

**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**

**June 8, 2010**

**9:00 a.m.**

**New Mexico State Capitol Building Room 317**

**490 Old Santa Fe Trail**

**Santa Fe New Mexico 87505**

**MEMBERS PRESENT:**

Carlos Romero	Acting Chair
Cheryl Bada	State Parks Division
Larry Dominguez	Department of Agriculture
Howard Hutchinson	Soil and Water Conservation Commission
Steve Glass	County of Bernalillo, Municipal/County Representative
Doug Bland	Bureau of Geology and Mineral Resources
Brad Jones	Oil Conservation Division
Greg Lewis	Office of the State Engineer
Mike Sloane	Department of Game & Fish
Edward Vigil	Member-at-Large
Harold W. Tso	Member-at-Large

**MEMBERS ABSENT:**

Sarah Cottrell	Chair Designee
Heidi Krapfl	Department of Health
Maxine Goad	Member-at-Large
Joseph Chavarria	Member-at-Large

**OTHERS PRESENT:**

**Please see attached sign-in sheets for meeting attendance data.**

Adrian Terry, Asst. AG  
Zachary Shandler, Asst. AG, Board Counsel

Joyce Medina, NMED

It was suggested that the Commission take twenty minutes to review the draft final order in the ParaSol Dairy case, WQCC 08-05 (A) prior to calling the meeting to order.

The meeting was called to order by Mr. Romero at 9:20 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 requested a motion for approval of the agenda.

**Action: Mr. Glass moved Commission adoption of the Agenda.  
Mr. Hutchinson seconded.**

Mr. Lewis suggested changing the order of Item 5, the resumption of the Dairy Regulations hearing and Item 6. Other business.

**Mr. Glass accepted the friendly amendment to adopt  
the Agenda as amended by Mr. Lewis.**

**The motion passed unanimously.**

**Item 3. Approval of the meeting minutes of May 11, 2010.**

**Action: Mr. Tso moved Commission approval of the May 11, 2010  
meeting minutes. Mr. Dominguez seconded. The motion passed  
unanimously.**

**Item 4. Discussion of previously tabled Request for Record Review in re:  
WQCC 08-05 (A), Appeal by ParaSol Dairy-Discharge Permit  
DP-1641. Pete Domenici, Jr., Esq., ParaSol Dairy; Hubert &  
Hernandez Law Firm, Elephant Butte Irrigation District; Jerry  
Nivens, Caballo Concerned Citizens; Chris Rich and Steve  
Hansen, USDI/BOR; Tracy Hughes, NMED/OGC**

The Chair noted that all members had in-hand a draft Final Order in this matter. He then requested Commission discussion. Mr. Shandler, Commission Counsel, noted that the Commission could move into executive session if it wished. It was agreed that discussion would continue in open session.

Mr. Glass requested that Mr. Shandler review the issues in this case as well as the impact of the draft order. Mr. Shandler acknowledged the request and described in depth the background of the

case and the contents of the draft order as well as its impact.

Commission discussions with Mr. Shandler followed.

Minor typographic and grammar errors in the text were pointed out and discussed. Mr. Shandler agreed to make additional non-substantive changes should any be found.

**Action: Mr. Glass moved Commission adoption of the Statement of Reasons and Conclusions of Law with noted editorial changes and to also authorize the Chair to execute the document on behalf of the Commission. Mr. Hutchinson seconded.**

**Roll Call Vote:**

<b>Mr. Jones</b>	<b>yes</b>
<b>Mr. Lewis</b>	<b>yes</b>
<b>Ms. Bada</b>	<b>abstain</b>
<b>Mr. Glass</b>	<b>yes</b>
<b>Mr. Dominguez</b>	<b>yes</b>
<b>Mr. Sloane</b>	<b>abstain</b>
<b>Mr. Hutchinson</b>	<b>yes</b>
<b>Mr. Bland</b>	<b>yes</b>
<b>Mr. Tso</b>	<b>yes</b>
<b>Mr. Vigil</b>	<b>yes</b>
<b>Mr. Romero</b>	<b>yes</b>

**The motion passed, nine in the affirmative and two abstentions.**

**Item 6. Other business**

None.

**Item 7. Next meeting: July 13-16, 2010, 9:00 a.m., Location: State Capitol Room 317, 490 Old Santa Fe Trail, Santa Fe, NM 87501.**

The meeting adjourned and the hearing in WQCC 09-13 (R) commenced.

**Item 5. Resumption of Hearing in re: WQCC 09-13 (R) Proposed Amendments to 20.6.2 NMAC, Dairy Rules. Chuck Noble, Asst. General Counsel and Misty Braswell, Asst. General Counsel, NMED/OGC; Dalva Moellenberg, Esq. and T. J. Trujillo, Esq., Gallagher & Kennedy, appearing for DIGCE; Bruce Frederick, Esq. and Jonathan Block, Esq., NMELC, appearing for Amigos Bravos, Caballo Concerned Citizens, Food and Water Watch and the Sierra Club, Rio Grande Chapter.**

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 N2150, Santa Fe, New Mexico 87505.

*Signature on file*

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Carlos Romero, Acting Chair