



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

1190 St. Francis Drive, Room N2150

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Santa Fe, New Mexico 87502

Telephone (505) 827-2425 Fax (505) 827-0310

**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**

**June 9, 2009**

**9:00 a.m.**

**New Mexico State Capitol Building, Rm. 317**

**490 Old Santa Fe Trail**

**Santa Fe, New Mexico 87501**

**MEMBERS PRESENT:**

- Jon Goldstein NMED/Deputy Secretary
- Cheryl Bada State Parks Division
- Larry Dominguez Department of Agriculture
- Howard Hutchinson Soil and Water Conservation Commission
- Brad Jones Oil Conservation Division
- Steve Glass County of Bernalillo, Municipal/County Representative
- Doug Bland Bureau of Geology and Mineral Resources
- Mike Sloane Department of Game & Fish
- Joseph Chavarria Member-at-Large
- Maxine Goad Member-at-Large
- Edward Vigil Member-at-Large

**MEMBERS ABSENT:**

- Greg Lewis Office of the State Engineer

**OTHERS PRESENT:**

- Glenn Saums, NMED/SWQB Abraham Franklin, NMED/SWQB
- Dennis Romero, Esq. Rick Edelman
- Sara Edelman Gene Turner, DOE
- Bill Olson, NMED/GWB Jeff Ogburn, Taos Pueblo
- Scott Fields, Taos Pueblo Jay Lazarus, Galisteo Geoscience

52 Zachary Shandler, Asst. Atty. Gen. Link Summers  
53 Joyce Medina, NMED

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55 The meeting was called to order by Mr. Goldstein at 9:05 a.m.

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57 **Item 1. Roll Call:**

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

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61 **Item 2. Approval of Agenda**

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63 **Mr. Goldstein noted that there had been changes made in today's agenda, Item 5,**  
64 **Petition by Chevron Mining, Inc. for amendments to 70.6.4.900 NMAC and Item 7, the**  
65 **appeal by Sebastiao Faria of Permit Conditions in re: DP 923, were removed from the**  
66 **agenda.**

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68 **Action: Mr. Glass moved Commission approval of the agenda as**  
69 **amended. Mr. Hutchinson seconded. The motion passed**  
70 **unanimously.**

71  
72 The Chair welcomed Doug Bland who has been appointed to replace Ms. Johnson as the representative  
73 from the Bureau of Geology and Minerals Resources.

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75 **Item 3. Approval of meeting minutes of May 12, 2009.**

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77 **Action: Mr. Glass moved Commission approval the minutes. Mr.**  
78 **Hutchinson seconded. The motion passed unanimously.**

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80 **Item 4. Update on Nonpoint Source Management Program planning**  
81 **document. Abraham Franklin, NMED/SWQB.**

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83 Mr. Franklin explained that the date of presentation of the proposed planning document for  
84 Commission approval was being revised to take place at the Commission's July meeting.  
85 He also noted that the public comment period with respect to that planning document had been  
86 extended through Friday, May 15, 2009.

87  
88 There was discussion between Mr. Franklin and Commission members regarding the  
89 proposed planning document he had presented to the members.

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91 **Item 6. Continuation of Appeal Petition for Record Review and possible Commission**  
92 **decision in re: WQCC 07-11 (A) Groundwater Discharge Permit No. 1498,**  
93 **Alta Vista Subdivision, Taos County. Dennis Romero, Esq., for Appellant/**  
94 **Applicant Alta Vista; Tannis Fox, NMED/OGC; Michael Freebourn, Carol**  
95 **Richman, Sheila Shepard and Link Summers, pro se Intervenors.**

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97 The Commission agreed to go into executive session to deliberate this matter.

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99 **Action: Mr. Sloane moved that the Commission go into executive session. Ms. Bada**  
100 **seconded.**

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**Roll Call Vote:**

- Mr. Chavarria**                    **yes**
- Ms. Vigil**                        **yes**
- Mr. Glass**                        **yes**
- Ms. Bada**                        **yes**
- Ms. Goad**                        **yes**
- Mr. Dominguez**                **yes**
- Mr. Sloane**                       **yes**
- Mr. Bland**                       **abstain**
- Mr. Jones**                       **yes**
- Mr. Hutchinson**               **yes**
- Mr. Goldstein**                 **yes**

**The motion passed**

The Commission went into executive session at 9:15 a.m.

The Commission returned to the public meeting at 9:50 a.m.

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**Action: Ms. Bada moved that the Commission return to open session. Mr. Sloane seconded.**

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**Roll Call Vote:**

- Mr. Dominguez**                **yes**
- Mr. Glass**                        **yes**
- Ms. Bada**                        **yes**
- Mr. Jones**                       **yes**
- Mr. Vigil**                        **yes**
- Mr. Sloane**                       **yes**
- Mr. Hutchinson**               **yes**
- Mr. Bland**                       **abstain**
- Ms. Goad**                        **yes**
- Mr. Chavarria**                **yes**
- Mr. Goldstein**                 **yes**

**The motion passed**

Mr. Shandler asked the Chair to acknowledge that only those matters relating to the Appeal Petition in WQCC 07-11 (A) were discussed during the executive session. Mr. Goldstein confirmed that only those matters were discussed. Mr. Shandler additionally noted that Commissioners Sloane, Vigil and Chavarria acknowledged that they had thoroughly familiarized themselves with the record in this matter and were eligible and qualified to vote.

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**Action: Mr. Sloane moved that the Commission grant Groundwater Discharge**

146 **Permit No. 1498 in WQCC 07-11 (A) with conditions, including advance**  
147 **treatment and also a finding of fact that there was a failure to fully**  
148 **disclose all relevant facts. Mr. Chavarria seconded.**

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150 **Roll Call Vote:**

151	<b>Mr. Jones</b>	<b>no</b>
152	<b>Ms. Bada</b>	<b>no</b>
153	<b>Mr. Glass</b>	<b>yes</b>
154	<b>Ms. Dominguez</b>	<b>yes</b>
155	<b>Mr. Sloane</b>	<b>yes</b>
156	<b>Mr. Hutchinson</b>	<b>no</b>
157	<b>Ms. Goad</b>	<b>yes</b>
158	<b>Mr. Vigil</b>	<b>yes</b>
159	<b>Mr. Bland</b>	<b>abstained</b>
160	<b>Mr. Chavarria</b>	<b>yes</b>
161	<b>Mr. Goldstein</b>	<b>yes</b>

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163 **The motion passed.**

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165 There was a brief discussion clarifying the Commission's decision.

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167 **Item 7. Next public meeting: July 14, 2009, 9:00 a.m. State Capitol Building**  
168 **Room 317, 490 Old Santa Fe Trail, Santa Fe.**

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170 **Item 8. Other business**

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172 None.

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174 **Item 9. Adjournment**

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176 **Action: The Chair adjourned the meeting at 10:10 a.m.**

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Jon Goldstein, Acting Chair