



STATE OF NEW MEXICO  
WATER QUALITY CONTROL COMMISSION  
1190 St. Francis Drive, Suite S-2102  
Santa Fe, New Mexico 87505  
Phone: (505) 827-2428  
Fax: (505) 827-2836

CONSTITUENT AGENCIES

Environment Department  
Game and Fish Department  
Department of Agriculture  
State Parks Division  
Bureau of Geology and Mineral Resources

State Engineer & Interstate Stream Commission  
Oil Conservation Division  
Department of Health  
Soil and Water Conservation Commission  
Members-at-Large

Final Agenda  
New Mexico Water Quality Control Commission  
Virtual Meeting via WebEx<sup>1</sup>  
Tuesday, November 8, 2022, 9:00 AM

**Items for Discussion and Possible Action:**

1. Roll Call.
2. Approval of November 8, 2022 Agenda.
3. Approval of October 11, 2022 Minutes.
4. Public Comment.
5. **WQCC 22-33: Surface Water Quality Bureau's Petition for Approval of the Total Maximum Daily Load for the Upper Rio Grande Watershed.** Recap of main points for the Commission. Robert F. Sánchez, counsel for WQCC. Decision on whether approval or adoption of Total Maximum Daily Loads (TMDLs) by the Commission constitutes rulemaking under *Rio Hondo Land & Cattle Co. v. N.M. Water Quality Control Comm'n.*, and relevant Commission rules. Vice-Chair Sypher. Time estimate: 20 minutes.
6. **WQCC 22-21: Concerned Citizens for Nuclear Safety and Honor Our Pueblo Existence's Petition for Review of NMED Ground Water Discharge Permit DP-1132.** Affirm or reconsider the Commission's previous order staying the adjudicatory proceeding before the Commission pending resolution in the related adjudicatory proceeding, *In re: U.S. Department of Energy and Triad National Security, LLC, Docket No. NM0028355, NPDES Appeal No. 22-01 (05/02/2022)*, before the EPA's Environmental Appeals Board. Christopher Atencio and Lisa Chai, counsel for NMED; Lindsay Lovejoy, Jr. counsel for CCNS and HOPE; Silas DeRoma, counsel for US DOE; Maxine McReynolds and Christopher Stoneback, Jeff Weschler and Kari Olson, counsel

<sup>1</sup> To join via video conference or phone see below. If you encounter difficulty joining the meeting, contact Administrator Pam Jones (505-660-4305) [pamela.jones@state.nm.us](mailto:pamela.jones@state.nm.us) or Madai Corral (505-490-5803) [Madai.Corral@state.nm.us](mailto:Madai.Corral@state.nm.us).

for Triad National Security. Time estimate: 30 minutes.

7. **WQCC 22-45: *Petition for Alternative Abatement Standards, Lot 5B, Venada Plaza, Bernalillo, Sandoval County, New Mexico.*** Lisa Chai, counsel for NMED; Pete Domenici, Jr., counsel for Vital Holdings, LLC. Time estimate: 30 minutes.
8. **WQCC 22-37: *Frank Gallegos, The Jones Family Trust and Mesa Grande Development LLC Answer to Compliance Order and Request for Hearing.*** Proposed Settlement Agreement between Jones Family Trust and NMED for Commission's consideration and acceptance, modification or rejection. Christopher Atencio, counsel for NMED; Karl Sommer, counsel for Frank Gallegos and Mesa Grande Development; Jason Wexler, counsel for Jones Family Trust. Time estimate: 30 minutes.
9. Next WQCC meeting and expected upcoming matters.
  - a) Consideration of selecting a new Commission Chair.
  - b) Other items.
10. Adjournment

**To connect via WebEx:**

<https://nmed-oit.webex.com/nmed-oit/j.php?MTID=m888202502bfa0ab72c1ba486121e1a89>

Meeting Number: 2456 714 4802  
Password: YevVCsSv753  
Join by phone  
+1-415-655-0001 US Toll  
Access code: 2456 714 4802

During the meeting, the rules of decorum apply. Any member of the public wishing to provide general comment, please use the chat feature and sign-up with the meeting host. **Please be sure to mute yourself until you are called upon to speak.** This will minimize background noise. The meeting will be recorded and posted on the Commission's website as soon as practicable.

The Water Quality Control Commission encourages your participation.