



New Mexico Environment Department



State Surface Water Permitting Update
Water & Natural Resources Committee Meeting
Shelly Lemon – Surface Water Quality Bureau Chief
August 20, 2025



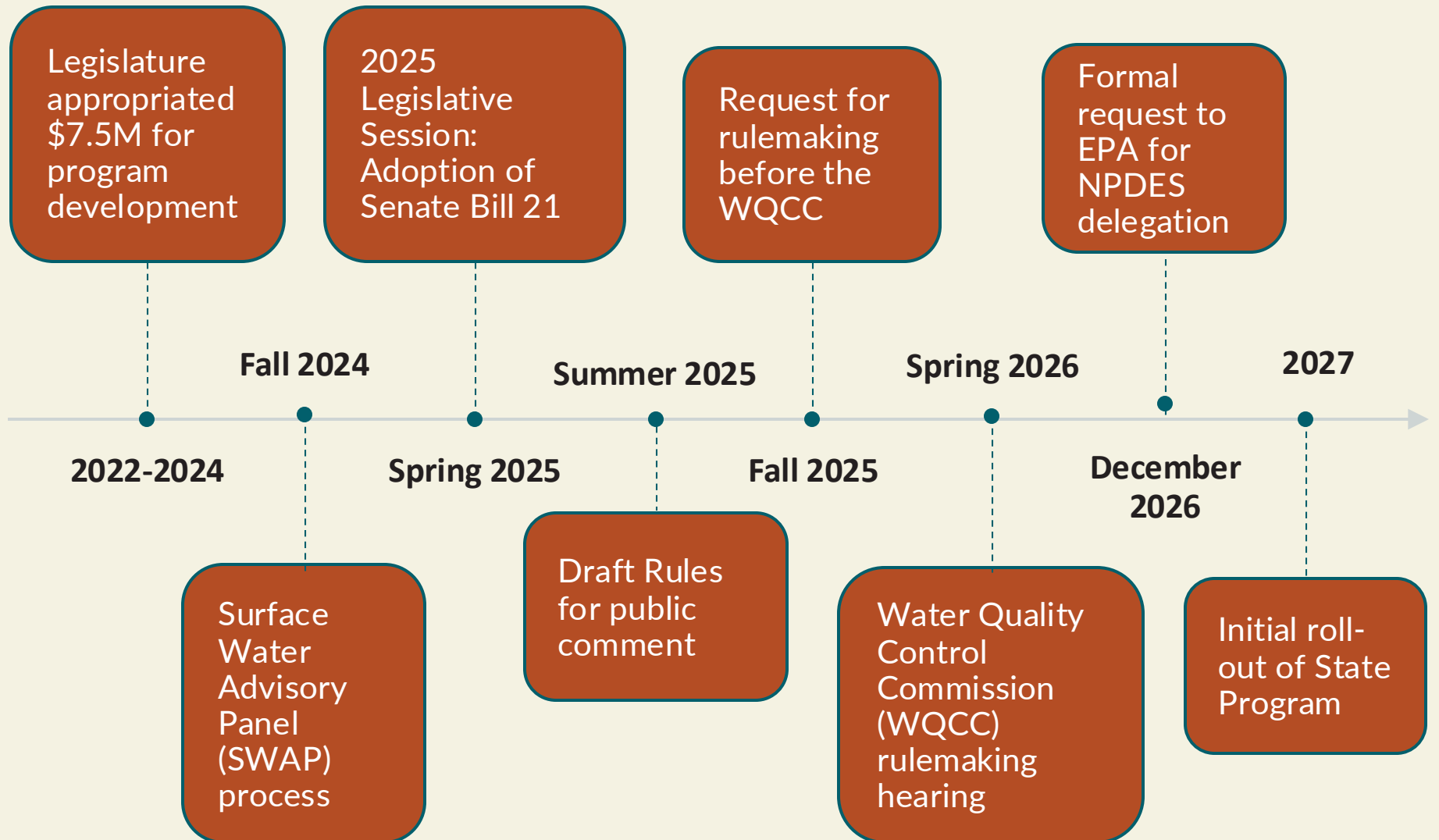
Senate Bill 21



- Senate Bill 21 was passed during the 2025 Legislative Session – *thank you!*
- Signed into law by Governor Lujan Grisham on April 8, 2025.
- Protects the state’s surface and ground water resources.
- Gives New Mexico control over its water resources in two ways:
 1. Amends the Water Quality Act
 2. Creates the New Mexico Pollutant Discharge Elimination System (NMPDES) Act to allow the Environment Department to implement the federal NPDES permitting program in New Mexico



Timeline





Next Step - Rulemaking



- *NEW* -- 20.6.5 NMAC New Mexico Pollutant Discharge Elimination System
 - Implements the New Mexico Pollutant Discharge Elimination System Act.
 - Applies to all persons who discharge a pollutant from a point source to a water of the United States.
- *Amended* -- 20.6.2 NMAC Ground and Surface Water Protection
 - Implements the Water Quality Act amendments in Senate Bill 21 related to a state-led surface water permitting program.
