



**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

- 7 Environment Department
- 8 Office of State Engineer
- 9 Game and Fish Department
- 10 Oil Conservation Division
- 11 Department of Agriculture
- 12 State Parks Division
- 13 Soil and Water Conservation Commission
- 14 Bureau of Geology and Mineral Resources
- 15 Municipal/County Representative
- 16 Members -at Large

APPROVED

**Minutes of the
New Mexico Water Quality
Control Commission Meeting
August 13, 2002**

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25 The New Mexico Water Quality Control Commission (WQCC) meeting was held on August 13,
26 2002, at the New Mexico State Capitol Building in Santa Fe, New Mexico.

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28 **MEMBERS PRESENT:**

- 29 Pete Maggiore Chairman, New Mexico Environment Department
- 30 Pat Turney Office of State Engineer
- 31 Julie Maitland Department of Agriculture
- 32 Howard Hutchinson Soil and Water Conservation Commission
- 33 Bill Olson Oil Conservation Division
- 34 Steve Glass City of Albuquerque - Municipal/County Representative
- 35 Lynn Brandvold Bureau of Geology and Mineral Resources
- 36 Mike Sloane Department of Game and Fish
- 37 David Johnson State Parks Division
- 38 Dr. Conrad Keyes Member-at-Large
- 39 Irene Lee Member-at-Large
- 40 Charles M. Easterling Member-at-Large

41
42 **OTHERS PRESENT:**

- 43 Zack Schandler, WQCC Counsel Jolene L. McCaleb
- 44 Geraldine Madrid-Chavez, WQCC Administrator Stephanie Stringer
- 45 Glenn Saums John Montgomery
- 46 David Hogge Mike Bowen
- 47 Marcy Leavitt Fred Kalish
- 48 Louis Rose Phil Wardwell
- 49 Charlie Nylander Mike Saladen

1 Kelly Bitner
2 Ms. Brock
3 Cecilia Abeyta

Chris Mechels
Eric Ames
Joni Arends

4
5 Chairman Maggiore called the meeting of the WQCC to order at 9:00 am.

6
7 **Item #1: Roll Call**

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9 Geraldine Madrid-Chavez, WQCC Administrator, took roll and noted a quorum was present.

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11 **Item #2: Approval of the Agenda**

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13 **ACTION: Commissioner Johnson made a motion to approve the agenda as amended. Commissioner Brandvold seconded. The motion passed unanimously.**

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16 **Item #3: Approval of the minutes of April 4, 2002, April 9, 2002 & July 9, 2002 meetings.**

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19 **ACTION: Commissioner Olson made a motion to table the April 4, 2002 minutes until all corrections were completed. Commissioner Keyes seconded. The motion passed unanimously.**

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23 **ACTION: After discussion and amendments, Commissioner Maitland moved to approve the minutes of April 9, 2002 as amended. Commissioner Glass seconded the motion. The motion passed unanimously.**

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27 **ACTION: After discussion and amendments, Commissioner Olson moved to approve the minutes of July 9, 2002 as amended. Commissioner Brandvold seconded the motion. The motion passed unanimously.**

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31 **Item #4: Notice of Appeal – Determination that a discharge permit is required for Taos Country Club Casitas & Request to set hearing in the matter.**

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34 Ms. Tannis Fox, Counsel for the NMED, requested a hearing for the Notice of Appeal -
35 Determination that a discharge permit is required for Taos Country Club Casitas and that the
36 hearing is held in Santa Fe.

37
38 **ACTION: Commission Keyes moved to set a hearing in Santa Fe, NM on October 1, 2002 for the Notice of Appeal – Determination that a discharge permit is required for Taos Country Club Casitas. Commissioner Johnson seconded. The motion carried unanimously.**

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42
43 Chairman Maggiore granted a continuance to allow the hearing to be set past the original 90 day
44 period.

