

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

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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

August 14, 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
Greg Lewis	Office of the State Engineer
Wayne Price	Oil Conservation Division (in lieu of Mark Fesmire)
Cheryl Bada	State Parks Division
Larry Dominguez	Department of Agriculture
Mike Sloane	Department of Game & Fish
Len Flowers	Department of Health
Howard Hutchinson	Soil and Water Conservation Commission
Maxine Goad	Member-at-Large
Fred Lujan	Member-at-Large
Edward Vigil	Member-at-Large

MEMBERS ABSENT:

Peggy Johnson	Bureau of Geology and Mineral Resources
Steve Glass	City of Albuquerque – Municipal/County Representative

OTHERS PRESENT:

Glen Saums, NMED/SWQB

Lynette Guervara, NMED/SWQB

Acting Chair Cindy Padilla called the meeting of the WQCC to order at 9:05 a.m. Ms. Padilla welcomed the Commission's newest member, Len Flowers, the designee from the Department of Health. Ms. Flowers gave a brief description of her position with the Department of Health.

Item 1. Roll Call:

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

Ms. Padilla thanked the Commission for attending today's meeting since last week's hearing schedule had been a difficult one. She then noted that the Commission would reconvene that hearing September 4 through September 7 and following the September 11 regular meeting, the hearing would again reconvene and would run through September 12, 2007. Additionally, she stated that the hearing would reconvene at 8:30 a.m. on all of those dates.

Item 2. Approval of Agenda

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

Item 3. Approval of the July 23, 2007 meeting minutes.

Action: Ms. Goad mentioned that she thought Mr. Von Gonten name was spelled Glenn not Glen. Mr. Price affirmed that Mr. Von Gonten's name is spelled Glenn.

Ms. Goad moved to approve the minutes as amended. Mr. Sloane seconded. The motion passed unanimously.

Item 4. Approval of the Final Draft TMDL for the Canadian River Watershed Part 1 TMDL (Mora River to the Colorado border). Shelly Drinkard, NMED/SWQB.

Ms. Drinkard stated that she would present both of the TMDLs (Items 4 and 5) that are on the Commission's agenda because Ms. Henderson was unavailable.

Ms. Drinkard described the procedures the Bureau used in developing this TMDL as well as noting EPA requirements. She discussed the publication of notices relating to the TMDL and the public meetings which the Bureau conducted in various towns impacted by the TMDL. She also mentioned that many attendees at the public meetings were interested in the availability of Clean Water Act 319 funding. She referred the Commission to various sections of the TMDL relating to any specific questions that members might have.

There was a Commission question and answer period regarding various aspects of the TMDLs as well as discussion relating to immediate and long-term prognoses for the affected rivers and streams.

Action: Mr. Hutchinson moved to approve the Final Draft TMDL for the Canadian River Watershed Part 1 TMDL (Mora River to the Colorado border). Ms. Goad seconded. The motion passed unanimously.

Item 5. Approval of the Final Draft TMDL for the Rio Puerco Watershed Part 2 TMDL. Shelly Drinkard, NMED/SWQB

Ms. Drinkard described the procedures the Bureau used in developing this TMDL as well as noting EPA requirements regarding this TMDL. She discussed the publication of notices relating to the TMDL, and several newspaper articles that had been published regarding public meetings which the Bureau conducted relating to areas impacted by the TMDL. She also mentioned that several attendees at these public meetings were also interested in the availability of Clean Water Act 319 funding. She again referred the Commission to various sections of the TMDL relating to any specific questions that members might have.

Again, there was a Commission question and answer period regarding various aspects of this TMDL as well as discussion relating to immediate and long-term prognoses for the affected rivers and streams. There was additional discussion regarding the availability of funds through the Department's Construction Programs Bureau loan programs as well as other funding possibilities.

Action: Mr. Hutchinson moved to approve the Approval of the Final Draft TMDL for the Rio Puerco Watershed Part 2 TMDL. Ms. Goad seconded. The motion passed unanimously.

Other business

The Chair mentioned that Secretary Curry had attended an Interim Committee of the New Mexico Finance Authority Oversight Committee meeting in Ruidoso regarding wastewater treatment plants and related water quality issues as well as attendant construction and cost issues. There were members of the public in the Ruidoso Downs area concerned about water quality standards and the need to meet certain standards and consequently those standards were driving the cost of improvements to the wastewater treatment facility. The Chair noted that Marcy Leavitt, Bureau Chief of the SWQB, had worked with the Oversight Committee explaining the relationship between the standards and how they were developed and the ongoing process in the Village of Ruidoso and Ruidoso Downs regarding enforcement issues with EPA in the past. As a result of that dialogue, Representative Lundstrom, Acting Committee Chair, requested that the Commission prepare a presentation for the Committee's next meeting regarding the development of the standards. She extended an invitation to the Commission to participate in the presentation, possibly by joining the presentation or commenting on how the presentation would be made. She added that she would let the Commission know when and where the meeting would take place. A brief discussion relating to various aspects of the presentation ensued.

The Chair noted, specifically for the meeting minutes, that there was no member of the public attending today's meeting during Commission deliberations relating to the two TMDLs, Items 4 and 5 on the agenda. She went on to state that absence of members of the public was the reason she did not ask for public comment.

The Chair also noted that, at the suggestion of the Department of Finance and Administration, there was the possibility an Executive Order would be issued creating a division within NMED to be known as the Water and Wastewater Infrastructure Development Division.

The Chair asked the Commissioners to note the continuation of the Phelps Dodge Tyrone Remand matter commencing at 8:30 a.m. Septmber 4 through 7, 2007 and additionally note the regular meeting scheduled September 11 which will be followed by the Phelps Dodge Tyrone Remand hearing reconvening for the remainder of September 11 and September 12, 2007.

Item 5. Next Regular Meeting: September 11, 2007 in Santa Fe.

Item 6. Adjournment:

Mr. Dominguez moved to adjourn the meeting at 10:25 a.m. Mr. Lewis seconded. The motion passed unanimously.



Cindy Padilla, Acting Chair
Water Quality Control Commission