



STATE OF NEW MEXICO
 WATER QUALITY CONTROL COMMISSION
 1190 St. Francis Drive
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 Santa Fe, New Mexico 87502
 (505) 827-2842

CONSTITUENT AGENCIES:

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



Minutes of the
 New Mexico Water Quality Control Commission Meeting
 May 13, 1997

The New Mexico Water Quality Control Commission (WQCC) held its meeting on May 13, 1997, at 9:00 a.m. at the State Capitol Building, Paseo de Peralta and Old Santa Fe Trail, Santa Fe, New Mexico. The following members were present.

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|--------------------|--------------------------------------|
| Mark Weidler | NMED |
| Tom Turney | State Engineer Office |
| Bill Olson | Oil Conservation Division |
| David Johnson | Park & Recreation Division |
| James Davis | Department of Agriculture |
| Andrew Sandoval | Department of Game & Fish |
| Howard Hutchinson | Soil & Water Conservation Commission |
| Lynn Brandvold | Bureau of Mines & Mineral Resources |
| Paul Gutierrez | Member-at-Large |
| Robert E. Castillo | Member-at-Large |
| Alberto Gutierrez | Member-at-Large |

Others

- | | |
|-----------------|-------------------------------|
| Gloria Miller | WQCC Administrative Secretary |
| Patrick Simpson | WQCC Legal Counsel - AGO |
| NW Tobey | Town of Bernalillo |
| Rex Salvador | Pueblo of Acoma |
| R.E. Carter | Village of Corrales |
| Mike Hatush | Land Office |
| Bruce S. Garber | Garber and Hallmark, P.C. |
| Hayt Pattison | |
| Bill Davis | Sundance Farms |

Alex Puglisi	Water Quality Association
Caren Cowar	NM Wool Growers
Erik Galloway	NMED
Steve Pierce	NMED
Nicholas Persampieri	NMED

Item 1: Roll Call. (Tape 1 - Side 1 - 4)

The Commissioners introduced themselves and stated who they represent.

Item 2: Approval of the Agenda (Tape 1 - Side 1 - 23)

P. Gutierrez moved to accept the agenda. R. Castillo seconded the motion. Motion passed unanimously.

Item 3: Review of the proposed minutes of April 8, 1997. (Tape 1 - Side 1 - 27)

After review and discussion, P. Gutierrez moved to approve the minutes as amended. R. Castillo seconded the motion. The motion passed unanimously.

Item 4: Review and Consideration of Sundance Dairy Findings and Conclusions, Including Possible Decision on Merits on the Appeal. (Tape 1 - Side 1 - 71)

After a lengthy review and discussion of the appeal, T. Turney moved to have the permitting action of the Environment Department regarding this application for a discharge plan be modified to read as follows:

1. Applicant shall line his existing wastewater lagoons with an impermeable liner, of Applicant's choosing, to achieve a permeability standard of 1×10^{-10} cm/sec consistent with New Mexico WQCC regulations and install a reasonable leakage detection system, approved by the Environment Department, consistent with, including but not limited to NMWQCC Regulation 3107 and 3109 and such others as are determined to be applicable within 60 days; or,
2. Applicant shall install a leakage detection system, within 60 days, consistent with NMWQCC Regulation 3107, and if said system establishes that there is effluent emanating from the wastewater lagoon(s) which are the subject of this Application, that Applicant immediately implement the lining system referenced in #1 hereinabove AND submit forthwith to the Environment Department a plan for remediation of the groundwater impacted by said effluent pursuant to NMWQCC Regulations, Subpart 4 and such other Statutes or Regulations as are determined to be applicable.

P. Gutierrez seconded the motion.

P. Gutierrez moved to modify the motion, then withdrew his motion.

B. Olson moved to modify the motion as follows: insert on #2, line 3, after the 3rd word effluent: which has a reasonable probability of causing an accedence of a WQCC Standard or Regulation.

R. Castillo seconded the motion. The motion passed unanimously.

T. Turney moved to amend the motion as follows: insert on #2, line 1, after the word system: approved by the Environment Department.

B. Olson seconded the motion. The motion passed unanimously.

R. Castillo moved to amend the motion on #2, line 5, delete the remaining paragraph after the word AND.

A. Gutierrez seconded the motion. The motion passed unanimously.

The motion made by T. Turney seconded by P. Gutierrez passed with the proposed amendments as follows:

1. Applicant shall line his existing wastewater lagoons with an impermeable liner, of Applicant's choosing, to achieve a permeability standard of 1×10^{-6} cm/sec consistent with New Mexico WQCC regulations and install a reasonable leakage detection system, approved by the Environment Department, consistent with, including but not limited to NMWQCC Regulation 3107 and 3109 and such others as are determined to be applicable; within 60 days; or,
2. Applicant shall install a leakage detection system, approved by the Environment Department within 60 days, consistent with NMWQCC Regulation 3107, and if said system establishes that there is effluent which has a reasonable probability of causing an accedence of a WQCC Standard or Regulation emanating from the wastewater lagoon(s) which are the subject of this Application, that Applicant immediately implement the lining system referenced in #1 herinabove.

The motion passed unanimously on a roll call vote:

Mark Weidler	YES
Tom Turney	YES
Bill Olson	YES
David Johnson	YES
Wayne Cunningham	YES
Andrew Sandoval	YES
Howard Hutchinson	YES
Charles Chapin	YES
Paul Gutierrez	YES

Robert E. Castillo YES
Alberto Gutierrez YES

P. Simpson will have a draft Findings of Fact and Conclusions of Law by the end of next week.

N. Persampieri would like to see the stipulation regarding the contingency plan modified to be consistent with the language regarding leak detection adopted today.

R. Castillo moved to adopt the stipulation regarding the contingency plan changes to the permit.
L. Brandvold seconded. The motion passed unanimously.

Item 5: Next Meeting. (Tape 2 - Side 1 - 450)

The next meeting will be held on June 10, 1997 in Santa Fe.

Item 6: Other Business (Tape 2 - Side 1 - 350)

Erik Galloway, SWQB informed the commission that the consent decree in Forest Guardians and Southwest Environmental Center vs. Carol Browner has been settled and is in the process of being filed in court. Mr. Galloway described the consent decree and settlement agreement to the commission and handed them a copy of the proposed time line and the schedule for TMDL development.

Steve Pierce advised the Commission that the Triennial Review will be up for hearing in the summer or late fall.

The meeting adjourned at 11:30 a.m.

 11/15/97
Chairperson