



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

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Constituent Agencies

Environment Department
State Engineer & Interstate Stream Commission
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 9-10, 2001

The New Mexico Water Quality Control Commission (WQCC) meeting was held on October 9-10, 2001, beginning at 9:00 AM at Regents Room, Educational Services Building, New Mexico State University, University Avenue, Las Cruces, New Mexico.

MEMBERS PRESENT:

Pete Maggione	Chairman, New Mexico Environment Department
Pat Turney	State Engineer & Interstate Stream Commission
Julie Maitland	Department of Agriculture
David Johnson	State Parks Division
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
Larry Bell	Department of Game and Fish
Dr. Conrad Keyes	Member-at-Large
Irene Lee	Member-at-Large

MEMBERS ABSENT:

Jack Westman	Member-at-Large
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OTHERS PRESENT:

Dan Rubin	WQCC Counsel
Maria Voyles	WQCC Administrator
Steven Pierce	NMED/SWQB
David Cowley	NMSU/Fisheries and Wildlife
Peter Wilkinson	NM Dept. of Game and Fish
Dan Santantonio	City of Las Cruces

OTHERS PRESENT CONT.:

Glenn Saums	NMED/SWQB
John Montgomery	NMED/SWQB
Steve Baumgarn	NMED/SWQB
Mike Johnson	City of Las Cruces
Jim Davis	NMED/SWQB
Lisa Parker	
Kevin Bixby	SWEC
Jay Stein	counsel for City of Las Cruces
John Hernandez	EBID
Gilbert Anaya	USIBWC
Rebecca Whiteaker	Dept. of Ag.
Gabriela Vale	concerned citizen
Graciela Lopez	concerned citizen w/comments
Kevin Flanigan	NMISC
Susan Hutchinson	
Scott Cameron	Forest Guardians
Renee Reulas	
Gary Arnold	EBID
Ric Frost	
Jerry B. Paz	Molson Corbett
Christine Pacheco	NMED

Item #1: Roll Call

Maria Voyles, WQCC administrator, took roll call

Item #2: Approval of the Agenda

Chairman Maggiore stated that Item #8 - Hearing in the matter of Stacy Warden: Warden Enterprises, Inc. And Ted Gee - WQCC-01-09(co) will be vacated because a Stipulated Order for a Stay of the Hearing has been filed. Chairman Maggiore requested a motion for agenda approval that would allow the Commission to convene the hearing in Agenda Item #9 Hearing for mainstem Rio Grande Segment 2101 (now 20.6.4.101 NMAC). (continuation of the Triennial Review) for the purpose of immediately recessing to go on the field trip and the rest of the agenda would be handled upon returning the next day. Commissioner Glass moved to accept the request. Commissioner Brandvold seconded the motion. The motion passed unanimously.

Chairman Maggiore started the hearing at approximately 9:15 am. The hearing was recessed and the field trip began.

THE FIELD TRIP

STOP #1: Leasburg Dam. Use the overlook at the State Park as meeting area.

All individuals present gave their name for the record. Individuals present are as follows

Pete Maggiore	Chairman, New Mexico Environment Department
Pat Turney	State Engineer & Interstate Stream Commission
Julie Maitland	Department of Agriculture
David Johnson	State Parks Division
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
Larry Bell	Department of Game and Fish
Dr. Conrad Keyes	Member-at-Large
Irene Lee	Member-at-Large
James Salopek	EBID Director
Jim Davis	NMED / SWQB
Gary Arnold	EBID member
Gary Esslinger	EBID manager
Eric Ames	NMED counsel
Scott Cameron	Forest Guardians
Dan Sanantonio	City of Las Cruces, utilities
John Hernandez	EBID
George Douds	NM Dept. of Ag.
Steve Pierce	NMED / SWQB
Dan Rubin	WQCC Counsel
Rebecca Whiteaker	NM Dept. of Ag.
Maria Voyles	WQCC administrator
Sue Hutchinson	

Commissioner Johnson stated that the Leasburg State Park is operating on Bureau of Reclamation property. The State Parks Division is managing the area as a recreational facility in cooperation with the Bureau and EBID.

