

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

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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**

October 9, 2012

9:00 a.m.

**New Mexico State Capitol Building Room 322
Santa Fe, New Mexico 87501**

MEMBERS PRESENT:

Butch Tongate
Larry Dominguez
Mike Sloane
Doug Bland
Heidi Krapfl
Daniel Sanchez
Clark Taylor
DL Sanders
David L. Certain
Steve Glass
Hoyt Pattison
John Waters
Edward Vigil

Chair, Environment Department
Department of Agriculture
Department of Game & Fish
Bureau of Geology and Mineral Resources
Department of Health
Oil Conservation Division
Soil and Water Conservation Commission
Office of the State Engineer
State Parks Division
Municipal/County Representative
Member-at Large
Member-at-Large
Member-at-Large

OTHERS PRESENT:

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

The meeting was called to order by Mr. Tongate at 9:03 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 approval of the agenda. Ms. Krapfl seconded the motion. The motion passed unanimously.

Item 3. Approval of minutes of September 11, 2012 meeting.

Action: Ms. Krapfl noted that a correction was needed on the bottom of page 3/top of page 4. In the discussion about setting a hearing to amend the Dairy Rule, she believes someone else voted nay. Mr. Sanchez said he voted nay. Mr. Sloane moved approval of the minutes with the correction. Mr. Pattison seconded the motion. The motion passed unanimously.

Item 4. Appointment by the Commission of two regular positions to the Utility Operators Certification Advisory Board-Mr. Ken Mosley and Miguel De La Cruz. Mike Coffman, SWQB/NMED.

Action: Mr. Coffman introduced and Mr. Tongate welcomed Mr. Mosley and Mr. De La Cruz. Mr. Vigil moved that Mr. Mosley and Mr. De La Cruz be appointed to the Utility Operators Certification Advisory Board. Mr. Sloane seconded the motion. The motion passed unanimously. Mr. Waters questioned if there were any people from the Las Cruces, Clovis or Farmington area interested in appointment to The Board. Mr. Coffman noted that there were not many nominees for the board this time, and that the more remote communities were struggling to pay for attendance at Board meetings, but that he continues to encourage people in all communities to be active in Board matters.

Item 6. Request for hearing in WQCC 12-08 (V), Petition for Variance from 20.6.6.21.L NMAC. Edward DeRuyter for Petitioner Bright Star Dairy; Misty Braswell for NMED Ground Water Bureau.

Action: Mr. DeRuyter was present to request that the Commission set this matter for hearing. Misty Braswell appeared for the Environment Department.

Mr. Vigil made a motion to set the hearing in November. Mr. Dominguez seconded the motion. The motion passed unanimously.

The hearing is set for November 13, 2012.

Item 5. Presentation by Hearing Officer Felicia Orth and Commission Counsel Sean Cunniff on Water Law, Due Process, IPRA, OMA and the Role of the Commission under state and federal law.

Action: Ms. Orth gave a presentation the Clean Water Act, the NM Water Quality Act, the Commission's Adjudicatory Procedures and Rulemaking Guidelines. Mr. Cunniff, Commission Counsel, gave a presentation on the inspection of public records act (IPRA), the Open Meeting Act (OMA), and their applicability to the Commission. Both answered questions by the Commissioners. Their joint PowerPoint presentation is attached.

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

Action: Commissioner Pattison asked why Legend Dairy withdrew its appeal, when the hearing had been scheduled for this meeting. Ms. Braswell noted that after Legend Dairy appealed its ground water discharge permit, they began meeting with the Department to resolve the issues in the appeal petition. These meetings continue.

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

Mr. Glass requested a briefing from the Surface Water Quality Bureau on their strategy for nutrient criteria and methods for setting targets for nutrient TMDLs. Mr. Taylor requested a briefing from the Surface Water Quality Bureau on plans for monitoring in the Pecos following the Little Bear Fire.

Mr. Tongate stated that no enforcement actions were taken on behalf of the Commission.

Item 8. Next meeting:

Action: November 13, 2012

Item 9. Adjournment.

The Chair adjourned the meeting at 11:30 a.m.


Commission Chair