

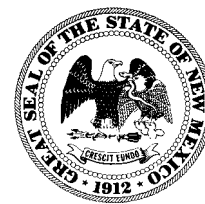
**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

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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 September 13, 2005

**New Mexico Water Quality Control Commission Meeting
August 9 2005**

The New Mexico Water Quality Control Commission (WQCC) meeting was held on August 9, 2005 at the New Mexico State Capitol Building, Room 321, starting at 8:06 am:

MEMBERS PRESENT: August 9, 2005

Derrith Watchman-Moore	Deputy Chair, NMED (at 8:33 am)
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
Peggy Johnson	Bureau of Geology and Mineral Resources
Mike Sloane	Department of Game & Fish
Fred Lujan	Member-at-Large

MEMBERS ABSENT:

Tim Darden	Department of Agriculture
Roger Anderson	Oil Conservation Division (for Mark Fesmire)

OTHERS PRESENT:

Zack Shandler, WQCC Counsel	Tracy Hughes, NMED, OGC
Barbara Claire, NMED	Tannis Fox, NMED, OGC
Bill Olson, NMED	Andy Novak, NM DOT
TJ Trujillo, Gallagher & Kennedy	Geno Zamora, Gallagher & Kennedy

Bill Olson, Groundwater Bureau Chief, Acting Chair, called the meeting of the WQCC to order at 8:06 a.m.

Item #1 Roll Call

Barbara Claire took roll and noted a quorum was present. Mr. Bill Olson, Groundwater Bureau Chief, sat as acting Chair for Deputy Chair Derrith Watchman-Moore.

Item #2 Approval of Agenda

Commissioner Goad requested that item #4 on the Agenda be changed to read the June 14th, 2005 minutes.

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

Item #3 Consideration and decision on Petition for Additional Amendments to WQCC 05-03 (R): 20.6.2.3109 and 20.6.2.3112 and 20.6.2.4114 to 20.6.2.7 NMAC and 20.6.2.3108 NMAC pursuant to 2005 statutory change to NMSA 1978, 74-6-5 (HB35) WQCC 05-03 (R) (Tracy Hughes, General Counsel, Office of General Counsel, 5 minutes)

At this point Chair Olson recused himself from the matter before the Commission and asked Commissioner Glass to chair the meeting. Ms. Tracy Hughes requested that these amendments be combined with the petition she had presented to the Commission in May as WQCC 05-03 (R). These provisions will dovetail with changes needed in the regulations relating to House Bill 35 that eliminated the de novo hearing process. The original petition that was filed excluded '4114.' This is not a consensus petition, it is brought by the Environment Department and is not considered controversial. Ms. Hughes asked that it be heard in combination with the previously submitted petition set for October 11, 2005; hearing time was estimated at two to three hours.

ACTION: Commissioner Sloan moved to grant a hearing on the additional amendments in WQCC 05-03 (R) in combination with the previously submitted amendments to 20.6.2.7 and 3108 on October 11, 2005. Commissioner Bada seconded. Motion carried unanimously.

Commissioner Glass then returned meeting chair back to Mr. Olson

Item #4 Approval of the June 14th, 2005 Meeting Minutes

Commissioners Goad and Glass made several suggestions to amend the June 14th, 2005 minutes.

ACTION: Commissioner Sloane moved to approve the June 14th 2005 Minutes as amended. Commissioner Glass seconded. Motion carried unanimously.

Item #5 Executive Session pursuant to the Open Meetings Act Section 10-15-1(H)(7) to discuss 1.) GRIP/ED v. WQCC/Chino, Ct. of Appeals no. 24,478 and 2.) NMMA/NMHBA/NMOGA/NMCGA/NMWG/Chino/ Phelps Dodge v. WQCC, Ct of Appeals No. 25,814.

Mr. Olson recused himself from the executive session and asked Commissioner Glass to sit as Chair

ACTION: **Commissioner Hutchinson moved to enter into executive session for the purpose of 1.) GRIP/ED v. WQCC/Chino, Ct. of Appeals no. 24,478 and 2.) NMMA/NMHBA/NMOGA/NMCGA/NMWG/Chino/ Phelps Dodge v. WQCC, Ct of Appeals No. 25,814. pursuant to the Open Meetings Act Section 10-15-1(H)(7) . Commissioner Sloan seconded. A roll call vote was taken. Motion carried unanimously.**

Cheryl Bada	yes
Steve Glass	yes
Maxine Goad	yes
Edward Vigil	yes
Howard Hutchinson	yes
Doug Murray	yes
Peggy Johnson	yes
Mike Sloane	yes
Fred Lujan	yes

ACTION: **Commissioner Hutchinson moved the Commission return to open session. Commissioner Sloane seconded. A roll call vote was taken. Motion carried unanimously.**

Cheryl Bada	yes
Steve Glass	yes
Maxine Goad	yes
Edward Vigil	yes
Howard Hutchinson	yes
Doug Murray	yes
Peggy Johnson	yes
Mike Sloane	yes
Fred Lujan	yes

Upon conclusion of the executive session Commissioner Glass stated for the record “that during the executive session only those topics listed on the agenda in accordance with the Open Meetings Act Section 10-15-1(H)(7); no other items were discussed and no action was or will be taken on these issues.”

Acting Chair Glass returned the chair over to Deputy Chair Derrith Watchman-Moore.

Item #6 Other Business

- Deputy Chair Watchman-Moore announced that Commissioner Lynn Brandvold has retired and is no longer serving on the Commission. Ms. Peggy Johnson, Ms. Brandvold’s replacement, was welcomed to the Commission. A letter of appreciation from Secretary Curry was sent to Ms. Brandvold; the Commission has plans to present

Ms. Brandvold with a small token of appreciation for her 32 years of uninterrupted service on the Commission and requested that Ms. Brandvold be invited to the next meeting.

- DP-1255 NASA/White Sands – The Commissioners received the Department’s response and a rebuttal from Ms. Daniela Bowman on the issue of DP-1255. Deputy Chair Watchman-Moore stated that although it was not scheduled for discussion at this meeting, if any of the Commissioners wanted to pursue further action it could be placed on a future agenda, leaving the decision to the Commission. Commissioner Sloan expressed his lack of confidence in the Department’s response to Daniela Bowman’s letter and requested that the issue become an agenda item; the Deputy Chair requested it be placed on the agenda for a formal discussion with the department at the October meeting.
- Commissioner Murray expressed his gratitude to the Administrator for the NMED/ Commission planning schedule and calendar recently instituted.

Item #7 Site Visit to the Rio Santa Barbara, designated by the Commission as New Mexico’s First Outstanding National Resource Water. Departure time: 8:30 am, est. return approx. 4:30 pm. (Marcy Leavitt, SWB)

Item #8 Next regularly scheduled meeting is September 13th

Item #9 Adjournment

There being no other business before the Commission, the meeting was adjourned.

ACTION: Commissioner Sloane moved to adjourn the meeting. Commissioner Vigil seconded. Motion carried unanimously.

WQCC Chair