

**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  
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**

**October 14, 2008**

**9:00 a.m.**

**State Capitol Building Room 317**

**490 Old Santa Fe Trail**

**Santa Fe, New Mexico 87503**

**MEMBERS PRESENT:**

*Jon Goldstein	NMED/Deputy Secretary
Cheryl Bada	State Parks Division
Greg Lewis	Office of the State Engineer
Larry Dominguez	Department of Agriculture
Peggy Johnson	Bureau of Geology and Mineral Resources
Steve Glass	City of Albuquerque – Municipal/County Representative
Howard Hutchinson	Soil and Water Conservation Commission
Mike Sloane	Department of Game & Fish
Len Flowers	Health Department
Maxine Goad	Member-at-Large
Edward Vigil	Member-at-Large
Joseph Chavarria	Member-at-Large
*Jim Norton	Environment Department

\*Mr. Goldstein was present for Agenda Items 1 through 7.

\*Mr. Norton was present for Agenda Item 8 only.

**MEMBERS ABSENT:**

Glenn Von Gonten Oil Conservation Division

**OTHERS PRESENT:**

Glenn Saums, NMED/SWQB	Richard E. Powell, NMED/SWQB
Steve Vernis, LANL	Terrill Lemke, LANL
Mike Saladan, LANL	Paul Bauer, NM Tech
Megan Anderson, WELC	Louis Rose, Esq., Montgomery Law Firm
Charles de Saillan, NMED/OGC	Sally Malave, Asst. Atty. General
Zachary Shandler, Asst. Atty. General	Joyce Medina, NMED

The meeting was called to order by Mr. Goldstein at 9:00 a.m. He then introduced Joseph Chavarria, the Commission's newest member, appointed on October 8, 2008 by Governor Richardson as a member-at-large.

**Item 1. Roll Call:**

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

**Item 2. Approval of Agenda**

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

**Item 3. Approval of meeting minutes of August 11, 2008 and September 8, 2008.**

Mr. Glass noted several wording corrections to be made.

**Action: Mr. Glass moved to approve both sets of meeting minutes as revised. Mr. Lewis seconded. The motion passed unanimously.**

**Item 4. Petition for Review in re: WQCC 08-07 (A), Review of State Certification of NPDES Permit No.NM00300759. Commission decision regarding NMED's Motion to Dismiss the Petition for Review as well as a Commission decision with respect to the Petition for Review if the motion to dismiss is denied. Louis Rose, Esq., USDOE and LANS, LLC; Charles de Saillan, NMED/OGC.**

The Chair noted that on September 9, 2009, Petitioners LANS, LLC and the USDOE filed an Opposed Motion to Vacate Setting in this matter. On September 10, 2008, the Environment Department filed its Response in Opposition to Motion to Vacate. On September 10, 2008, the Commission Chair signed and filed an Order Denying Petitioners' Motion to Vacate Setting.

After some discussion regarding the documents noted above, the Chair asked the parties to present their respective arguments regarding the Petition for Review and the Motion to Dismiss the Petition for Review.

Mr. de Saillan and Mr. Rose each set forth the respective positions of their clients.

A lengthy discussion ensued among the Commissioners, Mr. de Saillan and Mr. Rose.

**Action:** Mr. Sloane moved that the Motion to Dismiss the Petition for Review in WQCC 08-07 (A), Review of State Certification of NPDES Permit No. NM00300759, be granted. Ms. Bada seconded.

The Chair requested a roll call vote.

**Roll Call Vote**

Mr. Lewis	yes
Ms. Bada	yes
Mr. Glass	yes
Mr. Dominguez	no
Mr. Sloane	yes
Mr. Hutchinson	no
Ms. Johnson	yes
Ms. Flowers	yes
Ms. Goad	yes
Mr. Vigil	no
Mr. Goldstein	yes

The motion passed.

**Item 5. Other Business:**

None

**Item 6. Next Meeting: November 12, 2008, Room 317 State Capitol Building.**

**Item 7. Adjournment**

**Action:** The Chair adjourned the public meeting at 10:45 a.m.

**Item 8. Resumption of deliberations and possible decision in re: Phelps Dodge Tyrone remand hearing, WQCC 03-12 (A) and WQCC 03-13 (A). Sally Malave, Asst. Atty. General, Commission Counsel.**

*Signature on File*

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Jon Goldstein, Acting Chair