



STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION
1190 St. Francis Drive, Room N-4075
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Santa Fe, New Mexico 87502
(505) 827-2425

CONSTITUENT AGENCIES:

Environment Department
State Engineer & Interstate Stream Commission
Game and Fish Department
Oil Conservation Division
Department of Agriculture
State Park & Recreation Division
Soil and Water Conservation Bureau
Bureau of Mines and Mineral resources
Member-at-Large

Minutes of the
New Mexico Water Quality Control Commission Meeting
April 14, 1998

The New Mexico Water Quality Control Commission (WQCC) held its meeting on April 14, 1998, at 9:10 a.m. at the Energy, Minerals & Natural Resources Department, Oil Conservation Division Conference Room, 2040 S. Pacheco, Santa Fe, New Mexico. The following members were present.

Present:

Ed Kelley	NMED
Thomas C. Turney	State Engineer Office
Bill Olson	Oil Conservation Division
David Johnson	State Parks Division
Ricardo Chavez Rel	Department of Agriculture
Andrew Sandoval	Department of Game & Fish
Howard Hutchinson	Soil & Water Conservation Bureau
Lynn Brandvold	Bureau of Mines & Mineral Resources
Paul Gutierrez	Member-at-Large
Irene Juliana Lee	Member-at-Large

Members Not Present:

Alberto Gutierrez	Member-at-Large
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Others Present:

Debra Gallegos	WQCC Adm. Secretary	Paul Ritzma	State Engineer's Office
Tannis Fox	WQCC Legal Counsel-AGO	Bill Brancard	State Land Office
David Hogge	SWQB	Ernie Atencio	Amigos Bravos
Marcy Leavitt	NMED	Sharon Lombardi	Dairy Produce NRR
Gary King	NMED/SWQB	Geyea Lorinczi	Molycorp, Inc.
Paul Pizzoli	LACU	Steve McWilliams	U.S D.A. Forest Service
Mike Korando	PDMC	Bruce M. Thomson	Dept. Of Civil Engr., UNM

Maxine Goad	NMED	Peter Luthiger	Quivira
Erik Galloway	NMED/SWQB	Nathan Wade	NMED
Greg Ridgley	NMED/OGC	Ralph Ford-Schmidt	NMED/DOE
Larry R. Smolka	Surveillance & Standards	Carl Young	NMED/EPA
Willie Lane	NMED/EPA	Jessica Schar	LFC
Peter Monahan	NMED/NPS	Glenn Saums	NMED/SWQB
Van Perkins	NMWA/Sierra Club	Jim Davis	NMED/SWQB
Harry Tippet	City of Santa Fe		

Item 1 - Roll Call.

Debra Gallegos, WQCC secretary took roll call.

Item 2 - Approval of the Agenda

Chairman Kelley made a recommendation to drop Item 3, review of the corrections on the proposed minutes for December 9, 1997, and January 13, 1998 along with Item 4, review of the proposed minutes for March 10, 1998.

Paul Gutierrez moved to drop Item 3, and Item 4. Irene Lee seconded the motion. The motion passed unanimously. (Tape 1 Side 1 Count 028)

Item 3 - 303(d) 1998-2000 List Discussion and Adoption.

David Hogge with Surface Water Quality Bureau, Evaluation & Planning Section, handed out copies of the proposed Draft 1998-2000 303(d) List, along with the 303(d) List. D. Hogge gave a presentation and background explanation. Section 303(d) of the Clean Water Act, requires states to identify and establish priority ranking for developing total maximum daily loads (TMDLs) for waters that do not achieve or are not expected to achieve water quality standards. Section 303(d) requires that this list of waters be submitted to EPA "from time to time" for review and approval. EPA defines "from time to time" for purposes of this listing requirement, to mean every two years coinciding with the submission of the section 305(b) report.

EPA's water quality planning management regulations are established under the authority of several sections of the Clean Water Act including section 106, 205(g), 205(j), 208, 303, 304(l), 305, 501. Part 130 sets out the planning and management activities to be undertaken by States including the establishment of water quality standards, water quality monitoring, the development of a list of impaired waters, the development of individual control strategies for certain pollutant sources, the establishment of TMDLs, and the development of State level continuing planning processes of the water quality management plans of biennial water quality reports.

