

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

1190 St. Francis Drive, Room N2150

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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

December 16, 2008

9:00 a.m.

State Capitol Building Room 321

490 Old Santa Fe Trail

Santa Fe, New Mexico 87503

MEMBERS PRESENT:

Jon Goldstein	NMED/Deputy Secretary
Greg Lewis	Office of the State Engineer
Larry Dominguez	Department of Agriculture
Steve Glass	City of Albuquerque – Municipal/County Representative
Howard Hutchinson	Soil and Water Conservation Commission
Glenn Von Gonten	Oil Conservation Division
Peggy Johnson	Bureau of Geology and Mineral Resources
Mike Sloane	Department of Game & Fish
Maxine Goad	Member-at-Large
Edward Vigil	Member-at-Large

MEMBERS ABSENT:

Cheryl Bada	State Parks Division
Len Flowers	Health Department
Joseph Chavarria	Member-at-Large

OTHERS PRESENT:

Glenn Saums, NMED/SWQB	Pam Homer, NMED/SWQB
Jerry Nivens	Darcie Weingrad, Gallagher & Kennedy
Jay Lazarus, Glorieta GeoScience	Zachary Shandler, Asst. Atty. General
Adolfo Mendez, NMED/OGC	Joyce Medina, NMED

The meeting was called to order by Mr. Goldstein at 11:00 a.m.

Item 1. Roll Call:

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

Item 2. Approval of Agenda

It was noted that Item 6 on the initial agenda has been removed and Item 6 on the revised agenda is now WQCC 08-12 (R), Petition for Nomination of Caballo Reservoir and portions of the Rio Grande for ONRW status.

**Action: Mr. Sloane moved approval of the agenda as amended.
Mr. Lewis seconded. The motion passed unanimously.**

Item 3. Approval of meeting minutes of November 12, 2008.

**Action: Mr. Dominguez moved to approve the minutes as presented.
Mr. Glass seconded. The motion passed unanimously.**

Item 4. Approval of Order and Statement of Reasons and record closure in WQCC 07-09 (R), Utility Operator Certification Advisory Board. Adolfo Mendez, NMED/OGC.

Mr. Mendez noted that a minor typographical error in the text of the document had been corrected in the document and also that the Affidavit of Publication of the Notice of Public Hearing in this case has been filed. He requested that the record be closed and that the Order and Statement of Reasons, as corrected, be signed by the Chair.

Action: Mr. Glass moved the adoption of the Order and Statement of Reasons, as corrected. Mr. Hutchinson seconded.

Mr. Sloane, Mr. Von Gonten and Ms. Johnson abstained.

The motion passed unanimously.

Item 5. Request for hearing, appointment of hearing officer and authorization of hearing officer to adopt hearing schedule in re: Triennial Review of 20.6.4 NMAC, Standards for Interstate and Intrastate Surface Waters, as required by § 303 (C) of the federal Clean Water Act, WQCC 08-13 (R). Leslie Barnhart, NMED/OGC.

Ms. Barnhart briefly explained the Triennial Review and stated that the Department proposes the Commission designate Felicia Orth as hearing officer in this matter.

Action: Mr. Glass moved that the Commission grant the petition as submitted.

Mr. Sloane seconded. The motion passed unanimously.

Item 6. Request for hearing in re: Petition for Nomination of Caballo Reservoir and portions of the Rio Grande for ONRW status, WQCC 08-12 (R). Jerry W. Nivens, James M. Massengill, James Goton and Mike Slater.

Mr. Nivens, speaking on behalf of all of the petitioners, explained why the group felt it was necessary to have the referenced waters designated as an Outstanding National Resource Water.

A lengthy discussion by and among the Commission, Mr. Nivens and NMED staff ensued. Following discussion, it was established that the Commission felt it was necessary for Petitioners to publish public notice of their intent with respect to the nomination of the referenced waters prior to the Commission setting a hearing in this matter.

Action: Mr. Sloane moved that the Commission table the Petition for Nomination of Caballo Reservoir and portions of the Rio Grande for ONRW status, WQCC 08-12 (R), until the first Commission meeting following the 2009 Legislative Session, with the understanding that Petitioners will publish public notice of their Petition and will also endeavor to obtain opinions from the local population regarding this proposed nomination. Mr. Von Gonten seconded.

Roll Call Vote:

Jon Goldstein	yes
Greg Lewis	yes
Glenn Von Gonten	yes
Steve Glass	yes
Larry Dominguez	yes
Mike Sloane	yes
Howard Hutchinson	no
Peggy Johnson	yes
Maxine Goad	yes
Edward Vigil	yes

The motion passed.

Item 7. Next public meeting: January 13, 2009, 9:00 a.m. Energy, Minerals and Natural Resources Department (EMNRD), 1220 S. St. Francis Drive, Chino Building, Porter Hall, Santa Fe.

Item 8. Other business

Darcie Weingrad, Esq., representing Gallagher & Kennedy, requested that the Commission direct the Hearing Officer in WQCC 08-13 (R), the Triennial Review, to perform specific acts with respect to the

scheduling issues in this case. The Commission determined that the Hearing Officer already has the discretion to act in these matters as well as receive comments and requests from all parties to the case and that additional direction to the Hearing Officer was not necessary.

Item 9. Adjournment

Action: The Chair adjourned the meeting at 12:30 p.m.

Signature on File

Jon Goldstein, Acting Chair