

**NOTICE AND CONCISE EXPLANATORY STATEMENT OF
THE ENVIRONMENTAL IMPROVEMENT BOARD'S
DECISION TO AMEND 20.4.3 NMAC
CASE NO. EIB 25-81(R)**

Pursuant to the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 to -18, and the New Mexico Hazardous Waste Act, NMSA 1978, Section 74-4-1 to -14, the EIB is authorized to adopt the amendments to 20.4.3 NMAC.

The amendment to 20.4.3 NMAC amends the existing hazardous waste fees provision to correct a typographical error in the current form of the regulations.

Petitioners brought the proposed amendment before the EIB in a petition for public hearing. Notice of Hearing was published at least 60 days prior to the hearing in accordance with 20.1.1.301 NMAC. A public hearing was docketed at EIB 25-1(R) was held on March 13, 2026. The EIB deliberated on March 13, 2026. After deliberating, the EIB unanimously voted to adopt the amendment to 20.4.3 NMAC. In adopting the amendment to 20.4.3 NMAC, the EIB considered all the facts and circumstances and concluded that the Petitioners' proposed regulatory revision will protect the wealth, welfare, animal and plant life, property and the environment and serve the purposes of the Environmental Improvement Act and the Hazardous Waste Act. The EIB provided its reasons for the action taken in the Statemen of Reasons and Final order dated June 8, 2026.

Adoption of the new rule occurred upon the signature of the Statement of Reasons and Final Order. 20.1.1.407(C) NMAC. The new rule adopted by the EIB shall become effective no less than thirty days after its filing in accordance with the provisions of the State Rules Act. NMSA 1978, § 74-1-9(G). In accordance with the State Rules Act, no rule shall be valid and enforceable until it is filed with the Administrative Law Division and published in the *New Mexico Register*. NMSA 1978, § 14-4-5. To ensure these requirements have been met, this rule will be effective no earlier than its publication in the *New Mexico Register* or thirty days from filing with the Administrative Law Division, whichever comes later.

A copy of the new rule is published along with this notice.

This is an amendment to 20.4.3 NMAC, Section 202, effective 12/01/2026

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STATE OF NEW MEXICO

20.4.3.202 FEE CALCULATION:

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A. Nothing herein is intended to affect the generator's obligations with respect to reporting or record keeping under other applicable laws and regulations.

B. The total annual fees due are the cumulative total of the fees for all sites engaged in activities as defined in 20.4.3.7 NMAC during the calendar year prior to the year in which the fee is to be paid, subject to the limits set forth in 20.4.3.109 NMAC;

C. Beginning January 1 following the effective date of these fee regulations, the fees listed in ~~[20.4.3.401]~~ 20.4.3.201 NMAC shall be adjusted annually to account for inflation. The amounts shall be adjusted by the percentage of the preceding calendar year's change in the consumer price index for All Urban Consumers (CPI-U), United States City Average for All Items, published by the United States Department of Labor. The amount of change in the fee shall be rounded to the nearest one dollar (\$1.00).

[20.4.3.202 - Rp. 20.4.3.202 NMAC, 3/5/2020, A, 12/01/2026]