



**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION
1190 St. Francis Drive
P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2842**

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
July 23, 1998**

The New Mexico Water Quality Control Commission (WQCC) meeting was held on July 23, 1998, at 9:00 A.M. in the State Capitol Building, Room 321, Old Santa Fe Trail and Paseo de Peralta. The following members were present:

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

<u>Absent</u>	
Paul Gutierrez	Member-at-Large

<u>Others Present</u>	
Pamela W. Farnham	Acting WQCC Secretary
Tannis Fox	WQCC Legal Counsel/AGO
James Davis	NMED/SWQB
Steven Pierce	NMED/SWQB
Patrick Hanson	NMED/SWQB
David Hogge	NMED/SWQB
Maxine Goad	NMED/SWQB
Willie Lane	NMED/EPA/SWQB
Mary Leavitt	NMED/GWPRB
Weldon Merritt	NMED
Ray Espinoza	Utility Operators Certification Advisory Board
Charlie Barnett	Johnson Control/LANL
Charles Nylander	LANL
Robyn W. Tierney	NM State Land Office
Paul Pizzoli	Los Alamos County Utilities
Ned Kendrick	Montgomery & Andrews

Sterling Grogan
Mary Alice Martinez

Middle Rio Grande Conservancy District
NM Concerned Property Owner

Chairman Ed Kelley called the meeting to order at 9:08 A.M.

Item 1: Roll Call. (Tape 1 - Side 1 - 8)

The Acting WQCC Secretary, Pamela Farnham took roll call.

Item 2: Approval of the Agenda. (Tape 1 - Side 1 - 14)

There was a request to add an item on the passing of Mark Weidler, Environment Department Cabinet Secretary. This item will be added as Item 3. All other agenda items will be renumbered accordingly. H. Hutchinson asked that a litigation matter be added to the Agenda. The Chairman and he concluded that it could be handled under Item 10, Other Business. B. Olson made a motion to approve the agenda with the changes. D. Johnson seconded the motion. The motion was unanimously approved as amended.

Item 3: Passing of Mark Weidler, Environment Department Cabinet Secretary. (Tape 1 - Side 1 - 24)

Ed Kelley expressed his appreciation in having known Mark Weidler and, on behalf of the Environment Department, asked that we take a few minutes in remembering him. Tom Turney and Bill Brancard expressed their condolences.

Item 4: Review of the Proposed Minutes of April 14, 1998, and May 12, 1998. (Tape 1 - Side 1 - 146)

After review and discussion of the April 14, 1998, minutes, B. Olson made a motion to table the continuance of revisions to the minutes until the September meeting. R. Rel seconded the motion. The motion was unanimously approved as amended through Item 5, Count 354.

After review and discussion of the May 12, 1998, minutes, D. Johnson made a motion to table the continuance of revisions to the minutes until the September meeting. A. Sandoval seconded the motion. The motion was unanimously approved as amended through Item 2, Paragraph 3, Page 5. (Commissioners Brandvold and Rel's changes were made as given to the Acting Secretary.)

Item 5: Review of the Proposed Minutes of June 9, 1998. (Tape 1 - Side 1 - 398)

After review and discussion of the June 9, 1998, minutes, L. Brandvold made a motion to approve the minutes as amended. I. Lee seconded the motion. D. Johnson abstained. The motion was passed.

Item 6: Appointment of Hearing Officer for Triennial Review. (Tape 1 - Side 1 - 410)

Chairman Kelley introduced Weldon Merritt, NMED Hearing Officer. Background discussion was provided through questions to and answers from Mr. Merritt.

L. Brandvold made a motion to appoint Mr. Merritt as the Hearing Officer for the Triennial Review which begins on September 21, 1998. T. Turney

seconded the motion. The motion passed unanimously.

Item 7: Adoption of the "Open Meetings Resolution". (Tape 1 - Side 2 - 26)

Chairman Kelley introduced Tannis Fox, WQCC Attorney, who presented an overview of the resolution. After discussion, B. Olson made a motion to adopt the Open Meetings Resolution as amended. D. Johnson seconded the motion. The motion passed unanimously.

Item 8: Appointment of Members to the Utility Operators Certification Advisory Board. (Tape 1 - Side 2 - 88)

Chairman Kelley introduced Patrick Hanson, NMED/SWQB, and Executive Secretary for the Utility Operators Certification Advisory Board. Mr. Hanson introduced Advisory Board members Ray Espinoza from the City of Gallup, and Charles Barnett, from Johnson Controls in Los Alamos. These members sat with the Commissioners for this agenda item only, as specified under the statute of the Utility Operators Certification Act.

The Advisory Board recommended Martin Lopez and Cheryl James to be appointed as candidates for regular Board membership with an expiration of 6/30/01. Robert George and Leo Wilson were recommended as alternates with the same expiration date as regular Board members.

T. Turney made a motion to appoint Martin Lopez and Cheryl James as regular Advisory Board members, and Robert George and Leo Wilson as alternates. L. Brandvold seconded the motion. The motion passed unanimously.

Item 9: Proposed Amendments to the New Mexico Continuing Planning Process (CPP) Discussion and Adoption. (Tape 1 - Side 2 - 180)

Maxine Goad gave a presentation providing corrections and amendments to the New Mexico Continuing Planning Process, assuring that all public and agency comments on the January and May drafts had been considered in preparing the July draft now before the Commission.

After review and discussion, H. Hutchinson made a motion to include language from Amigos Bravos and add to Paragraph 1 on Page 9. A. Sandoval seconded the motion. After discussion, this motion was withdrawn.

A. Gutierrez made a motion stating that the Commission may periodically request a demonstration from a designated management agency that it is effectually addressing the water quality concern for which it was designated. H. Hutchinson seconded the motion.

T. Fox made the point that the motion raised some legal issues. She also mentioned that the CPP could be amended at any time. The motion was withdrawn provided the issue was put on September's agenda.

B. Olson made a motion to adopt the New Mexico Continuing Planning Process with the proposed amendments. A. Gutierrez seconded the motion. The motion passed unanimously.

Item 10: Pueblo Los Cerros Request to Extend Appeal Deadline of DP-131. (Tape 3 - Side 1 - 104)

T. Fox informed the Commission that the Pueblo Los Cerros Unit Owners' Association requested an extension of the appeal deadline for Discharge Plan Renewal, DP-131, Pueblo Los Cerros. The appeal was not filed within 30 days after receipt.

Ms. Fox stated that the Statute doesn't appear to give the Commission discretion to extend the appeal time and that the 30 days is mandatory. She said the Association would like to negotiate informally with NMED without a hearing.

A. Gutierrez made a motion to ask NMED to make an earnest effort to reach a reasonable conclusion of DP-131 Renewal with Pueblo Los Cerros Unit Owners' Association and that they report to the Commission at the September meeting as to their progress. R. Rel seconded the motion. The motion passed unanimously.

Item 11: Other Business. (Tape 3 - Side 1 - 176)

H. Hutchinson discussed the NPS 401 permit suit being heard in Federal Court in Tucson, Arizona, regarding permitting of livestock grazing on federal land. He presented an analysis that has taken place in Oregon and stated that New Mexico should also have representation in cases such as these in the future.

Another item under Other Business stated by J. Davis was the formal approval of the Review and Acceptance of the 1998 303(D) list.

Item 12: Next Meeting. (Tape 3 - Side 1 - 289)

The next regular meeting will be held on September 8.

D. Johnson made a motion to adjourn. A. Gutierrez seconded the motion. The motion passed unanimously. The meeting adjourned at 12:08 p.m.


Ed Kelley, Chairperson