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**MEETING OF THE UTILITY OPERATOR CERTIFICATION PROGRAM ADVISORY BOARD**

**THURSDAY JANUARY 7, 2021**

**9:09 A.M.**

**Via Cisco WebEx virtual meeting**

**Agenda Item 1. ROLL CALL AND INTRODUCTION OF GUESTS:**

**Members present:** Cathie Eisen, Chair  
Dale Graham  
Joe Harvey  
Ivan (Michael) Abell  
Maria Gilvarry  
Bobby Towle  
Rick Mitchell

**Absent:** Joe Bailey  
Sydney Hoke

**Guests:** Eric Hall, UOCP Manager/UOCAB Executive Secretary  
Anita Tavasci UOCP Management Analyst  
Nile Carver, UOCP Environmental Scientist  
Joe Martinez DWB Chief  
Jill Turner DWB SWIG Manager  
Sarah Holcomb SWQB  
Jason Herman GWQB

**Action:** Roll was called, a quorum was present.

**Agenda Item 2. REVIEW AND APPROVAL: MEETING AGENDA**

**DISCUSSION:** Eric Hall gave the revisions to the meeting Agenda. Item 4 is going to be the Open Meetings Act. Item 5 is for nomination of a Chair and Vice Chair of the Advisory Board. Due to these additions all other items will be moved down the list starting with Item 6 will be Certification testing, Item 7 will be Utility Operator Bill of proposed statutory amendments and on down. The Chair requested a motion for the amendment of the meeting agenda as proposed.

**ACTION:** Member Abell made a motion for approval of the agenda as noted and changed. Member Gilvarry seconded the motion. The Chair called for a voice vote. The motion passed unanimously.

**Agenda Item 3. REVIEW AND APPROVAL: NOVEMBER 5, 2020 MEETING MINUTES**

**DISCUSSION:** The Chair asked Board members if any changes need to be made to the previous meeting minutes. There were no requested changes. The Chair then requested a motion for approval of the November 5, 2020 meeting minutes.

**ACTION:** Member Abell made a motion to accept the minutes as written. Member Towle made a second to that motion. The Chair then called for a voice vote. The motion passed unanimously.

**Agenda Item 4. OPEN MEETINGS ACT**

**DISCUSSION:** Member Abell proceeded reading the annual required reading of the “Open Meetings Act” at the first meeting of the Utility Operator Certification Advisory Board for the year of 2021. Upon completion of the reading Member Graham brought up that the first line needs to change the date read to January 7, 2021 and adopted for resolution of calendar year 2021.

**ACTION:** Member Graham made a motion to accept the Open Meetings Act with the change of date to January 7, 2021 and adopted at the Open Meetings Act for calendar year of 2021 as required by law. Member Abel seconded the motion. The Chair called for a voice vote. The motion carried unanimously.

**Agenda Item 5. NOMINATE UOCAB CHAIR AND VICE CHAIR**

**DISCUSSION:** Ms. Eisen stated she is the present Chair and called for nominations for that position for the year of 2021.

**ACTION:** Member Graham nominated Ms. Eisen to be the Chair of the Advisory Board again. Member Towle seconded the nomination. All members voiced approval for the nomination. The nomination passed unanimously.

**DISCUSSION:** The Chair stated that now the Board is to nominate someone to sit as Vice Chair for the calendar year of 2021. She stated that Ivan Abell is currently the Vice Chair.

**ACTION:** Member Towle made a nomination that Ivan Abell continue as Vice Chair of the Advisory Board. Member Graham seconded the nomination. The Chair asked member Abell if he would accept the nomination. Member Abell did accept the nomination. The Chair called for a voice vote of the sitting members. The nomination passed unanimously.

**Agenda Item 6. CERTIFICATION TESTING-UPDATES ON CURRENT TESTING AND COVID RESTRICTIONS**

**DISCUSSION:** Mr. Hall stated he had met with Michelle and Maxine at Work Force Solutions. He went on to explain that due to COVID restrictions, the Work Force Connection offices would like to reopen a few testing centers in the northern area in January and in February opening the remaining testing centers. Hall explained that they couldn’t open in the south portion of the state at that time due to that area being high on the test positivity rate.

**Agenda Item 7. UTILITY OPERATOR BILL FOR PROPOSED STATUTORY AMENDMENT TO NMSA 1978, SECTIONS 61-33-5**

**DISCUSSION:** Joe Martinez gave an overview of the proposed amendments to NMSA 1978, Sections 61-33-5 and asked the Advisory Board for their support when the bill is introduced to House Committees

in support of the bill. Mr. Martinez went on to explain that the revisions became necessary due to the public health mandates that forced the UOCP to move into computer-based testing and the increased number of certified operators serviced by the UOCP since the last increase of fees for testing, equivalencies, renewals and late penalties. Mr. Martinez opened the floor for any questions from Advisory Board members.

Ms. Eisen commented that the renewal fees might be a little high. Mr. Hall responded the increase is moving with the rest of the world, the fees must be increased to provide the needed services. Ms. Eisen said she supports the increases.

