

**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

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

**Minutes of the
New Mexico Water Quality Control Commission Meeting
October 10, 2006
10:00 a.m.**

**Council Chambers, Cuba Municipal Complex
16B Cordova Avenue
Cuba, New Mexico 87013**

Item 1. 8:30 a.m. A field trip was conducted as a part of the hearing (Item 5 on the Commission's October 10, 2006 agenda) for WQCC members, Petitioner and other interested persons to sites along the Rio Puerco

MEMBERS PRESENT:

William Olson	NMED/GWB, Acting Chair for Ms. Padilla
Maxine Goad	Member-at-Large
Howard Hutchinson	Soil and Water Conservation Commission
Greg Lewis	Office of the State Engineer
Glenn Von Gonten	for Wayne Price, Oil Conservation Division
Tim Darden	Department of Agriculture
Fred Lujan	Member-at-Large
Steve Glass	City of Albuquerque – Municipal/County Representative
Peggy Johnson	Bureau of Geology and Mineral Resources

MEMBERS ABSENT:

Cheryl Bada	State Parks Division
Edward Vigil	Member-at-Large
Mike Sloane	Department of Game & Fish

OTHERS PRESENT:

Marcy Leavitt, NMED/SWQB
Leo Sandoval
Caren Cowan
Doug Ibe, NMED/SWQB
Curtis L. Francisco, Laguna Pueblo
Phillip L. *****, Laguna Pueblo
Don Moore
P. Robert Alexander
Louis Wiese, III
Heidi Henderson, NMED/SWQB
Ernest Torrez
Mike Coleman, NMED/SWQB
Remijio Gutierrez
Joyce Medina, NMED

Heidi Henderson, NMED/SWQB
Elizabeth Shields
Steve Fischer
Kavita Krishna
Joshua J. Silva, Laguna Pueblo
Felicia Orth, Hearing Officer
Sam Smelser
Leonard Aragon
Guy Bralley
Leroy J. Lovato, Sandoval County
Tannis Fox, NMED/OGC
Alexander Fernald, NMSU
Lynette Guevara, NMED/SWQB

William Olson, Acting Chair in lieu of Ms. Padilla, called the meeting of the WQCC to order at 10:05 a.m.

Item 2. Roll Call:

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

Item 3. Approval of Agenda

Action: Mr. Glass moved to approve the agenda. Mr. Lewis seconded. The motion passed unanimously.

Item 4. Approval of the September 12, 2006 meeting minutes.

Mr. Glass, Ms. Goad and Ms. Johnson noted amendments to be made in the September 12, 2006 meeting minutes.

Action: Ms. Goad moved to approve the September 12, 2006 meeting minutes as amended. Ms. Johnson seconded. The motion passed. Mr. Olson abstained from the vote.

Item 5. Request for Hearing in the Matter of the Administrative Compliance Order Requiring Compliance and Assessing a Civil Penalty re: Reggie's Septic Service, WQCC 06-03 (CO). Tannis Fox, NMED/OGC; Jose Sandoval, Reggie's Septic Service (not present).

Mr. Olson recused himself from any action to be taken in this matter by the Commission. Mr. Glass acted as Chair.

On behalf of J. Brent Moore, NMED counsel in this matter, Ms. Fox requested that the Commission set the hearing on its December 12, 2006 agenda.

Action: Mr. Hutchinson moved that the Commission set the requested hearing in WQCC 06-03 (CO) on its December 12, 2006 meeting agenda. Mr. Lewis seconded. The motion passed unanimously.

Item 6. Continuation of hearing and possible decision In the Matter of the Appeal of the Rio Puerco TMDL, WQCC 06-06 (A). Tannis Fox, NMED/OGC; Ernest Torrez, Petitioner; Leroy J. Lovato, Sandoval County; Alexander Fernald, NMSU; Remijio Gutierrez, individually and as a member of the La Jara Acequia Association; P. Robert Alexander and Felicia Orth, Hearing Officer. Time: open ended

At 10:15 a.m., Mr. Olson announced that the continuation of the hearing would begin and Ms. Felicia Orth would again preside as Hearing Officer for this agenda item. Ms. Orth announced that the hearing would be audio tape recorded. All Notices of Intent to Present Technical Testimony were timely filed and are available for review as well as public comment correspondence. The audio tapes of the meeting are also available in the office of the Commission administrator, 1190 St. Francis Drive, Harold Runnels Building Rm. N2150, Santa Fe, New Mexico 85705. Additionally, Ms. Orth mentioned that Marie Ortiz was available to act as a Spanish translator in the event translation was needed by anyone in the audience.

The hearing commenced.

Prior to closing the record, it was agreed that the Department would distribute a revised version of the TMDL to all parties by October 16, 2006 and that written closing arguments from the parties would be due on November 2, 2006.

Mr. Don Moore, an attendee at the hearing, stated that as a matter of clarification, he wanted to make sure everyone realized his well, which had been the subject of some discussion during the hearing, was outside of the Rio Puerco 8.2 mile reach that is the subject of the hearing. He stated that while it was part of the overall watershed it was not part of the specific area being discussed.

The Hearing Officer closed the evidentiary record and adjourned the hearing.

The meeting reconvened at 5:50 p.m.

Item 7. Other Business

Mr. Olson noted that Commission deliberations relating to this hearing would take place at the November 14, 2006 meeting.

Item 8. Next Meeting – November 14, 2006, Santa Fe, New Mexico

Item 9. Adjournment:

Mr. Darden moved for adjournment. Ms. Johnson seconded the motion. The motion for adjournment passed unanimously. The meeting adjourned at 6:05 p.m.

Signature on File

Acting Chair of the Water Quality Control Commission