

**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 13, 2011
9:00 a.m.
Morgan Hall, State Land Office
310 Old Santa Fe Trail
Santa Fe, New Mexico 87501**

MEMBERS PRESENT:

Butch Tongate	Chair, Environment Department
Dave Gatterman	State Parks Division
Larry Dominguez	Department of Agriculture
Mike Sloane	Department of Game & Fish
Doug Bland	Bureau of Geology and Mineral Resources
Clark Taylor	Soil and Water Conservation Commission
D.L. Sanders	Office of the State Engineer
Daniel Sanchez	Oil Conservation Division
Steve Glass	County of Bernalillo, Municipal/County Representative
Edward Vigil	Member at Large
Hoyt Pattison	Member-at Large

MEMBER ABSENT:

Heidi Krapfl	Department of Health
John Waters	Member-at-Large

OTHERS PRESENT:

Please see attached sign-in sheets

Carmella Casados, Administrator
Felicia Orth, Hearing Officer
Melanie Carver, NM Attorney General's Office

Zachary Shandler, NM Attorney General's Office
Misty Braswell, NMED/OGC
TJ Trujillo, Attorney, Gallagher & Kennedy P.A. Law Offices

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. Glass moved Commission adoption of the Agenda as presented. Mr. Sloane seconded the motion. The motion passed unanimously.

Item 3. Approve minutes of August 9, 2011 meeting.

Action: Mr. Sloane moved to approve the minutes as amended. Mr. Sanders seconded the motion. The motion passed unanimously.

Item 4. Appointment of Utility Operators Certification Advisory Board Members, Mike D. Coffman, Executive Secretary, NM Utility Operators Certification Advisory Board.

Mr. Coffman introduced the two new commissioners of the Utility Operators Certification Advisory Board, Mr. Eric Hall and Mr. Albert Mendez to the Commission. Mr. Coffman and the Utility Operators Certification Advisory Board requested that the Water Quality Control Commission make appointments to fill two regular Board positions, and one alternate position. All three terms will end on June 30, 2014.

Nominations for these positions were solicited by publication in a newsletter sent to certified operators and by direct mailing to a list of interested parties maintained by the Board. At the Board's regularly scheduled meeting on June 9, 2011, the Board reviewed the nomination materials submitted and interviewed the candidates present. All candidates meet the statutory requirement for Board membership by holding active utility operator certificates issued by the State of New Mexico. Additionally, all candidates indicated their willingness and ability to serve on the Board.

After reviewing the candidates' qualifications and statements, the Advisory Board voted on June 9, 2011 to recommend the following operators to the Commission for appointment to the Board as regular members: Mr. Miguel De La Cruz, Mr. William Harrelson and Ms. Cathie Eisen as the alternative member.

Action: Mr. Glass moved to approve the appointment of the members to the Utility Operators Certification Advisory Board. Mr. Taylor seconded the motion. The motion passed unanimously.

Item 5. Approval of final draft TMDL, Mora River, Mainstem of the Canadian River and Select Tributary Streams, and Waters of the Valle Vidal, Heidi Henderson, James Hogan, NMED/SWQB

The New Mexico Environment Department's Surface Water Quality Bureau (SWQB) requested that the Commission approve three total maximum daily load (TMDL) documents. Mr. Dominguez noted the need for two editorial corrections to the Canadian River Watershed Part 2 TMDL.

Action: Mr. Bland moved to conditionally approve the three documents contingent on SWQB making the two editorial corrections in Canadian Part 2 TMDL document, undertaking a final review of the document for other errors, and sending the corrected Final Draft to the WQCC Chairman Tongate to confirm the changes are non-substantive. Mr. Sloane seconded the motion. The motion passed.

Item 6. Presentation of Motion in **WQCC 11-04 (R)**, Unopposed Motion to Extend Stay of Dairy Rule until Effective Date Of The Dairy Rule Amendments. Misty Braswell for Petitioner, NMED

Action: Ms. Braswell requested that the Commission approve the stay of the Dairy Rule until the effective date of rule amendments or December 31, 2011.

Action: Mr. Glass moved to approve the motion. Mr. Taylor seconded the motion. The motion passed unanimously.

Item 7. Executive Session- NMSA 1978, Section 10-15-1(H)(7) Litigation Matters, Zachary Shandler, NMAGO

- a. Summers v. WQCC: In Matter of Alta Vista, Court of Appeals, No. 29, 753, review of Court's Decision
- b. NM Cattle Growers v. WQCC; In the Matter of the ONRW, Court of Appeals, No. 31, 191

Action: The Commission came back into open session at 12:35 P.M. The Commission took no action in closed session and discussed no other business.

Item 8. Other business. None

Item 9. Next meeting: November 16, 2011

Item 10. Adjournment.
The Chair adjourned the meeting.



Commission Chair