

Pamela Jones

**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.**

**NEW ENERGY ECONOMY’S OPPOSITION TO WATR’S MOTION FOR
RECONSIDERATION AND JOINDER IN AMIGOS BRAVOS, CITIZENS CARING FOR
THE FUTURE, AND SIERRA CLUB’S OBJECTION**

New Energy Economy (“NEE”) hereby opposes the Water Access Treatment and Reuse Alliance’s (“WATR”) Motion for Reconsideration and joins and fully supports the Objection filed by Amigos Bravos, Citizens Caring for the Future, and Sierra Club. WATR’s Motion is procedurally defective, untimely, and contrary to New Mexico law and the Commission’s rules, and should be denied on that basis alone.

I. WATR’S MOTION FOR RECONSIDERATION IS UNTIMELY UNDER NEW MEXICO LAW

Although the Water Quality Control Commission’s rules do not expressly state a deadline for filing motions for reconsideration, New Mexico law supplies that limitation. Motions for reconsideration must be filed within thirty (30) days of the final decision or order. *Armijo v. Save ‘N Gain*, 771 P.2d 989, 994 (N.M. Ct. App. 1989); NMSA 1978, § 39-1-1.

Here, the Commission issued its Order Granting Motion to Vacate on November 19, 2025. WATR did not file its Motion for Reconsideration until December 29–30, 2025, outside the thirty-day period recognized by New Mexico courts for post-decision motions.

Administrative agencies in New Mexico consistently apply 15-day to 30-day windows for motions for rehearing or reconsideration. See, e.g., Section 13.21.4.24 NMAC (Patient’s Compensation Fund – 15 days) and Rule 12-404 (NMRA – 15 days); NMSA 1978, § 62-10-16 (PRC – 30 days). WATR’s nearly six-week delay is incompatible with these norms and defeats the purpose of reconsideration, which is to promptly correct errors—not to relitigate matters after strategic delay.

Because WATR failed to act within the legally recognized timeframe, its Motion for Reconsideration is untimely and must be denied.

II. WATR FAILED TO SEEK THE POSITIONS OF OTHER PARTIES, CONTRARY TO COMMISSION RULES

WATR’s Motion is independently defective because it failed to seek concurrence or state the positions of other parties, as required by Commission procedure. Under 20.1.6.207(C) NMAC, motions must indicate whether concurrence was sought or explain why it was not.

WATR admits it did not seek concurrence, asserting—without legal support—that the parties’ positions were “known.”

That assertion does not satisfy the rule. The obligation to confer is mandatory, not discretionary, and exists precisely to avoid unnecessary motion practice and to preserve fairness in administrative proceedings.

This procedural failure is particularly serious where, as here, WATR simultaneously seeks to truncate response deadlines and force consideration of its motion at a Commission meeting before parties are entitled to respond—conduct already objected to by Amigos Bravos, Citizens Caring for the Future, and Sierra Club.

III. WATR’S DELAY AND PROCEDURAL DEFECTS PREJUDICE OTHER PARTIES AND UNDERMINE ORDERLY PROCESS

WATR delayed filing its Motion until the holiday period and then attempted to accelerate Commission consideration in a manner that would deprive parties of their full response rights under 20.1.6.207(D) NMAC. This is precisely the type of procedural gamesmanship New Mexico administrative law disfavors.

Allowing an untimely, procedurally defective motion to proceed would prejudice intervenors, erode confidence in Commission process, and incentivize delay rather than diligence.

CONCLUSION

For the foregoing reasons, New Energy Economy respectfully requests that the Commission:

1. Deny WATR’s Motion for Reconsideration as untimely under New Mexico law;
2. Deny the Motion for failure to comply with 20.1.6.207(C) NMAC; and
3. Grant the Objection filed by Amigos Bravos, Citizens Caring for the Future, and Sierra Club in full.

Respectfully submitted,

NEW ENERGY ECONOMY

/s/ Mariel Nanasi

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Certificate of Service

I certify a copy of the foregoing pleading was emailed to the following on January 2,

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