

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

1190 St. Francis Drive, Room N2150

Post Office Box 26110

Santa Fe, New Mexico 87502

Telephone (505) 827-2425 Fax (505) 827-0310



**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 10/10/06**

**Minutes of the**

**New Mexico Water Quality Control Commission Meeting**

**September 12, 2006**

**10:00 a.m.**

**Council Chambers, Cuba Municipal Complex**

**16B Cordova Drive**

**Cuba, New Mexico 87013**

**MEMBERS PRESENT:**

Cindy Padilla	Acting Chair, New Mexico Environment Department
Cheryl Bada	State Parks Division
Maxine Goad	Member-at-Large
Howard Hutchinson	Soil and Water Conservation Commission
Greg Lewis	Office of the State Engineer
Wayne Price	Oil Conservation Division
Tim Darden	Department of Agriculture
Fred Lujan	Member-at-Large
Steve Glass	City of Albuquerque – Municipal/County Representative
Peggy Johnson	Bureau of Geology and Mineral Resources

**MEMBERS ABSENT:**

Edward Vigil	Member-at-Large
Mike Sloane	Department of Game & Fish

**OTHERS PRESENT:**

Marcy Leavitt, NMED/SWQB	Heidi Henderson, NMED/SWQB
Terry Johnson	Elizabeth Shields
Caren Cowan	Lynnwood Brown

Keith Stickford  
Chandler Thompson, Interpreter  
Marion Woolf  
Don Moore  
P. Robert Alexander  
Arthur Gurule  
Guy Bralley  
Steve Fischer  
Lero A. Sandoval  
Vandora P. Casados  
Alberto Baros  
Ernest Torrez  
Mike Coleman, NMED/SWQB  
Remijio Gutierrez  
Jennifer Johnson  
Joyce Medina, NMED

Kavita Krishna  
Timothy Johnson  
Felicia Orth, Hearing Officer  
Kelly Collins  
Leonard Aragon  
Louis Wiese  
Charles Wohlenberg  
Terry Otto  
Jeffrey Gurule  
Pat Kutzner  
Peggy Ohler  
Tannis Fox, NMED/OGC  
Alexander Fernald, NMSU  
Leroy J. Lovato, Sandoval County  
Lynette Guevara, NMED/SWQB  
Michael Benson

Cindy Padilla, Acting Chair, called the meeting of the WQCC to order at 10:05 a.m. Ms. Padilla, on behalf of the Commission, expressed her thanks to the Village of Cuba for allowing the Commission to meet in the Village Council Chambers and for their hospitality.

**Item 1. Roll Call:**

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

**Item 2. Approval of Agenda**

**Action: Mr. Glass moved to approve the agenda. Mr. Hutchinson seconded. The motion passed unanimously.**

**Item 3. Approval of the August 8, 2006 meeting minutes.**

Mr. Glass and Ms. Goad noted amendments to be made in the August 8, 2006 meeting minutes.

There was discussion regarding clarification of a motion made by Mr. Glass relating to Item 5 on the August 8, 2006 agenda, WQCC 05-14 (R), Fish & Game Department Use of Piscicides to Restore the Native Fish Community and the manner in which water sampling would take place following the application of piscicides. The Chair suggested further discussion of this issue would be appropriate under Item 5, Other Business, on the current agenda.

**Action: Ms. Bada moved to approve the August 8, 2006 meeting minutes as amended. Mr. Glass seconded. The motion passed. Ms. Johnson abstained from the vote.**

**Item 4. Hearing and possible decision In the Matter of the Appeal of the Rio Puerco TMDL, WQCC 06-06 (A). Tannis Fox, NMED/OGC; Ernest Torrez, Petitioner; Leroy J.**

**Lovato, Sandoval County; Alexander Fernald, NMSU; Remijio Gutierrez, individually and as a member of the La Jara Acequia Association; P. Robert Alexander and Felicia Orth, Hearing Officer. Time: open ended**

The Chair thanked the members of the public present at the hearing for their time and participation as well as those in attendance that submitted Notices of Intent to Present Technical Testimony and those that submitted public comment regarding the TMDL issue. Additionally, she pointed out that the timing of the Commission's decision in this matter would depend upon how long the hearing took and whether or not it was completed today.

At 10:20 a.m., the Chair announced that the hearing would commence and that Ms. Felicia Orth would preside as Hearing Officer for this agenda item. She also announced that the hearing would be audio tape recorded. All Notices of Intent to Present Technical Testimony were timely filed and are available for review as well as public comment correspondence, additionally, the audio tapes of the meeting are also available in the office of the Commission administrator, 1190 St. Francis Drive, Harold Runnels Building Rm. N2150, Santa Fe, New Mexico 85705.

The hearing was continued until the October 10, 2006 meeting to be held in Cuba.

The meeting reconvened at 8:50 p.m.

**Item 5: Other Business**

The Chair brought up the earlier question of clarification of Mr. Glass's motion regarding water sampling following the application of piscicides in WQCC 05-14 (R). It was acknowledged that the intent of the motion was to require sampling at one foot below the surface, mid-column, and one foot above the sediment. The Chair suggested discussing the issue with Mr. Shandler, Commission counsel, in connection with the preparation of the order.

Following the meeting Mr. Shandler was contacted and he deemed it appropriate to clarify the language to establish the intent of the motion as well as the language contained in the meeting minutes and in the order to be prepared in this case.

There was Commission discussion regarding a field trip to view the Rio Puerco. Discussion continued with respect to developing a time line for such a field trip to make sure it did not impact the time allotted to the remaining individuals who had filed Notices of Intent to Present Technical Testimony. The Chair noted that the trip would need to take place before the meeting convenes at 10:00 a.m. on the 10<sup>th</sup>. It was decided that arrangements would be made for a field trip, all members would be notified of those arrangements and any member wishing to take part in the trip would inform the Commission administrator.

**Item 6. Next Meeting – October 10, 2006, Cuba, New Mexico**

**Item 7. Adjournment:**

**Mr. Darden moved for adjournment. Ms. Bada seconded the motion. The motion for adjournment passed unanimously. The meeting adjourned at 9:05 p.m.**

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Chair of the Water Quality Control Commission