



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

1190 St. Francis Drive, Room N2150

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Santa Fe, New Mexico 87502

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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 10/14/03**

**Minutes of the  
New Mexico Water Quality  
Control Commission Meeting  
September 9, 2003**

The New Mexico Water Quality Control Commission (WQCC) meeting was held on September 9, 2003, at the New Mexico State Capitol Building, Room 317 in Santa Fe, New Mexico.

**MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Zack Schandler, WQCC Counsel	Geraldine Madrid-Chavez
Jolene McCaleb	Jennifer Pruett
David Hogge	Dal Moellenberg
Fred Fisher	Louis Rose
Cindy Huntsman	Kit Roush
Dennis Quintana	John Montgomery
Andy Nowak	Jan Lazares

Anna Richards  
Glenn Farmer  
Joyce Shearer  
Kelly Bitner  
Charles Lundstrom  
Tannis Fox  
Eric Ames  
Felicia Orth

Andrea Moore  
George Biggs  
Ruben Baca  
Reymundo Gutierrez  
Jon Goldstein  
Roderick Ventura  
Marcy Leavitt

Acting Chair Derrith Watchman-Moore 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 Johnson moved to approve the agenda as presented. Commissioner Maitland seconded. Motion carried unanimously.**

**Item #3: Setting for Hearing – Triennial Review of Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC. (WQCC 03-05R)**

Ms. Marcy Leavitt, Bureau Chief of the Surface Water Quality Bureau, requested that the Commission set a hearing date of December 2, 2003 for the Triennial Review of Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC.

Mr. Eric Ames, Counsel for the Department, informed the Commission that the Department filed the petition in a timely matter and noted seven other parties have also filed petitions.

**ACTION: Commissioner Brandvold moved to set a hearing to begin on December 2, 2003 and to continue until completed. Commissioner Goad seconded. Motion carried unanimously.**

**Item #4: Setting for Hearing – The Appeal Petition on Chino Mines Company's Proposed Ground Water Supplemental Discharge Permit for Closure – DP 1340. (WQCC 03-14A)**

Mr. Roderick Ventura, Counsel for GRIP, requested that the Commission set a hearing on Chino Mines Company's Proposed Ground Water Supplemental Discharge Permit for Closure – DP 1340.

Dal Moellenberg, Counsel for Chino Mines, informed the Commission that Chino has filed a motion to dismiss and noted for scheduling purposes January would be fine by Chino.

Ms. Tannis Fox, Counsel for the Department, informed the Commission that setting the hearing for January would be fine for the Department.

**ACTION:** **Commissioner Sloane moved to set a hearing for January 12, 2004 for DP 1340 and allow the Chair of the Commission to select a Hearing Officer. Commissioner Hutchinson seconded.**

**Commission Sloane amended his motion to set a hearing for January 13, 2004 for DP 1340 to be heard by the entire Commission with the Commissions' Chair Designee as Hearing Officer. Commissioner Hutchinson seconded. Motion carried unanimously.**

**Item #5: Setting for Hearing – Petition by the Department of Game & Fish for proposed Rio Grande Cutthroat Trout Restoration in Costilla Watershed.**

Mr. Peter Wilkinson, Department of Games & Fish, requested that the Commission set a hearing for proposed Rio Grande Cutthroat Trout Restoration in Costilla Watershed.

Commissioner Olson asked Mr. Wilkinson if a recommendation by the Environment Department has been received.

Ms. Felicia Orth informed the Commission that the Department of Game & Fish is supposed to get a recommendation from the Environment Department before coming to the Commission.

Mr. Zach Shandler, Counsel for the Commission, advised the Commission to ask the Game & Fish Department to submit the request to the Surface Water Quality Bureau for a recommendation and then appear before the Commission to set a hearing.

**ACTION:** **Commissioner Olson moved to table the Petition of setting for hearing by the Department of Game & Fish until a recommendation has been made by the Surface Water Quality Bureau. Commissioner Johnson seconded. Motion carried with 1 no vote by Commissioner Sloane.**

**Item #6: Formal approval and adoption into the State's Water Quality Management Plan of the TMDLs for the Upper Rio Chama Watershed.**

Mr. David Hogge, Program Manager of the Monitoring & Assessment Section, gave a brief presentation on the Upper Chama Watershed. Mr. Hogge's presentation included the following:

- TMDLs Being Proposed for Approval and Adoption
- Federal Public Participation Requirements for Formal Approval
- Adoption and Incorporation into the State Water Quality Management Plan
- The Public Participation Process
- Public Meetings
- Public Comments Received
- Changes to Documents

Commissioner Goad requested that a statement on enforceability on page 108 be corrected to indicate that under New Mexico Water Quality Act Section 74-6-10 standards are enforceable on non-point sources of pollution. Mr. Hogge agreed and said staff would clarify the document.

Mr. Hogge requested that the Commission give formal approval and adoption into the State's Water Quality Management Plan of TMDLs as amended for the Upper Rio Chama Watershed.

**ACTION:** **Commissioner Maitland moved to give formal approval and adoption into the State's Water Quality Management Plan of TMDLs for the Upper Rio Chama Watershed as amended. Commissioner Johnson seconded. Motion carried unanimously.**

**Item #7:** **New Mexico Utility Operator Advisory Board Appointment of Alternate Member.**

Ms. Cindy Huntsman, Utility Operator Advisory Board, asked the Commission to appoint Mr. Mario Gonzales as an Alternate Member to the Utility Operator Advisory Board. Ms. Huntsman gave a brief background of his qualifications.

**ACTION:** **Commissioner Maitland moved to appoint Mr. Mario Gonzales to the Utility Operator Advisory Board as an Alternate Member. Commissioner Olson seconded. Motion carried unanimously.**

**Item #8:** **Hearing and possible decision in the matter of the petition to consider Proposed Amendments to 20.6.2 NMAC.**

A public hearing was held at the New Mexico State Capitol Building in Santa Fe on September 9, 2003 regarding Proposed Amendments to 20.6.2 NMAC. In attendance was Derrith Watchman-Moore, Hearing Officer, and the Commissioners listed above. This hearing was recorded and the record will be in the custody of the Commission Administrator. It is available upon request.

After discussion and amendments the following actions were taken:

**ACTION:** **Commissioner Goad moved to adopt the Proposed Amendments to 20.6.2 NMAC as amended. Commissioner Olson seconded. Motion carried unanimously.**

**ACTION:** **Commissioner Goad moved to adopt the statement of reasons as amended. Commissioner Brandvold seconded. Motion carried unanimously.**

**Item #9:** **Approval of the August 12, 2003 Meeting Minutes.**

**ACTION:** **After discussion and amendments, Commissioner Johnson moved to approve the minutes of August 12, 2003 as amended. Commissioner Sloane seconded. Motion carried with abstentions by Commissioner Brandvold, Commissioner Murray and Commissioner Maitland.**

**Item #10: Other Business**

Commissioner Goad informed the Commission that the regularly scheduled WQCC meeting for November is a State Holiday and suggested a different date be set.

**ACTION: Commissioner Vigil moved to set the November WQCC regular meeting for November 12, 2003. Commissioner Sloane seconded. Motion carried unanimously.**

Commissioner Murray requested a calendar with all meeting dates up to January 2004 be circulated to all Commissioners.

**Item #11: Next Meeting**

The next meeting of the Water Quality Control Commission will be October 14 & 15, 2003 in Santa Fe, New Mexico.

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