The New Mexico Water Quality Control Commission (WQCC) meeting was held on October 11, 2005 at the PERA Building, Apodaca Hall, Santa Fe, New Mexico.

MEMBERS PRESENT:  
Derrith Watchman-Moore  Acting Chair, New Mexico Environment Department  
Cheryl Bada  State Parks Division  
Steve Glass  City of Albuquerque – Municipal/County Representative  
Maxine Goad  Member-at-Large  
Edward Vigil  Member-at-Large  
Howard Hutchinson  Soil and Water Conservation Commission  
Doug Murray  Office of State Engineer  
Wayne Price  Oil Conservation Division (for Mark Fesmire)  
Peggy Johnson  Bureau of Geology and Mineral Resources  
Tim Darden  Department of Agriculture  
Mike Sloane  Department of Game & Fish  
Fred Lujan  Member-at-Large

MEMBERS ABSENT:  

OTHERS PRESENT:  
Zack Shandler, WQCC Counsel  
Barbara Claire, NMED  
Tracy Hughes, NMED  
Douglas Meiklejohn, NM ELC  
Julia Barnes  
Cindy Padilla, NMED  
Kathryn Becker, NMED  
Felicia Orth, NMED  
Bill Olson, NMED  
Joni Arends, CCNS  
Paul Robinson, SWOP  
Marcy Leavitt, NMED  
George Schuman, NMED  
T.J. Trujillo, Gallagher & Kennedy

minutes of WQCC  
meeting 10/11/05
Item #1 Roll Call

Administrator Barbara Claire took roll and noted a quorum was present.

Item #2 Approval of Agenda

ACTION: Commissioner Goad moved to approve the amended agenda as presented. Commissioner Glass seconded. Motion carried unanimously.

Item #3 Approval of the September 13th, 2005 Meeting Minutes

Commissioner Glass made several suggested changes to the minutes.

ACTION: Commissioner Glass moved approve the September 13th 2005 Minutes as amended. Commissioner Darden seconded. Commissioners Lujan, Darden, and Hutchinson abstained. Motion carried.

Item #4 Request for a Hearing in the Matter of the Petition for Proposed Amendments to 20.6.4.9 NMAC, Designation of the Waters of the Valle Vidal as Outstanding National Resource Waters. Marcy Leavitt, NMED, David Probst, DFG.

After questions and deliberation the Commission set a hearing in the matter at the regularly scheduled meeting on December 13, 2005 in Santa Fe, appointing Felicia Orth as Hearing Officer.

ACTION: Commissioner Glass moved to set a hearing to consider all waters of the Valle Vidal and the associated Costilla waters as ONRW for December 13th, 2005 in Santa Fe in conjunction with the regularly scheduled Commission meeting with Felicia Orth as Hearing Officer. Commissioner Sloan seconded. Motion carried unanimously.

Item #5 Request for a Hearing in the Matter of Proposed WQCC Rulemaking Procedures as a Proposed New Part – 20.1.6 NMAC (Felicia Orth, NMED Hearing Officer).

Ms. Orth presented her proposed Rulemaking Procedures, 20.1.6 NMAC, noting that she had not, at this point, solicited input from any other parties. The
proposed rules closely resemble the rulemaking guidelines adopted in 1993 and are posted to the WQCC website. After discussion and deliberation the Commission set a hearing in the matter for March 14th, 2006 in Santa Fe with Deputy Chair Watchman Moore as Hearing Officer.

**ACTION:** Commissioner Bada moved to set a hearing in the matter of the proposed rulemaking procedures WQCC 05-05 (R) for March 14th, 2006 in Santa Fe with Deputy Chair Watchman-Moore as Hearing Officer. Commissioner Darden seconded. Motion carried unanimously.

**Item #6** Discussion regarding Groundwater Discharge Permit #1255 issued to NASA/White Sands Testing Range (Bill Olson, Groundwater Bureau, NMED; Daniela Bowman, public citizen).

Mr. Olson, NMED Groundwater Bureau Chief, addressed the Commission regarding Permit #1255 which expires in March of 2007; the renewal application is due in September of 2006. Commissioner Sloan had requested the matter be more fully reviewed by the Commission. Ms. Daniela Bowman, public citizen, answered in rebuttal to the Department’s statements. After an exchange of question and debate among the parties and the Commission, Counsel Shandler advised the Commission that he will research the legal implications of this matter and will report at the November meeting as to procedure by the Commission. Mr. Kurt Vollbrecht of the Department addressed the Commission’s questions. Ms. Bowman provided a schematic of DP#1255 groundwater plume to the Commission. Counsel Shandler advised the Commission that the discussion and debate was getting too scientifically technical and was getting beyond the scope originally intended for the item’s time allotment. Counselor Shandler asked the Commission to table the item to November’s Agenda when he could advise the Commission more fully on procedure and the legal implications. Deputy Chair Watchman-Moore asked it be added as an agenda item for November.

**Item #7** Hearing and Possible Decision on Proposed Amendments to 20.6.2.7 NMAC, 20.6.2.3108 NMAC, 20.6.2.3109 NMAC, 20.6.2.3112 NMAC and 20.6.2.3114 NMAC pursuant to 2005 Statutory changes to NMSA 1978, 74-6-5 (House Bill 35) WQCC 05-03 (R). Tracy Hughes, General Counsel, OGC.

Deputy Chair Watchman Moore sat as Hearing Officer and convened the hearing at 10:40 am. Kathy Townsend Court Reporters transcribed the hearing. Ms. Joni Arends of the Concerned Citizens for Nuclear Safety, Mr. Paul Robinson of the Southwest Information Research Project, and Mr. Doug Meiklejohn of the New Mexico Environmental Law Center gave public comment. The Record was closed at 4:30 pm and the Commission deliberated and voted on two of the proposed amendments. The Commission agreed to table the rest of the decisions until the next meeting.

**ACTION:** Commissioner Price moved to approve the proposed amendments to 20.6.2.3108.A. NMAC as amended to read as 30 days notice instead of 15 days. Commissioner Goad seconded. Motion failed.
ACTION: Commissioner Bada moved to leave the definition of “discharge site” in 20.6.2.7.S. NMAC unchanged from its present wording, and instead to change the proposed wording of 20.6.2.3108.B.(2) NMAC to incorporate the concept of distance from the property boundary. Commissioner Sloan seconded. Motion carried, nine (9) – Yea, two (2) – No.

The Commission agreed to table the rest of the deliberations until the next meeting in November.

Item #8 Other Business

- Commissioner Murray requested that the Construction Bureau be invited to attend the WQCC meeting when the hearing is requested for the proposed amendments to the Utility Operator Certification Regulations.

Item #9 Next regularly scheduled meeting is November 8th, 2005.

Item #10 Adjournment

There being no other business before the Commission, the meeting was adjourned at 5:47 pm.

ACTION: Commissioner Bada moved to adjourn the meeting. Commissioner Glass seconded. Motion carried unanimously.

WQCC Chair