



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

1190 St. Francis Drive  
P.O. Box 26110  
Santa Fe, New Mexico 87502  
(505) 827-2425

**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

**Minutes of the  
New Mexico Water Quality  
Control Commission Meeting  
November 9, 1999**

The New Mexico Water Quality Control Commission (WQCC) meeting was held on November 9, 1999, at 9:00 a.m. in the State Capitol Building, Room 317, 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
Ricardo Rel	Department of Agriculture
Howard Hutchinson	Soil and Water Conservation Commission
Jack Kelly	Department of Game and Fish
Bill Olson	Oil Conservation Division
Lynn Brandvold	Bureau of Mines and Mineral Resources
Paul Gutierrez	Member-at-Large
Irene Lee	Member-at-Large
Alberto Gutierrez	Member-at-Large

**Members absent:**

Dave Johnson	State Parks Division
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**Others present:**

Daniel Rubin	WQCC Counsel
Tamella Lakes	WQCC Administrator
David Hogge	NMED
James Davis	NMED
Marcy Leavitt	NMED
Steven Pierce	NMED
Jolene McCaleb	Taylor & Murray
Randy Kirkpatrick	San Juan Water Commission
Jim White	Jicarilla Apache Tribe
Lennie Boteilho	LAC Minerals (USA) Inc.
Cathy Bramlese	Crowell & Moring
Bob Ingersall	LAC Minerals (USA) Inc.
John Shomaker	Shomaker & Assoc./LAC Minerals

Michael Jones	Self
Scott McKittrick	NMED/GWQB
Stephen Lauer	Comeau Law Firm
Joe Culbertson Jr.	New Mexico Cattle Growers Association
Vivian Culbertson	New Mexico Cattle Growers Association
Kristen Dors	NMED
Julie Maitland	NMPA
Eric Ames	NMED/OGC
Glenn Saums	NMED/SWQB
Kelly Bitner	Neptune and Co.
Ellen Louderbough	Self
Mike Saladen	Los Alamos National Laboratory
Blane Sanchez	Pueblo of Sandia
Brian Shields	Amigos Bravos
Mathew Bishop	WELC
Bill Brancard	Sutin Thayer & Browne
Bill Landin	City of Santa Fe
Mary Follingstod	Interstate Stream Commission
Maxine Goad	Citizen
Mike Koranda	PDMC
Caren Cowan	New Mexico Cattle Growers Assoc.
Todd Stein	DBS&A
Dan Stephens	DBS&A
Awin Garcia	Office of the Attorney General
Walter Hatch	Pinorealosa Corp.
Michael Hatch	NM Department of Game & Fish
Randall Hicks	Hicks Consultants
Ned Kendrick	Montgomery & Andrews
Phil Bidegain	New Mexico Cattle Growers Assoc.
Greg Ridgley	NM Office of the State Engineer
Lee Huffman	NM Office of the State Engineer
Charlie Nylander	Los Alamos National Laboratory
Douglas Henson	NM Department of Agriculture
Alex Puglisi	Los Alamos National Laboratory
Regina Romero	NM Municipal League
Julie Tsatsaros	NMED

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. Paul Ritzma, Hearing Officer for WQCC 99-02, Petition for Alternative Abatement Standards for the Cunningham Hill Mine Reclamation Project, stated that a request from both parties had been made to continue the hearing. Mr. Ritzma granted that request, and the hearing would be tentatively scheduled for the WQCC's January 11, 1999 meeting.

Mr. Paul Gutierrez moved to approve the agenda as amended. Mr. Bill Olson seconded the motion. The motion passed unanimously.

**Item 3: Approval of the October 12, 1999, minutes.**

Ms. Lynn Brandvold moved to approve the October 12, 1999, minutes as amended. Mr. Ricardo Rel seconded the motion. The motion passed unanimously.

Item 4: View the Videocassette Titled, "TMDLs and Water Quality Standards."

The videocassette was played for the Commission members and the audience. Information regarding this videocassette may be obtained by contacting the Commission Administrator.

**Item 5: Final Approval, Adoption and Incorporation into the Water Quality Management Plan of the TMDLs for Rio Chamita, North Ponil Creek, Cordova Creek, Morneo Creek, Six Mile Creek and Cieneguilla Creek.**

Mr. David Hogge, State TMDL Coordinator, stated that these are the final 8 TMDLs to be produced by the Bureau for the year. Public comment period started on September 14 and ended on October 13 at 5:00 PM MDT. TMDLs were made available to the public at the September 14, 1999, WQCC meeting. Notice(s) were mailed to the WQCC mailing list, Nonpoint Source Task Force mailing list and to the Acequia Association. The comment period announcement was e-mailed to the villages of Chama, Costilla, Angel Fire, Cimarron, Eagle Nest, the USFS Taos and Questa Ranger Districts. Public meetings were held in the watersheds at the Angle Fire Community Center, the Chama Town Hall and the Rio Costilla Livestock Association Meeting Hall. Press releases were sent out and the TMDLs were posted on the NMED website on September 14, 1999. All comments received were inserted into the appendices of the specific documents in their entirety along with the Bureau's responses.

Mr. Turney stated that surfacewater temperature exceedences should be put into the replacement language.

Mr. Kelly asked how many members of the public attended the meetings. Mr. Hogge stated that 1 person attended the Rio Chamita meeting, 5 attended the Cordova Creek meeting and 8 people attended the Angle Fire meeting.

