



**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION
1190 St. Francis Drive, Suite S-2102
Santa Fe, New Mexico 87505
Phone: (505) 827-2425
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CONSTITUENT AGENCIES

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

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

**Revised Meeting Minutes
New Mexico Water Quality Control Commission
Regular Meeting
March 8, 2016
9:00 a.m.
Old PERA Building
Apodaca Hall
1120 Paseo De Peralta
P.O. Box 1269
Santa Fe, NM 87504**

MEMBERS PRESENT:

Larry Dominguez
Michael Vonderheide
Scott Dawson
Hoyt Pattison
Matthias Sayer
John Waters
Edward Vigil
Jane DeRose-Bamman
Howard Hutchinson
Deborah Dixon
Christy Tafoya

Vice Chair, Department of Agriculture
New Mexico Environment Department
Oil Conservation Division
Member-at-Large
Department of Game and Fish
Member-at-Large
Member-at-Large
Water Utility Authority
Soil and Water Conservation Commission
Office of the State Engineer
State Parks Division, Energy, Minerals and Natural
Resources Department

MEMBER ABSENT:

OTHERS PRESENT:

Wade Jackson
Jeffrey N. Holappa
Morris Chavez
Pam Castañeda

Commission Counsel
Administrative Law Judge
Hearing Officer
Commission Administrator

Please see attached sign-in-sheet for others present.

Vice Chair Dominguez served as the Chair and called the meeting to order at 9:02 a.m.

Item 1. Roll Call.

Roll was taken; a quorum was present.

Item 2. Approve the Agenda.

Action: The Chair advised the Commission of a request from the parties to move Item 8 to the beginning of the meeting. Mr. Dawson moved for Item 8 to be moved. Mr. Hutchinson seconded the motion. The motion passed unanimously. Ms. DeRose-Bamman moved to approve the agenda as amended. Mr. Hutchinson seconded the motion. The motion passed unanimously.

Item 3. Approval of meeting minutes from December 8, 2015.

Action: Mr. Waters moved to approve the minutes as presented. Ms. Dixon seconded the motion. The motion passed unanimously.

Item 4. WQCC 15-05 (CO). In the Matter of Enterprise Products Operation, LLC, a Texas Limited Liability Company. Commission consideration of Stipulated Motion to Vacate and Reschedule Hearing.

Action: Allison Marks appeared on behalf of New Mexico Energy Minerals and Natural Resources Department and Stuart Butzier, Modrall, Sperling, Roehl, Harris & Sisk, P.A., appeared on behalf of Enterprise Products Operating, LLC. Morris Chavez, Hearing Officer, asked the Commission to grant the request of the parties to vacate the previously scheduled hearing and reschedule it for 4 days beginning on December 13, 2016. The parties concurred. Mr. Waters moved to vacate and reschedule the hearing for December 13, 2016. Mr. Hutchinson seconded the motion. The motion passed unanimously.

Item 5. Appointment by the Commission of two alternate board members to the Utility Operator Advisory Board.

Action: (Ivan) Michael Abell, Utility Operator Advisory Board member, sat with the commissioners whose term expires June 30, 2016.

Anne Keller, New Mexico Certification Officer with the Utility Operator Certification Program respectfully asked the Commission to appoint two alternate members to the Utility Operator Advisory Board. Ms. Keller gave a brief presentation of how the nominees were chosen during a Utility Operator Advisory Board meeting. The Utility Operator Advisory Board members voted to recommend Bobby Toll with the New Mexico Water Service Company (Belen) whose term expires on June 30, 2016 and Rick Mitchell with the Flora Vista Water and Southside Mutual Domestic Water Association (Aztec) whose term

expires on June 30, 2017. Mr. Hutchinson moved for appointment of the two alternate board members. Mr. Waters seconded the motion. The motion passed unanimously.

Item 6. WQCC 15-08 (A). In the Matter of the Petition for Review on Discharge Permit 558. Commission consideration of Notice of Discharge Permit 558 Termination/Order of Dismissal.

Action: The Chair turned the meeting over to Jeffrey N. Holappa, Hearing Officer, who asked the parties to come forward. Eric Jantz, New Mexico Environmental Law Center, appeared on behalf of Petitioner and Kathryn Becker, Office of General Counsel, appeared on behalf of the New Mexico Environment Department. Mr. Holappa provided a brief history of how this matter had been previously scheduled for a permit review today. However, on December 15, 2015, Ms. Becker filed a Notice of Discharge Permit-558 Termination with the Commission Administrator. The Notice advised that the permit review was moot; Mr. Jantz had no objection to the Notice. On January 5, 2016, Mr. Holappa issued an Order Vacating Permit Review Date, which also vacated all filing deadlines. Mr. Holappa advised the Commission that pursuant to 20.1.3 NMAC the Hearing Officer is allowed to rule on procedural motions, but not on any motion resulting in the final disposition of the case.

Mr. Vigil moved to vacate the previously scheduled permit review. Mr. Pattison seconded the motion. The motion passed unanimously.

Item 7 WQCC 15-09 (R). In the Matter of the Proposed Adoption of New Mexico Certified Utility Operator Code of Professional Conduct 20.7.4.16 NMAC. Commission consideration of Notice of Withdrawal of Petition to Amend the Surface Water Quality Standards (20.7.4 NMAC) and Request for Vacation of Hearing/ Order of Dismissal.

Action: The Chair turned the meeting over to Jeffrey N. Holappa, Hearing Officer, who asked the parties to come forward. Annie Maxfield, Office of General Counsel, appeared on behalf of the New Mexico Environment Department. Mr. Holappa provided a brief history of how this matter had been previously scheduled for a rulemaking hearing today. However, on February 23, 2016, Ms. Maxfield filed a notice to withdraw the petition and vacate the hearing. The same day, Mr. Holappa issued an Order Vacating Rulemaking Hearing, which also vacated all filing deadlines. Ms. Maxfield provided a brief explanation to the Commission why the incorrect version of the rule had been submitted to her by Ms. Keller's predecessor. A new petition with the correct version of the rule will be filed with the Commission Administrator and will be brought back before the Commission to request a hearing.

Mr. Pattison moved to vacate the previously scheduled rulemaking hearing. Ms. DeRose-Bamman seconded the motion. The motion passed unanimously. The Chair will sign an order on behalf of the Commission.

Item 8. Adoption of WQCC Open Meetings Act Resolution for 2016.

Action: Wade Jackson, Commission Counsel, addressed the Open Meetings Act Resolution for 2016. Ms. DeRose-Bamman moved to approve the Open Meetings Act Resolution for 2016. Mr. Dawson seconded the motion. The motion passed unanimously.

Item 9. Next meeting.

Action: The next meeting is scheduled for April 12, 2016. The Chair asked the Commission Administrator if anything was scheduled for April. The Commission Administrator mentioned that there were two items. Mr. Waters commented that about 6 months ago at a regularly scheduled Commission meeting, the commissioners requested that the Environmental Protection Agency come before them to provide an update on what had been done to fix the river system in the northwest part of the state. Mr. Waters requested that someone from the EPA update the Commission at a future meeting. The Chair mentioned that he would follow up with Secretary Flynn to schedule something in the future. Mr. Vonderheide mentioned that he would follow up with Secretary Flynn as well. Mr. Hutchinson mentioned that he would ask the Commission Administrator to distribute via email to the commissioners a summary of what had taken place in Washington DC regarding this matter.

Item 10. Adjournment.

Mr. Hutchinson moved to adjourn the meeting. Ms. DeRose-Bamman seconded the motion. The Chair adjourned the meeting at approximately 9:36 a.m.


Commission Chair