



NEW MEXICO ENVIRONMENT DEPARTMENT
Surface Water Quality Bureau

Public Involvement Plan (PIP)
Notice of Public Rulemaking Hearing
Proposed Surface Water State Permitting Program
Water Quality Control Commission
Docketed Matter WQCC 25-74(R)
Proposed Amendments to 20.6.2 NMAC and
Proposed New Rule 20.6.5 NMAC

March 2026

APPROVAL PAGE

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Date

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Date

Public Notice Date: March 24, 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 Notice of Public Rulemaking Hearing for Proposed Surface Water State Permitting Program, Water Quality Control Commission (WQCC) Docketed Matter WQCC 25-74(R) Proposed Amendments to 20.6.2 NMAC *Ground and Surface Water Protection* and Proposed New Rule 20.6.5 NMAC *New Mexico Pollutant Discharge Elimination System*.

It is the objective of the federal Clean Water Act (CWA) to restore and maintain the chemical, physical, and biological integrity of the nation's waters, including those in New Mexico. New Mexico relies on federal CWA permits to control the discharge of pollutants into its surface waters. Recent federal rulemakings, Supreme Court decisions, and Executive Orders have scaled back federal jurisdiction, leaving many surface waters of New Mexico at risk of contamination and degradation.

To protect state waters, New Mexico is developing a state permitting program pursuant to the 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) New Mexico Pollutant Discharge Elimination System Act (NMPDES Act) during the 2025 Regular Session of the New Mexico Legislature, to ensure clean water for drinking, recreational, agricultural, cultural, and other uses. In the public review drafts, NMED proposes two (2) program components:

1. Regulations that allow NMED to implement the federal National Pollutant Discharge Elimination System (NPDES) program in New Mexico, which regulates the discharge of pollutants into waters of the United States protected under the federal Clean Water Act, in a proposed new rule 20.6.5 NMAC *New Mexico Pollutant Discharge Elimination System*; and
2. Regulations that create a new State permitting program to regulate the discharge of pollutants, including dredged and fill materials, into surface waters of the state under the authority of the New Mexico Water Quality Act, in amendments to 20.6.2 NMAC *Ground and Surface Water Protection*.

The program will not apply to discharges to tribal waters, but NMED will be responsive to tribal concerns and ensure that permitted discharges do not adversely affect tribal water quality programs.

As these water quality standards are applicable to all waters of the state, the New Mexico Surface Water Quality State Permitting Program is considered a state-wide action. The purpose of this PIP is to provide public participation opportunities and information that may be needed for the public to engage in the rulemaking process for this action.

The WQCC will hold a public hearing for this matter to begin at 9:00 am on June 8, 2026, and continue for approximately nine (9) business days through Thursday, June 18, 2026. The hearing shall be conducted in-person at the New Mexico State Capitol, 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 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.

This PIP integrates information about the community and identifies resources needed by the Bureau to successfully incorporate community participation. The PIP identifies the Department staff and resources needed to accomplish these activities.

In developing this PIP, state-wide 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. This assessment identifies community outreach needs and provides for public access opportunities above and beyond statutorily mandated requirements and underscores the provision of adequate public access to information about the New Mexico Surface Water Quality State Permitting Program.

New Mexico's 2020 Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CPP), available at <https://www.env.nm.gov/surface-water-quality/wqmp-cpp/>, outlines public participation actions based on the Water Quality Act (WQA), State Rules Act, and New Mexico Administrative Code (NMAC) requirements, which include:

