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  Chair, Environment Department
Larry Dominguez  Department of Agriculture
Mike Sloane  Department of Game & Fish
Doug Bland  Bureau of Geology and Mineral Resources
Heidi Krapfl  Department of Health
Daniel Sanchez  Oil Conservation Division
Clark Taylor  Soil and Water Conservation Commission
DL Sanders  Office of the State Engineer
David L. Certain  State Parks Division
Steve Glass  Municipal/County Representative
Hoyt Pattison  Member-at Large
John Waters  Member-at-Large
Edward Vigil

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.


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 Schoepner, 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.