New Mexico Water Quality Control Commission Meeting
October 12, 2010
9:00 a.m.
New Mexico State Capitol Building Room 317
490 Old Santa Fe Trail
Santa Fe New Mexico 87501

MEMBERS PRESENT:

Carlos Romero Act. Chair
Bruce Thompson State Parks Division, in lieu of Cheryl Bada
Larry Dominguez Department of Agriculture
Steve Glass County of Bernalillo, Municipal/County Representative
Heidi Krapfl Department of Health
Mark Fesmire Oil Conservation Division, in lieu of Brad Jones
Mike Sloane Department of Game & Fish
Greg Lewis Office of the State Engineer
Howard Hutchinson Soil and Water Conservation Commission
Edward Vigil Member-at-Large
Maxine Goad Member-at-Large
Harold W. Tso Member-at-Large (arrived late)

MEMBERS ABSENT:

Doug Bland Bureau of Geology and Mineral Resources

OTHERS PRESENT:

Please see attached meeting sign-in sheets.

The meeting was called to order by Mr. Romero at 9:00 a.m.
Item 1. Roll Call:
Roll was taken and it was noted that a quorum was present.

Item 2. Approval of Agenda
The Chair noted that moving Item 8, Other Business, and Item 9, Next Meeting, for action prior to the hearing convening would be in order given the anticipated length of the hearing. He then requested a motion for approval of the agenda as amended.

Action: Mr. Hutchinson moved Commission adoption of the Agenda as amended. Mr. Dominguez seconded.

The motion passed unanimously.

Item 3. Approve minutes of July 13-16, 2010 and September 14-17, 2010 meetings.

Action: Mr. Glass moved Commission approval of the September 14-17, 2010 meeting minutes. Ms. Krapfl seconded.

The motion passed unanimously.

Action: Mr. Sloane moved Commission approval of the July 13-16, 2010 meeting minutes. Mr. Dominguez seconded.


Mr. Noble asked the Commission for a hearing setting pursuant to 20.1.3.702 NMAC.

Action: Mr. Hutchinson moved that the Commission set the hearing in WQCC 07-07 (A), Settlement of Discharge Permit #1629 by Chamisa Hills Golf Club on the Commission’s December 14, 2010 agenda and that the Commission Chair be designated as Hearing Officer. Mr. Fesmire seconded.

Roll Call Vote:

Mr. Jones     yes
Mr. Lewis     yes
Ms. Goad      yes
Mr. Thompson  yes
Mr. Dominguez yes
Mr. Glass  
Mr. Sloane  
Mr. Hutchinson  
Ms. Krapfl  
Mr. Vigil  
Mr. Romero  

The motion passed unanimously.


Mr. de Saillan explained in detail the need to schedule a hearing in this case. He requested the hearing be set on the Commission’s December 14, 2010 agenda but acknowledged that this matter was not time sensitive and a setting on the January 11, 2011 would be acceptable.

There was a brief discussion and the Commission agreed that a December 14, 2010 setting would be extremely difficult to manage.

Action: Mr. Hutchinson moved that the Commission set the hearing in WQCC 10-10 (R), Rulemaking for Procedures Governing State Certification of Federal Permits Under the Clean Water Act on the January 11, 2010 meeting agenda and that the Chair be designated to act as Hearing Officer. Mr. Lewis seconded.

Roll Call Vote:

Mr. Lewis  
Mr. Romero  
Mr. Fesmire  
Mr. Thompson  
Mr. Glass  
Mr. Dominguez  
Mr. Sloane  
Mr. Hutchinson  
Ms. Krapfl  
Ms. Goad  
Mr. Vigil  

The motion passed unanimously.

Item 6. Consideration and adoption of Statement of Reasons in re: WQCC 08-13 (R), Triennial Review of 20.6.4 NMAC, Standards for Interstate and Intrastate Surface Waters, as required by §303 (C) of the federal Clean Water Act. Felicia Orth, Hearing Officer.
Ms. Orth presented a brief background of this case as well as its current status following the Commission’s hearing process. She noted a number of text changes in the Statement of Reasons that the Commission had requested.

Action: Mr. Sloane moved Commission approval and adoption of the Statement of Reasons in WQCC 08-13 (R), Triennial Review of 20.6.4 NMAC, Standards for Interstate and Intrastate Surface Waters, as required by §303 (C) of the federal Clean Water Act. Mr. Hutchinson seconded.

Roll Call Vote:

Mr. Romero abstained
Mr. Fesmire yes
Ms. Krapfl yes
Mr. Thompson abstained
Mr. Dominguez yes
Mr. Sloane yes
Mr. Glass abstained
Mr. Hutchinson yes
Ms. Krapfl yes
Ms. Goad yes
Mr. Vigil yes
Mr. Lewis yes

The motion passed unanimously.

Item 8. Other business

Mr. Glass noted the Hearing Officer’s Report in WQCC 09-13 (R), the proposed dairy regulation case, had been filed and distributed to the Commission members. He also discussed future scheduling issues relating to that case.

Item 9. Adjournment

Action: Mr. Glass moved that the Commission adjourn the meeting. Mr. Lewis seconded.

The motion passed unanimously.

Item 7. Resumption of Hearing in re: WQCC 10-01 (R), Petition to Nominate Surface Waters in Forest Service Wilderness as Outstanding National Resource Waters. Tannis Fox, NMED/OGC; Sonny Suazo, EMNRD/OGC; James Karp, NM G&F/General Counsel; Samantha Ruscavage-Barz, Esq., WildEarth Guardians; Erik Schlenker-Goodrich, Esq., Amigos Bravos; Caren Cowan, NM Cattlegrowers Assn.; Ernest Torrez, Individually; Doug Moore, for the Otero County Commission; Dan Dolan, Esq., NM Cattlegrowers Assn., Nacimiento Community Ditch Assn., La
Following the adjournment of the Commission meeting, the Chair then introduced the Hearing Officer, Ms. Felicia Orth. Ms. Orth convened the hearing.

Kathy Townsend Court Reporters transcribed the hearing. All Notices of Intent to Present Technical Testimony were filed and are available for review, as well as public comment correspondence and the hearing transcript in the office of the Water Quality Control Commission Administrator, New Mexico Environment Department, 1190 St. Francis Drive, Runnels Building Room 2150, Santa Fe, New Mexico 87505.