

PROTECTING NEW MEXICO'S WATERS



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THE CLEAN WATER ACT

- Passed in 1972 at a time when rivers were literally burning, the Act has had many successes in protecting our most precious resource.
- The objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters.

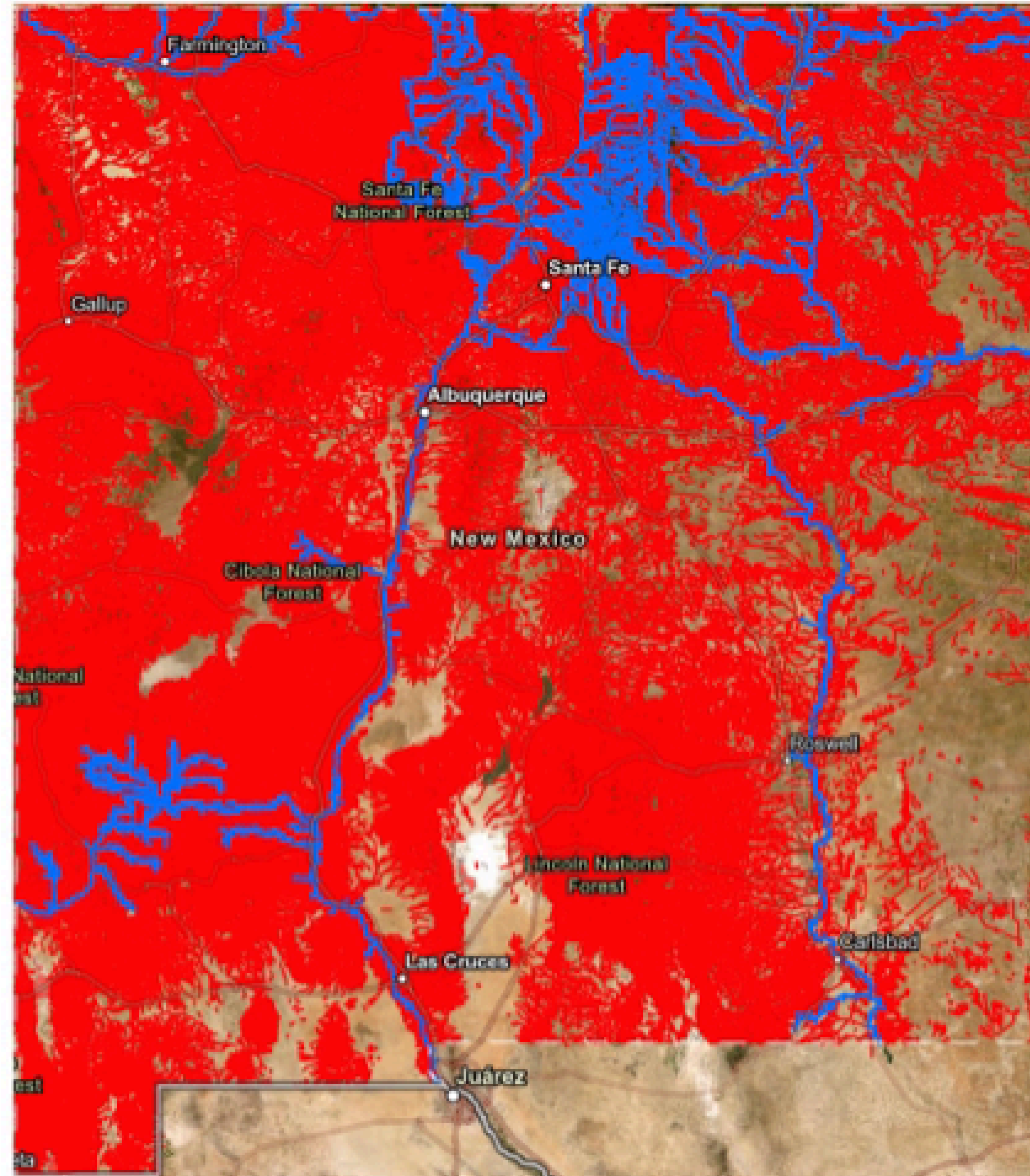


New Mexico's Waters Protected and at Risk in the Wake of the Sackett Decision

- The May 2023 US Supreme Court ruling in *Sackett vs. EPA* stripped federal protections for most of New Mexico's waters.
- Estimates indicate that up to **95%** of the state's rivers and streams and **88%** of the state's wetlands may have lost protections.

*There is still a lot of uncertainty about how the 2023 US Supreme Court Sackett decision will be implemented. This mapping exercise represents a worst-case scenario in terms of removing protections from New Mexico's streams and wetlands.