- Stakeholder identification and outreach to gather information and identify potential updates.
- Conduct public meetings (optional).
- Minimum 30-day public comment period for draft proposal.
- Petition the WQCC at a public meeting to request a hearing for the proposed changes to the regulations (WQA, Section 74-6-6(A) NMSA 1978 and 20.1.6.200 NMAC).
- Publish hearing notice in the New Mexico Register, in one newspaper of statewide general circulation, in one newspaper in the affected area (as applicable) and mailed to the WQCC mailing list (WQA, Section 74-6-6(C) NMSA 1978) 60 days prior to hearing date; (45-day notice requirement in 40 CFR 25.5, 30-day notice requirement in WQA, Section 74-6-6, NMSA 1978, 60-day notice requirement in 20.1.6.201 NMAC)
- Publish hearing notice in additional newspapers or through alternative media in affected area(s) (optional)
- Email hearing notice to the SWQB listserv(s) (optional)
- Post rulemaking information on Department website (State Rules Act, NMSA 1978, § 14-4-2(E))
- Post rulemaking information on State's Sunshine Portal (State Rules Act)
- Provide electronic mail notification of hearing notice with links to supporting documentation for proposed rulemaking to the Department's Environmental Health Division to make available at Department field and district offices (State Rules Act)
- Send rulemaking information and notice of hearing by electronic mail (if provided) to persons who have identified as a stakeholder, participated in the rulemaking, or specifically made a request for notice (State Rules Act)
- Send written notice that includes, at a minimum, an internet and street address where the information may be found to persons who provide a postal address (State Rules Act)
- Provide notice of hearing to the New Mexico legislative council for distribution to appropriate legislative committees (State Rules Act)

- Public hearing before WQCC (20.1.6 NMAC)
- Publication of approved regulation in the New Mexico Register with effective date of rule (1.24.10 NMAC)
- Post WQCC and EPA approved regulation and 20.6.2 NMAC and 20.6.5 NMAC on the Bureau’s website.

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

Activity	Dates
Petition WQCC for Rulemaking Hearing	December 9, 2025
First Amended Petition	March 13, 2026
Limited English Proficiency Analysis and Public Involvement Plan	March 23, 2026
Public Notice of Public Rulemaking Hearing for WQCC 25-74 (R) Proposed Amendments to 20.6.2 NMAC and Proposed New Rule 20.6.5 NMAC	March 24, 2026
Public Comment Period, Public Rulemaking Hearing for WQCC 25-74 (R) Proposed Amendments to 20.6.2 NMAC and Proposed New Rule 20.6.5 NMAC	March 24, 2026, to Close of Administrative Record
Deadline, WQCC 25-74(R) Entries of Appearance and Notice of Intent for technical testimony	April 15, 2026
Public Rulemaking Hearing	June 8-18, 2026

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

Bureau contacts for questions regarding the New Mexico Surface Water Quality State Permitting Program, the Bureau’s website, or this PIP, please contact:

Trent Botkin
 State Permitting Program Team Supervisor
 Surface Water Quality Bureau
 1190 St. Francis Dr.
 Santa Fe, NM 87505
 Phone: (505) 690-9319
 Email: swq.pp@env.nm.gov

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

If you need to contact the Bureau regarding the New Mexico Surface Water Quality State Permitting Program, 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. State Permitting Program Website

The Bureau’s website contains information on the New Mexico Surface Water Quality State Permitting Program and Water Quality Standards. These webpages will be kept up to date and have information about the revision process and important documents.

- Surface Water Quality State Permitting Program – <https://www.env.nm.gov/surface-water-quality/spp/>
- Water Quality Standards – <https://www.env.nm.gov/surface-water-quality/wqs/>

III. Regulatory Framework

It is the objective of the federal Clean Water Act (CWA) to restore and maintain the chemical, physical, and biological integrity of the nation’s waters, including those in New Mexico. New Mexico relies on federal CWA permits to control the discharge of pollutants into its surface waters. Recent federal rulemakings, Supreme Court decisions, and Executive Orders have scaled back federal jurisdiction, leaving many surface waters of New Mexico at risk of contamination and degradation.