1 **Item #5: Start the 60-day public comment period on the draft Jemez River Watershed**
2 **Total Maximum Daily Loads and CWA § 303 (d) delisting letters.**
3

4 Mr. David Hogge presented information to the Commission on the 60-day public comment
5 period on the draft Jemez River Watershed TMDLs and the Public Participation Process. Mr.
6 Hogge stated that 23 Draft TMDLs and Draft De-Listing Letters were being opened today. Mr.
7 Hogge also noted that the comment period started August 13th and ends October 11th at 5:00 pm.
8 Mr. Hogge informed the Commission that the following steps were taken for the Public
9 Participation Process and Comment Period:

- 10
- 11 • TMDLs made available to the public at today's WQCC meeting.
- 12 • Notices were mailed to WQCC mailing list, Nonpoint Source Task Force mailing list,
13 and Acequia Association mailing list on August 9th.
- 14 • E-mail announcements of comment period were sent to the Bureau's e-mail list (~100
15 addresses) on August 9th.
- 16 • Legal notice was published in the Albuquerque Journal, Santa Fe New Mexican, Los
17 Alamos Monitor and Jemez Thunder on August 13th.
- 18 • Flyers will be posted in affected communities on August 20th.
- 19 • The TMDLs and public notice were posted on NMED Website on August 13th.
- 20

21 **Item #6: Presentation and adoption of the revised New Mexico Statewide Water**
22 **Quality Management Plan.**
23

24 Glenn Saums presented information to the Commission on the New Mexico Statewide Water
25 Quality Management Plan (WQMP). Mr. Saums noted that a draft WQMP was released to the
26 Commission and the public on January 18, 2002 for a 60-day public comment period. Public
27 notice of the draft document was also issued and the Surface Water Quality Bureau held four
28 public meetings statewide during the comment period. The draft document was presented to the
29 Commission for discussion at its April 9, 2002 meeting. Further detail of the public review and
30 participation process as well as the Surface Water Quality Bureau's response to comments has
31 been incorporated into the document's Appendix. Mr. Saums at this time requested the adoption
32 of the revised New Mexico Statewide Water Quality Management Plan.
33

34 **ACTION: Commissioner Olson made a motion, in accordance with the CPP, that the**
35 **Commission issue a formal public notice of the Water Quality Management**
36 **Plan allowing 30 days public comment and an opportunity to request a**
37 **hearing on the plan. Commissioner Sloan seconded. Motion passed**
38 **unanimously.**
39

40 **Commissioner Olson amended his motion to include that a hearing be set for**
41 **October 1, 2002 and that the Water Quality Management Plan would include**
42 **Work Elements 1-10. Commission Sloan seconded the amendment. The**
43 **amended motion passed unanimously.**
44

1 Commissioner Maitland made a motion to identify David Johnson as hearing
2 Officer for both hearings on October 1, 2002. Commissioner Glass seconded.
3 Motion passed unanimously.
4

5 **Item #7: Presentation of a new Work Element 10 to the New Mexico Water Quality**
6 **Management Plan to define "grab samples" for evaluating compliance with**
7 **the human health criterion of the New Mexico Standards for Interstate and**
8 **Intrastate Surface Water (20.6.4.NMAC).**
9

10 Glenn Saums gave a brief background and updated the Commission on the new Work Element
11 10. Mr. Saums stated that in March 2002, the NMED SWQB proposed revisions to the Water
12 Quality Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC) to include human
13 health standards. The WQCC at their regularly scheduled open meeting in May 2002 deliberated
14 the March hearing record. Upon deliberation, the WQCC unanimously voted to substitute
15 language in subsection D of 20.6.4.11 to read as follows: "Compliance with water quality
16 standards for the protection of the human health shall be determined from the analytical results
17 of representative grab samples, as defined in the Water Quality Management Plan." "Human
18 health standards shall not be exceeded."
19

20 Mr. Saums noted the procedures and methods used in the scientific studies necessary to make
21 such determination for documents such as TMDLs are found in several documents developed by
22 the SWQB. Mr. Saums stated that the analytical results of that single representative sample shall
23 be used for the determination of compliance with applicable human health criteria.
24

25 **Item #8: Adoption of the Statement of Reasons for Amendments to Section 20.6.4.10,**
26 **20.6.4.11, 20.6.4.12, 20.6.4.113 and 20.6.4.900 NMAC.**
27