Section 303(d) of the Clean Water Act requires that each State identify waters which are not currently meeting State water quality standards. These waters are referred as to water quality limited. The States are required to rank their water quality limited segments by priority, and establish TMDLs for the list of identified water rankings. TMDLs are required to be submitted to EPA for approval.
(Tape 1 Side 1 Count 080)

David Hogge gave a brief explanation of the 30-day comment period and the dates of publication of the Public Participation Process. Public notices published of March 10, 1998 §303(d) meeting:

Santa Fe New Mexican-week beginning March 2, 1998.
Las Cruces Sun-News-week beginning February 27, 1998.
Albuquerque Journal-week beginning February 18, 1998.
Silver City Daily Press-week beginning February 27, 1998.

Notification of March 10, 1998 meeting was mailed to all persons on WQCC mailing list and persons on NPS Task Force.

Comment period ended April 10, 1998, Friday at 5:00 p.m.

David Hogge provided to the Commission a list of twenty-seven parties who requested the Draft 1998-2000 §303(d) copy. Out of twenty-seven that requested copies ten submitted comments. They were:

Dan Santantonio/City of Las Cruces/received 4/9/98.
Mark Blakeslee/BLM/received 3/31/98.
Ernie Atencio/Amigos Bravos/received 4/2/98 and 4/10/98
Peter Luthiger/Quivira Mining Co./received 3/30/98.
New Mexico Mining Association/received 4/8/98.
Phelps Dodge Mining Co./received 4/9/98.
USEPA Region VI, Dallas, Texas/received 4/6/98.
Forest Guardians/received 4/10/98.
Southwest Environmental Center/received 4/10/98.
The Sierra Club Central New Mexico Group/received 4/10/98

Comments were divided into two categories, "C" and "N". Category "C" led to changes in the draft list. Category "N" comments followed but did not lead to changes in the draft list. (Tape 1 Side 1 Count 229)

There was a discussion between Andrew Sandoval, Department of Game & Fish and David Hogge, Surface Water Quality Bureau.

The Department of Game and Fish is concerned that the draft procedures for assessing standards attainment (procedure) is contrary to federal guidance in that it limits the use of available information, and subjectively defines criteria to determine use support. Furthermore, the methods and decision process are not clearly explained in the procedure. For example, the percentage reference condition (determinations based on biological data) is not defined as specific to any particular quantity. (Tape 1 Side 1 Count 354)

NMED recently received additional aluminum (Al) data collected by USGS from 1994-1996. This data shows that water quality standards for aluminum (Al) are being met in the following rivers:

Rio Grande at San Felipe
Rio Grande near Bernalillo

Rio Grand at Albuquerque
Rio Grand at Rio Bravo Blvd
Rio Grande at I-25
Rio Grande at Isleta
Rio Grande at Los Lunas

These 25 lakes are being proposed to be put on the list because of mercury (fish tissue) advisories by NMED although there were no water column numeric exceedences for lakes.

Abiquiu Reservoir	Clayton Lake
Avalon Lake Bear	Caballo Reservoir
Canyon Reservoir	Cochiti Reservoir
Carlsbad Municipal Lake	Navajo Reservoir
Charette Lakes	Sumner Reservoir
Eagle Nest Lake	Brantley Reservoir
El Vado Reservoir	Conchas Reservoir
Heron Reservoir	Santa Rosa Reservoir
Lake Maloya	Lake Farmington
McAllister Lake	McGaffey Lake
Springer Lake	Ute Reservoir
Stubblefield Reservoir	Elephant Butte Reservoir
	San Juan River from Hammond Diversion to Mancos River

These 21 stream and river reaches are being proposed to be put back on the list.

South Fork of Negrito Creek from the confluence with the North Fork to the headwaters (San Francisco River, 2603).

Negrito Creek from the mouth on the Tularosa River to South Fork Negrito Creek (San Francisco River, 2603).

Rio Chama from mouth on Rio Grande to Abiquiu Dam (Rio Grande, 2113).

Carrizozo Creek from the mouth on the Dry Cimarron River to the headwaters (Dry Cimarron River, 2701).

Mora River from the mouth on the Canadian River to Wolf Creek (Canadian River, 2305).

Rio Frijoles from confluence with Rio Medio to Pecos Wilderness boundary (Rio Grande, 2112).

