

**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
Department of Health
State Parks Division
-Soil and Water Conservation Commission
Bureau of Geology and Mineral Resources
Municipal/County Representative
Members-at Large

Meeting Minutes

New Mexico Water Quality Control Commission

Regular Meeting

January 8, 2013

9:00 a.m.

Old PERA Bldg., Apodaca Hall, 1120 Paseo De Peralta

Santa Fe, New Mexico 87504

MEMBERS PRESENT:

Mary Rose	Acting Chair, Environment Department
Larry Dominguez	Department of Agriculture
Dan Brooks	Department of Game & Fish
Doug Bland	Bureau of Geology and Mineral Resources
Heidi Krapfl	Department of Health
John Bemis	Oil Conservation Division
Clark Taylor	Soil and Water Conservation Commission
DL Sanders	Office of the State Engineer
Brett Woods	State Parks Division
Steve Glass	Municipal/County Representative
Hoyt Pattison	Member-at Large Conference Call
John Waters	Member-at-Large
Edward Vigil	Member-at-Large

OTHERS PRESENT:

Sean Cunniff, New Mexico Attorney General's Office
Felicia Orth, Hearing Officer
Pam Castañeda, Administrator

Please see attached sign-in-sheet

The meeting was called to order by Ms. Rose at 9:04 a.m.

Item 1. Roll Call.

Roll was taken; it was noted that a quorum was present.

Item 2. Approval of Agenda.

Action: Mr. Bemis moved Commission adoption of the agenda. Mr. Dominguez seconded. The motion passed unanimously.

Item 3. Approval of minutes of December 11, 2012 meeting.

Action: Mr. Glass moved to approve the minutes as presented. Mr. Waters seconded the motion. Mr. Bland noted that there were a couple of corrections needed: p. 2, line 71, Mr. Moellenberg's name is misspelled; on p.3, line 102, should be WQCC not EIB; and the same issue occurs on that same page further down on line 122, should be WQCC not EIB. Mr. Bemis and Mr. Woods abstained from voting as they were not present at the meeting. The motion passed with corrections.

Item 4. Approval of Statement of Reasons for WQCC 12-07 (R), Proposal to Amend Surface Water Quality Standards for Nichols and McClure Reservoirs, the Santa Fe River and the Galisteo Watershed. Commission Counsel Sean Cunniff.

Action: Mr. Vigil moved to approve the Statement of Reasons and Mr. Waters seconded the motion. Ms. Krapfl made a correction for clarity: the last two sentences of the first paragraph should say the Commission instead of the Board. Mr. Bemis and Mr. Woods abstained from voting. The motion passed with correction.

Item 5. Request for Hearing in WQCC 12-12 (V), Petition for Variance from Regulation 20.6.6 NMAC. Dalva Moellenberg of Gallagher & Kennedy for Petitioner Rajen Dairy, DP-706; Christopher N. Atencio, NMED/OGC, for Ground Water Bureau.

Action: Mr. Pattison made a motion to set the hearing in May and make Felicia Orth the Hearing Officer. Mr. Waters seconded the motion. The motion passed unanimously.

Item 6. Request for Hearing in WQCC 12-13 (V), Petition for Variance from Regulation 20.6.6 NMAC. Pete V. Domenici, Jr., of Domenici Law Firm for Petitioner East Portales Dairy, f/k/a Milk Flow Dairy, DP-1213; Christopher N. Atencio, NMED/OGC, for

- Ground Water Bureau.**
- Action:** Mr. Pattison made a motion to set the hearing in June and make Felicia Orth the Hearing Officer. Mr. Dominguez seconded the motion. The motion passed unanimously.
- Item 7. Continuation of Hearing in WQCC 12-09 (R), Petition for Proposed Amendments to 20.6.6 NMAC, the Dairy Rule, for purpose of considering Motion for Reconsideration and to Dismiss Petition. Dalva Moellenberg and Anthony J. Trujillo for Petitioner DIGCE; Jonathan Block for Amigos Bravos, Caballo Concerned Citizens and the Sierra Club, Movants.**
- Action:** The deliberations in **WQCC 12-09 (R)** were recorded and transcribed by Cheryl Arreguin of Kathy Townsend Court Reporters. The Transcript is available in the office of the Board Administrator.
- Mr. Taylor made a motion to set the hearing in July. Mr. Waters seconded the motion. The motion passed unanimously.
- Item 8. Briefing and request for Commission concurrence in Ct. App. 29,321 regarding the Notice of Amendment of Tyrone Settlement Agreement and Joint Motion to Extend Stay of Appeal to Allow Completion of Settlement Terms. Dalva Moellenberg and Anthony J. Trujillo for Phelps Dodge Tyrone; John J. Kelly and Stuart R. Butzier, Modrall, sperling, Roehl, Harris & Sisk, for Freeport McMoran Tyrone; Bruce Frederick of the Environmental Law Center for Gila Resources Information Project; Andrew Knight, NMED/OGC, for Department.**
- Action:** The deliberations in **WQCC-Tyrone Appeal** were recorded and transcribed by Cheryl Arreguin of Kathy Townsend Court Reporters. The Transcript is available in the office of the Board Administrator.
- Mr. Bemis made a motion that they concurred that the proceeding stay at the Court of Appeals. Mr. Rose seconded the motion. The motion passed unanimously.
- Item 9. Adoption of Commission Open Meetings Act Resolution for 2013. Commission Counsel Sean Cunniff.**
- Action:** Mr. Cunniff went over the Open Meetings Act. Mr. Taylor made a motion. Mr. Dominguez seconded the motion. The motion passed with one opposed by Mr. Vigil.
- Item 10. Update on dairy permitting, other business and announcement of any enforcement actions taken on behalf of the Commission.**

Action: Jerry Schoeppner, Chief of the Ground Water Quality Bureau, presented an update on dairy permits.

Item 11. Next Meeting: April 9, 2013.

Upcoming:
April 9, 2013 – Hearing in WQCC 12-01 (R), the Copper Rule.

Item 12. Adjournment.

The Chair adjourned the meeting at 11:45 a.m.



Commission Chair