



STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION
1190 St. Francis Drive
P.O. Box 26110
Santa Fe, New Mexico 87502

Environment Department
State Engineer & Interstate Stream Commission
Game and Fish Department
Oil Conservation Division
Department of Agriculture
State Parks Division
Soil and Water Conservation Commission
Bureau of Mines and Mineral Resources
Members-at-Large

Minutes of the
New Mexico Water Quality
Control Commission Meeting
December 7 and 8, 1999

The New Mexico Water Quality Control Commission (WQCC) meeting was held on December 7 and 8, 1999, at 9:00 a.m. in the State Capitol Building, Room 305, Old Santa Fe Trail and Paseo de Peralta, Santa Fe, New Mexico.

Members present:

Paul Ritzma	WQCC Acting Chair, Environment Department (NMED)
Tom Turney	State Engineer & Interstate Stream Commission
Jack Kelly	Department of Game and Fish
Bill Olson	Oil Conservation Division
Ricardo Rel	Department of Agriculture
Dave Johnson	State Parks Division
Howard Hutchinson	Soil and Water Conservation Commission
Lynn Brandvold	Bureau of Mines and Mineral Resources
Alberto Gutierrez	Member-at-Large
Paul Gutierrez	Member-at-Large
Irene Lee	Member-at-Large

Others present:

Daniel Rubin	WQCC Counsel
Tamella Lakes	WQCC Administrator
David Hogge	NMED
James Davis	NMED
Steven Pierce	NMED
Jolene McCaleb	Taylor & Murray
Randy Kirkpatrick	San Juan Water Commission
Eric Ames	NMED/OGC
Kelly Bitner	Neptune and Co.
Mike Saladen	Los Alamos National Laboratory
Brian Shields	Amigos Bravos
Maxine Goad	Citizen
Caren Cowan	New Mexico Cattle Growers Assoc.
Alvin Garcia	Office of the Attorney General

Charlie Nylander	Los Alamos National Laboratory
Alex Puglisi	Los Alamos National Laboratory
Richard Meyerhoff	Eco Plan Associates
Maryann McGraw	NMED
Susan Kery	Sheehan, Sheehan & Stelzner
Louis W. Rose	Montgomery & Andrews
Leroy Tecube	Jicarilla Apache Tribe
Erik Galloway	NMED
Silas Vigil	Jicarilla Apache Tribe
Pamela S. Bacon	Office of the State Engineer
Richard L. Virtue	Virtue, Najjar, Bartell, Matthews & Brown, P.C.

Chair Paul Ritzma called the meeting to order at 9:12 a.m.

Item 1: Roll call.

Tamella L. Lakes, WQCC Administrator took roll call.

Item 2: Approval of the agenda.

Mr. Johnson moved to approve the agenda. Mr. Hutchinson seconded the motion. The motion passed unanimously.

Item 3: Approval of the November 9, 1999, minutes.

Mr. Olson moved to approve the November 9, 1999, minutes. Mr. Kelly seconded the motion. The motion passed unanimously.

Item 4: Deliberation and decision on Hearing officers' proposed Conclusions of Law and ruling on Hearing 20 NMAC 6.1, Section 1102.F

Mr. P. Gutierrez moved to accept the Hearing Officer' recommended ruling. Mr. Olson seconded the motion.

Mr. P. Gutierrez stated that the Commission should have the Department of Game and Fish bring the specific statutory change to the legislature for review.

Ms. Brandvold stated that the legislature should clearly state that a variance could be granted, with limited time, from a standard.

The motion passed unanimously.

The Hearing Officer stated that Proposed Findings of Fact and Conclusions of Law are due by December 28, 1999. The Hearing Officer's Report will be submitted by January 7, 1999.

Item 5: Approval of amendments to the NPS Management Program document pertaining to the Office of the State Engineer

Ms. Maryann McGraw, Surface Water Quality Bureau, presented an amendment to the NPS Management Program pertaining to the Office of the State Engineer.

Mr. P. Gutierrez moved to approve the proposed amendment. Mr. Johnson seconded the motion. The motion passed unanimously.

Item 6: Briefing on State's 1999 Compliance with TMDL Consent Decree Schedule

Mr. David Hogge, State TMDL Coordinator briefed the Commission on the State's compliance with the 1999 TMDL consent decree schedule. Mr. Hogge stated that a total of 28 TMDLs were written for 1999.

