



**STATE OF NEW MEXICO  
WATER QUALITY CONTROL COMMISSION  
1190 St. Francis Drive, Suite S-2102  
Santa Fe, New Mexico 87505  
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**CONSTITUENT AGENCIES**

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

**Meeting Minutes  
New Mexico Water Quality Control Commission  
Regular Meeting  
03/13/18  
9:00 a.m.  
State Capitol Building, Room 307  
490 Old Santa Fe Trail  
Santa Fe, New Mexico 87501**

**MEMBERS PRESENT:**

Larry Dominguez	Chair, Department of Agriculture
Christy Tafoya	State Parks Division, Energy, Minerals and Natural Resources Department
Jane DeRose-Bamman	Municipal and County Representative
Howard Hutchinson	Soil and Water Conservation Commission (Teleconference)
J.C. Borrego	New Mexico Environment Department
Scott Dawson	Oil Conservation Division
Edward Vigil	Member-at-Large
John Waters	Member-at-Large
Jacob Payne	New Mexico Game and Fish

**MEMBERS ABSENT:**

Nelia Dunbar	New Mexico Bureau of Geology and Mineral Resources
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**OTHERS PRESENT:**

Stephen Vigil	Commission Counsel
Pam Castañeda	Commission Administrator

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

The Chair called the meeting to order at 9:00 a.m.

**Item 1. Roll Call.**

Roll was taken; a quorum was present.

Mr. Hutchinson, explained why he needed to appear by teleconference. It was impossible and impractical for him to attend in person as he was in Washington D.C.

**Item 2. Approve the Agenda.**

**Action:** Mr. Waters moved to approve the agenda as presented. Ms. Tafoya seconded the motion. The motion passed unanimously.

**Item 3. Approval of meeting minutes from January 9, 2018.**

**Action:** The Chair requested revisions to page 3 line 84, capitalize Reporting Team Supervisor. On line 100 the sentence "Quality" should be inserted between Water and Bureau. At the end of line 100 a new sentence needed to be inserted that read Jennifer Fullam and Dr. Bryan Dail, provided testimony. On line 102 strike everything after the Commission and insert crossed examined Ms. Fullam and Dr. Dail. Ms. DeRose-Bamman suggested to put Dr. instead of Mr. On line 108, strike Commission and insert Department. The sentence would read as presented by the Department. On page 4 line 150 "as" needed to be inserted between added and presented. On page 5 on line 178 insert "as" the sentence would read; the Commission has limited options as they must wait. Ms. DeRose-Bamman suggested on line 193 page 5 there should be a period instead of a comma. Stephen Vigil Commission Counsel requested on page 4 line 126 instead of case should read record. Ms. DeRose-Bamman suggested that on several places where it had Ms. Tafoya left the meeting should be stricken. The sentence would read Ms. Tafoya was not present during the vote.

The Chair entertained a motion to approve the minutes as amended. Ms. Tafoya so moved. Mr. Payne seconded the motion. The motion passed unanimously.

Item 4 and 5 were switched. Mr. Atencio, Office of General Counsel was not present for item 4.

**Item 4. Approval of the Final Draft Aluminum TMDL Withdrawals for Whitewater Creek, Rio Chamita, and Rio Puerco.**

**Action:** John Verheul, Office of General Counsel introduced Diana Aranda and Heidi Henderson with the New Mexico Environment Department, Surface Water Quality Bureau. Ms. Aranda gave a presentation on the Approval of the Final

Draft of Aluminum TMDL Withdrawals for Whitewater Creek, Rio Chamita, and Rio Puerco.

Rachel Conn, Amigos Bravos, provided public comment.

The Commission questioned Ms. Aranda from the New Mexico Environment Department, Surface Water Quality Bureau. Shelly Lemon, New Mexico Environment Department, Surface Water Quality Bureau was present and answered questions asked by the Commission.

Mr. Waters motioned to approve the proposal as presented. Ms. DeRose-Bamman seconded the motion.

The Chair asked the Commission Administrator to take a roll call vote. The vote was 9 yes and 0 nay. The motion passed unanimously.

**Item 5. WQCC 17-07 (A) and WQCC 17-08 (A). Creekside Dairy GWQB 17-02(CO) and Rockhill Dairy GWQB 17-03(CO).**

**Action:** Christopher Atencio, Office of General Counsel provided a brief update regarding WQCC 17-07 (A) and WQCC 17-08 (A). The two matters will be set for the next Water Quality Control Commission meeting on April 10, 2018. No action was taken by the Commission.