Mr. Olson stated that there might be an error in the executive summary of the Rio Chamita document. In the second-to-last paragraph it says, "based on the sampling, the listings are modified to include only total ammonia, total phosphorus and fecal coliform." Then the next sentence states that the TMDL document addresses temperature only. Mr. Hogge stated that the last sentence should be taken out.

Mr. Olson stated that "Rio Chamita" should be replaced with "North Ponil Creek" in the third paragraph.

Mr. Kelly asked if more information had been obtained about Colorado's standards. Mr. Hogge stated that Colorado basically has the same temperature standards as New Mexico.

Mr. Brian Shields, Executive Director of Amigos Bravos, stated that the WQCC should take a close look at the Cordova Creek TMDL. It basically calls for monitoring of NPS pollution and best management practices to restore the watershed. Mr. Shields stated that he does not believe that the proposed TMDL process will be able to attain water quality standards in the creek.

Mr. Olson moved to approve the TMDLs as amended. Mr. P. Gutierrez seconded the motion. The motion was opened up for discussion.

Mr. Hutchinson asked Mr. Shields if the road he spoke of was new. Mr. Shields stated that there was a dirt road at first, but when the ski area opened up it became a much more extensive project and the road was paved. That is when the problems with the creek began.

Mr. Hogge stated that the TMDL process does not have the authority to authorize the use of 319 money for a feasibility study on Cordova Creek.

Ms. Krisen Dors stated that business and government, such as Ski Rio, private land owners, the Highway Department, the Federal Highway Administration and the Bureau are working together to come up with a proposal for the nonpoint source project to address the sediment loading problem with Cordova Creek.

Mr. Hutchinson asked Mr. Shields if he believed that the TMDL adequately addressed the problems with the road. Mr. Shield said yes.

The motion passed unanimously.

**Item 6: Receive Draft TMDL documents for the Santa Fe River and begin 30-day Comment Period.**

Mr. David Hogge stated the EPA Region 6 is writing the TMDL for the Santa Fe River. The completed TMDL will be submitted to EPA Region 6 for final technical review, and the Bureau will submit those comments to the WQCC. After the 30-day comment period the proposed TMDL will be brought to the Commission for approval and incorporation into the WQMP, and the approved TMDL will then be sent back to EPA Region 6 for final approval. The public participation process will be followed as it has been in the past for all TMDLs.

Mr. P. Ritzma stated to the Commission that EPA hired an independent contractor to write the Santa Fe River TMDL.

Mr. Richard Hoppers, EPA Region 6, stated that an MOU, created in 1996 between the State of New Mexico Environment Department and EPA Region 6, gave EPA the primary responsibility of providing technical assistance in listing perimeters on the Santa Fe River. Monitoring of the river over the years has identified dissolved oxygen and pH levels as additional concerns. From this monitoring, a dynamic model of the Santa Fe River has been developed. Runs of this model have provided EPA with information on the effects of various scenarios applying traditional technology based control. Results of this effort indicate that these types of controls alone will not lead to water quality standards being met for pH and dissolved oxygen. Additional time is needed for development of other more non-traditional solutions. EPA and NMED believe this can best be achieved through development of broad based community supported efforts.

Mr. Davis stated that nutrient loads from the wastewater treatment plant to the river have resulted in excessive algal growth, which has contributed to exceedences of pH levels and deficiencies of dissolved oxygen.

Mr. P. Gutierrez moved to include pH and dissolved oxygen in the proposed TMDL for the Santa Fe River. Mr. Turney seconded the motion.

Mr. Davis stated that the Bureau does not have sufficient solutions to present with respect to pH and dissolved oxygen. The Bureau cannot put together a reasonable implementation plan that would address the two pollutants.

Mr. P. Ritzma asked Mr. Davis if it would be appropriate for the WQCC to add constituents without the science or the planning documents for those constituents. Mr. Davis stated that under the appropriate regulations in the Federal Act it would not be appropriate to do so.

Mr. P. Gutierrez withdrew his motion.

Mr. P. Gutierrez moved to accept the document and start the 30-day comment period. Mr. J. Kelly seconded the motion. The motion passed unanimously.

**Item 7: Hearing- WQCC 99-02 – Petition for Alternative Abatement Standards for the Cunningham Hill Mine Reclamation Project, LAC Minerals (USA), Inc. Petitioner.**

The hearing has been continued until January 11, 1999.

**Item 8: Hearing – WQCC 99-03 – Proposed Amendment to 20 NMAC 6.1, Standards for Interstate and Intrastate Streams, NMED Petitioner.**

Briefs are due from each party and interested persons on November 30, 1999. The Hearing Officer will give his conclusion at the December 7, 1999 meeting. The Commission will deliberate and vote on the proposed changes at the December 7, 1999 meeting.

The Hearing tapes may be reviewed by contacting:

Tamella L. Lakes, WQCC Administrator  
1190 St. Francis Dr. Room N-4075  
Santa Fe, New 87502  
(505) 827-2425

**Item 8: Other Business**

Mr. Davis stated that the Office of the State Engineers additions to the Nonpoint Source Management Plan document would be on the December agenda for approval and adoption by the WQCC.

**Item 9: Next Meeting.**

The next meeting of the WQCC will be held on December 7 and 8, 1999, at the State Capitol Building in room 305. The meeting will continue on December 9, 1999, if necessary. J. Kelly moved to schedule the WQCC January meeting for the 11<sup>th</sup>. Mr. Rel seconded the motion. The motion passed unanimously.

Mr. Rel moved to adjourn.

  
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Chairperson