

**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
December 11, 2012
9:00 a.m.
New Mexico State Capitol Building Room 307
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 Conference Call
Member-at-Large
Member-at-Large

OTHERS PRESENT:

Sean Cunniff, New Mexico Attorney General's Office
Felicia Orth, Hearing Officer
Pam Castañeda, Administrator

Please see attached sign-in-sheet

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. Sloane moved Commission adoption of the agenda. Mr. Pattison seconded, noting that a correction was needed on item no. 9 to change the year to 2013. The motion passed unanimously.

Item 3. Approval of minutes of November 13, 2012 meeting.

Action: Mr. Sloane moved to approve the minutes as presented. Mr. Dominguez seconded the motion. The motion passed.

Item 4. Request for Hearing in WQCC 12-11 (V) Petition for Variance from Regulations-20.6.6 NMAC, Ron Schaap for Petitioner Southern Draw Dairy, DP-1022. Christopher Atencio, NMED/OGC.

Action: Mr. Moellenberg, representing Petitioner Southern Draw Dairy, requested that the Commission set this matter for hearing, and agreed that in consideration of the legislative session the hearing could be held more than 90 days out. Mr. Atencio appeared for the Environment Department. Mr. Sloane made a motion to set the hearing in May. Mr. Waters seconded the motion. The motion passed unanimously.

The hearing is set for the May 14, 2013 meeting.

Item 5. Approval of the Final Draft of the Withdrawal of the Red River Dissolved Aluminum TMDL. Heidi Henderson, James Hogan, NMED/SWQB.

Action: Dr. Hogan introduced Ms. Henderson, who gave a presentation requesting the withdrawal of the Red River Dissolved Aluminum TMDL. (The presentation is attached.) Rachel Conn with Amigos Bravos offered comment opposing the withdrawal.

Following questions by the Commission of Dr. Hogan, Ms. Henderson and Ms. Conn, Mr. Waters moved approval of the withdrawal as requested. Mr. Taylor seconded the motion. The motion passed unanimously.

Item 6. Hearing in WQCC 12-07 (R), 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, SWQB/NMED; Christopher Atencio, OGC/NMED.

Action: The hearing in WQCC 12-07 (R) was recorded and transcribed by Cheryl Arreguin of Kathy Townsend Court Reporters. The transcript is available in the office of the Board Administrator.

The Department Surface Water Quality Bureau panel presented its proposed amendments. Public comment was offered by Alex Puglisi, Felicity Broennan and Rachel Conn.

Following questions and discussion by the Commission, Mr. Sanders moved approval of the proposed amendments. Mr. Waters seconded the motion. A roll call vote was taken. The "ayes" included Mr. Tongate, Mr. Bland, Mr. Sanchez, Mr. Sanders, Dr. Certain, Mr. Pattison, Mr. Waters and Mr. Vigil. The "nays" included Mr. Glass, Mr. Dominguez, Mr. Sloane, Mr. Taylor and Ms. Krapfl. Motion passed 8-5.

Item 7. Hearing in WQCC 12-09 (R) Petition for Proposed Amendments to 20.6.6 NMAC, the Dairy Rule. Dalva Moellenberg and Anthony J. Trujillo for DIGCE; Jonathan Block for Amigos Bravos, Caballo Concerned Citizens and the Sierra Club.

Action: The beginning of the hearing in WQCC 12-09 (R) was recorded and transcribed by Cheryl Arreguin of Kathy Townsend Court Reporters. The transcript is available in the office of the Board Administrator.

As soon as the hearing was begun, based on the unavailability of a witness, and the possibility that discussions among the parties might be beneficial, Mr. Moellenberg requested that the hearing be reconvened in January. Mr. Block stated that he had no objection.

Mr. Sloane encouraged the parties to pursue potential areas of agreement and narrow the scope of the disputed provisions.

The continuation of this hearing is set for January 8, 2013 meeting.

Item 8. Other business, update on dairy permitting and announcement of any enforcement actions taken on behalf of the Commission.

Action Jerry Schoepner, Chief of the Ground Water Quality Bureau, was not able to be present to offer the update on dairy permitting, and prepared a written report, which was distributed (see attached).

Mr. Tongate stated that no enforcement actions were taken on behalf of the Commission. No other business was raised.

Item 9. **Next Meeting: January 8, 2013**, including adoption of an Open Meetings Act Resolution and the hearing in WQCC 12-09, proposed amendments to the Dairy Rule.

Item 10. **Adjournment.**

The Chair adjourned the meeting at 1:35 p.m.



Commission Chair