



Quay County Government

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Public Comment on WQCC 25-74(R) – Proposed Surface Water Permitting Rules and Associated Discharge Fees

On behalf of the Quay County Board of County Commissioners, I write to express serious concerns regarding the proposed rulemaking in **WQCC 25-74(R)**, including the proposed new state surface water discharge permitting framework and the associated fee structure for individual and general permits.

Quay County supports responsible environmental stewardship and the protection of New Mexico's waters. At the same time, the County is deeply concerned that the current proposal, as drafted, creates significant financial, operational, and practical burdens for rural local governments and the communities we serve.

Financial impacts on rural communities and local governments

The proposed rules would shift what has historically been a federally administered surface water permitting program into a state-run program funded in substantial part by permittee fees. For rural counties and small communities, these costs are significant.

The proposed fee formulas for domestic wastewater permits are especially concerning. Under the proposed rule, even relatively small municipal systems may face substantial costs:

- The **Village of Logan** wastewater system in Quay County is listed by NMED with a design flow of **400,000 gallons per day**. Based on the proposed fee formula, that would equate to an estimated **\$5,200 application fee** and approximately **\$15,440 in annual fees**, before any annual discount is applied.
- The **City of Tucumcari** wastewater treatment facility in Quay County is a major municipal discharger with a published design flow of **1.2 million gallons per day**. Based on the proposed fee formula, that would equate to an estimated **\$9,800 application fee** and approximately **\$25,160 in annual fees**, before any annual discount is applied.

For rural communities with limited ratepayer bases and constrained infrastructure budgets, these are not minor administrative costs. They may translate into higher utility rates, deferred maintenance, delayed capital improvements, or reductions in other essential services.

Uncertainty regarding scope and jurisdiction

Quay County is a large rural county with extensive roadways, drainage infrastructure, culverts, arroyos, and ephemeral channels. The proposed rules create uncertainty about how broadly “surface waters of the state” may be interpreted in practice and whether routine county public works and infrastructure activities could trigger permitting obligations or added costs.

Without clear maps, practical guidance, and predictable jurisdictional standards, counties cannot responsibly evaluate their exposure, budget impacts, or compliance obligations. This is particularly concerning in eastern New Mexico, where ephemeral drainages and dry channels are common features of the landscape and where road maintenance and crossing work are regular necessities.

Lack of clarity regarding general permits and streamlined pathways

The proposed rules reference general permits, but do not provide enough practical certainty regarding when general permits will be available, what activities they will cover, or whether they will meaningfully reduce administrative and financial burdens for local governments.

For counties and small municipalities, the availability of broad, practical, and affordable general permits could make the difference between a workable program and an unmanageable one.

Timing and implementation concerns

The timeline for this rulemaking has made it difficult for rural local governments to fully assess impacts, consult with technical staff, and determine whether more formal participation is necessary. Smaller counties often do not have in-house environmental counsel or engineering staff readily available to respond on compressed timelines.

A rulemaking of this magnitude should allow meaningful consultation with counties, municipalities, and special districts before final adoption.

Quay County requests

Accordingly, Quay County respectfully requests that the Commission and the New Mexico Environment Department:

1. **Reevaluate the proposed fee structure** so that it does not impose disproportionate burdens on rural local governments, small municipalities, or ratepayers;

2. **Provide clear guidance and practical examples** regarding the scope of state jurisdiction and how the rules would apply to routine public works, drainage, and infrastructure activities;
3. **Clarify and expand the availability of general permits** and other streamlined permitting pathways for common local government activities and smaller wastewater systems;
4. **Consider phased implementation, reduced fees for rural and small systems, or greater legislative support** so that local governments are not forced to absorb major new costs immediately;
5. **Engage in meaningful consultation with counties, municipalities, and affected public entities** before finalizing a program with significant operational and budget consequences.

Quay County remains committed to working collaboratively with the State to protect water quality. But any new permitting program must be practical, predictable, and affordable for rural New Mexico.

Thank you for your consideration of these comments.