Gary Esslinger gave a brief history of Leasburg Dam and some statistics. Mr. Esslinger stated that the dam would be closing for the season this week. The dam was built by Nathan Boyd. The United States took over the operation in 1902.

Mr. Esslinger stated that this area is gauged with metering stations. This information is sent back to the EBID office in Las Cruces for reporting. Mr. Esslinger stated that one of the biggest maintenance problems on the river is sediment. This dam is a free flow system. The diverted water is reused and there is little waste. All the drains are set up to return water back to the river. Mr. Esslinger stated that they have an obligation to send water into El Paso for irrigation and municipal use.

Commissioner Brandvold asked if there was swimming in this area. Mr. Esslinger stated that there is swimming but mostly wading. Mr. Esslinger stated that swimming is discouraged. Mr. Esslinger stated that the United States owns the dam, the operation and maintenance is handled by EBID and it has the authority to control swimming. Mr. Esslinger stated that the EBID feels that this reach of the river is very dangerous due to the undertows and changing riverbed.

Commissioner Keyes asked what the average flow is during the wintertime after Caballo Dam has been shut down. Mr. Esslinger responded that it may be 300 cfs or less. Mr. Esslinger stated that the flow would increase in January.

Commissioner Hutchinson asked how many river miles it was to the end of the segment. Mr. Esslinger responded that the total segment is about one hundred miles in length and that the segment started about thirty miles upstream from this point.

Gary Arnold stated that he has lived in the area for 53 years and he believes that the river is very dangerous and people should not swim in it. He has some concerns that if the designation was to be changed it may promote swimming in the river.

Mr. Esslinger stated that there are several agencies involved, but the International Boundary and Water Commission controls the river. The 1906 Treaty states that the United States is obligated to deliver water to Mexico, even in drought. The USGS does some of the gauging and trains some of the EBID employees.

STOP #2: South along west side of river just below Picacho Street (Highway 70) Bridge

Mr. Esslinger stated that Las Cruces has constructed a park in this area and that there is a pathway that will connect to a park in Old Mesilla. Mr. Esslinger stated that they are involved because the Picacho drain intersects at the park. Mr. Esslinger stated that they are working with the Southwest Environmental Center and the City of Las Cruces to possibly use some of the water from the drain system to channel it through what is going to be used as a wetland site and return it to the drain and the back to the river.

Dr. Davis asked what the timeframe for the creation of the parks would be. Commissioner Johnson stated that the State Parks Division has to prepare a feasibility study to present to the 2003 Legislative session. Commissioner Johnson stated that there are several agencies, state and federal, involved in the creation of the parks.

Commissioner Keyes asked how much acreage of the "11 mile corridor" has grazing rights. Mr. Esslinger stated that he didn't think there were any grazing rights on the area.

Commissioner Hutchinson asked at which point does the treated sewage enter the river. Mr. Esslinger stated about 300 yards from the I-10 bridge. He also stated that the areas not hooked up to the city treatment plant use septic tanks. Mr. Esslinger stated that a new treatment plant is being considered between Mesilla Dam and Anthony and that will be the collection point for the communities south of Las Cruces that are currently using septic systems. Commissioner Hutchinson asked about Sunland Park and Santa Teresa. Mr. Esslinger stated that they both have

wastewater treatment plants and are currently putting the water in EBID drain system due to the cost of piping it to the river. This is only temporary and they have been asked to vacate EBID property because the samples that have been drawn from the area do not meet standards.

Chairman Maggiore asked what the volume of effluent is from the Las Cruces plant. Mr. Sanantonio stated that it was about 8 million gallons per day.