 - Applies to persons who discharge from a point source or who discharge dredged or fill material to a surface water of the State.
- Protect surface waters of the State (SWOTS) using practical and common-sense approach to ensure clean water for all uses.
- Allow New Mexico to protect water quality regardless of what is happening at the federal level.



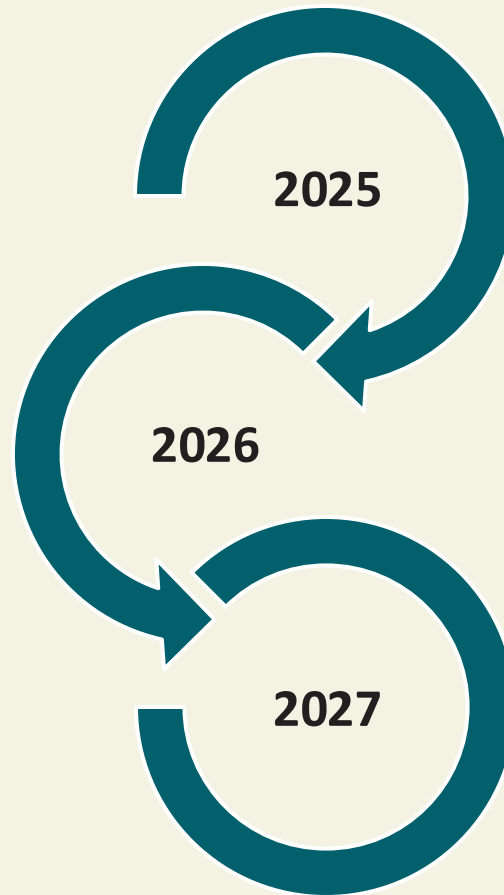
Next Step - Rulemaking

- May 2025: Provided draft permitting rules to the Surface Water Advisory Panel and Tribal Environmental Directors.
- August 2025: Public comment draft rules announced.
- August – October 2025: Outreach and engagement with the public and New Mexico's Nations, Pueblos, & Tribes.
- October 2025: Public comment period closes.
- December 2025: Petition Water Quality Control Commission to request rulemaking hearing in spring 2026.



e-Permitting Database: On-going

- Add features and refine, including mapping and external database links
- Test, populate
- Finalize internal/external user guidance



- Demonstrate surface water database functionality
- Roll out ground water database for domestic waste facilities
- Plan next phases

- Training
- Ready for roll out of surface water quality state permitting program



