

**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

Minutes

New Mexico Water Quality Control Commission

Regular Meeting

May 8, 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
Doug Bland	Bureau of Geology and Mineral Resources
D.L. Sanders	Office of the State Engineer
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

MEMBER ABSENT:

Clark Taylor Soil and Water Conservation Commission

OTHERS PRESENT:

Please see attached sign-in sheets

Felicia Orth, Hearing Officer
Sally Worthington, NMED Office of the Hearing Officer

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: Chair Tongate proposed to postpone Item 6 until July. Upon consideration of the request to present information about water quality programs and the law, the Department would like to expand the presentation to include more information about the Commission's role, and needs more time to prepare the materials.

Mr. Sloane moved approval of the Agenda as amended. Mr. Waters seconded the motion. The motion passed unanimously.

Item 3. Approval of minutes of April 10, 2012 meeting.

Action: Chair Tongate stated that he had been successful in persuading Ms. Orth to be the Hearing Officer today.

Mr. Glass had two corrections: (1) he is no longer with the County of Bernalillo; the proper reference is to the New Mexico Municipal Environmental Quality Association. (2) on the second page, Item 4, in the first paragraph under "Action," the last sentence should read "Because De Smet is proposing a very small scale dairy operation, approximately 25 to 50 head, with a mobile milking parlor, they will be able to remove manure from the milking parlor manually and spread it on the grazing fields; therefore, a traditional mechanical manure solid separator is not required at this facility."

The minutes were unanimously approved as amended.

Item 4. Hearing and deliberations in WQCC 12-04(V), a Petition for Variance from certain provisions of 20.6.6 NMAC, the Dairy Rule, filed by De Smet Dairy. Michael De Smet, Petitioner; Misty Braswell, Kathie Deal and Clint Marshall for NMED.

Action: The hearing in WQCC 12-04(V) was digitally recorded. A copy of the audio recording can be obtained from Sally Worthington in the office of the Commission Administrator.

Following the hearing and deliberations, which included questions of Petitioner and the Department, Mr. Sloane made a motion to approve the petition with the proposed conditions for a period not to exceed twelve years and allow the Chair to sign the order of approval on behalf of the Commission. The motion passed unanimously.

Item 5. Deliberation in WQCC 11-06 (PISC), Petition by Dept. of Game and Fish for Use of Piscicides to Restore the Native Fish Community in the Rio Costilla Watershed, Taos County. Felicia Orth, Hearing Officer.

Action: Following deliberations, which included questions of Commissioner Sloane and the Hearing Officer, Mr. Waters made a motion to approve the Petition with the conditions agreed to by the Petitioner, and to include the additional condition recommended by the Hearing Officer. The motion included authorization for the Chair to sign the order of approval based on the Petitioner's post-hearing submittal. Mr. Dominguez seconded the motion. The motion passed unanimously.

Item 6. Informational Briefing on Water Quality Laws and Regulations. Jim Davis, Director, Resource Protection Division.

Action: Postponed until July.

Item 7. Other business.

Action: Mr. Pattison asked about the progress on the dairy permits. Mr. Schoeppner of the Ground Water Bureau stated that they are in the first phase of issuing draft permits. Eleven draft permits went out and the comment period has ended but so far no hearing requests for variances have been received. The next round will be 27 drafts and those will be issued by the end of June. Mr. Pattison asked how many more they have to go and Mr. Schoeppner replied 165.

Item 8. Next meeting:

June 12, 2012

Item 9. Adjournment.

The Chair adjourned the meeting at 11:03 am.



Commission Chair