



**STATE OF NEW MEXICO  
WATER QUALITY CONTROL COMMISSION**

1190 St. Francis Drive  
Post Office Box 26110  
Santa Fe, New Mexico 87502  
Telephone (505) 827-2425 Fax (505) 827-2836

**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 Geology and Mineral Resources  
Municipal/County Representative  
Members -at Large

Minutes of the  
New Mexico Water Quality  
Control Commission Meeting  
September 11, 2001

The New Mexico Water Quality Control Commission (WQCC) meeting was held on September 11, 2001, at 9:00 AM at the State Land Office, Morgan Hall, 310 Old Santa Fe Trail, Santa Fe, New Mexico.

**Members present:**

Pete Maggiore	Chairman, New Mexico Environment Department
Pat Turney	State Engineer & Interstate Stream Commission
Julie Maitland	Department of Agriculture
David Johnson	State Parks Division
Howard Hutchinson	Soil and Water Conservation Commission
Lynn Brandvold	Bureau of Geology and Mineral Resources
Bill Olson	Oil Conservation Division
Steve Glass	City of Albuquerque - Municipal/County Representative
Dr. Conrad Keyes	Member-at-Large
Irene Lee	Member-at-Large
Jack Westman	Member-at-Large

**Members absent:**

Larry Bell	Department of Game and Fish
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**Others present:**

Dan Rubin	WQCC Counsel
Maria Voyles	WQCC Administrator
Leo Wilson	
Cindy Huntsman	NM Utility Operators Certification Board
Erik Galloway	NMED WWMD
Barbara Giesler	NMED SWQB

Others present continued:

John Montgomery	NMED
Dennis Quintana	NMED SWQB
Joe Ramirez	
Gary Lawrence	
John Eckley	
Stephanie Stringer	NMED - SWQB
Dave Richardson	
Reymundo Gutierrez	NM Utility Operators Certification Board
Karen Menetrey	NMED GWB
Sue E. Umshler	L & R Planning Associates
Kelly Bitner	Neptune & Co.
Art Sena	
Maura Hanning	NMED -GWB
Greg Lewis	NMED - WWMD
Jennifer Pruet	NMED counsel
Tannis Fox	NMED counsel
Dr. Jim Davis	NMED -SWQB
Jay Lazarus	Glorieta Geoscience
Scott Cameron	Forest Guardians

Chairman Maggiore requested a moment of silence in recognition of the tragedy that is occurring in New York.

**Item 1: Roll Call**

Maria Voyles, WQCC administrator, took roll call. Chairman Maggiore offered the Commission the opportunity to recess the meeting. The Commission agreed to continue, as there was a full audience.

**Item 2: Approval of the Agenda**

The appeal from Gallup Municipal Golf Course (WQCC 01-15A) was removed from the agenda. The Petitioner has requested an informal appeal. Commissioner Brandvold moved to approve the agenda as amended. Commissioner Olson seconded the motion. The motion passed unanimously.

**Item 3: Approval of the minutes of the August 14, 2001, meeting**

Commissioner Brandvold moved to accept the minutes as corrected. Commissioner Keyes seconded the motion. The motion passed unanimously.

**Item 4: Discussion and possible setting of hearing in Appeal from Gallup Municipal Golf Course, renewal DP 95. (WQCC 01-16a)**

**Item 4 (cont.)**

This item was removed as the Counsel for the Petitioner has requested an informal appeal rather than a formal hearing.

**Item 5: David Hogge, SWQB, will provide an update on public comment for the draft TMDLs on: Centerfire Creek (conductivity), Tularosa River (conductivity), San Francisco River (temperature), South Fork of Negrito Creek (temperature), Mogollon Creek (chronic aluminum), East Fork of the Gila River (chronic aluminum), Taylor Creek (chronic aluminum), Taylor Creek (temperature), Black Canyon Creek (temperature) and Whitewater Creek (turbidity) and public comment for 303(d) listing update for the Gila River and San Francisco River watersheds.**

Dr. Davis appeared on behalf of Mr. Hogge. Dr. Davis provided handouts and gave a presentation that was read into the record. Dr. Davis stated that as of September 10, 2001, no comments had been received. The comment period will close Thursday, September 13, 2001, at 5:00 p.m. The SWQB will propose to the Commission that the TMDL's be formally approved and adopted into the State's Water Quality Management Plan at the Commission's November 13, 2001, meeting.

Commissioner Hutchinson stated that he had attended the public meeting in Glenwood and was not allowed to give his comments. Commissioner Hutchinson asked what was the procedure to give comments?

Dr. Davis replied that notes were taken at the meeting, but public comments should be submitted in writing to the Bureau. This allows public comments to be incorporated into the public record without any change or alteration.

Commissioner Hutchinson suggested that the notification procedure is not working since there was a very low turnout from the local area at the public meeting. Commissioner Hutchinson suggested that the lack of notification was caused by the failure to utilize the customary modes of communication in those areas.

Commissioner Keyes wondered if the November hearing would be in Santa Fe.

Dr. Davis stated that it would be held in Santa Fe, and that the adoption of TMDL's has not followed a public hearing format.

**Item 6: David Hogge, SWQB, will provide an update on the Middle Rio Grande TMDL for fecal coliform and the public participation process.**

Dr. Davis appeared on behalf of Mr. Hogge. Dr. Davis provided handouts and gave a presentation. The TMDL was based on the Pueblo of Sandia water quality standards.

Commissioner Johnson asked why two bacteria studies were going to be conducted.

