STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION
1190 St. Francis Drive, Room N2150
Post Office Box 26110
Santa Fe, New Mexico 87502

Constituent Agencies
Environment Department
Office of State Engineer
Game and Fish Department
Oil Conservation Division
Department of Agriculture
Department of Health
State Parks Division
Soil and Water Conservation Commission
Bureau of Geology and Mineral Resources
Municipal/County Representative
Members-at-Large

New Mexico Water Quality Control Commission Meeting
June 9, 2009
9:00 a.m.
New Mexico State Capitol Building, Rm. 317
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501

MEMBERS PRESENT:

Jon Goldstein, NMED/Deputy Secretary
Cheryl Bada, State Parks Division
Larry Dominguez, Department of Agriculture
Howard Hutchinson, Soil and Water Conservation Commission
Brad Jones, Oil Conservation Division
Steve Glass, County of Bernalillo, Municipal/County Representative
Doug Bland, Bureau of Geology and Mineral Resources
Mike Sloane, Department of Game & Fish
Joseph Chavarria, Member-at-Large
Maxine Goad, Member-at-Large
Edward Vigil, Member-at-Large

MEMBERS ABSENT:

Greg Lewis, Office of the State Engineer

OTHERS PRESENT:

Glenn Saums, NMED/SWQB
Dennis Romero, Esq.
Sara Edelman
Bill Olson, NMED/GWB
Scott Fields, Taos Pueblo

Abraham Franklin, NMED/SWQB
Rick Edelman
Gene Turner, DOE
Jeff Ogburn, Taos Pueblo
Jay Lazarus, Galisteo Geoscience
The meeting was called to order by Mr. Goldstein at 9:05 a.m.

**Item 1. Roll Call:**

The Commission administrator took roll and noted a quorum was present.

**Item 2. Approval of Agenda**

Mr. Goldstein noted that there had been changes made in today’s agenda, Item 5, Petition by Chevron Mining, Inc. for amendments to 70.6.4.900 NMAC and Item 7, the appeal by Sebastiao Faria of Permit Conditions in re: DP 923, were removed from the agenda.

**Action:** Mr. Glass moved Commission approval of the agenda as amended. Mr. Hutchinson seconded. The motion passed unanimously.

The Chair welcomed Doug Bland who has been appointed to replace Ms. Johnson as the representative from the Bureau of Geology and Minerals Resources.

**Item 3. Approval of meeting minutes of May 12, 2009.**

**Action:** Mr. Glass moved Commission approval the minutes. Mr. Hutchinson seconded. The motion passed unanimously.

**Item 4. Update on Nonpoint Source Management Program planning document. Abraham Franklin, NMED/SWQB.**

Mr. Franklin explained that the date of presentation of the proposed planning document for Commission approval was being revised to take place at the Commission’s July meeting. He also noted that the public comment period with respect to that planning document had been extended through Friday, May 15, 2009.

There was discussion between Mr. Franklin and Commission members regarding the proposed planning document he had presented to the members.

**Item 6. Continuation of Appeal Petition for Record Review and possible Commission decision in re: WQCC 07-11 (A) Groundwater Discharge Permit No. 1498, Alta Vista Subdivision, Taos County. Dennis Romero, Esq., for Appellant/ Applicant Alta Vista; Tannis Fox, NMED/OGC; Michael Freebourn, Carol Richman, Sheila Shepard and Link Summers, pro se Intervenors.**

The Commission agreed to go into executive session to deliberate this matter.
Action: Mr. Sloane moved that the Commission go into executive session. Ms. Bada seconded.

Roll Call Vote:

Mr. Chavarria    yes
Ms. Vigil       yes
Mr. Glass       yes
Ms. Bada        yes
Ms. Goad        yes
Mr. Dominguez   yes
Mr. Sloane      yes
Mr. Bland       abstain
Mr. Jones       yes
Mr. Hutchinson  yes
Mr. Goldstein   yes

The motion passed

The Commission went into executive session at 9:15 a.m.

The Commission returned to the public meeting at 9:50 a.m.

Action: Ms. Bada moved that the Commission return to open session. Mr. Sloane seconded.

Roll Call Vote:

Mr. Dominguez   yes
Mr. Glass       yes
Ms. Bada        yes
Mr. Jones       yes
Mr. Vigil       yes
Mr. Sloane      yes
Mr. Hutchinson  yes
Mr. Bland       abstain
Ms. Goad        yes
Mr. Chavarria   yes
Mr. Goldstein   yes

The motion passed

Mr. Shandler asked the Chair to acknowledge that only those matters relating to the Appeal Petition in WQCC 07-11 (A) were discussed during the executive session. Mr. Goldstein confirmed that only those matters were discussed. Mr. Shandler additionally noted that Commissioners Sloane, Vigil and Chavarria acknowledged that they had thoroughly familiarized themselves with the record in this matter and were eligible and qualified to vote.

Action: Mr. Sloane moved that the Commission grant Groundwater Discharge
Permit No. 1498 in WQCC 07-11 (A) with conditions, including advance treatment and also a finding of fact that there was a failure to fully disclose all relevant facts. Mr. Chavarria seconded.

Roll Call Vote:

Mr. Jones no
Ms. Bada no
Mr. Glass yes
Ms. Dominguez yes
Mr. Sloane yes
Mr. Hutchinson no
Ms. Goad yes
Mr. Vigil yes
Mr. Bland abstained
Mr. Chavarria yes
Mr. Goldstein yes

The motion passed.

There was a brief discussion clarifying the Commission’s decision.

Item 7. Next public meeting: July 14, 2009, 9:00 a.m. State Capitol Building Room 317, 490 Old Santa Fe Trail, Santa Fe.

Item 8. Other business

None.

Item 9. Adjournment

Action: The Chair adjourned the meeting at 10:10 a.m.

Jon Goldstein, Acting Chair