



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

1190 St. Francis Drive, Room N2150

Post Office Box 26110

Santa Fe, New Mexico 87502

Telephone (505) 827-2425 Fax (505) 827-0310

Constituent Agencies

Environment Department
Office of State Engineer
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

Approved 7-8-03

**Minutes of the
New Mexico Water Quality
Control Commission Meeting
June 10, 2003**

The New Mexico Water Quality Control Commission (WQCC) meeting was held on June 10, 2003, at the New Mexico State Capitol Building, Room 317 in Santa Fe, New Mexico.

MEMBERS PRESENT:

Ron Curry	Chair, New Mexico Environment Department
Doug Murray	Office of State Engineer
David Johnson	State Parks Division
Steve Glass	City of Albuquerque - Municipal/County Representative
Lynn Brandvold	Bureau of Geology and Mineral Resources
Maxine Goad	Member-at-Large
Edward Vigil	Member-at-Large
Mike Sloane	Department of Game and Fish
Bill Olson	Oil Conservation Division
Howard Hutchinson	Soil and Water Conservation Commission

MEMBERS ABSENT:

Julie Maitland	Department of Agriculture
----------------	---------------------------

OTHERS PRESENT:

Zack Schandler, WQCC Counsel	Tracy Hughes
Felicia Orth	

Chair Ron Curry called the meeting of the WQCC to order at 9:10 a.m.

Item #1: Roll Call

Felicia Orth took roll and noted a quorum was present.

Item #2: Approval of the Agenda

Chair Curry suggested switching items #3 & #4.

ACTION: Commissioner Olson moved to approve the agenda as amended. Commissioner Hutchinson seconded. Motion carried unanimously.

Item #4: Hearing Request for a Notice of Deficiency for a Stage 1 Abatement Plan for Sun Valley Dairy. (WQCC 03-08A)

Mr. Paul Halajian informed the Commission that the above petition must be set no later than August 7, 2003.

Mr. Zach Shandler, WQCC Counsel, informed the Commission that no one from Sun Valley was present at this time and noted that he will be seeking a waiver of the rule that the hearing must be held within 90 days.

ACTION: Commissioner Sloane moved to set a hearing for the August WQCC Meeting. Commissioner Johnson seconded. Motion carried unanimously.

Chairman Curry turned the meeting over to Hearing Officer Ms. Tracy Hughes.

Item #3: Deliberation and possible decision in the matter of the petition for Alternative Abatement Standards for the L-Bar Uranium Mill Tailings Site. (WQCC 02-24A)

The Commission began its deliberation.

Commissioner Johnson recused himself from the deliberations since he was not at the hearing.

Mr. Zach Shandler confirmed that all Commissioners received the post hearing submittals and closing arguments.

ACTION: Hearing Officer Hughes moved to include the Department of Energy's letter submitted as an attachment to NMED's Closing Argument. Commissioner Brandvold seconded. Motion carried with a no vote by Commissioner Hutchinson and Commissioner Vigil.

ACTION: Commissioner Brandvold moved to include the NRC decision submitted as an attachment to NMED's Closing Argument. Commissioner Sloane seconded. Motion carried unanimously.

ACTION: **Commissioner Olson moved to approve the Alternative Abatement Standards Petition with conditions. Commissioner Hutchinson seconded. Motion carried with one no vote by Commissioner Sloane.**

Ms. Hughes, Hearing Officer, announced that Counsel for the Commission would draft Findings of Fact and a Statement of Reasons consistent with the Commission's motions and they will be presented at the next Commission meeting for approval.

Item #5: Hearing and Vote on Open Meetings Act Resolution

A public hearing was held at the New Mexico State Capitol Building in Santa Fe on June 10, 2003 regarding the Open Meetings Act Resolution at approximately 2:18 p.m. In attendance was Tracy Hughes, Hearing Officer, and the Commissioners listed above. The following Commissioner was absent: Commissioner Julie Maitland. This hearing was recorded and the record will be in the custody of the Commission Administrator. It is available upon request.

Ms. Hughes announced the hearing is now closed.

After deliberations and amendments by the Commission, the following action was taken:

ACTION: **Commissioner Glass moved to adopt the Open Meeting Resolution Act as amended. Commissioner Olson seconded. Motion carried unanimously.**

Item #6: Decision on NMED's Motion for Leave to Amend Compliance Order (WQCC 03-03 (CO); In the Matter of Richard Garcia and Richard's Residential Septic Cleaning.

Mr. Shandler, Commission Counsel, stated that agenda item #6 is an information item because the parties have reached a settlement.

Item #7: Hearing and possible decision in the matter of the petition to Amend Ground Water Quality Standards Contained in 20.6.2 NMAC. (WQCC 02-18A)

Mr. Shandler, Commission Counsel, announced that an Order has been signed by the Chair postponing this hearing until sometime in September.

Mr. Tim Dolan, Counsel for the Department, requested that the Commission set a hearing date.

Eric Jantz, Counsel for the Environmental Law Center, announced that his technical witness is only available in the last 2 weeks of September.

ACTION: **Commissioner Johnson moved to set the hearing to begin September 22, 2003. Commissioner Goad seconded. Commission Chair will sit as Hearing Officer and may designate another Hearing Officer. Motion carried unanimously.**

This hearing will be transcribed and Commissioner Johnson requests that it also be audiotaped.

Item #8: Approval of the May 13-14, 2003 Meeting Minutes.

ACTION: After discussion and amendments, Commissioner Brandvold moved to approve the minutes of May 13-14, 2003 as amended. Commissioner Hutchinson seconded. Motion carried with 1 abstention by Commissioner Johnson.

Item #9: Other Business

Mr. David Hogge, Program Manager – Surface Water Quality Bureau, updated the Commission on the Red River TMDLs and announced that a redline/strike out final draft is now available. He asked the Commission if they preferred a hard copy or a CD.

Three Commissioners requested hard copies; the rest requested CDs.

Commissioner Murray asked the status of Commissioner Garcia.

Ms. Felicia Orth announced that Mr. Garcia had resigned.

Commissioner Murray noted that the length of the Commission Meetings seemed to be increasing, particularly the meetings in the upcoming months.

The Commission discussed the Commission's workload. Staff of the NMED agreed to brainstorm and come back to the Commission with ideas on how to shorten the meetings and hearings held before the Commission.

Item #10 Next meeting

The next meeting of the Water Quality Control Commission will be July 8-9, 2003 in Santa Fe, New Mexico.

ACTION: Commissioner Olson moved to adjourn. Commissioner Glass seconded. Motion carried unanimously.