

**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

**Draft Minutes  
New Mexico Water Quality Control Commission  
Regular Meeting  
August 14, 2012  
9:00 a.m.  
New Mexico State Capitol Building Room 307  
490 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
Clark Taylor	Soil and Water Conservation Commission
Heidi Krapfl	Department of Health
Daniel Sanchez	Oil Conservation Division
Steve Glass	NM Municipal Environmental Quality Association
Edward Vigil	Member-at-Large
John Waters	Member-at-Large
Hoyt Pattison	Member-at Large

**MEMBERS ABSENT:**

Doug Bland	Bureau of Geology and Mineral Resources
D.L. Sanders	Office of the State Engineer

**OTHERS PRESENT:**

Sean Cunniff, New Mexico Attorney General's Office  
Sally Worthington, Office of the Hearing Officer  
Felicia Orth, Hearing Officer  
**Please see attached sign-in sheets**

The meeting was called to order by Mr. Tongate at 9:00 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 approval of the Agenda. Mr. Sloane seconded the motion. The motion passed unanimously.

**Item 3. Approval of minutes of May 8, 2012 meeting.**

**Action:** Mr. Vigil moved approval of the Minutes. Mr. Dominguez seconded the motion. The motion passed unanimously.

**Item 4. Request for Hearing in WQCC 12-06 (A), Petition for Review of Discharge Permit 11-97 Renewal and Modification, by Legend Dairy, LLC. Randy, Sybrand J. and Jonathan Vander Dussen, Petitioners. Dalva Moellenberg of Gallagher & Kennedy for Petitioners; Misty Braswell, NMED/OGC.**

**Action:** T. J. Trujillo introduced himself as substituting for Mr. Moellenberg of Gallagher & Kennedy and offered to waive the ninety day time limit in which a hearing must be set in order to allow discussions to continue.

Mr. Vigil made a motion to waive the ninety day time limit and set the hearing for the October meeting. Mr. Cunniff, the new Counsel to the Commission, asked Mr. Trujillo to submit a letter to the Commission putting in writing the fact that he was waiving the ninety day time limit. Mr. Sloane seconded the motion. The motion passed unanimously.

**Item 5. Request for Hearing in WQCC 12-07 (R), on Proposal to Amend Surface Water Quality Standards for Nichols and McClure Reservoirs, the Santa Fe River, and the Galisteo Watershed. Tim Michael, Deborah Sarabia and James Hogan, NMED/SWQB; Ryan Flynn, NMED/OGC.**

**Action:** Chris Atencio from NMED/OGC, along with Tim Michael, Deborah Sarabia and James Hogan, requested a hearing at the December meeting and that a Hearing Officer be appointed to prepare a scheduling order.

Mr. Sloane made a motion to set the hearing at the regular meeting in December and to appoint Ms. Orth as Hearing Officer to prepare a scheduling order. Mr. Waters seconded the motion. The motion passed unanimously.

**Item 6. Approval of final draft TMDL Upper Rio Grande Watershed. Heidi Henderson, James Hogan, NMED/SWQB.**

**Action:** Ms. Henderson made a presentation summarizing the request for approval of nine TMDLs relating to E. coli in the Upper Rio Grande Watershed.

Mr. Vigil made a motion to approve the final draft for the Upper Rio Grande Watershed. Mr. Glass seconded the motion. The motion passed unanimously.

**Item 7. Other business and announcement of any enforcement actions taken on behalf of the Commission.**

**Action:** Mr. Flynn said that no enforcement actions were taken on behalf of the Commission.

Mr. Dominguez questioned Mr. Davis about the status of the informational briefing on Water Quality Laws and Regulations that in May was postponed until July. Mr. Davis said they had not done the footwork yet and that perhaps they should involve someone from the Attorney General's office in the presentation. Mr. Flynn added that they had also talked about including the Hearing Officer, Ms. Orth.


Chair Tongate stated that perhaps they could cover the highlights and major issues and challenges in an hour or so. The presentation was scheduled for the October meeting.

**Item 8. Next meeting:**

September 11, 2012

**Item 9. Adjournment.**

The Chair adjourned the meeting at 9:41 am.

  
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Commission Chair