STOP #3: Mesilla Diversion Dam, east side of river

Mr. Esslinger stated that this is the diversion in their district and it is a flood control diversion. It has 12 gates that can be individually controlled and it is the largest diversion in the irrigation district. It serves approximately 40,000 acres below this point. It is all under radio telemetry and they can determine exactly what the flows are. The flows are recorded at the main office in Las Cruces. They can also determine the flows going to Mexico and El Paso. They have closed off all fishing and other activities within 300 yards upstream and 150 yards downstream from the dam. The only public individuals allowed to be in the area are those that have received permits and keys as this is the only convenient access to their property. They have initiated gauging below the dam to determine other waters coming in that are considered New Mexico waters. Part of the water supply for Texas is their return flow.

Dr. Davis asked how many river miles upstream was the Las Cruces wastewater treatment plant outfall. Mr. Esslinger stated that it is approximately five river miles.

STOP #4: The East Drain confluence with river just south of Anthony Lake

Mr. Esslinger stated that the east drain crosses the state line at the road just outside of Anthony, New Mexico. There is a water quality and telemetry site located at that drain. There are 16 water quality sites on the EBID drains. North of this point there are two effluent discharges into the drain. Anthony, Texas has a discharge about a half-mile upstream and Anthony, New Mexico has a discharge about five miles upstream. All of the drains discharge to the river to the eastside of the river. Commissioner Brandvold asked what the TDS was in this area. Mr. Esslinger responded that it was pretty bad because Anthony is on brackish water, therefore their water quality is not good to begin with. It maybe as high as 1,500 to 1,800 mg/l TDS. Mr. Esslinger stated that El Paso has requested that EBID deliver surface water to their treatment plant rather than the pertinent fields. EBID declined. Mr. Esslinger stated about 20 feet a year at Caballo and 12 feet at Elephant Butte are lost due to evaporation. Mr. Baumgarn stated that the design capacity of the Anthony, New Mexico, wastewater treatment plant is .98 mgd and they actually discharge about .5 mgd. Mr. Esslinger stated that there is a lot of information on EBID web site including gauging locations and flows from each station.

Dr. Davis stated that EBID's drain flow water quality is a result of poor / brackish water entering the drains.

STOP #5: Canutillo area east of La Union, NM where river comes in and out of NM

This is an area near the Canutillo well field and is located in Texas.

Mr. Esslinger showed the locations of the wells and their proximity to each other. Mr. Esslinger stated that El Paso plans to build a drinking water treatment plant just north of this area and to construct a pipeline across the Anthony Gap and run it into the northeast side of El Paso. EBID delivers water to Texas and New Mexico farmers. Mr. Esslinger stated that the state line was probably the old location of the river. He also stated that there are over twenty well sites and they are polled about every five minutes. Mr. Esslinger stated that most wells are about 250 - 500 feet deep, some as deep as one thousand feet.

STOP #6: The Montoya Drain confluence with river near El Paso Electric Plant in Sunland Park

We are standing in New Mexico very near the point where Texas, New Mexico, and Mexico meet. This is the last point where EBID water enters the river. This is probably where the highest TDS levels occur. Esslinger stated that the hydrology in this location is very complex - a high water bench with a perched groundwater table.

Two employees of the El Paso Electric Plant arrived and gave information and specifics about the plant.

The Montoya drain is actually a diversion for the electric plant. Several years earlier, the drain actually went through the facility and was used for cooling purposes. The drain is cleaned a couple of times a year. Medical waste has been found in the drain and reported to the state government. It is unclear where the medical waste is coming from. The pH level is in the high 7's - low 8's.

Chairman Maggiore recessed the field trip portion of the hearing and stated that the meeting and hearing would reconvene at 9:00 am tomorrow (10/10/01) in the Regents Room of the Educational Services Building on the New Mexico State University campus.

WEDNESDAY OCTOBER 10, 2001

The meeting was reconvened. The hearing will follow the regular meeting.

Roll Call

Maria Voyles, WQCC administrator, took roll call.

