



STATE OF NEW MEXICO  
WATER QUALITY CONTROL COMMISSION  
1190 S. St. Francis Drive  
P.O. Box 5469  
Santa Fe, New Mexico USA 87502

**REVISED DRAFT**

**AGENDA**

**WQCC PUBLIC MEETING**  
**January 8<sup>th</sup>, 2013, 9:00 a.m.**  
**Old PERA Building, Apodoca Hall**  
**1120 Paseo de Peralta**  
**P.O. Box 1269**  
**Santa Fe, New Mexico USA 87504**

**CONSTITUENT AGENCIES:**

Environment Department  
State Engineer & Interstate Stream Commission  
Game and Fish Department  
Oil Conservation Division  
Department of Agriculture  
Department of Health  
State Parks Division  
Soil and Water Conservation Commission  
Bureau of Mines and Mineral Resources  
Members-at-Large

**The following items are for discussion and possible action:**

1. Roll Call
2. Approve the Agenda
3. Approve minutes of December 11, 2012 meeting
4. Approval of Statement of Reasons for **WQCC 12-07 (R)**, Proposal to Amend Surface Water Quality Standards for Nichols and McClure Reservoirs, the Santa Fe River and the Galisteo Watershed. Commission Counsel Sean Cunniff.  
Time estimate: 15 Minutes
5. Request for Hearing in **WQCC-12-12 (V)** Petition for Variance from Regulations 20.6.6 NMAC. Dalva Moellenberg of Gallagher & Kennedy for Petitioners; Rajen Dairy, DP-706; Christopher N. Atencio, NMED/OGC for Ground Water Bureau.  
Time estimate: 15 minutes
6. Request for Hearing in **WQCC-12-13 (V)**, Petition for Variance from Regulation 20.6.6 NMAC. Pete V. Domenici, Jr., of Domenici Law Firm for Petitioner East Portales Dairy, f/k/a Milk Flow Dairy, DP-1213; Christopher N. Atencio, NMED/OGC, for Ground Water Quality Bureau. Time estimate: 15 minutes
7. Continuation of Hearing in **WQCC 12-09 (R)**, Petition for Proposed Amendments to 20.6.6 NMAC, the Dairy Rule, for purpose of considering Motion for Reconsideration and to Dismiss Petition. Dalva Moellenberg and Anthony J. Trujillo for Petitioner DIGCE; Jonathan Block for Amigos Bravos, Caballo Concerned Citizens and the Sierra Club, Movants. Time estimate: 1 hour.
8. Briefing and request for Commission concurrence in **Ct. App. 29,321** regarding the Notice of Amendment of Tyrone Settlement Agreement and Joint Motion to Extend Stay of Appeal to Allow Completion of Settlement Terms. Dalva Moellenberg and Anthony J. Trujillo for Phelps Dodge Tyrone; John J. Kelly and Stuart R. Butzier, Modrall, Sperling, Roehl, Harris & Sisk, for Freeport McMoran Tyrone; Bruce

Frederick of the Environmental Law Center for Gila Resources Information Project;  
Andrew Knight, NMED/OGC, for Department. Time estimate: 30 minutes

9. Adoption of WQCC Open Meetings Act Resolution for 2013. Commission Counsel Sean Cunniff. Time estimate: 20 Minutes.
10. Update on dairy permitting, other business and announcement of any enforcement actions taken on behalf of the Commission.
11. Next meeting: April 9, 2013.

**UPCOMING:**

**April 9, 2013:** Hearing in **WQCC 12-01 (R)**, the Copper Rule

12. Adjournment