To protect state waters, New Mexico is developing a state permitting program pursuant to

the 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) New Mexico Pollutant Discharge Elimination System Act (NMPDES Act) during the 2025 Regular Session of the New Mexico Legislature, to ensure clean water for drinking, recreational, agricultural, cultural, and other uses. In the public review drafts, NMED proposes two (2) program components:

1. Regulations that allow NMED to implement the federal National Pollutant Discharge Elimination System (NPDES) program in New Mexico, which regulates the discharge of pollutants into waters of the United States protected under the federal Clean Water Act, in a proposed new rule 20.6.5 NMAC *New Mexico Pollutant Discharge Elimination System*; and
2. Regulations that create a new State permitting program to regulate the discharge of pollutants, including dredged and fill materials, into surface waters of the state under the authority of the New Mexico Water Quality Act, in amendments to 20.6.2 NMAC *Ground and Surface Water Protection*.

As required in the state's approved Water Quality Management Plan/Continuing Planning Process, available at <https://www.env.nm.gov/surface-water-quality/wqmp-cpp/>, any new surface water quality standards or requirements or revisions to existing surface water quality standards or requirements proposed by NMED or a third party, including those being proposed in the amendments to 20.6.2 NMAC and the creation of 20.6.5 NMAC, must include a minimum 60-day public comment period prior to the New Mexico Water Quality Control Commission (WQCC) hearing. Proposed new rules and amendments to existing rules approved by the WQCC are then provided to the United States Environmental Protection Agency (U.S. EPA) for review and approval.

Additional requirements specific to the New Mexico Surface Water Quality State Permitting Program are outlined in Section I above. To fulfill these requirements, the Bureau will identify directly impacted stakeholders and conduct one-on-one outreach meetings, if requested, to gather input and identify potential updates.

The Bureau released the State Surface Water Permitting Regulations Public Review Draft for a 60-day public comment period from August 28 to October 28, 2025.

The Department will publish a notice of rulemaking in the New Mexico Register and newspapers to provide the public with rulemaking information and participation instructions as outlined by the State Records Act (SRA) and the commissions rulemaking procedures at 20.1.6 NMAC. The Bureau will publish the notice of rulemaking in the following newspapers:

- Albuquerque Journal
- Las Cruces Sun
- Santa Fe New Mexican

The Bureau anticipates publishing the notice of rulemaking in some or all the following newspapers:

- Alamogordo News

- Carlsbad Current-Argus
- Cibola Citizen
- DeBaca County News
- Eastern New Mexico News
- (Farmington) Tri-City Record
- Gallup Sun
- Guadalupe County Communicator
- Hidalgo County Herald
- Hobbs Sun News
- Las Vegas Daily Optic
- Los Alamos Daily Post
- Navajo Times
- Quay County Sun
- Rio Grande Sun
- Roswell Daily Record
- Ruidoso News
- Sierra County Sentinel
- Silver City Daily Press
- Taos News
- Union County Leader

The Department will update its website with the notice of the hearing, rulemaking information, public comment information and participation instructions. Additionally, the Bureau will send this information via email to the Bureau’s listservs, the Sunshine Portal, and the Legislative Services Committee.

If the WQCC adopts the proposed amendments from the New Mexico Surface Water Quality State Permitting Program, the Bureau will post the approved regulations on the Department’s website and publish notice of the effective date in the New Mexico Register.

IV. Location and Demographics

The New Mexico Surface Water Quality State Permitting Program is a statewide rulemaking because water quality standards and related permitting programs are applicable to waters across the state.

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 5-year report, American Community Survey (ACS) 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

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 the New Mexico Surface Water Quality State Permitting Program at any time. However, the Bureau emphasizes that to be included in the administrative record, comments solicited by public notices about the New Mexico Surface Water Quality State Permitting Program must be submitted during the noticed public comment periods, and in accordance with the public notice.

