

**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
State Parks Division
Soil and Water Conservation Commission
Bureau of Geology and Mineral Resources
Municipal/County Representative
Members -at Large

APPROVED October 11, 2005

**Minutes of the
New Mexico Water Quality Control Commission Meeting
September 13, 2005**

The New Mexico Water Quality Control Commission (WQCC) meeting was held on September 13, 2005 at the New Mexico State Capitol Building, Room 321:

MEMBERS PRESENT: September 13, 2005

Derrith Watchman-Moore	Acting Chair, New Mexico Environment Department
Cheryl Bada	State Parks Division
Steve Glass	City of Albuquerque – Municipal/County Representative
Maxine Goad	Member-at-Large
Doug Murray	Office of State Engineer
Ed Martin	Oil Conservation Division (for Mark Fesmire)
Peggy Johnson	Bureau of Geology and Mineral Resources
Mike Sloane	Department of Game & Fish

MEMBERS ABSENT:

Fred Lujan	Member-at-Large
Edward Vigil	Member-at-Large
Howard Hutchinson	Soil and Water Conservation Commission
Tim Darden	Department of Agriculture

OTHERS PRESENT:

Zack Shandler, WQCC Counsel	Felicia Orth, OOTS/NMED
Barbara Claire, NMED/OOTS	Mary Day, NMED/EJ
Mike Coffman, SWB/NMED	Marcy Leavitt, SWB, NMED
Lynn Brandvold, NMT	Patty Grice, Public
Cindy Padilla, NMED	Bill Olson, NMED/GWB
Bruce Gallagher, LANL	Joe Ramirez
Michael Alvidrez	Ken Mosley

Dale (?) Gresham
BJ Brock
Cecilia Abeyta
Roderick Ventura

Miguel De La Cruz
T.J. Trujillo, Gallagher & Kennedy
Deborah Reade
Julia Barnes, NMED

Deputy Chair Derrith Watchman-Moore, Deputy Chair, called the meeting of the WQCC to order at 9:15 a.m.

Item #1 Roll Call

Administrator Barbara Claire took roll and noted a quorum was present.

Item #2 Approval of Amended Agenda

The order of the Amended Agenda items was changed to 1, 2, 4, 6, 5, 3, 7, 8, 9.

ACTION: Commissioner Glass moved to approve the Agenda as amended. Commissioner Sloan seconded. Motion carried unanimously.

Item #3 Approval of the August 9th, 2005 Meeting Minutes

Commissioners Goad and Glass made several suggestions to amend the minutes.

ACTION: Commissioner Bada moved approve the August 9th 2005 Minutes as amended. Commissioner Goad seconded. Motion carried unanimously.

Item #4 Discussion on implications to the WQCC in the Rhino Case: NM Supreme Court ruling on Rhino Environmental Services/Chaparral Landfill case (under NM Solid Waste Act). (Felicia Orth, NMED Hearing Officer) Time: 10 minutes

Felicia Orth, the Department's Hearing Officer, guided the Commission through the Appeal of the permit under the Solid Waste Regulations; changes to those regulations are due to come before the Environmental Improvement Board in January. Counsel Shandler pointed out that under the new statutes, the Hearing Officer will be on the front line of changes in how the Commission will be conducting hearings in light of this ruling. In the future, Ms. Orth will ask the Bureaus and the applicant to more expressly weigh and deliberate the quality of life issues that are presented at department hearings; quality of life issues now become an overlay in addition to the standards at hand. Ms. Orth said the argument could be made, with the Rhino ruling in hand, that the Commission may have to make this item more express.

Item #5 Environmental Justice Update (Mary E. Day, NMED Environmental Justice) Time: 10 minutes

Mary E. Day recently joined the Department as Coordinator for Environmental Justice. Ms. Day

introduced herself to the Commission and described her duties as Environmental Justice Coordinator, including formulating a strategic plan, and working to bring a team approach to the technical staff and stakeholders within the state. She works closely with the Department's Communications and Community Affairs and also manages a pollution prevention program with two new staff members, one of whom is Francisco Apodaca, the Department's Tribal and Community Liaison. Ms. Day said one important objective is to meet with the community and tribes and provide better outreach and noticing to the community. Commissioner Glass requested a quarterly update on the progress of the Environmental Justice Committee and an update on the listening sessions from the past year compiled in a report on compact disc for the Commission, as well as a hardcopy. Ms. Day stated that in particular, permitting enforcement, bringing tribes into the process, information, and education were at the forefront of the sessions; they must work to provide meaningful information.