Black River from the mouth on the Pecos River to the headwaters (Pecos River, 2202).

Rio Hondo, perennial portions up to confluence of Rio Ruidoso and Rio Bonito (Pecos River, 2208).

East Fork of the Gila River from the confluence with the West Fork of the Gila River to the confluence of Beaver and Taylor Creeks (Gila River, 2503).

Sapillo Creek from the mouth on the Gila River to Lake Roberts (Gila River, 2503) (GRB1-10300).

Bear Creek from the mouth on the Gila River to the headwaters (Gila River, 2502) (GRB2-20200).

Manuelitas Creek from Wheaton Creek to Manuelitas Canyon (Canadian River, 2306) (CR3-20300).

Sapello River from the mouth on the Mora River to Manuelitas Creek (Canadian River, 2305.3) (CR4-20100).

Alamosa Creek, perennial portions above Monticello diversion ditch (Rio Grande, 2103).

Oak Creek from the mouth on the Dry Cimarron River to the headwaters (Dry Cimarron River, 2701) (DC1-30200).

Rio de los Pinos from the NM-Co border to the NM-CO border (Rio Grande, 2120).

Hot Springs Creek from the mouth on the Mimbres River to the headwaters (Mimbres River, 2803).

Percha Creek from perennial portions above Caballo Reservoir to confluence of Middle and South Forks (Rio Grande, 2103).

Canyon Creek from the mouth on the Middle Fork of the Gila to the headwaters (Gila River, 2503).

Rio Grande from NM-TX border to Leasburg Dam (Rio Grande, 2101).

These 2 river reaches are proposed to be removed from the 303(d) list due to Tribal or Pueblo sovereignty issues with one addition.

Reach 164 - San Juan River from the New Mexico-Colorado border to the Chaco River (WQS 2401, WBS SJR5-10000).

Reach 167 - Chaco River from the mouth on San Juan River to Chinle Wash (WQS 2401, WBS SJR6-10000).

Reach 56 - Additional listing the Rito Canyon de Frijoles from the mouth on the Rio Grande to headwaters, to be placed back on the list.

Hanover Creek from the headwaters to Highway 152 Bridge should be removed from the 303(d) list for the following reason.

After consultation with staff from the NMED Silver City Office, Nonpoint Source Pollution Section of the SWQB, comments from the New Mexico Mining Association and Phelps Dodge Mining Company, it has been determined that this reach of Hanover Creek (Hanover Creek from the headwaters to Highway 152 Bridge) is ephemeral and should be removed from the 1998-2000 §303(d) list as an impaired waterbody. (Tape 1 Side 2 Count 251)

There was a discussion between Howard Hutchinson, Soil & Water Conservation Bureau and David Hogge, SWQB/Evaluation and Planning Section regarding the Gila Reach and San Francisco Reach banks. Mr. Hutchinson related his description of the lack of vegetation growth, which resulted from a 200 year flood event. Years of studies of these reaches have been conducted and Mr. Hutchinson asked why recognition of causes for vegetation removal have not been included. Mr. Hogge explained, that when monitoring is done out in the field, identification of the sources and the causes will be reassessed. The NMED Silver City office will conduct the investigation. (Tape 1 Side 2 Count 314)

Further discussion between Howard Hutchinson, and David Hogge, regarded Forest Management and identification of the issue of high level of tree density in the Gila area, and high levels of drainage in the San Francisco River, these listings have become perpetual, and have not been reassessed and re-evaluated. SWQB is handling this process and changes will be made, presented to the Commission, and the public with more updated accurate sources. (Tape 1 Side 2 Count 407)

There was a discussion between Andrew Sandoval, and David Hogge, regarding the correspondence with Fish & Wildlife Service, and the rationale for removal of stream bottom deposits for the section of Rio Grande.