The Water Data Benefit



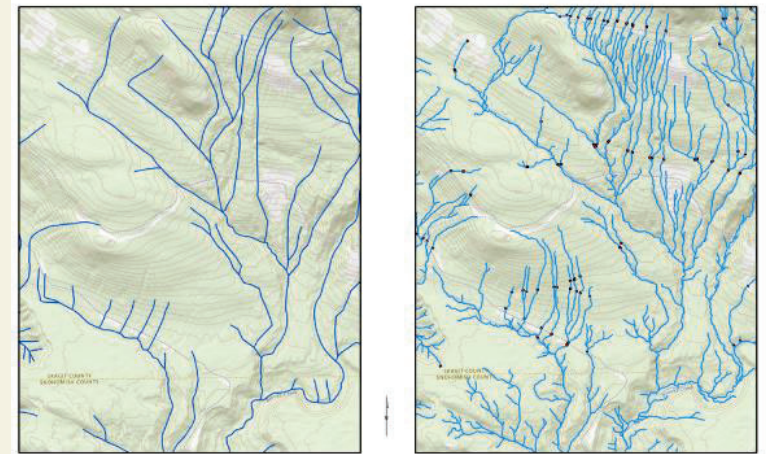
Data will be uploaded to and available on EPA's Integrated Compliance Information System (ICIS) for public access

- ❑ Information on regulated facilities
- ❑ Data related to discharge quality
- ❑ Groundwater monitoring data



Surface Water Mapping

- Assist with jurisdiction questions.
- Help determine a discharge's impact on a surface water.
- Assist the regulated community in determining if they need a permit or not.
- Improved hydrography data will benefit management and protection of flows, water quality, water resource planning, flood risk, restoration, conservation, wildlife and habitat, infrastructure, etc.
- Better surface water mapping will improve the ability to track information related to water (like streamflow permanence).
- October 2025 – draft Mapper for validation and testing.
- October 2026 – Mapper expected to go live.





Estimated Program Costs

Program	Estimated FTE	Estimated Cost (\$ Million)
Permitting	16.7	2.2
Compliance	14.1	1.7
Enforcement	17.1	2.1
Dredge/Fill	9.1	1.1
Other Related Costs	NA	~0.9
Total:	57 FTE	\$8.0

Approximate Values



Permitting Fees

Considerations:

- ❑ 100% fee-based? 100% legislative appropriations? Mix?
- ❑ Application fees and Annual fees
- ❑ Type of Facility (Industrial, Municipal, Mine, etc.)
- ❑ Flow Volume/Design Flow
- ❑ Number of Outfalls
- ❑ Permit Type
 - Individual vs. General
 - Major (>1 MGD) vs. Minor (<1 MGD)
 - Complexity, toxic potential, pollutant loadings, population, etc.
- ❑ Compliance history; previous violations
- ❑ Service-Related Fees (e.g., Special Study Reviews)
- ❑ Fee exemptions (state or federal agencies, public schools, minimal impact discharges, hardship waivers, etc.)

Fees roughly evenly split between general permits and individual permits.