Item #6 Appointment of Utility Operators Certification Advisory Board members in Accordance with 20.7.4.29 NMAC. (Leo Wilson, Chairman, 20 minutes)

The Commission welcomed the regular Utility Operators Certification Advisory Board members Mr. Michael Alvidrez and Mr. Joe Ramirez, sitting with the Commission. Mike Coffman, Executive Secretary of the Utility Operators Certification Advisory Board presented the Board's request to the Commission to make appointments to fill two regular Board positions whose appointment terms will end June 30, 2008. In a memo to the Commission dated July 20th, 2005, this action is specified in the Utility Operators Certification Act (Sec. 61 –33-4.G. NMSA 1978) whereby the Commission appoints the seven Board members from certified operators to advise the Commission on the administration of the Act. The nominations for these positions were solicited by publication by the Board who reviewed, selected and qualified the candidates. The Advisory Board voted on June 23, 2005 for appointment by the Commission to the Board as follows: Mr. Ken Mosley (Ruidoso) and Mr. Michael de la Cruz (Lovington) as regular members and Mr. Richard Dale Graham (D&D Water Technology) to fill the Alternate Position. Questions were welcomed from the Commission. Commissioner Glass commented on the importance of continuing education opportunities for Level IV Operators so they can be retained in the state. Mr. Mosley answered that it would be an excellent idea to encourage the associations to work with the community colleges, including Santa Fe Community College, to keep the certification program strong and produce a pool of certified operators for the state. Currently certification is maintained through the short schools. Mr. Mosely, who is being recommended for a second term, attended the short schools to maintain certification and is a NM Level IV Operator and a NM Level IV Wastewater Operator. Mr. Michael De La Cruz is a Level IV Wastewater Operator and a Level II Water Operator. Commissioner Glass commented to Mr. de la Cruz that Albuquerque has a 92 million gallon-a-day water treatment plant going in, but are there currently enough surface water operators in the state to handle it? Mr. De La Cruz replied that while college level education is important, he recommends public education starting in Jr. High School to introduce the technology at an earlier age. Commissioner Glass also inquired about community outreach, and Mr. De La Cruz supported this but recommended the communities do the outreach themselves. Mr. Richard Dale Graham, nominated for the alternate position to the Board, is a NM Level III Water Operator. Commissioner Glass asked Mr. Graham how useful he thought the professional water and wastewater organizations are to Water Operators; they are supposed to create opportunities for cross talk but it is not happening, and did Mr. Graham have any suggestions? A discussion

followed over ways to find and train good operators for the state.

ACTION: **Commissioner Glass moved to appoint Michael De La Cruz to a first term and Ken Mosley to a second term to the Utility Operators Certification Advisory Board . Commissioner Murray seconded. Motion carried unanimously.**

ACTION: **Commissioner Glass moved to appoint Richard Dale Graham to the alternate position on the Utility Operators Certification Advisory Board. Commissioner Murray seconded. Motion carried unanimously.**

The Commission congratulated the new Board members. Marcy Leavitt, Surface Water Bureau Chief informed the Commission that an update on the Utility Operators Certification Program would be made at a future date when the Drinking Water Bureau could attend.

Item #7 Other Business

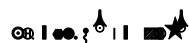
- Commissioner Glass presented a gift on behalf of the Commission to Lynn Brandvold in recognition for her long and distinguished service. Ms. Brandvold who is retiring from the WQCC after 32 years of service (1972 –2005), served as a mentor to many of the Commission members over the years. The Commission expressed their gratitude to Ms. Brandvold for her profound contributions to Water Quality over her long tenure with the Commission, that she will be missed, and wished her well in her future endeavors. Ms. Brandvold thanked the Commission and acknowledged Peggy Johnson, Bureau of Geology and Minerals, who will fill the position. The Commission took the opportunity to welcome Peggy Johnson to the WQCC.
- Commissioner Bada asked that the WQCC rulemaking guidelines be codified as Rulemaking Procedures. Felicia Orth is in the process of preparing a draft of WQCC Rulemaking Procedures to be presented at next month’s meeting with a request for a hearing. Commissioner Goad questioned if the changes were minor or sweeping as proposed five years ago? Ms. Orth informed the Commission that she was only making modest recommendations to begin with.

Item #8 Next regularly scheduled meeting is October 11th, 2005

Item #9 Adjournment

There being no other business before the Commission, the meeting was adjourned at 10:08 am.

ACTION: **Commissioner Sloan moved to adjourn the meeting at 10:08am. Commissioner Glass seconded. Motion carried unanimously.**



WQCC Chair