



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

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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 8/12/03

**Minutes of the
New Mexico Water Quality
Control Commission Meeting
July 8, 2003**

The New Mexico Water Quality Control Commission (WQCC) meeting was held on July 8, 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
Julie Maitland	Department of Agriculture
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
Bill Olson	Oil Conservation Division
Howard Hutchinson	Soil and Water Conservation Commission

MEMBERS ABSENT:

David Johnson	State Parks Division
Mike Sloane	Department of Game and Fish

OTHERS PRESENT:

Zack Schandler, WQCC Counsel	Geraldine Madrid-Chavez
Ned Hall	CC Thompson
Joe Brunner	Stephanie Stringer
Christina Kelso	Dal Moellenberg
Kelly Bitner	Cindy Huntsman
Steve Lauer	John Trummel

Marcy Leavitt
Roderick Ventura
Joyce Shearer
Leo Wilson
Richard Virtue

Jennifer Pruett
Jerry Schoeppner
Fred Fisher
Dennis Fernandez
Reymundo Gutierrez

Chair Ron Curry called the meeting of the WQCC to order at 9:00 a.m.

Item #1: Roll Call

Geraldine Madrid-Chavez took roll and noted a quorum was present.

Item #2: Approval of the Agenda

ACTION: Commissioner Maitland moved to approve the agenda as presented. Commissioner Brandvold seconded. Motion carried unanimously.

Item #3: The New Mexico Environment Department Petroleum Storage Tank Bureau Petition to Amend Ground Water Quality Standards contained in 20.6.2 NMAC and Request for Hearing. (WQCC 03-09R)

Ms. Jennifer Pruett, Counsel for the Petroleum Storage Tank Bureau, requested a hearing be set for September 9, 2003 to Amend Ground Water Quality Standards contained in 20.6.2 NMAC. Ms. Pruett stated this hearing should take approximately 15 minutes. Ms. Pruett requested the hearing be tape-recorded.

ACTION: Commissioner Brandvold moved to set a hearing for September 9, 2003. The Chair of the WQCC or his designee will sit as Hearing Officer and this hearing will be tape-recorded. Commissioner Glass seconded. Motion carried unanimously.

Item #4: In the Matter of Setting for Hearing – Bigger & Better Septic Tanks, L.L.C., Jim May and Darin Bare Administrative Compliance Order. (WQCC 03-10 CO)

Mr. Brent Moore, Counsel for the Environment Department, requested a hearing be set for September 9, 2003 in the matter of Bigger & Better Septic Tanks, L.L.C., Jim May and Darin Bare Administrative Compliance Order.

ACTION: Commissioner Maitland moved to set the hearing for September 9, 2003. The Chair of the WQCC or his designee will sit as Hearing Officer. Commissioner Brandvold seconded. Motion carried unanimously.

Item #5: Adoption of Statement of Reasons in the matter of the Petition for Alternative Abatement Standards for the L-Bar Uranium Mill Tailings Site.

Mr. Zach Shandler, Counsel for the WQCC, presented the Commission with a draft Statement of Reasons in the matter of the Petition for Alternative Abatement Standards for the L-Bar Uranium Mill Tailings Site. Mr. Shandler requested adding the word “corrected” before the word “figure 3.2.” The Commission accepted the request. The following changes were made:

- Commissioner Goad - page 3, #2, strike the word “both.”
- Mr. Shandler announced that to be more precise, wherever the words “Figure 3.2” appear, the word “corrected” will be inserted and wherever the words “Table 3.2” appear the word “corrected” will not be inserted.
- Commissioner Goad - page 16, #11, insert the words “do not” before the word “work.”
- Commissioner Glass – page 16, #12, replace the word “encourages” with the word “urges.”
- Commissioner Olson – page 1 – add “s” to the word “Regulation,” making it plural, and add the word “in” after the word “Regulations.”
- Commissioner Olson – page 9, #27 – insert the words “Abatement Plan” before the word “exemption.” Delete the words “appears to have” and replace with the word “has.”
- Commissioner Olson – page 10, 2 line – add the phrase “or if additional action is necessary to protect health, welfare, environment or property” after the word “standards.”
- Commissioner Olson – page 16, #8 – the word “distribution” should be “distributed.”

ACTION: Commissioner Olson moved to adopt the Statement of Reasons in the matter of the Petition for Alternative Abatement Standards for the L-Bar Uranium Mill Tailings Site as amended. Commissioner Hutchinson seconded. Motion carried unanimously.

