



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

1190 St. Francis Drive, Room N2150

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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: November 9, 2004**

**Minutes of the  
New Mexico Water Quality  
Control Commission Meeting  
September 14, 2004**

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22 The New Mexico Water Quality Control Commission (WQCC) meeting was held on September  
23 14, 2004, at the New Mexico State Capitol.

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**MEMBERS PRESENT: September 14, 2004**

- 26 Marcy Leavitt Acting Chair, New Mexico Environment Department
- 27 Cheryl Bada State Parks Division
- 28 Mike Sloane Department of Game & Fish
- 29 Steve Glass City of Albuquerque – Municipal/County Representative
- 30 Maxine Goad Member-at-Large
- 31 Edward Vigil Member-at-Large
- 32 Howard Hutchinson Soil and Water Conservation Commission
- 33 Doug Murray Office of State Engineer
- 34 Bill Olson Oil Conservation Division
- 35 Lynn Brandvold Bureau of Geology and Mineral Resources

36

**MEMBERS ABSENT: September 14, 2004**

- 38 Julie Maitland Department of Agriculture
- 39 Fred Lujan Member-at-Large

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**OTHERS PRESENT:**

- 42 Zack Shandler, WQCC Counsel Geraldine Madrid-Chavez
- 43 Sally Worthington Louis Rose
- 44 Felicia Orth Lynette Guevara

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48 Ms. Marcy Leavitt, Acting Chair, called the meeting of the WQCC to order at 9:05 a.m.

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1 **Item #1 Roll Call**

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3 Geraldine Madrid-Chavez took roll and noted a quorum was present.

4  
5 **Item #2 Approval of Agenda**

6  
7 Agenda Item #3 was removed from the agenda and other items re-numbered.

8  
9 **ACTION: Commissioner Glass moved to approve the agenda as amended.**  
10 **Commissioner Sloane seconded. Motion carried unanimously.**

11  
12 **Item #3 Discussion and possible decision on NMED’s Motion to Schedule a Hearing –**  
13 **In the Matter of Bigger and Better Septic Tanks. WQCC 03-10 (CO)**

14  
15 This item was removed from the agenda. This matter was settled.

16  
17 **Item #4 Opening of a 30-day public comment period for changes to sedimentation**  
18 **listings in the San Juan River basin and nutrient listings in the Mora River**  
19 **on the 2004 Clean Water Act Integrated 303 (d)/305 (b) List of Assessed**  
20 **Waters, presented by NMED’s SWQB.**

21  
22 Ms. Lynette Guevara, SWQB, announced the opening of the 30-day public comment period for  
23 changes to sedimentation listings in the San Juan River basin and nutrient listings in the Mora  
24 River on the 2004 Clean Water Act Integrated 303 (d)/305 (b) List of Assessed Waters.

25  
26 Ms. Guevara informed the Commission that the comment period will end on October 13, 2004.  
27 Ms. Guevara stated that Legal notices were run in the Albuquerque Journal, Farmington Daily  
28 News and the Las Vegas Optic and a formal response to comments will be prepared by the  
29 Surface Water Quality Bureau. The Bureau will be seeking approval from the Commission at  
30 the regularly scheduled WQCC meeting in November.

31  
32 **Item #5 Discussion on roles and Responsibilities of Soil and Water Conservation**  
33 **Districts.**

34  
35 This agenda item was passed on until Commissioner Hutchinson arrived.

36  
37 **Item #6 Petition by Duke Energy Field Services to set a Hearing before the**  
38 **Commission on Discharge Permit Required Determination. WQCC 04-06**  
39 **(P)**

40  
41 The hearing was set for the December 4, 2004 meeting of the WQCC.

42  
43 **Return to Agenda Item #5:**

44  
45 Commissioner Hutchinson led a discussion of the relationship between the Soil and Water  
46 Conservation Districts and NMED. Commissioner Hutchinson passed out quotes from [73-20-1  
47 et seq. NMSA] pertaining to roles and responsibilities of Soil and Water Conservation Districts.

1 **Item #7 Approval of the August 10, 2004 Meeting Minutes.**

2  
3 After discussion and amendments the following action was taken:

4  
5 **ACTION: Commissioner Sloane moved to approve the August 10, 2004 meeting**  
6 **minutes as amended. Commissioner Bada seconded. Motion carried**  
7 **unanimously.**  
8

9 **Item #8 Executive Session pursuant to NMSA 1978, Section 10-15-1 (H)(7) for**  
10 **Richard’s Septic v. WQCC.**

11  
12 **ACTION: Commissioner Olson moved to go into Executive Session pursuant to NMSA**  
13 **1978, Section 10-15-1 (H)(7) for Richard’s Septic v. WQCC. Commissioner**  
14 **Sloane seconded. A roll call vote was taken and the results are as follows:**  
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- |    |                         |     |
|----|-------------------------|-----|
| 16 | Commissioner Vigil      | Yes |
| 17 | Commissioner Goad       | Yes |
| 18 | Commissioner Hutchinson | Yes |
| 19 | Commissioner Sloane     | Yes |
| 20 | Commissioner Brandvold  | Yes |
| 21 | Commissioner Glass      | Yes |
| 22 | Commissioner Bada       | Yes |
| 23 | Commissioner Olson      | Yes |
| 24 | Commissioner Murray     | Yes |
| 25 | Commissioner Leavitt    | Yes |

26  
27 **ACTION: Commissioner Olson moved to come out of Executive Session. Commissioner**  
28 **Bada seconded. A roll call vote was taken and the results are as follows:**  
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- |    |                         |     |
|----|-------------------------|-----|
| 30 | Commissioner Vigil      | Yes |
| 31 | Commissioner Goad       | Yes |
| 32 | Commissioner Hutchinson | Yes |
| 33 | Commissioner Sloane     | Yes |
| 34 | Commissioner Brandvold  | Yes |
| 35 | Commissioner Glass      | Yes |
| 36 | Commissioner Bada       | Yes |
| 37 | Commissioner Olson      | Yes |
| 38 | Commissioner Murray     | Yes |
| 39 | Commissioner Leavitt    | Yes |

40  
41 Commissioner Olson stated the items discussed in Closed Session were only those listed in the  
42 motion.

43  
44 **Item #9 Other Business**

45  
46 a.) Commissioners asked if a letter has been drafted thanking Mr. Dave Johnson for his  
47 service on the Water Quality Control Commission and requested that one be drafted.

1 b.) Felicia Orth, Hearing Officer, reported that the University of California had requested  
2 that the stream standards hearing be re-opened.

3  
4 **Item #10 Next Meeting**

5  
6 The next meeting of the Water Quality Control Commission is scheduled for October 12, 2004.

7  
8 **ACTION: Commissioner Sloane made a motion to adjourn. Commissioner Glass**  
9 **seconded. Motion carried unanimously.**