Item 7 was moved to the end of the agenda.

Item 8: Other Business

Mr. Davis stated that the Soil and Water Conservation Commission would like to meet in January with the WQCC, prior to the session, to discuss legislative issues.

Mr. Rel moved to put the joint meeting with the Soil and Water Conservation Commission on the January agenda. Ms. Brandvold seconded the motion. The motion passed unanimously.

The Commission Administrator read a statement into the record by the La Cienguilla Residents Group regarding their concerns for wastewater facility safeguards. This statement may be obtained by contacting the Commission Administrator at 1190 St. Francis Drive, room N-4075, (505) 827-2425.

Ms. Kery moved to reconsider the Hearing Officer's scheduling order in 20 NMAC 6, 1102.F. Ms. Kery stated that alternative language could be agreed to by all parties and submitted by the January meeting of the WQCC. Given this fact, commenting on the current proposal through Findings of Facts and Conclusions of Law would not be helpful if an alternative proposal, agreed to by all the parties, could be submitted. Ms. Kery stated that the hearing was tape-recorded, and a transcript is not available to the parties. This makes it difficult for the parties to create Findings of Facts.

Mr. Ritzma, Hearing Officer, set a date of December 17, 1999, for the submission of Joint Findings of Fact and Conclusions of Law, with alternative language, agreed to by all parties. If the parties do not reach an agreement by this date, the Hearing Officer will issue a supplemental Order on scheduling, so the Commission can consider the issue with a proper record.

Item 9: Next Meeting

Mr. A. Gutierrez moved to set the next WQCC meeting on January 11, 1999. Ms. Brandvold seconded the motion. The motion passed unanimously.

Item 7: Deliberation and adoption of proposed changes to 20 NMAC 6.1, Standards for Interstate and Intrastate Streams (Triennial Review)

The WQCC deliberated on the proposed changes to 20 NMAC 6.1 (Triennial Review)

Sections 1000 through 1007 TT were adopted as amended by a consensus vote of the Commission. No roll call was taken to adopt these sections.

Section 1007 UU, Existing definition of "Water(s) of the State"

"Surface water(s) of the State" means all interstate waters including interstate wetlands, and all intrastate waters, such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, reservoirs or natural ponds and all tributaries of such waters the use, degradation, or destruction of which would affect interstate or foreign commerce.

Surface waters of the State also means any manmade bodies of water which were originally created in surface waters of the State or resulted in the impoundment of surface waters of the State. Waste treatment systems, including treatment ponds or lagoons designed to meet requirements of the Water Quality Act (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition), are not surface waters of the State.

Paul Ritzma	Yes	Howard Hutchinson	No
Tom Turney	Yes	Lynn Brandvold	No
Jack Kelly	No	Alberto Gutierrez	Yes
Bill Olson	Yes	Paul Gutierrez	No
Ricardo Rel	Yes	Irene Lee	Yes
David Johnson	No		

Vote: 6 for, 5 against. The definition passed.

Sections 1007 VV through 2100 were adopted as amended by a consensus vote of the Commission. No roll call was taken to adopt these sections.

Section 2101

Mr. P. Gutierrez moved to make only technical changes to this section, with the exception of one pH level change to 9.0. The WQCC will direct the NMED Hearing Officer to re-open the record, for this section only, for the submission of additional evidence on splitting the stream segment. Mr. Rel seconded the motion. The motion passed unanimously.

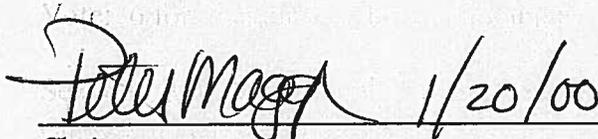
Sections 2102 through 4000 were adopted as amended by a consensus vote of the Commission. No roll call was taken to adopt these sections.

Mr. Olson moved to approve 20 NMAC 6.1, Standards for Interstate and Intrastate Streams as amended. Mr. Johnson seconded the motion. The motion passed unanimously.

Mr. Johnson moved to direct Counsel for the WQCC to produce a Statement of Reasons for Amendment of the Standards. Ms. Brandvold seconded the motion. The motion passed unanimously.

The Hearing transcript and the final regulation may be reviewed by contacting the Commission Administrator at 1190 St. Francis Drive, Room N-4075, (505) 827-2425.

The meeting was adjourned on December 8, 1999, at 11:30 am.


Chairperson