



June 16, 2026

Water Quality Control Commission

Re: WQCC 25-74 (R) IN THE MATTER OF PROPOSED AMENDMENTS TO 20.6.2 NMAC AND 20.6.5 NMAC – Surface Water Quality State Permitting Program

Members of the Commission:

The Ciudad Soil & Water Conservation District Land Use Plan includes the following provisions:

4.2-2 Water Resources (Availability and Quality)

Water is a significant resource under the District's jurisdiction, necessary for life as well as essential for promoting economic well-being. Water is critical for agriculture, residents, industry, and many service activities. Ensuring water quality and quantity is an investment but provides a high return.

Ciudad SWCD strives to protect and improve watershed health and resultant water quality within its boundaries.

Goal: The District supports pollution prevention, conservation and restoration practices, programs that protect the public, and that conserve, expand, extend, and beneficially develop the water resources of the District.

The District coordinates with various agencies in land use inventory, planning, and management activities that affect water resources. This includes supporting water planning for drinking water, irrigation and industrial uses. It also includes coordinating with federal agencies to ensure the District's policies are considered and consistency achieved to resolve water resources issues in concert with the conservation of endangered species.

The Ciudad Soil and Water District Board of Supervisors, during our June 15, 2026 open meeting, voted unanimously to provide comments regarding WQCC 25-74 (R) IN THE MATTER OF PROPOSED AMENDMENTS TO 20.6.2 NMAC AND 20.6.5 NMAC – Surface Water Quality State Permitting Program.

We urge the Commission to adopt clear, strong, comprehensive and enforceable rules to fully implement Senate Bill 21 (2025), now codified primarily at NM Stat § 74-6-4 (2025) and NM Stat § 74-6-5 (2025). SB 21 provides a historic opportunity for New Mexico to establish a strong

state permitting system to safeguard rivers, streams, wetlands, and other essential surface waters. However, the success of SB 21 depends on effective rules for implementation.

NMED staff better understand the unique realities of protecting waters of the state than do USEPA staff in Dallas. While it is, therefore, most appropriate for water quality permitting and enforcement responsibilities to lie with the NM Environment Department, we recognize that the necessary state permitting fees will place a financial burden on water systems and their clients. As suggested by Danielle Shurny in her testimony, the permit fees burden may be somewhat ameliorated by fixing annual permit fees over a five-year period with caps on the amount of increase allowed every permit cycle.

We strongly encourage the Commission to adopt Surface Water Quality State Permitting Program rules that:

- protect all of New Mexico's surface waters - including rivers, streams, wetlands, and the smaller tributaries and drainages that sustain them - especially as climate change intensifies ongoing aridification in the southwest;
- are at least as protective as federal protections that were lost with the recent rollback of the Waters of the US rule (*Revised Definition of 'Waters of the United States'; Conforming, 9/8/2023*);
- require that the secretary, before issuing, renewing, or modifying any permit, make a written finding ensuring that permitted activities:
 1. will have minimal individual or cumulative adverse effects on the water resource,
 2. will not violate water quality standards including those meant to deter wetland and water quality degradation, and
 3. will not cause or contribute to pollution that exceeds downstream Tribal water quality standards, as defined by NMED in the proposed rules;
- require that an applicant for either an individual permit or a general permit demonstrate their efforts to prevent damage or destruction to a wetland or waterway before minimization and mitigation is considered - applicants must be required to clearly define the project purpose and to select the least environmentally damaging practicable alternative before a permit is issued; and
- establish basic elements that should be included in department-developed compensatory mitigation guidance, including complete restoration of the original functionality of any destroyed wetland or waterway, as documented using criteria at 40 CFR Parts 230.95 and 230.96.

Active coordination with the soil and water conservation district (SWCD) in which any new or modified discharge permit exists should be required in the rules, because SWCDs have a

uniquely broad understanding of water resource realities within their boundaries. Therefore, we encourage the Commission to modify 20.6.2.2308(E)(2) as follows:

“(2) mail or email notice to affected local, state and federal government agencies, land grant organizations, ditch associations, soil and water conservation districts, and Indian nations, tribes and pueblos, as identified by the department;”

New Mexicans have a right to safe and reliable natural waters. I urge the Commission to honor that right and pass strong surface water quality permitting rules that ensure protection of our unique and precious waterways for future generations.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Steven Glass", is displayed on a light yellow rectangular background.

J. Steven Glass, Board Chair
Ciudad Soil and Water Conservation District
Position 4 (Term: 2025-2028)