

**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

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

September 10, 2013

9:00 a.m.

New Mexico State Capitol Building Room 322

Santa Fe, New Mexico 87501

MEMBERS PRESENT:

Butch Tongate

Larry Dominguez

Dan Brooks

Doug Bland

DL Sanders

Brett Woods

Hoyt Pattison

John Waters

Edward Vigil

Scott Dawson

Steve Glass

Clark Taylor

Chair, Environment Department

Department of Agriculture

Department of Game & Fish

Bureau of Geology and Mineral Resources

Office of the State Engineer

State Parks Division

Member-at Large

Member-at-Large

Member-at-Large

Oil Conservation Division

Municipal/County Representative

Soil and Water Conservation Commission

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 Mr. Tongate at 9:07 a.m.

Item 1. Roll Call.

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

Item 2. Approval of Agenda.

Action: Mr. Tongate noted there were motions pending that needed to be addressed prior to the deliberations in the copper rule. The motions were inserted between 9 and 10. Mr. Waters moved approval of the agenda as amended. Mr. Clark seconded the motion. The motion passed unanimously.

Item 3. Approval of minutes of June 11, 2013 meeting.

Action: Mr. Tongate noted that there were a few corrections needed. On line number 65 Commissioner Dominguez name was misspelled should be a g instead of a q. On line 72 Mr. Abe Franklin with the Watershed Protection section should be division rather than section. On line 100 Commissioner Dominguez name was misspelled should be a g instead of a q. On line 111 and 112 Jennifer Pruett, Manager of the Pollution Prevention Section should be Jennifer Pruett, Manger of the Ground Water Quality Bureau. Mr. Pattison noted that on line 35 it read Mr. Pattison by teleconference. He was present at the meeting. Mr. Woods moved approval of the minutes as amended. Mr. Waters seconded. The minutes were approved as amended.

Item 4. Appointment by the Commission of four regular and two alternate positions on the Utility Operators Certification Advisory Board

Action: Mr. Tongate introduced Mr. Mike Coffman with the Environment Department, Surface Water Quality Bureau. Mr. Coffman runs the Operator Certification board he gave a brief description about the board. There were six people appointed. Mr. Coffman introduced each one. Mr. Dale Graham from the Ruidoso area was a returning Board member and will be fulfilling a three year term. Ms. Kathy Inez from Mescalero is an alternate and will be leading a one year term for a three year term as a regular member. Mr. Ivan Able from the Carlsbad area will be fulfilling a three year term. Mr. Joe B was absent and will be fulfilling a one year term which ends June 2014 and there were two alternate positions. Mr. Kendall Crowe from the Santa Fe area will be fulfilling a three year term and Mr. Sydney Hooke is the other alternate and will be fulfilling a one year term. They were all recommended during the June meeting in Ruidoso. Mr. Waters appreciated that the group got together and brought folks in from around the state. Mr. Glass wanted to hear more input about what Mr. Coffman and the potential appointees planned for increasing the recruiting of certified operators. Mr. Coffman replied that currently the program has 38 hundred operators. The problem they are having is that people leave

when they get a better salary. The program needs to boost their certification. Ms. Pruitt mentioned that they are trying to recruit alternate students from the Mescalero Tribe they are also trying to improve the training and are recruiting from the military and from other states. Mr. Waters moved to approve the advisory council nominees. Mr. Glass seconded the motion passed unanimously.

Item 5. Approval of the Final Draft of the Upper Pecos River TMDLs.

Action: Ms. Henderson from the Surface Water quality Bureau gave a presentation on the Upper Pecos River Watershed. Mr. Glass moved to approve with one editorial correction. Mr. Waters seconded. The motion passed unanimously.

Item 6. Approval of the Final Draft of the Animal River TMDLs.

Action: Ms. Henderson and Ms. Bell gave a presentation on the Animas River Watershed. Mr. Glass brought to their attention the comments which were received on behalf of the South Western Conservation District in appendix F. Where the commenters expressed concern or objection over a very limited data set called the simplistic analysis. Mr. Glass wanted to have the comments upgraded to address the specific complaints and objections expressed before it was finalized.

Mr. Glass moved adoption of the TMDL with the set of comments from the South Western Water Conservation district which needed to be more thoroughly addressed. Mr. Waters seconded. Mr. Tongate asked for a response of a preview of what their response to this comment might be. Mr. Hogan asked to adopt the proposal with the confidant that Mr. Tongate or Mr. Glass who raised the concern review and approve the revised response to comments before final approval is granted as part of the motion. Mr. Kane commented on the concerns. Mr. Glass amended his motion to approve the comments for the responses to the South Western Water Conservation District to be reviewed by the chair for conditional approval. Mr. Clark seconded the amended motion. The TMDL was approved with the condition that the chair reviewed before final approval.

Item 7. Request for Hearing in WQCC 13-04 (CO), Westwinds Mobile Home Park, Respondent. Codra Anderson and Kenneth Graham Owners.

Action: Ms. Pruitt with the Ground Water Quality Bureau, Christopher Atencio with the Office of General Counsel and Mr. Wigley requested a hearing to be set on December 10, 2013, if the settlement agreement is not signed. Mr. Glass moved to set the hearing or approve a settlement agreement for December 10, 2013. Mr. Pattison seconded. The motion passed unanimously.

Item 8. Request for Hearing in WQCC 13-08 (R), Petition to Amend the 20.6.6 NMAC, the Dairy Rule.

Action: Mr. Molellenberg and Mr. Trujillo with Gallagher & Kennedy, for the petitioner and Mr. Kendall with the Office of General Counsel requested a hearing to be set on March 11, 2014. Mr. Block spoke on behalf of Rio Grande Chapter of the Sierra Club and Amigos Bravos. Mr. Pattison moved to set the hearing for March 11, 2014 with the consolidation of two pending petitions. Mr. Dawson seconded the motion. Mr. Tongate appointed Ms. Orth as the hearing officer.

Item 9. Update on dairy permitting.

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

Item 10. Deliberations in WQCC 12-01 (R), 20.6.2 NMAC- The Copper Rule.

Action The hearing in **WQCC 12-01 (R)** was recorded and transcribed by Cheryl Arreguin of Kathy Townsend Court Reporters. The Transcript is available in the office of the Board Administrator. Mr. Tongate moved to approve the Department's proposed rule, Copper Rule, as amended, as well as the Department's proposed statement of reasons as amended. The vote was nine to one.

Item 11. Next Meeting: December 10, 2013

Action **Upcoming:**
March 11, 2014, Scheduling of several dairy variance petitions.

Item 12. Adjournment

The Chair adjourned the meeting at 8:00 p.m.



Commission Chair