STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION
1190 St. Francis Drive
P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2425

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GROUND WATER BUREAU

CONSTITUENT AGENCIES:

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

AGENDA
NM WATER QUALITY CONTROL COMMISSION MEETING
January 11, 2000
State Land Office, Morgan Hall, 310 Old Santa Fe Trail
Santa Fe, New Mexico
9:00 a.m.

The following items are for discussion and possible action:

1. **Roll call**

2. **Approval of the Agenda**

3. **Approval of the minutes of the December 7, 1999 meeting**

4. **Discussion with the Soil and Water Conservation Committee regarding Legislative issues**

5. **Final approval, adoption and incorporation into the Water Quality Management Plan of the stream bottom deposits and total residual chlorine TMDLs for the Santa Fe River**

6. **Discussion and approval of the Commissions Statement of Reasons in 20 NMAC 6.1 – Interstate and Intrastate Streams – Triennial Review**

7. **Discussion and approval of the Stipulation Regarding Proposed Amendment to Section 1102.F**

8. **Discussion and approval of the revised document 20 NMAC 6.1 – Interstate & Intrastate Surface Waters, (Triennial Review)**

9. **Other business**

10. **Next Meeting**

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Minutes of the
New Mexico Water Quality
Control Commission Meeting
January 11, 2000

The New Mexico Water Quality Control Commission (WQCC) meeting was held on January 11, 2000 at 9:00 a.m. in the State Land Office, Morgan Hall, 310 Old Santa Fe Trail, Santa Fe, New Mexico.

Members present:

Peter Maggiore	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

Soil and Water Conservation Commission Members present:

Duston L. Hunt, Jr.	Chair
Tony Popper	Region 1
J.R. Roybal	Region 2
Gretchen Sammis	Region 4
Shelby Gilmore	Region 6

Others present:

Daniel Rubin	WQCC Counsel
Tamella Lakes	WQCC Administrator
David Hogge	NMED
James Davis	NMED
Maxine Goad	Citizen
Erik Galloway	NMED
Richard L. Virtue	Virtue, Najjar, Bartell, Matthews & Brown, P.C.
Mike Saladen	Los Alamos National Laboratory

Greg Lewis	NMED
Peter Monahan	NMED
Bruce Thomson	UNM
Elaine Cimino	La Cieneguilla Residents
Beverly Garcia	Citizen
Bill Brancard	Sutin, Thayer & Browne
Kelly Bitner	Neptune Oil Company
Julia Bergeer	Amigos Bravos
Patrick Torres	NMSU
Brian Greene	NMACD
Doug Murray	NMED
Peter Luthiger	NMMA
Betty Jonbert	USDA-NRCS
Wendy Easton	Tierra y Montes SWCD
Caren Cowen	NM Cattle Growers
Liz Taylor	San Juan Water Commission
Bill Landin	City of Santa Fe

Chairman Maggiore 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. Rel moved to approve the agenda as amended. Ms. Brandvold seconded the motion. The motion passed unanimously.

Item 3: Approval of the December 7 and 8, 1999, minutes.
Mr. Johnson moved to approve the December 7 and 8, 1999, minutes. Mr. Olson seconded the motion. The motion passed unanimously.

Item 4: Discussion with the Soil and Water Conservation Commission (SWCC) regarding Legislative issues.
Mr. Dusty Hunt, Chairman, SWCC stated that about two years ago the Soil and Water Conservation Districts, the New Mexico Environment Department and the WQCC found themselves on opposite sides of several Legislative agendas. In order to avoid this in the future, Mr. Hunt and Dr. Jim Davis, Chief Surface Water Quality Bureau (SWQB) thought that a joint meeting to discuss each Commission's Legislative agendas, and explain their stance on certain issues, would resolve many differences.

Ms. Debbie Hughes, Executive Director of the NM Association of Conservation Districts gave a brief overview of upcoming legislative issues that would be of interest to both the WQCC and the SWCC. Below is a list of draft bills and one draft resolution presented to the Commissioners.

Chapter 73, Article 10: MUNICIPAL WATER USERS' ASSOCIATIONS—CONTRACTUAL AUTHORITY WITH IRRIGATION DISTRICTS.

A new section of the Income Tax Act: TAX CREDIT—AGRICULTURAL WATER CONSERVATON EXPENSES.

