

MINUTES OF THE JOINT WORKSHOP MEETING
OF THE CITY COUNCIL OF THE CITY OF RUIDOSO DOWNS,
VILLAGE OF RUIDOSO VILLAGE COUNCIL, AND REGIONAL
WASTEWATER TREATMENT PLANT JOINT USE BOARD
MAY 10, 2007
4:00 P.M.

The Council of the City of Ruidoso Downs met in a Joint Workshop Meeting on May 10, 2007. Mayor Miller called the workshop meeting to order at 4:00 p.m. Upon roll call the following were present.

Councilor Garrett	Councilor Hood (via telephone conference)
Councilor Holman	Councilor Miller

John P. Waters, City Manager informed Mayor Miller there was a quorum.

Also present: John P. Waters, City Manager
 Carol Virden, City Clerk
 W.T. Martin, Jr., City Attorney

Village of Ruidoso
present: Mayor Lonnie R. Nunley
 Councilor Cory
 Councilor Shaw
 Councilor Williams
 Dan Higgins, Village Manager
 Irma Nava, Village Clerk
 Dan Bryant, Village Attorney
 John Ramos, Regional Wastewater Treatment Plant Operator
 Patricia Quigley, Project Manager
 Edmund H. Kendrick, Legal Counsel
 H. John Underwood, Legal Counsel

JUAB present: Lonnie R. Nunley
 Bob A. Miller
 Dan Higgins
 John Waters
 Dave Parks

NMED present: Ron Curry, Secretary
 Marion Stone
 Marcy Leavitt
 John Goldstein
 Mike Michaud, EPA

Others present: Dub Williams, NM State Representative
 Dan Foley, NM State Representative
 Kevin Powers, RBC Dain Rauscher
 Adelmo E. Archuleta, Molzen-Corbin & Associates

Ron Curry, Secretary for the New Mexico Environment Department introduced himself. H. John Underwood said his experience in working with Mr. Curry in other situations had been positive and he thanked the NMED for coming to listen to their concerns. Mr. Curry gave information on his personal background. He said Mr. Underwood and Ned Kendrick met with the EPA numerous times in Dallas to resolve the situation but there was lack of funding. Mr. Curry said he spoke with Governor Richardson and he asked for a plan for a settlement agreement with the EPA. Mr. Curry said when H. John Underwood approached him for help he wanted to attend this meeting today. Mr. Curry said he was not within the governing authority but did have a great deal of influence that could help all parties in reaching an agreement. Mr. Curry said the agreement was a work in progress made from good intentions and a lot of effort. He noted the parties were working toward a good agreement that was dictating change to make it better. The agreement allows for future modification of nitrogen discharge standards. He said many of the problems were old and if there were conflicts and/or penalties they should be taken care of immediately to resolve issues that would delay a reasonable agreement.

H. John Underwood introduced two State Representatives, Dub Williams, Senior Statesman in Santa Fe and Dan Foley from Roswell. Mr. Underwood said he wanted to give the opportunity to anyone who had a question to feel free to ask or to let their opinion be known to the Representatives. Ron Curry also introduced Tannis Fox, Deputy General Council with the EPA and Marcy Leavitt, Surface Water Quality Bureau NMED, Marisa Stone, Communication Director NMED, John Goldstein, Division Director for Water and Waste Management which oversees surface water, ground water, and hazardous waste. Ron Curry said the Village of Ruidoso had a population of 8,000 and less than half of that figure represented the population of Ruidoso Downs. That represented a \$3,000.00 investment for every man, woman, and child. Curry said 1% was difficult and the staff of the NMED and EPA were aware of the 1% but were confident that both communities would reach and sign an agreement.

Councilor Garrett, City of Ruidoso Downs, said she wanted to move forward as quickly as possible and hoped the technology would be stepped up. According to the JUB consultants the level of compliance of 1.0 milligram per liter nitrogen discharge standard was a level impossible to meet. Councilor Garrett stated Ruidoso Downs had already banned using detergents with phosphorus to help the treatment plant meet those standards. She said she had a concern with some of the language in the document and would have a problem signing it. She said she was being asked to sign an agreement that would commit future Councils to abide by or penalties would be assessed.

Councilor Greg Cory from the Village of Ruidoso said every expert they have consulted concurred that the nitrogen discharge standard were unattainable. Ron Curry said the NMED was committed to working with and servicing both communities. He said his

department handles about 26,000 permits and they never know what might be coming their way. The operating permit sets the limit of nitrogen discharge and he did not know if that truly would be able to be met or not but it was time to move forward. Greg Cory said he was concerned about committing every man, woman, and child to a \$3,000.00 investment when they knew the nitrogen limit could not be met.

Marcy Leavitt said the 1.0-milligram per liter nitrogen discharge standard was reached on science at which the river would be healthy. The settlement agreement provided for a scientific process to be done to monitor the reactions of the river through the reduced use of phosphates. At that time the Water Quality Control Commission could make future adjustments for nitrogen requirements. She said another solution to reducing the discharge would be to implement a reverse osmosis treatment but it was not required at this time and was expensive. The EPA settlement provided for the construction of a new wastewater treatment plant within 39 months and would be monitored for two additional years. The new plant would reduce nutrients in the river that cause algae and the readings would be much lower. She said positive steps had been taken by creating ordinances for the reduction in use of phosphates to help in the recovery of the health of the river.

Dan Foley, NM State Representative said agreed the standards could not be met by the term of the existing agreement. He suggested the wording state "You have to strive to reach 1% or what is scientifically viable at the time." The terminology would alleviate the strict enforcement of a level that was not attainable and the agreement could be signed and followed. Marcy Leavitt said that issue was addressed in paragraph 38 of the agreement. Dan Foley said he thought the concern of the Councils was not only the wording in paragraph 38 but the interpretation by future Councils five or six years from now. Ron Curry said this situation was not something unusual to address for the Water Quality Control Board. Dan Foley encouraged communication with State representatives and Mayor Nunley said he would be going in September to speak to them. Dan Foley said the municipalities have to fix this problem. If it were not fixed the State would have to take over because they would not let the municipalities go bankrupt and it would be in their best interest to keep the plant running. He said an executed agreement would show the JUB was attempting to correct the problem and at the next legislative session funding would more likely be considered.

Tannis Fox said the agreement provided for a three-year period for compliance but was extended with two additional years for scientific study. The river would be monitored for its health and the water quality commission would have to approach the EPA to change the required limits. If the water quality did not improve more advanced technology would be sought. She reassured there were other options to help attain the requirements of the agreement.

Mayor Nunley thanked Ron Curry for coming and for the understanding and support shown to help in reaching a settlement agreement. Ron Curry said this should be considered a business plan within an agreement and that he appreciated the commitment from the municipalities.

Mayor Miller adjourned the Workshop Meeting at 5:35 p.m.

Certified Transcriptions to be attached as Exhibit "A" and are approved with minutes of May 10, 2007 Joint Workshop.

/s/ Bob A. Miller, Mayor

ATTEST:

/s/ Carol Virden, City Clerk