

**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**

**Meeting Minutes**

**New Mexico Water Quality Control Commission**

**Regular Meeting**

**January 8, 2014**

Porter Hall

1<sup>st</sup> Floor-Wendell Chino Building,

1220 South St. Francis Drive, Santa Fe

**MEMBERS PRESENT:**

Butch Tongate

Larry Dominguez

Dan Brooks

DL Sanders

Brett Woods

Hoyt Pattison

John Waters

Edward Vigil

Scott Dawson

Jane DeRose-Bamman

Clark Taylor

Chair, Environment Department

Department of Agriculture

Department of Game & Fish

Office of the State Engineer

State Parks Division

Member-at Large

Member-at-Large

Member-at-Large

Oil Conservation Division

Water Utility Authority

Soil and Water Conservation Commission

**OTHERS PRESENT:**

Sean Cunniff, New Mexico Attorney General's Office

Wade Jackson, Economic Development Department

Felicia Orth, Hearing Officer

Pam Castañeda, Administrator

**Please see attached sign-in-sheet**

The meeting was called to order by Mr. Tongate 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. Waters moved Commission adoption of the agenda. Mr. Dominguez seconded the motion. The motion passed unanimously.

**Item 3. Approval of minutes of December 10, 2013 meeting.**

**Action:** Mr. Tongate noted that one correction was needed for Item no. 12 needed to be changed to item no. 8. Mr. Pattison moved approval of the minutes as amended. Mr. Dawson seconded the motion. Mr. Dominguez and Ms. DeRose-Bamman abstained because they were absent from the meeting. The motion passed unanimously.

**Item 4. Adoption of the Commission's Open Meetings Act Resolution for 2014.**

**Action:** Mr. Cunniff addressed the Open Meetings Act. The resolution he drafted for 2014 is similar to prior years, except that meeting agendas must now be available 72 hours instead of 24 hours ahead of the meeting. Mr. Waters moved to approve the resolution. Mr. Dawson seconded. The motion passed unanimously.

**Item 5. Update on dairy permitting.**

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

**Item 6. Report on status of Nonpoint Source Management Program revision.**

**Action:** Mr. Franklin, Manager of the Watershed Protection Section gave a presentation on New Mexico's Nonpoint Source Management Program and Plan Revision.

**Item 7. Presentation of Settlement Agreement in WQCC 13-03 (CO), New Mexico Environment Department Resource Protection Division, Complainant, v. John A. Bocella, Respondent**

**Action:** Ms. Hower, attorney for the Environment Department, presented the request to the Commission to approve the stipulated final order. Ms. Barkley represented Mr. Bocella. Ms. Barkley stated that Mr. Bocella would comply with the Bureau's requests and had signed the settlement agreement. Mr. Vigil moved to adopt the settlement agreement. Mr. Sanders seconded. The motion passed unanimously.

**Item 8. Presentation of Settlement Agreement in WQCC 13-04 (CO), Westwinds Mobile Home Park, Respondent. Codra Anderson and Kenneth Graham, Owners.**

**Action:** Mr. Atencio and Mr. Schoeppner presented the negotiated settlement agreement. Mr. Wiggley said he is trying to comply with the Bureau's direction. Mr. Dominguez moved to adopt the stipulated final order. Mr. Waters seconded. The motion passed unanimously.

**Item 9. Consideration of Motion to Disqualify or Recuse the Commission, and Hearing on Motion to Stay in WQCC 12-01 (R), 20.6.2 NMAC-The Copper Rule.**

**Action:** The Commission's consideration of the Motion to Disqualify or Recuse the Commission and the hearing on the Motion to Stay in **WQCC 12-01 (R)** was recorded and transcribed by Kathy Townsend of Kathy Townsend Court Reporters. The Transcript is available in the office of the Board Administrator.

Mr. Pattison moved to deny the Motion to Disqualify or Recuse the Commission. Mr. Waters seconded. Roll call was taken; the motion passed unanimously eight to zero with one abstention.

Mr. Pattison moved to deny the Motion to Stay. Mr. Woods seconded. Roll call was taken; the motion passed unanimously ten to zero. Mr. Dominguez moved to authorize the Chair to sign an appropriate Statement of Reasons. Mr. Dawson seconded the motion. The motion passed unanimously.

**Item 10. Next meeting: March 11, 2014.**

**Item 11. Adjournment.**

The Chair adjourned the meeting at 7:40 p.m.

  
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Commission Chair