreter. Further details about public participation for this activity are outlined below. Further details about public participation for this activity are outlined below.

A. Postal Mailing or E-Mailing of Notices to Persons on the Surface Water Quality Bureau's Email List

The Bureau maintains extensive email listserv (a total of 3,991 email addresses as of March 2026) that includes individuals interested in surface water quality issues, Clean Water Act permittees, watershed restoration opportunities, and the state permitting program. The listserv is maintained through a professional email messaging platform with standard options for users to maintain, modify, or cancel subscriptions. The Bureau regularly maintains contact information, which is updated or supplemented if additional information is found. Individuals, organizations, and other interested parties are added to the email lists as requested.

B. Email Updates

If you would like to be added to the Bureau's email list for information and updates, visit the Bureau's website at: <https://www.env.nm.gov/surface-water-quality/> and click on the "Subscribe to SWQB News" button on the bottom of the home page. For help, you can contact the Bureau's website liaison, Heidi Henderson at 505-819-9986 or email heidi.henderson@env.nm.gov.

C. Notices in the State Newspaper and Local Newspapers

There is a state requirement for public notices related to NMED's 401 Certification to be published in state or local newspapers. This notice will be published in the Albuquerque Journal (for Albuquerque, Los Lunas, and Rio Rancho urbanized areas), the Santa Fe New Mexican (for Santa Fe urbanized area), the Las Cruces Sun (for Las Cruces and El Paso urbanized areas), Los Alamos Daily Post (for the Los Alamos designate area), and Durango Herald/Tri-City Record (Farmington urbanized area). EPA published notice of the draft NPDES permit in the Federal Register at <https://www.govinfo.gov/content/pkg/FR-2026-03-04/pdf/2026-04322.pdf>.

D. Public Meeting Notices, Public Comment Notices, and Other Notices

Based on the Bureau's evaluation of the community, notices will be in English and translated into Spanish. In addition, the Bureau may post notices on the Department's Events Calendar at: <https://www.env.nm.gov/events-calendar/>.

EPA has scheduled two (2) virtual public meetings and public hearings on April 23, 2026, virtually via Zoom. Registration for the virtual meeting is available at https://usepa.zoomgov.com/meeting/register/GkRBNiO_T1GIFNcItF0gNA and <https://usepa.zoomgov.com/meeting/register/naoY0pEDSaqAtAV4Jjsd4Q>.

E. Informational Pamphlets

The Bureau does not develop informational pamphlets for draft permits. Generally, information about how EPA's permit was developed or has changed is documented in the fact sheet or statement of basis accompanying the draft permit, which is located along with the draft permit itself on EPA's public notice website.

F. Public Comment

The 60-day public comment period to EPA on the draft 2026 NPDES Multi-Sector General Permit, NPDES permit number #NMR04B000 started on Wednesday, March 4, 2026, and will end on midnight (EST) on Monday May 4, 2026. The 30-day comment period to the Bureau for consideration in the Clean Water Act Section 401 Certification of the draft 2026 NPDES Multi-Sector General Permit, NPDES permit # NMR04B000 will open on Thursday, April 2, 2026, and will close at 5:00 p.m. (MST) on Monday, May 4, 2026.

G. Other Outreach

Currently the Bureau is not using other means of outreach such as flyers or other hard copy postings. However, any updates will be posted on the Department's website.

H. Information Repositories

Copies of the draft NPDES permit and any of the above-mentioned supporting documents may be obtained via download from EPA's website at <https://www.epa.gov/nm/new-mexico-statewide-municipal-separate-storm-sewer-system-ms4-general-permit-proposal-0> or by contacting Antonio Griego at (505) 690-7854 or antonio.griego@env.nm.gov, NMED SWQB, P.O. Box 5469, Santa Fe, New Mexico, 87505.

The Bureau does not provide hardcopies and other information at post offices, community centers, public libraries, or other repositories. If you would like to request hard copies of important documents and information about how to comment on the draft permit, please contact Antonio Griego at (505) 690-7854 or antonio.griego@env.nm.gov.

I. 401 Certification Proceedings, Outcomes and Responses to Comments

The Bureau considers public comments received prior to the closure of the public comment period in its Clean Water Act Section 401 Certification of the draft permit. The final 401 Certification will be sent to EPA Region 6, the permit applicant and the interested stakeholder and/or community members who commented directly to the Bureau. The final 401 Certification will be available to the public via download from the Bureau's website at: <https://www.env.nm.gov/surface-water-quality/point-source-regulation-section/>.