



# **Jemez y Sangre Regional Water Planning Council**

## **Draft Meeting Notes June 13, 2005**

**Attendees:** Don Dayton, Kent Gurley, Lisa Henne, Jan-Willem Jansens, Bill LeMay, Pete Padilla, Paul Paryski, Sigmund Silber, Roy Stoetsz, Bob Vocke, Neil Weber, and Steve Wust.

**Next Meeting:** Monday, July 11, 2005  
1:30 to 4:30  
Santa Fe Home Builders Association offices  
(1409 Luisa, Suite A, Santa Fe)

### **Presentation by NMED Cabinet Secretary Ron Curry**

#### NPDES Permitting Authority

The NMED is seeking NPDES delegation from US EPA, and has been working on getting legislative approval since last summer. New Mexico is one of only four states in the US that does not have authority to administer its own permitting/pollutant discharge control program. Currently, NMED is under contract with the US EPA to do NPDES compliance inspections, but EPA has the enforcement authority.

The dairy industry and home builders have voiced opposition to the delegation of NPDES authority to the state. This is in contrast to many other states, in which industry has urged states to take control over permitting authority. The opposition reflects a concern that the NMED would be overly zealous in its administration of the NPDES program. NMED has formed a committee to try to work through the resistance, but it remains unclear whether the request for approval of the required statute changes will appear in the short session next year. NMED believes that having permitting authority would create a more constructive and less punitive environment than the current system.

The rumored cost for the program is \$5-6 M/ year, but the NMED estimate is \$1.4 M/year. The high rumored cost is part of the basis for opposition to the delegation of authority. NMED anticipates that the program will be paid for with an approximately

50%-50% split between fees and budgetary sources. The anticipated fees for home builders would be approximately \$100, and less than \$500 for municipalities.

### Triennial Review of Standards for Interstate and Intrastate Surface Waters

Efforts by industry to remove the ability of the Water Quality Control Commission did not pass and are in appeal.

New Mexico could lose the ability to regulate in closed basins because such basins do not meet the criteria for interstate waters.

### Water Quality

Liquid waste from septic tanks is the primary source of groundwater pollution in New Mexico. NMED has just completed a re-write of liquid waste regulations, and is seeking state-wide consistency in regulation. Under the new regulations, small lots might require advanced treatment systems (cost of approximately \$15K).

NMED is trying to map the septic problem and identify vulnerable areas. Within the last year, the NMED conducted six enforcement actions against septic tank owners. This represents a shift from past enforcement actions, in which the installers have been the ones to be fined. NMED has also noted a large disparity between septic pumping septic dumping, suggesting that illegal dumping is taking place. This is likely due to an insufficient number of facilities and long driving distances. NMED is considering a moratorium on enforcement to allow septic owners to determine the status of their system. Education and incentives would be included in this program.

Arsenic standards are also a concern because of the difficulties that small communities face in meeting the standards. The NMED is working on waivers programs for small communities that have high arsenic levels.

### Other News

The new administration has a policy of filling all vacant position, which is helping to ensure adequate staffing. The permanent vacancy rate of 10-14% has been reduced to 3-5%. The NMED has traditionally hired from the inside, which has created staffing voids and a lack of new perspectives within the agency.

## **Update on Landscapes and Watersheds workshop**

The workshop will be held September 21-22 @ Santa Fe Sweeney Center, and is based on recommendations from the Jemez y Sangre Regional Water Plan.

Planned speakers include:

Don Elder, Director Rivernetwork

Bob Zimmerman, Charles River (Boston) Coalition

The Center for Watershed Protection

Earthworks

Nate Downey, Santa Fe Permaculture

John D'Antonio, State Engineer

D.L. Sanders, OSE General counsel, or other OSE attorney

Gov. Bill Richardson, or Bill Hume, Gov's Director of Policy & Strategic Planning

The workshop aims to place a set of specific recommendations into the hands of decision-makers and agencies. These recommendations will be initially presented in a set of white papers that will be available to participants prior to the workshop. The white paper recommendations are intended to provide a starting point for discussion and debate at the workshop. The recommendation white papers will be revised and finalized to reflect the input of workshop participants. White paper topics include:

- Restoring/managing watersheds and riparian areas
- Managing run-off
- Managing land use
- Managing water use
- Managing water quality

Paul Paryski handed out a list of possible recommendations for each of these categories. White paper authors will be able to use the list as a “menu” of possible recommendations to include in the white papers. JyS members provided feedback on the recommendations.

## **Update on the Deep Water Initiative**

The Deep Water technical group has been investigating the potential for deep water (>25' deep) in the Espanola Basin. The working assumption was that as long as the groundwater is connected to an aquifer, a water right would be required for diversion. However, if an aquaclude exists, it could be considered to be new water. If TDS is greater than 10,000 PPM, the OSE does not regulate.

Steve Wust commented that if the water is treated, it might become regulated. In addition, if water withdrawn from deeper levels affects the aquifer above, the OSE would become involved. Because there is no aquaclude in the Santa Fe group that covers the entire basin, deep water extraction could affect the aquifers above. This does not mean that it is not a good idea, but that it will likely be regulated.

The group is interested in looking at the H well to determine the lithology at 2500'. The technical group is specifically looking for evidence of a clay bed, and is also interested in having data from a Mobil seismic study reanalyzed to see if a clay layer is present.

### **Galisteo Watershed Partnership**

Jan-Willem Jansens presented information on the Galisteo Watershed Partnership (GWP). The GWP is proposing to sign a memorandum of understanding with the Jemez y Sangre Water Planning Council for formal partnership with the GWP. The GWP is specifically interested in developing interactions and mutual support with the Council and committees to promote implementation of smart water management, new technologies, and water capturing modes, and to partner on similar watershed initiatives.

A partnership agreement involves the following activities and commitments:

- signing MOU to formally express support for vision/goals,
- showing up for biannual meetings,
- committing to sharing information in initiatives JyS is leading (via web site, newsletter),
- serving on working committees as interested,
- listing available data managed by JyS in the data directory,
- supporting outreach activities related to initiatives led by JyS.

The GWP seeks to address problems in the Galisteo Basin such as streambank erosion, gulleys, head cuts, springs drying up, sedimentation, nutrients, destruction of habitat, invasive species, elevated temperature, etc. The GWP promotes watershed-based planning and decision-making structures. For example, the Partnership's responded to a request for assistance from the developers of the Thornton Ranch project to understand how to do environmentally responsible development, and to gain a better understanding of both the impacts of the development on the watershed and the impacts of other activities in the watershed on the development. The GWP also assisted in the Vista Clara initiative by bringing together planners and communities. The partnership also seeks to promote collaboration of multiple planning initiatives in the basin (e.g. archeology, wetland creation, Bosque restoration, conservation easements).

### **Key dates in the formation of partnerships with the GWP are as follows:**

June 28: Santa Fe County (Anaya) will submit resolution to support the GWP.

July 7: Charter meeting for sign-on of groups listed as parties to the memorandum