A letter was sent to Jim Brooks with Fish & Wildlife, specifically referring to the Pecos River and the middle and lower Rio Grande. Recognizing they are not intermittent streams, Mr. Brooks was asked specifically about the impacts of siltation on fisheries in both water bodies. Mr. Brooks corresponded explaining that fisheries in that part have adapted to silt-laden water. Propagation of the species was not predicated on the amount of sediment in the water, but basically it was predicated on the flow of the river, which is regulated by the Bureau of Reclamation in those rivers. (Tape 2 Side 1 Count 077)

A discussion took place between Chairperson Kelley, WQCC and Howard Hutchinson, Soil & Water Conservation regarding the lower stretches of the woodland and grassland areas. Density in the Juniper and Pinon stands is high due to fire suppression, resulting in reduced surface regrowth on grassland and large amounts of sheet erosion from the Juniper and Pinon stands. The Gila River and Mangas Creek grasslands areas are invaded by shrubbery. Soil & Water Conservation has a major role in these issues, certain species and habitat, and the inability to do treatment which is necessary to restore the habitat. (Tape 2 Side 1 Count 151)

Ernie Atencio, Project Director for Amigos Bravos related concerns on the TMDL process.

In particular, given the tremendous amount of highly technical information, he feels that 30 days is not nearly enough time for the public to review and comment on the proposed 1998-2000 303(d) List. In addition, it is felt that the amount of technical information is highly complicated to read and suggests making it "user friendly" in the future. Finally, he suggests these reaches not be removed based on changes using limited data and sampling information, which ignores the requirement that includes margin of safety and consideration for the worst case environmental circumstances. Greg Ridgley, Counsel for New Mexico Environment Department, responded to Mr. Atencio's comments. Mr. Ridgley first explained the procedural requirements set out in the Clean Water Act and EPA's regulations under the Act for the development of the 303(d) list. He explained that neither the Act nor the EPA regulations require a state to conduct hearings when it adopts or revises its 303(d) list. He pointed out that, in contrast, the EPA regulations governing a state's revision of its water quality standards expressly require the state to conduct a public hearing. He explained that NMED followed the EPA regulations governing public participation when it developed the most recent 303 (d) list. Those regulations require a 30-day public notice period for decisions for which public hearings are not required. Mr. Ridgley also pointed out that in the past, the Environment Department's Surface Water Quality Bureau adopted the 303(d) list without any involvement on the part of the WQCC. He explained that by bringing the 303(d) list before the WQCC, NMED was providing the public more opportunities for input than has been provided in the past. (Tape 2 Side 1 Count 225)

Ricardo Rel, NM Department of Agriculture asked Erik Galloway, NMED/SWQB about funding sources for the 305(b) Report. Mr. Galloway indicated 95% of funding comes through Federal funding, and some from the Legislature, and when available, various grants administered by the Bureau. (Tape 2 Side 1 Count 277)

James Davis, SWQ Bureau Chief expressed his appreciation on comments made specifically to limited data sets, this increases the ability to make informed judgements when looking at limited or old data. In order to make reasonable recommendations, accurate and precise data are necessary. The Bureau recognizes this and this is why there is a proposed monitoring schedule. (Tape 2 Side 1 Count 298)

Andrew Sandoval, Department of Game & Fish asked James Davis, SWQ Bureau Chief about many of the 303-(d) List recommendations being based on "draft guidelines". What is the time frame for guidelines to be finalized, is it the intent to bring the guidelines before the Commission for approval? Mr. Davis explained this is to show the process that the SWQB follows. The review is requested in an effort to make it a better document, and not to seek approval of the document. (Tape 2 Side 1 Count 378)

Howard Hutchinson was concerned whether monitoring effects in the future will have the same level or intensity of monitoring that is now being utilized for the TMDL reaches.

J. Davis responded that he attended a meeting held in Dallas, specifically discussed in the meeting was "The Clean Water Action Plan". The monitoring strategy that is being proposed is a five year cycle, and is on a watershed basis, rather than a particular reach targeted basis. Initial steps are being taken to ensure all data collected during these monitoring efforts will be usable, in terms of characterizing the functioning on a basin by basin approach, and of determining whether there is a need to promulgate TMDL's. The Consent Decree remains in effect, reaches identified in the Consent Decree and on the 303(d) List will be targeted over the time frame, so the Consent Decree documentation can not and will not be jeopardized. (Tape 2 Side 2 Count 044)

There was a discussion between Chairman Kelley for WQCC, James Davis, SWQ Bureau Chief, and Erik Galloway, SWQB on the voluntary groups established on watersheds for monitoring rivers and streams. Mr. Galloway explained, in 1995, the Bureau received a watershed grant from EPA. Six monitoring kits were received altogether. Solicitation notices were sent out to watershed groups throughout the State asking for participation in a volunteer monitoring program.