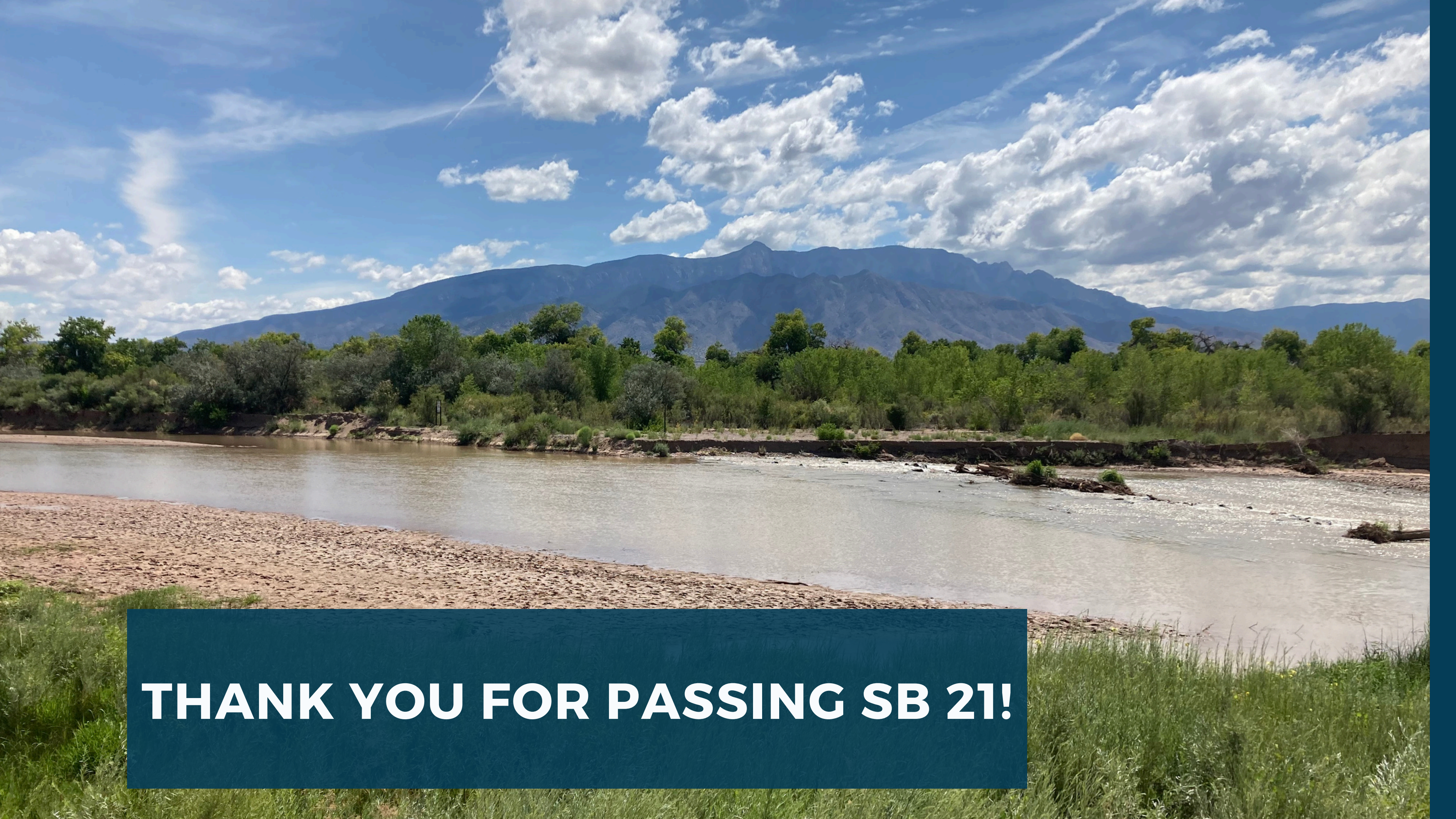
Map credit: Amigos Bravos



Red = At Risk / Blue = Protected



Interactive map of impacted waters



THANK YOU FOR PASSING SB 21!

3

Senate
committees:
SCONC, SJC, SFC

4

Floor
amendments

2

House committees:
HAAWC, HENRC

+

Multiple
adjustments and
points of
engagement for
wide variety of
stakeholders

1

Committee
substitute

SB 21's long path through the legislature...

KEY PRIORITIES



*PROGRAM
IMPLEMENTATION*



*PROGRAM
FUNDING*



*ROBUST
OUTREACH
PROCESS*

FEE STRUCTURES IN OTHER STATES

- Two states utilize only fees to fund their NPDES permitting programs: California and New Jersey
- Two states utilize only state money to fund their programs: North Dakota and Mississippi
- Most states fund their programs with a hybrid approach, funding the program in the range of 30-70% with fees
- Currently permit holders do not pay fees in New Mexico



ROBUST OUTREACH PROCESS

- SWAP process prior to introduction of SB 21 was productive, hope agency carries forward components of this process
- Government to government consultation with Tribes, Pueblos, and Nations is critical to complete



QUESTIONS FOR THE LEGISLATURE

- What funding needs to be appropriated in the 2026 session to help set up the program?
- How should the program be funded when fully implemented (fee vs. state funding)?
- If fees are included, should a different fee structure exist for municipalities, given the public benefit they provide treating wastewater?





Thank you!

