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.


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
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