Thomas Turney moved to adopt the added the 303(d) list after adding the San Juan River from Chaco river to the Animas river back to the list. (Tape 2 Side 2 Count 307)

There are 22 listings recommended by NMED to be added to the Draft 1998-2000 §303(d) List with additions and changes presented on April 14, 1998. Paul Gutierrez moved to adopt the additions and corrections to the recommended Draft 1998-2000(d) List. Lynn Brandvold seconded the motion. The motion passed unanimously.

D. Hogge recommended removing the San Juan River from the Chaco River to the Animas River on the 303(d) List. Thomas Turney encouraged consideration of leaving the San Juan River reach on the §303(d) List for Assessed Stream and River Reaches Draft. Thomas Turney moved to leave the San Juan River from the Chaco River to the Animas River on the §303(d) List. David Johnson seconded the motion. The motion passed unanimously.

Howard Hutchinson moved to remove Reach 16-San Juan River, Reach 167-Chaco Canyon, Reach-168 Zuni River, Hanover Creek the §303 (d) List. Ricardo Rel seconded the motion. The motion passed, Andrew Sandoval abstained from the motion.

David Johnson moved to add the table of lakes to the §303(d) List. Bill Olson seconded the motion. The motion passed, Andrew Sandoval abstained from the motion.

Chairperson Kelley asked when the lower Rio Grande is scheduled for a TMDL assessment, and D. Hogge explained the lower Rio Grande is scheduled for the year 1999-2000.

David Johnson moved to remove aluminum metals as a cause of non-support of the middle Rio Grande. Paul Gutierrez seconded the motion. The motion passed, Andrew Sandoval abstained. (Tape 3 Side 1 Count 258)

The WQCC adopted the recommended §303(d) List on April 14, 1998. D. Johnson thanked staff for their efforts and hard work in preparing the §303 List. (Tape 3 Side 1 Count 262)

Chairperson Kelley adjourned for lunch at 12:00 noon.

The meeting came back into session at 1:45 p.m.

Thomas Turney suggested inserting a half page explanation in front of the §303(d) List to help the outside reader. (Tape 3 Side 1 Count 284)

Item 4 - 305 (b) 1996 Narrative Discussion and Adoption.

Erik Galloway, along with Gary King, SWQB, thanked and expressed their gratitude to the agencies involved with the development of the 305(b) report. (Tape 3 Side 1 Count 299)

The Commissioners suggested going through and making editorial and typographical corrections to §305(b) ten pages at a time, and asked E. Galloway to compile all changes for the final §305(b) report. (Tape 3 Side 1 Count 323). Listed pages with the line of corrections to the 305(b) report:

VOLUME I

Lowercase Roman - iii, line 4, change to - Ed Kelley.

Lowercase Roman - iii, line 6, change to - Office of State Engineer.

Lowercase Roman - iii, line 13, delete "& Recreation", add "s" to "Park".

Lowercase Roman - iii, line 17, change to Ricardo Chavez Rel.

Lowercase Roman - iii, line 21, change to - Dusty Hunt.

Lowercase Roman - iii, line 28, change to - Irene Juliana Lee.

Lowercase Roman - xxii, new line after line 16 - "OSE Office of State Engineer".

Page 4, line 18, change to - 90%. Line 21, change to - 81%. Line 22, change to - used for all purposes.

Page 4, line 32, add "Reported" before "Causes". Line 33, replace "Major causes" with "These often".

Page 8, line 13, A. Sandoval (GFD) will verify & cite value amount annually generated. Line 34, change to - "to".
Line 37, change to - assessment.

Page 10, line 6 add "federal" before "legislative". Line 25 add "federal" after "proposed".

Page 12, line 9 delete "EPA, USGS and other". Line 10 add "and state" after "federal". Line 10 add "including universities and other publicly - funded institutes to foster and" after "agencies". Line 10 delete "to".

Page 13, lines 26-29 delete "The Federal Clean...States".

Page 15, lines 18-20 replace "Prevention of pollution...effort" with "The primary focus of federal ground water pollution prevention efforts should be to support state pollution control programs and initiatives."

Page 17, line 27 replace "a uniform" with "the " and "regardless of " with "in addition to". Line 28 delete "Enforcement efforts should be based". Line 29 "upon" with "including".