Dr. Davis stated that Albuquerque wanted to move quickly and had the funds to do so. Albuquerque is concerned particularly with that portion of the storm water drainage system that is within their jurisdictional boundaries. AMAFCA extends beyond Albuquerque city limits and the Bureau is concerned with areas outside the Albuquerque city limits. Albuquerque has already started collecting samples. The State proposes to put a cooperative funding agreement in place with financial contributions from a number of public entities, and have the program available by late winter or early spring 2002. The State will sample more sites and may sample some of the same sites sampled by Albuquerque for comparison. The State may use different sampling and testing techniques than Albuquerque.

Commissioner Westman asked what the effect would be if the storm water entered the river off of the Pueblo of Sandia. Commissioner Westman asked for clarification of the differences between the State standards and the Sandia standards and what would happen if the North Diversion channel was moved.

Dr. Davis stated that the difference in the standard is 10 fold. The standards are being exceeded whether it is State or Pueblo standards. The Pueblo standards are more stringent. Dr. Davis also stated that it is his understanding that it is not feasible to move the channel.

Dr. Davis stated that when the channel was designed in the 1960's it was to transport storm water to the Rio Grande. No water quality issues were considered at that time.

Commissioner Westman asked if the problems were less severe on the south outflow.

Dr. Davis replied that the information was not available to him at this time, but he could check on it. Dr. Davis also stated that the purpose of the bacteria source tracking studies that are being funded is to identify where the fecal coliform loads are coming from, so whatever remediation effort may be decided on, it would be targeted to be as cost effective as possible.

**Item 7: Approval of Statement of Reasons for Adoption of changes to 20.6.2.1-3999 and 5000-5300 NMAC.**

Mr. Rubin suggested to change paragraph 9, would like to add "legitimate" to accustomed uses.

At approximately 9:50 am, Chairman Maggiore received notice that the State Land Office building was being evacuated immediately. Chairman Maggiore requested that a notice of recess be placed on the door and that everyone leave the building at once.

All participants left the building and met across the street at the Desert Inn Hotel parking lot. Management from the hotel offered the use of their lounge to continue the meeting. Chairman Maggiore accepted the offer and the meeting reconvened at approximately 10:10 am in the lounge of the Desert Inn Hotel. Mr. Rubin placed a notice on the door of the State Land Office building notifying members of the public that the meeting of the WQCC had been moved across the street.

Commissioner Turney stated that she thought the regulations had been approved at the August 14, 2001, meeting.

Mr. Rubin responded that a Statement of Reasons is required for some promulgating bodies. It is his opinion that, for this Commission, a Statement of Reasons is required as part of any formal act. If the Statement of Reasons is adopted, it would make this decision effective today.

Commissioner Johnson moved to approve the Statement of Reasons as amended. Commissioner Maitland seconded the motion. Commissioner Hutchinson voted no. The motion passed.

Commissioner Olson stated that the documents in the packet had included only the odd numbered pages and that an e-mail version, which was complete, had to be sent at a later date.

**Item 8: Hearing on NMED's "Petition to Amend the Utility Operator Certification Regulations, 20.7.4 NMAC" WQCC-01-15(r)**

Ms. Cindy Huntsman and Mr. Reymundo Gutierrez, of the NM Utility Operator Certification Board, were present to take part in the hearing.

A hearing was conducted. Kathy Townsend Court Reporter recorded the hearing. A copy of the transcript can be obtained from Kathy Townsend Court Reporters (phone number 1-800-382-2624.) Dennis Quintana, NMED, appeared and presented technical testimony.

During the discussion that followed, Chairman Maggiore was called away and Commissioner Johnson chaired during Chairman Maggiore's absence.

Mr. Rubin suggested that a Statement of Reasons be drafted during the meeting. With the assistance of Ms. Fox, Counsel - NMED, and Dr. Davis, NMED -SWQB, a Statement of Reasons was drafted.

Chairman Maggiore returned and chaired the remaining portion of the meeting.

Commissioner Johnson moved to approve the Statement of Reasons. Commissioner Maitland seconded the motion.

A roll call vote was conducted.

Pete Maggiore	yes
Pat Turney	no
Julie Maitland	yes
David Johnson	yes
Howard Hutchinson	yes
Lynn Brandvold	yes
Bill Olson	yes
Steve Glass	yes
Roll call vote continued	

Dr. Conrad Keyes     yes  
Irene Lee             yes  
Jack Westman         yes  
Larry Bell             absent

Cindy Huntsman       yes  
Raymundo Gutierrez   yes

The motion passed.

Commissioner Olson moved to instruct the counsel to the Commission to prepare a Statement of Reasons for signature by the chair that captures the seven elements required in the New Mexico Water Quality Act as well as reasons of testimony. Commissioner Brandvold seconded the motion. The motion passed unanimously.

**Item 9: Other business.**

Mr. Rubin stated that he has contacted Texas as the Commission requested, in regards to the October WQCC meeting in Las Cruces, New Mexico. Mr. Rubin stated that Mr. Charlie Bayer, Texas National Resources Conservation Commission will provide a copy of their administrative record as it pertains to their portion of the waters that will be at issue in the Rio Grande next month. Mr. Rubin will make the record available upon receipt from Texas.

Commissioner Keyes stated that the letter from August 7, 2001, to Mr. Bixby (Southwest Environmental Center) and Mr. Cameron (Forest Guardians) is still missing part of paragraph 4. Mr. Rubin stated that he would get a good copy and copies would be provided.

**Item 10: Next meeting.**

Chairman Maggiore requested a brief review of the schedule of events for the meeting in Las Cruces. The meeting will convene on October 9, 2001, at 8:30 am. The location of the meeting is the Regents Room in the Educational Services Center on the NMSU campus. The hearing will begin and then the field trip will begin.

Commissioner Maitland will get a copy of the campus map for distribution.

Commissioner Maitland moved to adjourn the meeting. Commissioner Westman seconded the motion. The motion passed unanimously.

  
Chairperson