

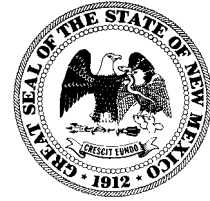
**STATE OF NEW MEXICO  
WATER QUALITY CONTROL COMMISSION**

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

**Approved January 10, 2006**

**Minutes of the**

**New Mexico Water Quality Control Commission Meeting  
December 13 and 14, 2005**

The New Mexico Water Quality Control Commission (WQCC) meeting was held on December 13 & 14, 2005, at the PERA Building, Apodaca Hall, Santa Fe, New Mexico.

**MEMBERS PRESENT: December 13, 2005**

Derrith Watchman-Moore	Acting Chair, New Mexico Environment Department
Cheryl Bada	State Parks Division
Maxine Goad	Member-at-Large
Steve Glass	City of Albuquerque – Municipal/County Representative
Edward Vigil	Member-at-Large
Howard Hutchinson	Soil and Water Conservation Commission
Wayne Price	Oil Conservation Division (for Mark Fesmire)
Peggy Johnson	Bureau of Geology and Mineral Resources
Tim Darden	Department of Agriculture
Mike Sloane	Department of Game & Fish
Fred Lujan	Member-at-Large

**MEMBERS ABSENT: December 13, 2005**

Doug Murray	Office of State Engineer
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**MEMBERS PRESENT: December 14, 2005**

Cindy Padilla	Acting Chair, New Mexico Environment Department
Cheryl Bada	State Parks Division
Maxine Goad	Member-at-Large
Steve Glass	City of Albuquerque – Municipal/County Representative
Edward Vigil	Member-at-Large
Howard Hutchinson	Soil and Water Conservation Commission

Wayne Price Oil Conservation Division (for Mark Fesmire)  
Peggy Johnson Bureau of Geology and Mineral Resources  
Tim Darden Department of Agriculture  
Mike Sloane Department of Game & Fish  
Fred Lujan Member-at-Large  
Doug Murray Office of State Engineer

**MEMBERS ABSENT: December 14, 2005**

Derrith Watchman-Moore Acting Chair, New Mexico Environment Department

**OTHERS PRESENT:**

Zack Shandler, WQCC Counsel	Felicia Orth, NMED
Joyce Medina, NMEMNRD	Bill Olson, NMED
Sally Worthington, NMED	George Schuman, NMED
Tracy Hughes, NMED	Glenn Saums, NMED
Christina Kelso, NMED	March Leavitt, NMED
Bruce Gallaher, LANL	Stephanie Stringer, NMED
Lynette Gueverra, NMED	Shelley Lemon, NMED
Heidi Henderson, NMED	Jane Derosé-Bamman, NMED
Joni Arends, CCNS	Barbara Claire, NMED

Derrith Watchman-Moore, Deputy Chair, called the meeting of the WQCC to order at 9:10 a.m.

**Item #1 Roll Call**

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

**Item #2 Approval of Agenda**

**ACTION: Commissioner Sloane moved to approve the amended agenda as presented. Commissioner Darden seconded. Motion carried unanimously.**

**Item #3 Approval of the November 8th, 2005 Meeting Minutes**

**ACTION: Commissioner Bada moved to approve the November 8th, 2005 Minutes as presented. Commissioner Sloane seconded. Commissioner Glass abstained from voting. Motion carried unanimously.**

**Item #4 Request for a Hearing in the Matter of the Petition by the Department of Game and Fish for Use of Piscicides to Restore the Native Fish Community in the Rio Costilla Watershed, Taos County, New Mexico. WQCC 05-14(R) (Jim Karp, New Mexico Department of Game and Fish) Time: 5 minutes.**

**ACTION:** **Commissioner Bada moved to set a hearing to be held in Costilla, NM with Felicia Orth as the Hearing Officer, in late January or early February 2006. Commissioner Sloane seconded the motion. Motion carried unanimously.**

**Item #5** **Report to the Commission on the Status and Associated Tasks and Timeline for the 305(b) and 303(d) Integrated Report on the Status of Water Quality in New Mexico (Stephanie Stringer, Surface Water Quality Bureau) Time: 10 minutes**

Ms. Stephanie Stringer and Ms. Lynette Gueverra reported to the Commission on the Status and Associated Tasks and Timeline for the 305(b) and 303(d) Integrated Report on the Status of Water Quality in New Mexico. Goal for completion is in April 2006 (see timeline provided). A draft will be presented to the Commission in July 2006.