Specific outreach activities related to the New Mexico Surface Water Quality State Permitting Program include:

- Conducting stakeholder outreach and meetings to gather information and identify potential updates;
- Maintain informational web pages with attachments and links to all pertinent documents (see part II.B and II.C above);
- Developing public notices announcing public comment periods for the New Mexico Surface Water Quality State Permitting Program;
- Posting notices to the Department’s websites and the New Mexico Sunshine Portal;
- Publishing notices in a newspaper of general circulation in the affected counties and in a newspaper of general statewide circulation;
- Emailing public notices to stakeholders including tribes, permittees, state and federal

agencies; the Legislative Services Council, the Small Business Regulatory Advisory Council, and the Bureau's extensive listservs through the GovDelivery e-mail delivery service (a total of 4,648 email addresses in the SWQB General, Groundwater Quality Bureau General, National Pollutant Discharge Elimination System permit, and State Permitting Program listservs as of August 2025); and

- Sending this public notice to the Department's public relations officer for a press release and social media posts.

The most direct way to learn about and be involved in the decision-making process for this Plan revision is to submit a comment to the WQCC to pamela.jones@env.nm.gov or <https://nmed.commentinput.com/> during the public comment period and/or attend the rulemaking hearing when the Bureau presents the proposed amendments and new rule to the WQCC for adoption.

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 4,005 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. Public Notices – Comments, Meetings, Hearings, and Other Notices

Based on the Bureau's evaluation of the community, public notices and listservs will be translated into Spanish. In addition, the WQCC and Bureau will post notices, in English and Spanish, with participation details, access to supporting information, and communication

instructions on the WQCC Docketed matters webpage at <https://www.env.nm.gov/opf/docketed-matters/>, NMED Public Notice webpage at <https://www.env.nm.gov/public-notices/>, the NMED Events Calendar at <https://www.env.nm.gov/events-calendar/>, the NMED Public Comment Portal at <https://nmed.commentinput.com/>, and the Surface Water State Permit Program website at <https://www.env.nm.gov/surface-water-quality/amendments-to-20-6-2-nmac-and-proposed-new-rule-20-6-5-nmac-review/>.

D. Public Comment

The WQCC and Bureau will hold a minimum 60-day public comment period on the Notice of Public Rulemaking Hearing for WQCC 25-04 (R) Proposed Amendments to 20.6.2 NMAC and 20.6.5 NMAC from March 24, 2026, to the conclusion on the hearing. Oral and written comments will be received at the hearing through the close of the administrative record. Interested parties may also provide technical testimony at the hearing by filing a Notice of Intent prior to the hearing. Details for participating in the hearing, submitting comments, providing technical testimony, and deadlines will be outlined in the public notice.

E. Other Outreach

Other means of outreach such as flyers, radio advertisements, or hard copy postings may be used. However, any updates to the material or the rulemaking process will be posted on the WQCC Docketed Matters webpage at <https://www.env.nm.gov/opf/docketed-matters/>.

F. Information Repositories

Copies of the for WQCC 25-04 (R) Proposed Amendments to 20.6.2 NMAC and Proposed New Rule 20.6.5 NMAC will be available at the WQCC Docketed Matters webpage at <https://www.env.nm.gov/opf/docketed-matters/>.

If requested, the Bureau will work with individuals to provide hard copies. If you would like to request hard copies of important documents or information about how to comment on the 20.6.2 NMAC and Proposed New Rule 20.6.5 NMAC, please contact Trent Botkin at (505) 946-8924 or swq.pp@env.nm.gov.

G. Response to Comments, Amendments, and Participating in the Rulemaking Hearing.

To address stakeholder and community member input, the Petitioners considered and responded to all public comments received within the public comment period. The proposed rule language and supporting information will be presented to WQCC for approval and adoption into 20.6.2 NMAC and 20.6.5 NMAC at a WQCC hearing scheduled to begin June 8, 2026, and continue as necessary. The commission is holding a public comment period in conjunction with this hearing and will consider all input received. Public comments received by the WQCC will be part of the administrative record. If approved by

the WQCC, the Bureau will submit the adopted 20.6.2 NMAC and 20.6.5 NMAC to EPA for approval.