

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

1190 St. Francis Drive, Room N2150

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Santa Fe, New Mexico 87502

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**Constituent Agencies**

Environment Department  
Office of State Engineer  
Game and Fish Department  
Oil Conservation Division  
Department of Agriculture  
Department of Health  
State Parks Division  
Soil and Water Conservation Commission  
Bureau of Geology and Mineral Resources  
Municipal/County Representative  
Members-at Large

**New Mexico Water Quality Control Commission Meeting**

**December 11, 2007**

**9:00 a.m.**

**New Mexico State Capitol Building**

**Room 317**

**490 Old Santa Fe Trail**

**Santa Fe, New Mexico 87501**

**MEMBERS PRESENT:**

Cindy Padilla	NMED/Deputy Secretary, Acting Chair
Cheryl Bada	State Parks Division
Greg Lewis	Office of the State Engineer
Larry Dominguez	Department of Agriculture
Heidi Krapfl	Department of Health, in lieu of Len Flowers
Howard Hutchinson	Soil and Water Conservation Commission
Peggy Johnson	Bureau of Geology and Mineral Resources
Glen Von Gonten	Oil Conservation Division, in lieu of Mark Fesmire
Maxine Goad	Member-at-Large
Edward Vigil	Member-at-Large

**MEMBERS ABSENT:**

Steve Glass	City of Albuquerque – Municipal/County Representative
Mike Sloane	Department of Game & Fish
Fred Lujan	Member-at-Large

**OTHERS PRESENT:**

Bill Olson, NMED/GWB	Mike Coffman, NMED/SWQB
Link Summers	Chuck Noble, NMED/OGC

Tannis Fox, NMED/OGC

Joyce Medina, NMED/OOTS

The Chair called the meeting to order at 9:20 a.m.

**Item 1. Roll Call:**

The Commission administrator took roll and noted a quorum was present.

**Item 2. Approval of Agenda**

The Chair asked if there were any changes the Commission wished to make in the Agenda. There were none.

**Action: Mr. Hutchinson moved to approve the agenda. Mr. Dominguez seconded. The motion passed unanimously.**

Before moving to Item 3, the Chair noted that the Commission, given the volume of paperwork contained in the administrative record and case files, might wish to move the deliberations in **WQCC 07-03 (R)**, the appeal, by Citizens for Alternatives to Radioactive Dumping, of Groundwater Discharge Permit #DP-1481 from the January 8, 2008 meeting to the Commission's March 11, 2008 meeting to allow adequate time for members to review the case. She also noted that the January agenda might include deliberations of motions currently outstanding.

The Chair mentioned that today would be her last day to chair the Commission meetings.

The Commission agreed to move the deliberations in **WQCC 07-03 (R)** to the March 11, 2008 agenda.

**Item 3. Approval of the September 11, 2007 meeting minutes.**

Mr. Dominguez noted a spelling error in the minutes.

**Action: Mr. Lewis moved to approve the minutes as amended. Mr. Hutchinson seconded. Ms. Bada and Mr. VonGonten abstained. The motion passed.**

**Item 4. Request for hearing in re: Proposed Amendments to 20.7.4 NMAC WQCC 07-09 (R), Utility Operators Advisory Board Certification. Chuck Noble, NMED/OGC; Ken Mosley, Presenter.**

The Chair noted that Mr. Mosley was not present.

Mr. Noble requested that the hearing in this matter be set on the Commission's March 11, 2008 agenda.

**Mr. Hutchinson moved that the hearing on Proposed Amendments to 20.7.4 NMAC, Utility Operators Advisory Board Certification be**

**set on the March 11, 2008 meeting agenda and further that the Commission Chair act as hearing officer. Ms. Bada seconded. The motion passed unanimously.**

**Item 5. Scheduling Order re: Appeal of Discharge Permit #1948 denial, Alta Vista Subdivision, Taos County, WQCC 07-11 (A). Tannis Fox, NMED/OGC; Dennis Romero, Esq., appearing for the Appellant.**

The Chair noted that Mr. Romero was not present. Ms. Fox stated that Mr. Romero had concurred in the stipulated motion for scheduling order filed by both parties on November 20, 2007. Ms. Fox discussed the Commission's lack of procedural rules for this type of record review appeal. She went on to state that, in general, the Appellate Rules of the New Mexico Court of Appeals for appeals which includes record review and briefing would be relied upon. She noted that the Commission Administrator will identify interested parties based upon participation in the hearing below as well as all other parties that have expressed interest in this matter. She went on to set out the specific provisions in the scheduling order.

There was a brief discussion regarding the Permit Hearing Petitioners Request to Appear as Appellees Before the Water Quality Control Commission submitted by Carol Richman and Link Summers on December 10, 2007.

A discussion relating to procedural matters with respect to this case ensued.

Mr. Summers described his concerns regarding the case and his desire that interested persons be apprised of scheduling issues relating to it.

The Chair brought up issues relating to the scope of the appeal and specifically the Commission's mandate to review the record.

There was further discussion regarding interested persons becoming a party to the case by filing a motion to intervene.

Mr. Hutchinson asked whether or not the scheduling order incorporates the possibility of briefing as to whether or not the Commission would remand. Ms. Fox stated that it did not.

There was Commission discussion relating to the designation of a hearing officer.

**Action: Mr. Hutchinson moved that this matter be tabled until the January 8, 2008 meeting. Mr. Dominguez seconded. The motion passed unanimously.**

**Item 6. Other business**

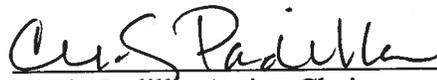
Mr. Hutchinson noted that he felt the election of a new chair should be placed on the January, 2008 agenda.

Ms. Padilla extended her appreciation for the dedication and hard work done by the Commission during her tenure as Chair.

**Item 7. Next Regular Meeting: January 8, 2007. The meeting will be held at the NM Energy, Minerals and Natural Resources Department, Porter Hall, 1220 South St. Francis Drive, Santa Fe, NM 87505.**

**Item 8. Adjournment:**

**Mr. Dominguez moved to adjourn the meeting at 9:55 a.m. Mr. Hutchinson seconded. The motion passed unanimously.**

  
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Cindy Padilla, Acting Chair  
Water Quality Control Commission