

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

1190 St. Francis Drive, Room N2150

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Santa Fe, New Mexico 87502

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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

**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	Acting 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.**

**The motion passed. Ms. Krapfl and Messrs. Glass, Thompson, Fesmire and Hutchinson abstained.**

**Item 4. Hearing Request in re: Settlement of an Appeal of Discharge Permit #1629 by Chamisa Hills Golf Club, WQCC 07-07 (A). Chuck Noble, NMED/OGC.**

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:**

<b>Mr. Jones</b>	<b>yes</b>
<b>Mr. Lewis</b>	<b>yes</b>
<b>Ms. Goad</b>	<b>yes</b>
<b>Mr. Thompson</b>	<b>yes</b>
<b>Mr. Dominguez</b>	<b>yes</b>




<b>Mr. Glass</b>	<b>yes</b>
<b>Mr. Sloane</b>	<b>yes</b>
<b>Mr. Hutchinson</b>	<b>yes</b>
<b>Ms. Krapfl</b>	<b>yes</b>
<b>Mr. Vigil</b>	<b>yes</b>
<b>Mr. Romero</b>	<b>yes</b>

**The motion passed unanimously.**

**Item 5. Request for Hearing in re: Petition for Rulemaking for Procedures Governing State Certification of Federal Permits Under the Clean Water Act, WQCC 10-10 (R), NMED Petitioner. Charles de Saillan, NMED/OGC.**

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:**

<b>Mr. Lewis</b>	<b>yes</b>
<b>Mr. Romero</b>	<b>yes</b>
<b>Mr. Fesmire</b>	<b>yes</b>
<b>Mr. Thompson</b>	<b>yes</b>
<b>Mr. Glass</b>	<b>yes</b>
<b>Mr. Dominguez</b>	<b>yes</b>
<b>Mr. Sloane</b>	<b>yes</b>
<b>Mr. Hutchinson</b>	<b>yes</b>
<b>Ms. Krapfl</b>	<b>yes</b>
<b>Ms. Goad</b>	<b>yes</b>
<b>Mr. Vigil</b>	<b>yes</b>

**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**

**Jara Ditch Assn. and Individual Citizens of NM; and Jolene McCaleb,  
Esq., San Juan Water Commission.**



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Carlos Romero, Acting Chair

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.