Page 19, line 36 add "The CWA also provides that EPA shall provide a "...mechanism for the resolution of any unreasonable consequences that may arise as a result of differing water quality standards that may be set by States and Indian Tribes located on common bodies of water. The Act provides that relevant factors include the effects of differing water quality permit requirements on upstream and downstream dischargers and economic impacts." after "...unattainable". Line 41 add "and technically achievable" after "...defensible".

Add new page: "EPA is requested to, as provided by the CWA, establish an effective resolution mechanism for the conflict that arises when Indian Tribe water quality standards are materially different from the State of New Mexico's standards, are unattainable, and if enforced would present unreasonable consequences to dischargers. This is particularly needed for standards that are not scientifically defensible and technically achievable."

Page 27, line 38 change "Wyoming" to Nebraska".

Page 28, update Figure 3.

Page 35, line 19 change "7" to "6".

Page 37, lines 33-45 omit.

Page 38, lines 1-29 omit. Figure 4. Omit.

Page 39, line 1-11 omit.

Page 50, line 19 add "normal levels of oxygen in" before "ground", replace "deficient in oxygen" with "lower".

Page 51, line 13 omit "carbonate". Line 14 omit "by the". Line 15 omit "agricultural industry". Line 19 replace "these" with "such".

Page 52, line 39 replace "are now" with "were".

Page 53, line 21 through 48, omit.

Page 57-72: All maps should reflect the Arkansas - White- Red Rivers Basin nomenclature.

Page 74, line 30 replace "this" with "irrigated".

Page 83, H. Hutchinson requested fire suppression measures, forest management practices issues addressed in 1998 305(b) edition inserted possibly under "Surface Water Quality concerns in the lower Colorado River Basin "section and elsewhere.

Page 84, H. Hutchinson requests expanding by example the narrative concerning Lines 36-37 "the historical degradation of the riparian community" in the 1998 edition of the 305(b).

Page 105, line 28 insert "increasing pH" between "dams " and "and".

Page 106, rewrite lines 40-54 in 1998 edition.

Page 125, line 47 omit "acequia".

General comment for '98 edition: include discussion on water quality condition of interstate flow from CO. & AZ. in appropriate basin narratives to reflect historical trends concerning metals and other causes.

General comment for '98 edition: agricultural citations are continually cast in a negative light with "traditional" or "historical" references to "practice" which may or may not be accurate or relevant. Such verbiage should be scrutinized for accuracy and either reworked or omitted.

Page 136, line 4 replace "Total Dissolved Solids" with "Oil Field Production". Line 11 omit "methane's".

Page 163, line 45 omit "traditional".

Page 170, line 13 add "boundaries" after "forests".

Page 191, line 3 change "eighty-eight percent (88%)" to "ninety percent (90%)". Line 5 change "seventy-eight percent (78%)" to "eighty-one percent (81%)". Line 37-41 copy & insert in appropriate section of Executive Summary section.

Page 192, line 1-8 copy & insert in appropriate section of Executive Summary section. line 9 copy & insert "sets the standard" in appropriate section of part 1.

Lines 17-18 copy & insert in appropriate section of Executive Summary section. Line 23 copy and insert "like radon"... Lines 24-25 copy & insert into part -1 Executive Summary.

Page 193, figure 78 correlate values with values on page 195, figure 80.

Page 197, see State Engineer for total # of wells value to insert into 1998 edition. Lines 3,8 & 9: cross compare and justify values with figures 78-80. Copy and insert any changes in Executive Summary narrative, page 4.

Page 199, line 39 add "contrast, in" before "New". Lines 41-50 scrutinize narrative for clarity & truthfulness.

Page 200, line 31 omit text after "The". Lines 32-33 omit. Line 43 replace "recent" with "prior". Line 45 omit "and".

Page 211, line 36 add new narrative after "WQCC" which details public access & participation to WQCC process with references to sections which follow concerning framework changes.

Page 213, line 40 add "or OCD" after "NMED".

Page 217, lines 13-20 restore & move to NPDES section of ch. 6.

VOLUME II

Page 231, line 41 add in a comma after 1994.

Page 238, line 26 fix typo.

Page 257, lines 33-34 replace "Agricultural Stabilization and Conservation Service" with "Farm Service Agency". Search & change all such former citations to ASCS.