**Item #6** **Approval of the Final Draft for the Rio Hondo Watershed (Pecos River to Headwaters) TMDLs (Shelley Lemon and Heidi Henderson, Surface Water Quality Bureau) Time: 20 minutes**

Ms. Shelley Lemon and Ms. Heidi Henderson presented the final draft for the Rio Hondo Watershed TMDL for approval. Public notice was conducted under all appropriate rules and laws. Public participation was conducted from Oct 12<sup>th</sup> through November 11<sup>th</sup>, 2005; a Public Meeting was conducted Thursday, October 27<sup>th</sup>, 2005 in Ruidoso, NM.

**ACTION:** **Commissioner Goad moved to approve the Final Draft for the Rio Hondo Watershed TMDL. Commissioner Bada seconded the motion. Motion carried unanimously.**

**Item #7** **Resumption of deliberations and decision on Amendments to 20.6.2.7 NMAC and 20.6.2.3108, 3109, 3112 and 4114 NMAC pursuant to 2005 statutory changes to NMSA 1978, 74-6-5 (House Bill 35) WQCC 05-03 (R).**

Counsel Shandler updated the Commission on the deliberations and votes on WQCC 05-03 (R).

**ACTION:** **Commissioner Goad moved to remove the word ‘significant’ from quality under the definition under “O” discharge permit modification and add the following language: “which would increase the concentrations of pollutants discharged or add any new pollutants exceeding standards in the discharge, or as required by the Secretary.” Commissioner Sloane seconded the motion. Motion fails with six voting no and five voting yes.**

**ACTION:** **Commissioner Goad moved to add the following sentence to the end of 3108.G: All persons who contact the department to inquire about a specific facility shall be informed of the opportunity to be placed on a facility-specific list. Commissioner Glass seconded the motion. Motion carried unanimously.**

Chair Watchman-Moore opened the record to admit the NMED exhibit for public notice.

**ACTION:** **Commissioner Glass moved to deny adding the proposed definitions from CCNS Exhibit 1 for b. Environmental Justice and c. Hazard to public Health requested by Paul Robinson, Southwest Research and Information Center and by Joni Arends, Concerned Citizens for Nuclear Safety. Commissioner Bada seconded. Motion carried unanimously.**

Chair Watchman-Moore directed the Department to create an expanded process for more public notification.

**ACTION:** **Commissioner Glass moved to approve the proposed amendments 20.2.6.7, 3109, 3109, 3112 and 4114 NMAC as amended by the Commission . Commissioner Bada seconded the motion. Motion carried unanimously.**

**Item #8**      **Discussion and possible vote on Commission Procedure re: Discharge Permit #1255 issued to NASA/White Sands Testing Range. (WQCC Counsel Zack Shandler) Time: 15 minutes**

Counsel Shandler reiterated his advice to the Commission as outlined in his letter of November 8, 2005 to the Commission. Ms. Tracy Hughes cited to the Commission 20.6.2.3109 E NMAC as the avenue for someone to bring an action or information request to the Department for a review, and provides for the Secretary to make a change or require a change to the discharge permit.

**ACTION:** **Commissioner Sloane moved to adopt option one, and allow a citizen to file a written request with the Department, if rejected it is appealable to come before the Commission for review. Commissioner Hutchinson seconded. Motion failed.**

**Item #9**      **Hearing and possible decision in the matter of the Nomination of the Waters of the Valle Vidal as Outstanding National Resource Waters (ONRW); WQCC 05-04 (R). (Marcy Leavitt, SWQB; David Propst, DGF) Time: 1 day. Hearing Officer: Felicia Orth.**

The hearing extended from December 13 – December 14 and there was discussion among the Commissioners.

**ACTION:** **Commissioner Glass moved to adopt the proposal to name the Valle Vidal as an ONRW. Commissioner Sloane seconded the motion. That motion passed eleven to one.**

**Item #10**      **Other Business**  
None.

**Item #11**      **Next regularly scheduled meeting is January 10<sup>th</sup>, 2006.**

**Item #12     Adjournment**

There being no other business before the Commission, the meeting was adjourned at 5:10 PM on December 14th.

**ACTION:     Commissioner Lujan moved to adjourn the meeting. Commissioner Murray seconded. Motion carried unanimously.**



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**WQCC Chair**