Ms. Eisen asked Mr. Martinez if he was looking for Board approval of the document today. Mr. Martinez replied that he hoped for a vote of support from the Board today and possibly a letter of support to the legislature.

Ms. Turner pointed out that through the approval process there would be multiple opportunities for changes.

Ms. Gilvarry expressed concern with the fee structures lining up in the Regulations and the Statutes.

Ms. Turner explained the Draft Regulations are ready, but we are waiting for the outcome of 103.

Ms. Gilvarry stated she is in support of the increase.

Ms. Eisen thanked Ms. Turner for clarifying the process and asked if the bill would be before the Board for final review. Mr. Martinez replied probably not due to deadlines and time constraints.

Mr. Carver gave some history of the discussion with equivalencies.

Ms. Eisen asked about subsection (I) of 61-33-2 in the definitions and asked if all were comfortable with the language from the Boards perspective.

Mr. Carver asked for clarification. Ms. Eisen asked Mr. Carver if language was okay in the proposal and not referring to the fees. Mr. Martinez added that equivalency wasn't defined in the regs. and the opportunity was there to define. Ms. Turner then explained the Reg. changes are a whole different document, but we want the documents to jive so we went past the Regulations to the Statutes to address some needed changes.

Ms. Eisen stated the fee charts need to be worked to be consistent with the fee changes.

Mr. Carver got back with Ms. Eisen concerning the language in the equivalency discussion and explained on advice from legal that we use the term equivalency in place of Certification without Examination.

Ms. Eisen stated she was leaning more toward the replacement of reciprocity. Mr. Carver replied "correct".

Ms. Eisen noted that it otherwise reads close to what we had.

Ms. Eisen expressed concern over Tribal inclusion. Mr. Hall responded that we want to include the Tribes even more and Mr. Martinez added he would double check with our attorneys.

**ACTION:** Mr. Abel made a motion to support the bill through committee. Mr. Towle seconded the motion. The chair called for a voice vote. The motion passed unanimously.

#### **Agenda Item 8. WQCC/UOC Advisory Board/NMED PROPOSED MOA**

**DISCUSSION:** Mr. Martinez explained there has been some confusion as to the relationship between WQCC, the NMED and the Advisory Board, the interactions and functionality between all concerned. An idea has been proposed to further clarify the relationship between the three. A MOA is being considered. The board would have buy-in. Still an idea at this point.

There was also a brief discussion about the next WQCC meeting, who would attend, how to attend and when to attend. Mr. Martinez directed the attendees to the WQCC website. Mr. Abell asked for an invite to also be sent.

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149 **Agenda Item 9. NM DRINKING WATER BUREAU UPDATE**

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151 Ms. Turner stated her only other updates was the Source Water program has been working with the  
152 USGS in relation to PFAS with sampling and testing around the state and the results are now just  
153 beginning to come back. Ms. Turner also gave an update on the San Juan College program. The program  
154 is still happening, just not a lot to report.

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156 **Agenda Item 10. NM SURFACE WATER QUALITY-POINT SOURCE POLLUTION PROGRAM UPDATE**

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158 Ms. Holcomb shared some changes and regulatory schemes that are happening at the Federal level,  
159 specifically the Waters of the United States Rule. The program is researching attaining primacy from EPA  
160 Region 6 and run the NPDES and a state program for surface waters not covered by the WOTUS rule.

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162 **Agenda Item 11. NM GROUND WATER QUALITY BUREAU-DOMESTIC WASTE TEAM UPDATE**

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164 Mr. Herman gave an update on a new non-compliance process, much simpler and quicker. He also  
165 mentioned the team would be looking at phases such as certification levels that are appropriate for the  
166 facilities being overseen and certified operators. Mr. Herman asked for questions. None were asked. Mr.  
167 Herman discussed the development of a data base, it was still early, but hoping operators will be able to  
168 report their compliance data there. Mr. Herman shared there was hands-on training available if systems  
169 are having discharge issues, and if there was a system in need to let him know. They are also working on  
170 fee updates.

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172 **Agenda Item 12. NM OPERATOR CERTIFICATION PROGRAM UPDATE**

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174 Mr. Hall stated he would be brief. Commended staff.

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176 **Agenda Item 13. OTHER BUSINESS (Including next meeting date)**

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178 There was no new business. The board agreed on 4/22/2021 as the next meeting date.

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180 **Agenda Item 14. PUBLIC COMMENTS**

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182 There were no public comments.

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184 **Agenda Item 15. ADJOURNMENT**

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186 A motion to adjourn by Dale Graham was seconded by Ivan Abell  
187 Chair took a roll call. Dale Graham, Cathie Eisen, Joe Harvey Ivan Abell, Maria Gilvarry, Bobby Towle, Rick  
188 Mitchell present. Joe Bailey and Sydney Hoke were absent.

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190 Meeting Adjourned at 11:27am on 1/7/2021.  
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