Chapter 72, NMSA 1978, §1: BENEFICIAL USE INCLUDES WATER RIGHTS CONSERVATION.

MAKING AN APPROPRIATION FOR WATERSHED ENHANCEMENT PROJECTS IN NEW MEXICO.

MAKING AN APROPRIATION FOR A RECYCLING PROJECT FOR PRODUCED WATER.

RELATING TO THE ENVIRONMENT; PROVIDING FOR ON-SITE LIQUID WASTE FEES; CREATING THE LIQUID WASTE FUND; AMENDING AND ENACTING SECTIONS OF THE ENVIRONMENTAL IMPROVEMENT ACT; MAKING AN APPROPRIATION.

MAKING AN APPROPRIATION TO EXPAND AND ENHANCE PROGRAMS AT THE CLOVIS AGRICULTURAL SCIENCE CENTER.

MAKING AN APPROPRIATION TO ENHANCE WATER QUALITY PROGRAMS OF THE AGRICULTURAL EXPERIMENT STATION AND THE COOPERATIVE EXTENSION SERVICE AT NEW MEXICO STATE UNIVERSITY.

MAKING AN APPROPRIATION FOR THE NEW MEXICO DEPARTMENT OF AGRICULTURE TO STUDY THE FEASIBILITY OF GROWING INDUSTRIAL HEMP AS A COMMERCIAL CROP.

A Joint Resolution: PROPOSING TO AMEND ARTICLE 8, §10 OF THE CONSTITUTION OF NEW MEXICO TO MAKE AN ADDITIONAL ANNUAL DISTRIBUTION FROM THE SEVERANCE TAX PERMANENT FUND AND TO DEPOSIT THE MONEY INTO A WATER TRUST FUND FOR APPROPRIATION BY THE LEGISLATURE FOR STATEWIDE WATER PROJECTS AND PURPOSES.

Item 5: Final approval, adoption and incorporation into the Water Quality Management Plan of the stream bottom deposits and total residual chlorine TMDLs for the Santa Fe River.

Ms. Elaine Cimino, Citizen Concerns for Wastewater Facility Safeguards, addressed the Commission regarding water safeguards. Ms. Cimino requested that the citizen's written statement be added to the minutes.

Commissioners,

The residents of La Cieneguilla Citizen Concerns for Water Safeguards is requesting the State to elect to make the connection between surface water and ground water standards in the TMDL study as it pertains to the effected wells. We are asking for this acknowledgment because of the historic models that were developed in a study in 1985 that showed the direct contamination of surface water to ground water wells in our area.

We believe it is important to include this acknowledgement in the TMDL study so the NPDES permit may reflect and address surface effluent quality and it's [sic] effects on ground water as it has been historically determined.

There is a potential threat of future contamination of our drinking water in this area and an established direct link of contaminated effluent discharge to ground water from the Santa Fe Wastewater Treatment Facility.

We are pursuing water quality and quantity issues, to have them addressed and to set precedence in the case where a violation could be enforced pursuant to the NPDES Permit and the Clean Water Act wherein surface water contaminates ground water.

I have spoke with the EPA TMDL Section, Willie Lane, EPA NPDES Permit Section, Catherine Penland, Paulette Johnsey and EPA Enforcement Jimmy Graham, along with Dennis McQuillan NMED Ground Water, David Hogge and Jim Davis NMED Surface Water, about this request and their consideration of this acknowledgment. Each in their respective authority agreed to give consideration to this request.

While we are aware of the nature of TMDLs addressing only surface water models, and of the city's effort to improve the surface water quality, we are also continually under the threat of a contamination problem and feel that this threat outweighs any decision that may be made not to include this acknowledgment. We have been told that inclusion would not hinder any deadline already established by the respective parties in the consent decree.

We were not aware that the TMDL study was going to be submitted in sections or phases. We therefore request inclusion of this acknowledgement either in this phase of the study or the next phase which is coming up this spring that is to cover pH and dissolved oxygen contents.

Some of our concerns that were read into the record last month were not applicable to the TMDL study. Some of the issues were water quantity issues that should be addressed to the State Engineer office, others were enforcement and permitting issues, all of which we are pursuing.

We are still concerned that Cochiti and Pueblo lands were not considered in this study. The stream bottom deposit findings at the mouth of the Santa Fe river could tell a different story if measured and still think this inclusion is necessary, and that the monitoring reports used in this study may be incorrect thereby negating the outcome of the TMDL formulas.