MEMBERS PRESENT:

Pete Maggiore	Chairman, New Mexico Environment Department
Pat Turney	State Engineer & Interstate Stream Commission
Julie Maitland	Department of Agriculture
David Johnson	State Parks Division
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

Larry Bell Department of Game and Fish
Dr. Conrad Keyes Member-at-Large
Irene Lee Member-at-Large

MEMBERS ABSENT:

Jack Westman Member-at-Large

Item #3: Approval of the minutes of the September 11, 2001, meeting.

Commissioner Maitland moved to accept the minutes as corrected. Commissioner Keyes seconded the motion. The motion passed unanimously.

Item #4: Petition from Game and Fish Department to use piscicide to renovate the Costilla Creek.

Peter Wilkinson, NM Game and Fish, and David Cowley, New Mexico State University, appeared before the Commission and read a presentation into the record. Mr. Wilkinson provided handouts. Mr. Wilkinson stated that this is the beginning of the process and that the petition will have to be reviewed by the Surface Water Quality Bureau (SWQB). Mr. Cowley gave a presentation on population viability.

Mr. Cowley stated that in retrospect about half of the restoration efforts fail. The intent of doing these activities is to produce populations that will exist for a long time. Their criteria include the following features: the population will be viable if it has less than a ten percent probability of extinction over the period of one hundred years and the adoption of a safe category, for example, the population has less than a ten percent decline over any ten-year period.

At this point, Chairman Maggiore stated that this appears to be testimony and not appropriate at this time. Chairman Maggiore stated that the petition should be transferred to the SWBQ for their recommendation. The SWQB will have a determination at the next meeting.

Commissioner Brandvold asked how fish from below the treated area are prevented from entering the treated area later.

Mr. Cowley responded that currently non-native trout inhabit the stream. The entire length of the stream is not being treated, only a portion. The treatment is applied above the barrier and when it reaches the barrier, the piscicide is neutralized.

Commissioner Lee asked if this is an expansion to the original project. Mr. Cowley stated that it was and the reason for the expansion is to meet the population viability criteria that the Department has developed.

At this point, Mr. Rubin, counsel for the Commission, stated that this could be considered testimony and not appropriate at this time.

Chairman Maggiore stated that the petitioner has met the requirements of 20 NMAC 1.3. The Commission can now decide if the petition should be forwarded to the SWQB.

Commissioner Hutchison asked it was possible to receive the report prior to the end of the sixty-day period.

Dr. Davis responded that the SWQB would have the report by the next scheduled meeting on November 13, 2001.

Commissioner Hutchinson moved to submit the petition to the NMED/SWQB for review and report at the next meeting. Commissioner Glass seconded the motion. The motion passed unanimously.

Item #5: Start the 30-day public comment period for the draft TMDL's on: Centerfire Creek (plant nutrients), San Francisco River (plant nutrients), Mangas Creek (plant nutrients), Canyon Creek (plant nutrients), Canyon Creek (turbidity), Sapillo Creek (turbidity), Sapillo Creek (total organic carbon) and Whitewater Creek (aluminum).

Dr. Davis provided handouts and read a presentation into the record. Dr. Davis stated that these documents have been placed on the Department's web site. The comment period will end on November 8, 2001 at 5:00 p.m. Public meetings have been scheduled.

No action is required by the Commission at this time.

Item #6: Other business.

No other business was presented at this time.

Item #7: Next meeting.

The next meeting will be held at the Roundhouse, in Santa Fe, New Mexico, on November 13, 2001 at 9:00 am.

Commissioner Keyes moved to close the business portion of the meeting and proceed with the hearing. Commissioner Hutchinson seconded the motion. The motion passed unanimously.

The Hearing for mainstem Rio Grande Segment 2101 (now 20.6.4.101 NMAC). (continuation of the Triennial Review)

The hearing was reconvened. The hearing was recorded and transcribed by Kathy Townsend Court Reporters. The Commission will deliberate at the next meeting.



Chairperson