

STATE OF NEW MEXICO
NEW MEXICO WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF PROPOSED
AMENDMENTS to 20.6.8 NMAC –
*Ground and Surface Water Protection –
Supplemental Requirements for
Reuse of Treated Produced Water,*

No. WQCC 25-34(R)

Water Access Treatment & Reuse Alliance,
Petitioner.

**AMIGOS BRAVOS, CITIZENS CARING FOR THE FUTURE, AND SIERRA
CLUB’S OBJECTION TO WATR’S REQUEST TO BE HEARD ON ITS MOTION FOR
RECONSIDERATION DURING JANUARY 13, 2026 COMMISSION MEETING**

In its Motion for Reconsideration of Commission Decision to Deny Petition 25-34 (“Motion for Reconsideration”), Water Access Treatment and Reuse Alliance (“WATR”) requests the Water Quality Control Commission (“Commission”) to hear its motion during its January 13, 2026 meeting. Mot. at 7. Under Commissions rules, parties are entitled to 15 days to file responses to motions. 20.1.6.207.D NMAC. WATR’s motion is marked as “RECEIVED” by the Commission on December 30, 2025,¹ which means responses are due January 14, 2026.² WATR’s request to be heard January 13, 2026 would violate the parties’ right to 15 days to file a response and would effectively expedite the briefing schedule without the Commission ordering an expedited hearing schedule. The Commission should deny WATR’s request to be heard on January 13, 2026, and allow for a full briefing schedule consistent with its rules.

¹ See <https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2025/12/2025-12-30-WQCC-25-34-WATR-Motion-to-Reconsider-signed.pdf>.

² WATR filed an initial, unsigned motion at approximately 5:21 pm on December 29, 2025 and then filed a signed motion at approximately at 6:17 pm that same day. Dec. 29, 2025 emails from M. Sayer, WATR counsel, to P. Jones, Comm’n Administrator. The Commission’s rules are silent on the time pleadings must be filed. The Commission Administrator counted the motion as filed December 30, 2025. If WATR’s motion is considered filed December 29, 2025, responses are due January 13, 2026.

In support of this objection, Amigos Bravos, Citizens Caring for the Future, and Sierra Club state:

1. On November 13, 2025, the Commission voted to vacate its July 8, 2025 decision granting WATR's request for hearing on Petition for Rulemaking and Statement of Reasons.
2. On November 19, 2025, the Commission issued its Order Granting Motion to Vacate.
3. On December 29, 2025, after 5:00 pm, WATR filed its Motion for Reconsideration, and the Commission Administrator marked the motion as "RECEIVED" on December 30, 2025.
4. Commission rule 20.1.6.207.D NMAC allows parties 15 days to file a response to motions, which means parties' responses to WATR's Motion for Consideration are due January 14, 2026 (or January 13, 2026 if the motion is counted as filed December 29, 2025).
5. However, WATR requests the Commission to hear its motion during its January 13, 2026 meeting.
6. If the Commission agrees to hear the motion during its January 2026 meeting, as a practical matter, parties must file responses January 12, 2026, at the very latest. And even then, less than 24 hours does not give Commission members much time to digest the responses.
7. WATR, on the other hand, delayed filing its motion until almost **6 weeks** after the Commission issued its Order (and 7 weeks after the Commission voted to deny WATR's Petition).³

³ While Commission rules do not set forth a time period for filing motions for reconsideration, typically such motions are required to be promptly filed – within 15 or 30 days -- after entry of a final order. *See, e.g.*, 13.1.5.24.A NMAC (requiring motions for reconsideration in administrative hearings before the New Mexico Superintendent of Insurance to be filed within 15 days "after the date of the final order"); NMSA 1978, § 62-10-16 (requiring motions for rehearing in

8. Despite its own delay, WATR effectively seeks to cut short the time that parties have to file responses and does so during the holiday season when many counsel, including undersigned counsel, are taking leave, making it even more difficult to timely file an adequate response.⁴ Indeed, given WATR's delay in filing until the week of New Year's Eve, when many if not most are on leave, the timing of its filing seems calculated to overly burden other parties. Such gamesmanship should not be rewarded.

9. In effect, WATR seeks an expedited briefing schedule, but WATR fails to make a request for expedited briefing from the Commission and makes no attempt to demonstrate that there is any need to expedite briefing.

10. In fact, there is no good reason to expedite briefing on WATR's Motion for Reconsideration, especially in light of WATR's own delay in filing.

11. WATR's request to be heard at the Commission's January 13, 2026 meeting is inconsistent with Commission's rules and unfair to other parties, and should be denied.

For the foregoing reasons, Amigos Bravos, Citizens Caring for the Future, and Sierra Club respectively request the Commission deny WATR's request to be heard on its Motion for Reconsideration during its January 13, 2026 meeting.

Respectfully submitted,

/s/ Tannis Fox

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proceedings before the New Mexico Public Regulation Commission to be filed within 30 days of the "entry of the order or decision").

⁴ Undersigned counsel is on planned leave December 29, 2025 through January 2, 2026.

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Caring for the Future, Sierra Club, and
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Certificate of Service

I certify a copy of the foregoing pleading was emailed to the following on December 31,
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