The New Mexico Water Quality Control Commission (WQCC) meeting was held on September 14, 2004, at the New Mexico State Capitol.

**MEMBERS PRESENT:** September 14, 2004

- Marcy Leavitt  
  Acting Chair, New Mexico Environment Department  
- Cheryl Bada  
  State Parks Division  
- Mike Sloane  
  Department of Game & Fish  
- 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  
- Bill Olson  
  Oil Conservation Division  
- Lynn Brandvold  
  Bureau of Geology and Mineral Resources  

**MEMBERS ABSENT:** September 14, 2004

- Julie Maitland  
  Department of Agriculture  
- Fred Lujan  
  Member-at-Large  

**OTHERS PRESENT:**

- Zack Shandler, WQCC Counsel  
  Geraldine Madrid-Chavez  
- Sally Worthington  
  Louis Rose  
- Felicia Orth  
  Lynette Guevara  

Ms. Marcy Leavitt, Acting Chair, called the meeting of the WQCC to order at 9:05 a.m.
Item #1 Roll Call

Geraldine Madrid-Chavez took roll and noted a quorum was present.

Item #2 Approval of Agenda

Agenda Item #3 was removed from the agenda and other items re-numbered.

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

Item #3 Discussion and possible decision on NMED’s Motion to Schedule a Hearing – In the Matter of Bigger and Better Septic Tanks. WQCC 03-10 (CO)

This item was removed from the agenda. This matter was settled.

Item #4 Opening of a 30-day public comment period for changes to sedimentation listings in the San Juan River basin and nutrient listings in the Mora River on the 2004 Clean Water Act Integrated 303 (d)/305 (b) List of Assessed Waters, presented by NMED’s SWQB.

Ms. Lynette Guevara, SWQB, announced the opening of the 30-day public comment period for changes to sedimentation listings in the San Juan River basin and nutrient listings in the Mora River on the 2004 Clean Water Act Integrated 303 (d)/305 (b) List of Assessed Waters.

Ms. Guevara informed the Commission that the comment period will end on October 13, 2004. Ms. Guevara stated that Legal notices were run in the Albuquerque Journal, Farmington Daily News and the Las Vegas Optic and a formal response to comments will be prepared by the Surface Water Quality Bureau. The Bureau will be seeking approval from the Commission at the regularly scheduled WQCC meeting in November.

Item #5 Discussion on roles and Responsibilities of Soil and Water Conservation Districts.

This agenda item was passed on until Commissioner Hutchinson arrived.

Item #6 Petition by Duke Energy Field Services to set a Hearing before the Commission on Discharge Permit Required Determination. WQCC 04-06 (P)

The hearing was set for the December 4, 2004 meeting of the WQCC.

Return to Agenda Item #5:

Commissioner Hutchinson led a discussion of the relationship between the Soil and Water Conservation Districts and NMED. Commissioner Hutchinson passed out quotes from [73-20-1 et seq. NMSA] pertaining to roles and responsibilities of Soil and Water Conservation Districts.
Item #7  Approval of the August 10, 2004 Meeting Minutes.

After discussion and amendments the following action was taken:

**ACTION:** Commissioner Sloane moved to approve the August 10, 2004 meeting minutes as amended. Commissioner Bada seconded. Motion carried unanimously.

Item #8  Executive Session pursuant to NMSA 1978, Section 10-15-1 (H)(7) for Richard’s Septic v. WQCC.

**ACTION:** Commissioner Olson moved to go into Executive Session pursuant to NMSA 1978, Section 10-15-1 (H)(7) for Richard’s Septic v. WQCC. Commissioner Sloane seconded. A roll call vote was taken and the results are as follows:

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<th>Commissioner</th>
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<td>Commissioner Vigil</td>
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<td>Commissioner Goad</td>
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<td>Commissioner Hutchinson</td>
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<td>Commissioner Brandvold</td>
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<td>Commissioner Glass</td>
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<td>Commissioner Murray</td>
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<td>Commissioner Leavitt</td>
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**ACTION:** Commissioner Olson moved to come out of Executive Session. Commissioner Bada seconded. A roll call vote was taken and the results are as follows:

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Commissioner Olson stated the items discussed in Closed Session were only those listed in the motion.

Item #9  Other Business

a.) Commissioners asked if a letter has been drafted thanking Mr. Dave Johnson for his service on the Water Quality Control Commission and requested that one be drafted.
b.) Felicia Orth, Hearing Officer, reported that the University of California had requested that the stream standards hearing be re-opened.

Item #10 Next Meeting

The next meeting of the Water Quality Control Commission is scheduled for October 12, 2004.

ACTION: Commissioner Sloane made a motion to adjourn. Commissioner Glass seconded. Motion carried unanimously.