We are asking the Commission to decide on these requests for inclusion into the TMDL study and to grant a hearing to discuss these inclusions.

Thank you.

Elaine Cimino, La Ceineguilla Citizens Concern for Water Safeguards
49 Camino Torcido Santa Fe, New Mexico 87505

Mr. David Hogge, State TMDL Coordinator, briefed the Commission on the final approval, adoption and incorporation into the Water Quality Mangement Plan of the stream bottom deposits and total residual chlorine TMDLs for the Santa Fe River. Mr. Hogge stated that all federal and state public participation requirements were met. All comments received were inserted into the appendix of the document along with the Bureau's responses.

Mr. Hutchinson asked why groundwater monitoring is not factored into the TMDL. Mr. Hogge stated that that it would be, if current ground and surface water monitoring showed exceedances of the same parameters and a link could be established.

Mr. Kelly asked why TSS was dropped from the TMDL. Ms. Kristen Dors, EPA, stated that the correlation between TSS and stream bottom deposits couldn't be made using existing models and data for the Santa Fe River. The Bureau felt that it was not appropriate to include the TSS in the document.

Mr. P. Gutierrez moved for adoption and incorporation into the Water Quality Mangement Plan the stream bottom deposits and total residual chlorine TMDLs for the Santa Fe River. Mr. A. Gutierrez seconded the motion. The motion passed unanimously.

Item 6: Discussion and approval of the Stipulation Regarding Proposed Amendment to Section 1102.F.
Mr. Johnson moved to approve the stipulation regarding the proposed amendment to Section 1102.F as amended with the understanding that the proposed amendment to 1102.F does not include any portion of 1102.F at issue in the triennial review.

One typographical change was made to the word "entities", and a change was made to the section number. Mr. A. Gutierrez seconded the motion. The motion passed unanimously.

Mr. P. Gutierrez voted in favor of the stipulation but expressed some concerns. Mr. Gutierrez would like to see the section "cleaned up" with respect to the Commission's hearing procedures and believes that this decision should be before a legislative body and not before a regulatory body.

Mr. Richard Virtue, Counsel for LANL, stated that the Laboratory's intent in the stipulation was to not preclude the Lab from raising the issue of an existing procedure in the regulations allowing for a variance from the standards to use toxic substances.

Item 7: Discussion and approval of the Commission's Statement of Reasons in 20 NMAC 6.1 – Interstate and Intrastate Streams - Triennial Review.
Mr. Olson moved to adopt the Commission's Statement of Reasons for Amendment of Standards, as amended. Changes were made to sections 1007DDD, 1103A.1, 1104A, 1101E.13, 1107C, 1107LL. These were made only to conform to the Commission's changes made during deliberations at the December meeting. Typographical changes were made to page one, the word "recommendation", and the word "Holloman". Daniel Rubin, Counsel for the Commission, requested further amendments to reflect the nomenclature in the final version of the standards.

Ms. Brandvold seconded the motion. The motion passed unanimously. The Chair, Peter Maggiore, abstained from the motion. The Acting Chair, Paul Ritzma, who was present during the Commission's deliberations voted on this issue.

Item 8: Discussion and approval of the revised document 20 NMAC 6.1 – Interstate & Intrastate Surface Waters, (Triennial Review)
The Commission requested that the Surface Water Quality Bureau provide numeric examples for the hardness of water at the next scheduled meeting.

Mr. Olson moved to adopt the revised document 20 NMAC 6.1-Interstate & Intrastate Surface Waters, as amended. All changes made to the document were made only to conform to the Commission's changes made during deliberations at the December meeting.

Mr. Johnson seconded the motion. The motion passed unanimously.

Item 9: Other Business.
Mr. Olson stated that the Drinking Water Standards for surface water, just adopted by the Commission, are different than the Drinking Water Standards for groundwater. Mr. Olson asked the Department (NMED) to prepare a report addressing this issue and present it to the Commission at the next meeting.

Dr. Davis, Chief SWQB, presented a 1999 supplemental report to the Commission on the water quality standards for salinity in the Colorado River system.

Item 10: Next Meeting.
The next meeting of the WQCC will be held on March 14, 2000.

The meeting was adjourned at approximately 12:09 pm.

Peter Maggiore

Chairperson