**Item 6. Approval of the Final Draft Aluminum TMDL revisions for Jemez River and Rio Grande.**

**Action:** John Verheul, Office of General Counsel, introduced Rachel Jankowitz and Ms. Henderson with the New Mexico Environment Department, Surface Water Quality Bureau. Ms. Jankowitz gave a presentation on the Approval of the Final Draft of the Aluminum TMDL revisions for Jemez River and Rio Grande.

The Commission questioned Ms. Jankowitz.

Ms. DeRose-Bamman motioned to approve the TMDL as amended. Mr. Hutchinson seconded the motion.

The Chair asked the Commission Administrator to take a roll call vote. The vote was 9 yes and 0 nay. The motion passed unanimously.

**Item 7. Update on EPA's approval and Technical Support Document for the 2013 Triennial Review.**

**Action:** Jennifer Fullam, Standard Planning and Reporting Team Supervisor with Surface Water Quality Bureau gave a presentation and an update. Ms. DeRose-Bamman raised concern that the Technical Support Document did not accurately reflect the Commission and suggested the Commission send a letter to EPA to clarify the record. No action was taken on this item.

The Commission recessed for a short break at 10:38 a.m. and reconvened at 10:52 a.m.

**Item 8.** **Closed Executive Session to be held pursuant to Section 10-15-1(H)(3) for deliberations in connection with an administrative adjudicatory proceeding: WQCC 15-07(A): Petition Appealing the NMED Secretary's Denial of a Hearing on DP 1793, on remand from the New Mexico Court of Appeals. See Communities for Clean Water v. N.M. Water Quality Control Commission, 2018- New Mexico Court of Appeals (A-1-CA-35253, Dec. 27, 2017) WQCC 15-07 (A). WQCC 15-07 (A).**

**Action:** The Chair entertained a motion to close the meeting in accordance with the open meetings act 10-5-1 (H)(3) for discussion relating to an administrative adjudicatory proceeding: WQCC 15-07(A): Petition Appealing the NMED Secretary's Denial of a Hearing on DP 1793, on remand from the New Mexico Court of Appeals. See Communities for Clean Water v. N.M. Water Quality Control Commission, 2018- New Mexico Court of Appeals (A-1-CA-35253, Dec. 27, 2017) WQCC 15-07 (A). Mr. Dawson so moved. Mr. Payne seconded the motion. The motion passed unanimously.

The Chair asked the Commission Administrator to take a roll call vote. The vote was 9 yes and 0 nay. The motion passed unanimously. The time was 10:54 a.m.

The Commission returned to open session at 11:23 a.m. and reconvened the regular meeting. The Chair stated that the record should reflect that the matters discussed in closed executive session were limited to only those specified in the motion for closure.

**Item 9.** **Commission action in response to New Mexico Court of Appeals Decision in Communities for Clean Water v. N.M. Water Quality Control Commission, New Mexico Court of Appeals A-1-CA-35253 WQCC 15-07 (A).**

**Action:** The Chair gave an update to the Commissioners regarding WQCC 15-07 (A). Mr. Payne motioned for the Commission to issue an Order remanding WQCC 15-07 (A) back to the New Mexico Environment Department pursuant to the Court of Appeals mandate in case number A-1-CA-35253 and pursuant to 20.1.3.16 (A)(3) NMAC for the limited purpose of holding a public hearing on DP-1793 and in accordance of the Joint Stipulation filed by the parties on March 12, 2018 by all the parties. Mr. Borrego seconded the motion.

The Chair asked the Commission Administrator to take a roll call vote. The vote was 9 yes and 0 nay. The motion passed unanimously.

**Item 10. Next meeting: April 10, 2018.**

**Action:** The Chair noted that WQCC 17-07 (A) and 17-08 (A) will be set for a public hearing. WQCC 17-03 (R). Proposed Amendments to Ground Water and Surface Protection Regulations 20.6.2 NMAC deliberations and possible decision. WQCC 17-09 (A) New Mexico Environment Department v. Champs Investments D.B.A. LA Vista Mobile Home Park deliberations and possible decision.

**Item 11. Adjournment.**

**Action:** The Chair entertained a motion to adjourn. Mr. Payne so moved to adjourn the meeting. Mr. Waters seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 11:35 a.m.

  
Commission Chair