Item #6: Surface Water Quality Bureau (SWQB) to announce the opening of a 30-day public comment period beginning July 15, 2003 for the draft Upper Chama Watershed Total Maximum Daily Loads.

Chairman Curry introduced Ms. Marcy Leavitt to the Commission and informed them that she will be the Bureau Chief for the Surface Water Quality Bureau.

Ms. Stephanie Stringer, Surface Water Quality Bureau, informed the Commission that the opening of a 30-day public comment period would begin on July 15, 2003 and end August 13, 2003 at 5:00 p.m. for the draft Upper Chama Watershed Total Maximum Daily Loads.

Ms. Stringer stated the public meeting for this area is scheduled for Thursday, July 24, 2003 from 6:30 – 8:30 p.m. in Tierra Amarilla.

Item #7: New Mexico Operator Certification Advisory Board Appointments.

Mr. Leo J. Wilson, Chairman of the NM Utility Operators Certification Advisory Board, requested the Commission's approval to appoint Mr. Reymundo Gutierrez and Mr. Dennis Fernandez to the two vacant Board positions.

ACTION: Commissioner Olson moved to accept the recommendations of the NM Utility Operators Certification Advisory Board. Commissioner Maitland seconded. Motion carried unanimously.

Commissioner Maitland recommended moving on to Items 9, 10 & 11 and returning to Item 8. No objections were made.

Item #9: Approval of the June 10, 2003 Meeting Minutes.

ACTION: After discussion and amendments, Commissioner Brandvold moved to approve the minutes of June 10, 2003 as amended. Commissioner Maitland seconded. Motion carried unanimously.

Item #10: Other Business

Commissioner Hutchinson presented the Commission with a copy of the Evergreen Publication.

Commissioner Goad & Commissioner Brandvold raised questions about Mr. Link Summers' e-mail to the Commission. The Commission authorized Mr. Zach Shandler, Counsel for the Commission, to respond to Mr. Summers' e-mail.

Commissioner Brandvold requested a copy of the "Thank You" letters that were written to former Commissioners.

Commissioner Hutchinson asked the status on The Forest Guardians lawsuit. Mr. Shandler stated he will research the issue and update the Commission.

Commissioner Murray raised his concern of shortening meetings.

Commissioner Murray requested Mr. Shandler and Ms. Chavez put a schedule together of the meetings and hearings for the next 3 months.

Chairman Curry informed the Commission the Environment Department is working on 3 unified themes, including a holistic approach to protection of human health and the environment, a greater emphasis on diversity and a high performance workforce.

Item #11 Next meeting

ACTION: Commissioner Brandvold moved that the next meeting of the WQCC would be August 12, 2003. Commissioner Vigil seconded. Motion carried unanimously.

Item #8: Executive Session pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss Regents of the University of California v. New Mexico Water Quality Control Commission.

ACTION: Chairman Curry moved to go into Executive Session pursuant to NMSA 1978, Section 10-15-1 (H)(7) to discuss Regents of the University of California v. New Mexico Water Quality Control Commission. Commissioner Maitland seconded. A roll call was taken and the results are as follows:

Commissioner Vigil	Yes
Commissioner Goad	Yes
Commissioner Brandvold	Yes
Commissioner Hutchinson	Yes
Commissioner Maitland	Yes
Commissioner Glass	Yes
Commissioner Olson	Yes
Commissioner Murray	Yes
Commissioner Curry	Yes

ACTION: Commissioner Hutchinson moved to return to open session. Commissioner Brandvold seconded. A roll call was taken and the results are as follows:

Commissioner Vigil	Yes
Commissioner Goad	Yes
Commissioner Brandvold	Yes
Commissioner Hutchinson	Yes
Commissioner Maitland	Yes
Commissioner Glass	Yes
Commissioner Olson	Yes
Commissioner Murray	Yes
Commissioner Curry	Yes

Commissioner Olson stated the matters discussed in closed session were only those matters specified in the motion.

ACTION: Chairman Curry moved that Mr. Eric Ames collaborate with Commission Counsel on this case. Commissioner Maitland seconded. Motion carried unanimously.

Chairman Curry stated no other matters were discussed.

ACTION: Commissioner Brandvold moved to adjourn. Commissioner Vigil seconded. Motion carried unanimously.