Page 260, line 49 add "NMSP" after "USFS".

Page 261, line 8 repair typos.

Page 286, line 21 replace "will" with "may".

General comment: H. Hutchinson wants to see update in 1998 edition to reflect new efforts/thinking (ex: forest growth/management/fire suppression).

Page 302, line 31 & 32, add in quotations before New on line 31, and after streams, line 32. Line 44, add in - they.

Page 305, line 25-37 rewrite for clarity & content.

Page 307, line 40 add in a comma after 1995. Line 47, add in a comma after 1991.

Page 308, line 23 add "and OCD" after "NMED".

Page 310, line 18 spell out NOV to - Notice of Violations.

Page 314, line 25 add in a comma after burn.

Page 316, line 25 fix typo.

Page 323, line 16 capitalize - city. Line 17 add "d" to "include".

Page 326, line 19, add in a "d" to - Included.

Page 327, line 9 for 1998 edition: replace "Regulatory Order Number 5" with "21 NMAC 17.50". Line 17 add "generic" before "pesticides". Line 20 omit text after "The...". Lines 21-22 omit.

Page 331, line 9, add in a comma after 1987.

Page 362, line 50, strike "he", add in - they. Line 51, strike "his", add in - their.

Page 366, line 46, add in a comma after 1996.

Page 370, line 6 add "Soil & Water Conservation Districts, State Land Office, State Parks Division" before "Bureau".

Page 375, line 37 change "State Engineer Office" to "Office of the State Engineer". Line 38 add "Soil & Water Conservation Districts, State Land Office, State Parks Division" after "USGS".

Page 392, line 23, space between - five million. (Tape 6 Side 2 Count 032)

Page 19, insert after line 39, The Clean Water Act also provides that EPA shall provide a "mechanism for the resolution of any unreasonable consequences that may arise as a result of differing water quality standards that may be set by States and Indian Tribes located on common bodies of water." The Act provides that relevant factors include the effects of differing water quality permit requirements on upstream and downstream dischargers and economic impacts.

Add after "defensible" on line 41 "and technically achievable."

Insert after line 44, EPA is requested to, as provided by the Act, establish an effective resolution mechanism for Indian Tribe water quality standards that are materially different from the State of New Mexico's standards, are unattainable, and if enforced would present unreasonable consequences to dischargers. This is particularly needed for standards that are not scientifically defensible or technically achievable.

Lynn Brandvold moved to except the wording on line 39 and 44. Howard Hutchinson seconded the motion. The motion passed unanimously.

Bill Olson moved to adopt the 305(b) report. Lynn Brandvold seconded the motion. The motion was passed unanimously. (Tape 6 Side 2 Count 034)

Item 5 - Other Business

Lynn Brandvold, Bureau of Mines & Mineral Resources asked Chairman Kelley about the Nick Van Tol hearing and scheduled hearing dates. Chairperson Kelley requested the hearing officer report back to the Commission regarding the hearing dates. (Tape 6 Side 2 Count 046)

Erik Galloway, and James Davis, provided notebooks to the Commission containing The Clean Water Act, the NM Water Quality Act and WQCC regulations. Other materials received consisted of the Second Public draft of proposed changes regarding Water Quality Standards-Triennial Review Process, and a Reason Document which specifies the changes and proposed changes.

The Second Public Discussion Draft will be distributed to the public, and extensive mailing list and other interested parties. (Tape 6 Side 2 Count 113)

James Davis, SWQ Bureau Chief discussed a meeting he attended in Dallas last month. The States with respect to the USEPA expressed concerns. There was recognition that this was being politically driven from the East Coast, also from the Mid-West swine production facilities. J. Davis pointed out that Region VI of EPA, particularly in New Mexico, concerns are not as they are perceived in comparison to other parts of the Country. Consideration for Federal agency should recognize Regional and State by State differences, including other concerns with work and monies.

Follows up meetings are scheduled in May for EPA, Forest Service Management at a subcommittee level. (Tape 6 Side 2 count 268)

Item 6 - Next Meeting

Next meeting schedule for Tuesday, May 12, 1998.

Howard Hutchinson moved to adjourn the meeting. Ricardo Rel seconded the motion. The motion passed unanimously.

Meeting adjourned at 5:25 p.m.

Peter Maggiore 12/15/98
Chairperson