Minutes of the
New Mexico Water Quality
Control Commission Meeting
August 14, 2001

The New Mexico Water Quality Control Commission (WQCC) meeting was held on August 14, 2001, at 9:00 AM at the State Capitol Building, Room 321, corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, New Mexico.

Members present:
Greg Lewis Acting Chairman, New Mexico Environment Department
John Whipple State Engineer & Interstate Stream Commission
Julie Maitland Department of Agriculture
Larry Bell Department of Game and Fish
Howard Hutchinson Soil and Water Conservation Commission
Lynn Brandvold Bureau of Geology and Mineral Resources
Bill Olson Oil Conservation Division
Steve Glass City of Albuquerque - Municipal/County Representative
Dr. Conrad Keyes Member-at-Large
Irene Lee Member-at-Large
Jack Westman Member-at-Large

Members absent:
David Johnson State Parks Division

Others present:
Pat Simpson WQCC Counsel
Maria Voyles WQCC Administrator
Jennifer Pruett NMED Counsel
Erik Galloway NMED WWMD
David Hogge NMED SWQB
Steven Pierce NMED SWQB

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Others present continued:
Kelly Bitner    Neptune and Co.
Mary Heather Noble NMED GWB
Marcy Leavitt  NMED GWB
Karen Menetry  NMED GWB
Sue E. Umshler  L & R Planning Associates
Elaine Chimino  Citizens for Environmental Safeguards
Cathy Ratcliff  GGI
Bruce Thomson  private citizen
Zane Spiegel   La Cienega Citizens for Environmental Safeguards
Peter Luthiger NMMA

Item 1: Roll Call
Maria Voyles, WQCC administrator, took roll call.

Item 2: Approval of the Agenda
Ms. Voyles informed the Commission that Item #4: CJM, Inc., Henry Medina, and Southwest Septic - WQCC 01-05(CO), had been withdrawn by the Petitioner's Counsel. Commissioner Olson moved to approve the agenda as amended. Commissioner Whipple seconded the motion. The motion passed unanimously.

Item 3: Approval of the minutes of the July 10, 2001, meeting
Commissioner Brandvold moved to accept the minutes as corrected. Commissioner Keyes seconded the motion. The motion passed unanimously.

Item 4: Appointment of hearing officer in the matter of CJM, Inc., Henry Medina, and Southwest Septic. WQCC 01-05(CO)
This item was removed as the Counsel for the Petition withdrew the request on August 10, 2001.

Commissioner Glass, upon Mr. Hogge's recommendation, moved to combine items 5 and 6 as they are all in the same presentation. Commissioner Keyes seconded the motion. The motion passed unanimously.

Items 5 and 6 were combined: #5 Start the 30-day public comment period for the draft TMDLs on: Centerfire Creek (conductivity), Tularosa River (conductivity), San Francisco River (temperature), South Fork of Negrito Creek (temperature), Mogollon Creek (chronic aluminum), East Fork of the Gila River (chronic aluminum), Taylor Creek (chronic aluminum), Taylor Creek (temperature), Black Canyon Creek (temperature) and Whitewater Creek (turbidity) #6 Start the 30-day public comment period for 303(d) listing update for the Gila River and San Francisco River watersheds.

Mr. Hogge provided handouts and made a presentation that was read into the record. Commissioner Olson asked if the de-listings were based on results from recent water samples. Mr. Hogge stated that they were. Commissioner Olson also asked what the previous listing was based on. Mr. Hogge stated that they were listed because of water quality exceedances based on designated uses previously determined by elevation.

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Item 7: Hearing and possible action on NMED petition to amend sections 20.6.2.1 through 20.6.2.399 and sections 20.6.2.5000 through 20.6.2.5300 of the WQCC regulations to revise Underground Injection Control well requirements and to make general changes. WQCC 01-12 – GWQB

A hearing was held and a discussion followed. Mr. Lewis served as the Hearing Officer. The hearing was recorded by a court reporter from Kathy Townsend Court Reporters.

Commissioner Glass moved to accept the changes as discussed in the hearing. Commissioner Keyes seconded the motion.

Commissioner Hutchinson stated that he had some concerns regarding the cost estimates for the rural communities. Commissioner Hutchinson also stated that the State Constitution requires that funding be provided for mandated items, and questioned where the funding would come from.

Commissioner Olson stated that neither the law nor the regulations are being changed and that the proposed changes just codify the regulations in response to EPA’s requirements.

Commissioner Brandvold stated that if we do not adopt the changes, the State will lose primacy and EPA will take over.

Greg Lewis   yes
John Whipple yes
Julie Maitland yes
Larry Bell   yes
Howard Hutchinson no
Lynn Brandvold yes
Bill Olson yes
Steve Glass yes
Dr. Conrad Keyes yes
Irene Lee abstain
Jack Westman yes
Dave Johnson absent

The motion passed with nine “yes” votes.

Item 8: Other business.
The Commission requested copies of the letter from Secretary Maggiore, dated August 8, 2001, that was sent to Mr. Bixby, Southwest Environmental Center, and to Scott Cameron, Forest Guardians. Ms. Voyles stated that copies would be mailed on Wednesday, August 15, 2001.

A map of the location for the October meeting was requested. Commissioner Keyes stated he can provide directions.

Commissioner Whipple would like an update on items 5 and 6 at the next meeting. Ms. Voyles stated that she would put it on the agenda.

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Item 9: Next Meeting.
Ms. Voyles stated that the next meeting would be held at the Land Office on September 11, 2001. Commissioner Hutchinson moved to adjourn the meeting. Commissioner Olson seconded the motioned. The motion passed unanimously.

[Signature]
Chairperson