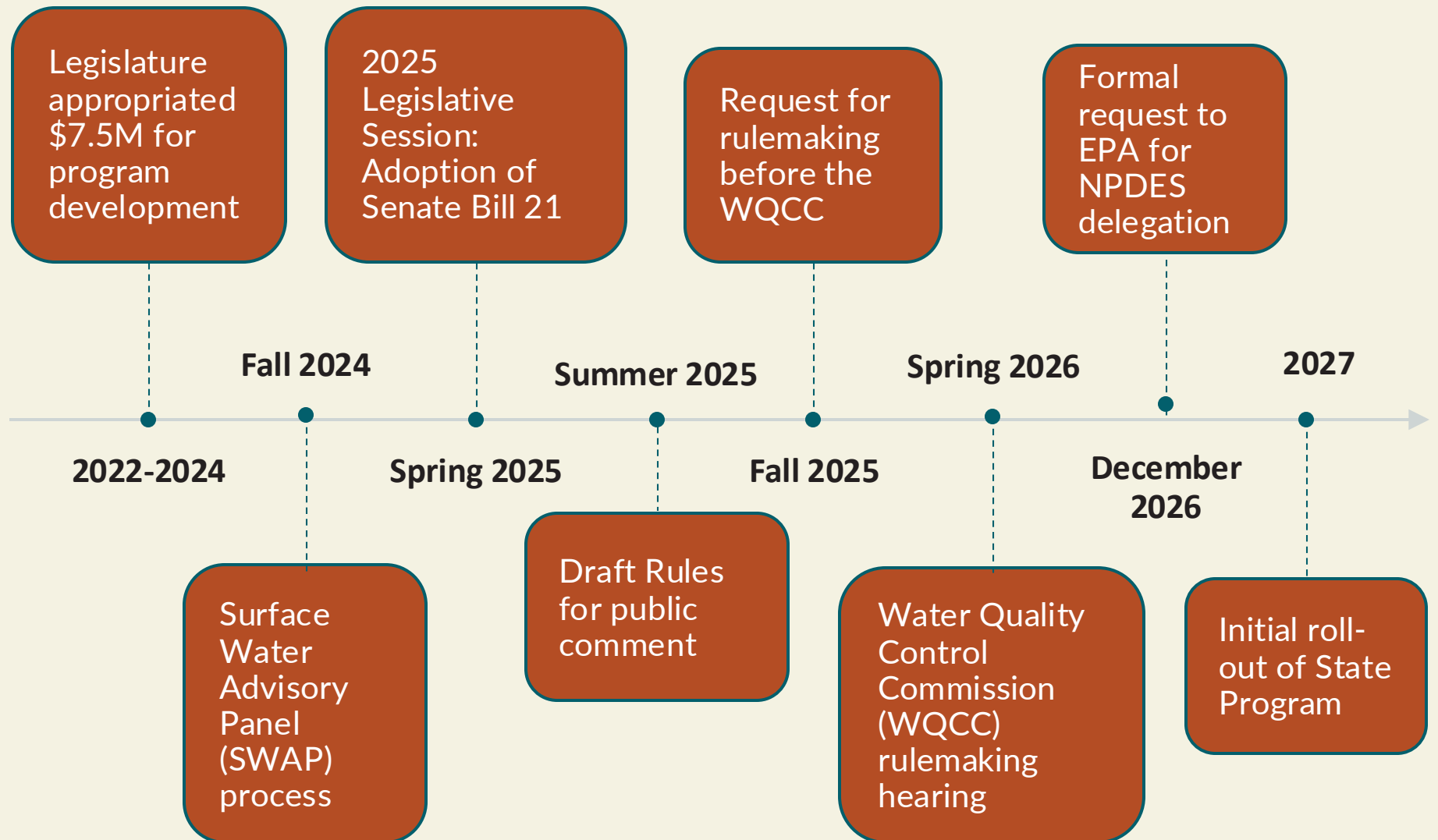


Permitting Fees

- ❑ **Regionally, 60% of program costs are covered by fees (AZ, CO, KS, OK, UT, NV)**
- ❑ **Nationally, 45% of program costs are covered by fees**
- ❑ **Arizona, Colorado, and Utah**, among others, charge the highest permit fees to municipal wastewater treatment plants (“POTWs”).
- ❑ All states with NPDES primacy have permit fees *except* North Dakota and Mississippi.
- ❑ Costs not covered by fees are made up of General Funds and some Clean Water Act (CWA) Section 106 grant funds (est. ~10%).
- ❑ There is considerable diversity in fee schedule design across the states, ranging from flat fees to complex formulae. About 50% of states are required to pay permit fees annually.



Surface Water Program Timeline





Contact Us / Learn More

Email: swq.pp@env.nm.gov

SWQB website: www.env.nm.gov/surface-water-quality/spp

SWAP website: <https://www.env.nm.gov/surface-water-quality/swap/>

Phone: 505-827-2855 | 1-800-219-6157 | Environmental Emergencies: 505-827-9329 (24 hours)

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Surface Water Quality State Permitting Program



Contact us

Ph: 505-827-0187 Find a list of Surface Water Quality staff contacts [here](#).