

**NEW MEXICO WATER QUALITY CONTROL COMMISSION  
NOTICE OF PUBLIC RULEMAKING HEARING  
PROPOSED SURFACE WATER QUALITY STATE PERMITTING PROGRAM  
DOCKETED MATTER WQCC 25-74(R)**

The Water Quality Control Commission (“WQCC”) will hold a public hearing for this matter beginning at 9:00 a.m. on Monday, June 8, 2026, and continuing for approximately nine (9) business days through Thursday, June 18, 2026, as necessary. The hearing will be conducted in-person at the New Mexico State Capitol Building, 490 Old Santa Fe Trail, Santa Fe, New Mexico, 87501, and virtually via a video conferencing platform. The hearing will last as long as required to hear all testimony, evidence, and public comment. Detailed information concerning the time, location, and the virtual meeting link can be found on the New Mexico Environment Department’s (“NMED”) event calendar at <https://www.env.nm.gov/events-calendar/>. Please visit the WQCC website prior to the hearing for any updates at <https://www.env.nm.gov/opf/water-quality-control-commission/>, Docketed Matter WQCC 25-74(R). The WQCC may make a decision on the proposed regulatory change at the conclusion of the hearing.

The purpose of the public rulemaking hearing is two-fold: (1) to consider proposed amendments to 20.6.2 NMAC *Ground and Surface Water Protection* regulations to create a State-led surface water permitting program that controls the discharge of pollutants, including dredged and fill material, to “surface waters of the State” under the authority of the New Mexico Water Quality Act, and (2) to consider the proposed new rule 20.6.5 NMAC *New Mexico Pollutant Discharge Elimination System* to enable the State to administer and enforce the federal NPDES Program that controls the discharge of pollutants to “waters of the United States” under the authority of the federal Clean Water Act. These amendments and new rules are responsive to statutory updates to the New Mexico Water Quality Act (NMSA 1978, §§ 74-6-1 through -17) and the creation of the New Mexico Pollutant Discharge Elimination System Act (NMSA 1978, §§ 74-6C-1 through -11) during the 2025 Regular Session of the New Mexico Legislature.

The proposed amendments to 20.6.2 NMAC and proposed new rule 20.6.5 NMAC establish a comprehensive permitting program with statewide application. The proposed amendments to 20.6.2 NMAC add new definitions and add clarification in several existing sections to distinguish between discharges to ground water and to surface waters. The proposed amendments create a 2300 series in 20.6.2 NMAC that applies specifically to surface water permitting and surface water discharges. The proposed amendments detail several topics and timelines, including: when a surface water discharge permit is required, exemptions, individual permits, general permits, general permit coverage, permit conditions, permit processing and issuance, public notice and participation, Secretary review, public hearings, Water Quality Control Commission review, judicial review, and fees. The proposed new rule at 20.6.5 NMAC covers these same topics and timelines and also includes components specific to EPA requirements for state NPDES programs.

The proposed regulations and supporting information may be reviewed online at <https://www.env.nm.gov/opf/docketed-matters/>. Technical information that served as a basis for the proposed rule was: the New Mexico Water Quality Act (NMSA 1978, §§ 74-6-1 through -17), the New Mexico Pollutant Discharge Elimination System Act (NMSA 1978, §§ 74-6C-1 through -11), the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and 40 C.F.R. Parts 122, 123, 124, 125, 233, Subchapter N, Part 403, and Subchapter O, Part 503. Such technical information may be obtained from the Petitioners upon request. Any person who wishes to review a physical copy of the proposed amendments should contact the WQCC Administrator at the address provided below.

The WQCC’s hearings are open to the public, and the general public is encouraged to participate. All interested persons will be given the reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. “Technical testimony”

means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing.” “‘General public’ means any person attending a hearing who has not submitted a notice of intent to present technical testimony.”

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her direct testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

No person shall discuss ex parte the merits of the proceeding with any WQCC member or the appointed hearing officer.

Pursuant to 20.1.6.203 NMAC, any person may file an entry of appearance as a party. Pursuant to 20.1.6.100 NMAC and the pre-hearing order issued by the hearing officer dated January 15, 2026, entries of appearance and notices of intent to present technical testimony shall be filed on or before April 15, 2026, 5:00 p.m. This pre-hearing order can be accessed online at <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2026/02/2026-01-15-WQCC-25-74-Pre-hearing-Order-pj.pdf>.

Pursuant to 20.1.6.202 NMAC the form and content of the notice of intent to present technical testimony shall: identify the person for whom the witness(es) will testify; identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their education and work background; include a copy of the direct testimony of each technical witness in narrative form, and state the estimated duration of the direct oral testimony of that witness; include the text of any recommended modifications to the proposed regulatory change; and list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

Any party who files a notice of intent to present technical testimony shall conform to the requirements in 20.1.6.104 NMAC, as modified by any pre-hearing order, and reference the docket number, WQCC 25-74(R).

Entries of appearance and notices of intent to present technical testimony shall be filed with:

Pamela Jones, WQCC Administrator  
New Mexico Environment Department  
Harold Runnels Building  
P.O. Box 5469  
Santa Fe, NM 87502  
Telephone: (505) 660-4305  
Email: [pamela.jones@env.nm.gov](mailto:pamela.jones@env.nm.gov)

Those wishing to do so may offer non-technical public comment at the hearing in person or virtually. The hearing officer will provide an opportunity for non-technical public comment each day of the hearing in a manner that accommodates the public pursuant to 20.1.6.204 NMAC.

Non-technical written statements may be submitted at or before the hearing in lieu of oral testimony. Written comments should reference docket number WQCC 25-74(R) and may be submitted electronically or as a single original document addressed to Pamela Jones, WQCC Administrator, at the above address. Written public comment submitted to the WQCC Administrator is unlimited and must be received prior to adjournment of the hearing. Additionally, the WQCC will receive and consider electronic written public comments submitted through NMED’s public comment portal at: <https://nmed.commentinput.com/comment/search>.

The hearing will be conducted in accordance with the WQCC Rulemaking Procedures (20.1.6 NMAC); the Water Quality Act, (Sections 74-6-1 to -17 NMSA 1978 (1967 as amended through 2019)); the State Rules Act, (Section 14-4-5.3 NMSA 1978), other applicable procedures and any additional procedural order or scheduling order issued by the WQCC or hearing officer. These documents are available online at <https://www.env.nm.gov/opf/docketed-matters/> or by contacting the WQCC Administrator at [pamela.jones@env.nm.gov](mailto:pamela.jones@env.nm.gov).

If any person requires assistance, language interpretation, or auxiliary aid to participate in this process, please contact Pamela Jones, WQCC Administrator, at the above address, at least 14 days prior to the hearing date. (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

#### **STATEMENT OF NON-DISCRIMINATION**

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