28 **ACTION: Commissioner Maitland motioned to table agenda item # 8 "Adoption of the**
29 **Statement of Reasons for Amendments to Section 20.6.4.10, 20.6.4.11,**
30 **20.6.4.12, 20.6.4.113 and 20.6.4.900 NMAC" until after the October 1st**
31 **hearing. Commissioner Hutchinson seconded.**
32

33 **ACTION: Commissioner Maitland withdrew her motion. Commissioner Hutchinson**
34 **withdrew his second.**
35

36 **ACTION: Commissioner Keyes moved to bring item #8 "Adoption of the Statement of**
37 **Reasons for Amendments to Section 20.6.4.10, 20.6.4.11, 20.6.4.12, 20.6.4.113**
38 **and 20.6.4.900 NMAC" back to the table. Commission Johnson seconded.**
39 **Motion passed unanimously.**
40

41 **ACTION: Commissioner Johnson made a motion to adopt the Statement of Reasons**
42 **number 1-7 that is presented before the Commission. Commissioner Glass**
43 **seconded. Motion passed unanimously.**
44

1 **Item #9 New Mexico Environment Department Surface Water Quality Bureau's**
2 **petition to amend Standards for Interstate and Intrastate Surface Waters**
3 **(20.6.4 NMAC) and request for hearing.**
4

5 Glenn Saums of the Surface Water Quality Bureau requested that the Commission set a hearing
6 to amend Standard for Interstate and Intrastate Surface Waters (20.6.4.NMAC). Mr. Saums
7 informed the Commission that the Surface Water Quality Bureau is withdrawing the amendment
8 to section 20.6.4.10. Mr. Saums noted that the rest of the petition is clearly within the Water
9 Quality Control Commission authority to revise and adopt the criteria that designate uses to
10 Livestock Watering, Irrigation and Wildlife Habitat.

11
12 **ACTION: Commissioner Glass moved to set a hearing for September 30, 2002 at**
13 **9:00am in Santa Fe, New Mexico to amend the Standards for Interstate and**
14 **Intrastate Surface Waters (20.6.4 NMAC) with Commission Chair as**
15 **Hearing Officer. Commissioner Maitland seconded. Motion passed with an**
16 **11-1 vote – Commissioner Brandvold in the negative.**
17

18 **Item #10 Adoption of letter to EPA regarding Section 7 Consultation.**
19

20 Commissioner Hutchinson informed the Commission that this letter would request EPA to give
21 the status of their informal or formal Section 7 Consultation with Fish and Wildlife Service.
22 Commissioner Hutchinson noted that the letter would also request a draft of the Biological
23 Assessment be provided to the Commission for review and comment or input.

24
25 Zack Shandler informed the Commission he would draft a letter and send it out by e-mail to all
26 Commissioners for comment. If Mr. Shandler does not receive comment within 10 days, he will
27 send the letter over to the Environment Department for the Chair's Signature.

28
29 **ACTION: Commissioner Hutchinson made a motion that a letter to EPA would be**
30 **drafted by Zack Shandler, Counsel for the Commission, and would be**
31 **reviewed by the Commission within 10 days. On the 10th day the letter would**
32 **be signed by the Chair of the Commission and mailed out. Commissioner**
33 **Glass seconded. Motion carried unanimously.**
34

35 **Item #11 Update on Navajo Nation EPA's application**
36

37 Paul Ritzma updated the Commission on EPA's application and requested authorization by the
38 Commission to submit comments on this issue on the Commissions' behalf.

39
40 **ACTION: Commissioner Easterling moved that Paul Ritzma submit comments on**
41 **behalf of the Water Quality Control Commission to the EPA regarding the**
42 **Navajo Nation's application. Commissioner Maitland seconded. Motion**
43 **passed unanimously.**
44

1 **Item #12 Other Business**

2
3 Commissioner Johnson thanked Chairman Maggiore on behalf of the Commission for his
4 leadership within the Commission and wished him and his family well.

5
6 Chairman Maggiore thanked the Commission for their support and noted it was a pleasure
7 working with all of them.

8
9 **Item #13 Next Meeting**

10
11 The next WQCC meeting will be in Santa Fe, NM on September 30, 2002 at 9:00am.

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13 **ACTION: Commission Maitland made a motion to adjourn. Commissioner Easterling**
14 **seconded. Motion passed unanimously.**

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23 **WQCC Chairman**