



**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION
1190 St. Francis Drive, Suite S-2102
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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**

**Meeting Minutes
New Mexico Water Quality Control Commission
Regular Meeting
December 8, 2015
9:00 a.m.
State Capitol Building, Room 307
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501**

MEMBERS PRESENT:

Larry Dominguez
Butch Tongate
Scott Dawson
Hoyt Pattison
Donald Jaramillo
John Waters
Edward Vigil
Jane DeRose-Bamman
Howard Hutchinson
Deborah Dixon
Tony Delfin

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 Forestry Division

MEMBER ABSENT:

Matthias Sayer
Wade Jackson

Department of Game and Fish
Commission Counsel

OTHERS PRESENT:

Pam Castañeda
Jeffrey N. Holappa

Commission Administrator
Administrative Law Judge

Please see attached sign-in-sheet

Mr. Dominguez called the meeting to order at 9:05 a.m.

Item 1. Roll Call.

Roll was taken; a quorum was present.

Item 2. Approve the Agenda.

Action: Mr. Hutchinson moved to approve the agenda. Mr. Delfin seconded the motion. The motion passed unanimously.

Item 3. Approval of meeting minutes from August 11, 2015, and October 13, 2015.

Action: Mr. Waters moved to approve the minutes for August 11, 2015. Ms. Dixon seconded the motion. The motion passed unanimously. Ms. De Rose-Bamman requested revisions to page 3, line 111, of the minutes from October 13, 2015. Ms. De Rose-Bamman requested changing Ms. Kougioulis to Mr. Kougioulis and Mr. Dail to Dr. Dail. Mr. Tongate moved to approve the minutes as amended. Mr. Waters seconded the motion. The motion passed unanimously.

Item 4. WQCC 15-09 (A). In the Matter of Proposed Adoption of New Mexico Certified Utility Operator Code of Professional Conduct 20.7.4.16 NMAC. Petition to Amend and Request for Hearing.

Action: Two Advisory Board members sat with the commissioners. Jennifer Hower substituted for Annie Maxfield on behalf of the Office of General Counsel. Ms. Hower and Mike Coffman with the Certified Utility Operator Program, Surface Water Quality Bureau presented a brief overview of the petition to amend the Certified Utility Operator Code of Professional Conduct 20.7.4.16 NMAC.

Mr. Vigil moved to set a hearing for the regularly scheduled meeting on March 8, 2016. Ms. DeRose-Bamman seconded the motion. Mr. Vigil amended his motion to allow the Chair to assign the Hearing Officer. Ms. DeRose-Bamman seconded the motion. The motion passed unanimously.

Item 5. WQCC 15-08 (A). In the Matter of the Petition for Review on Discharge Permit 558 Eastern Navajo Dine Against Uranium Mining. Scheduling of Permit Review.

Eric Jantz with the New Mexico Environmental Law Center and Kathryn Becker with the Office of General Counsel came before the commission to request a date for the Permit Review. The Chair previously granted an Unopposed Motion to Extend the Deadline to File the Administrative Record. Jeffrey N. Holappa, the Administrative Law Judge, explained how the late filing of the administrative record would affect the scheduling deadlines. Mr. Jantz and Ms. Becker agreed to waive the 90 day hearing deadline.

Mr. Delfin moved to schedule a permit review for WQCC 15-08 (A) and assign a Hearing Officer. Mr. Pattison seconded the motion. Mr. Delfin amended his motion to include the scheduling of the Permit Review on March 8, 2016, and the designation of Mr. Holappa as the Hearing Officer. Mr. Pattison seconded the motion. The motion passed unanimously.

Item 6. WQCC 15-07 (A). In the Matter of the Petition Appealing the Secretary of the New Mexico Environment Department's Denial of a Hearing on DP-1793. Permit Review.

Jeffrey N. Holappa the Administrative Law Judge conducted the Permit Review in accordance with the Commission's Adjudicatory Procedures.

Kathy Townsend of Kathy Townsend Court Reporters recorded and transcribed the hearing on the Motion for Stay in WQCC 15-07 (A). The transcript is available in the office of the Commission Administrator.

Jamie Park with the New Mexico Environmental Law Center, Jennifer Hower with the Office of General Counsel, and Laura Katz with Montgomery & Andrews, counsel for Los Alamos National Laboratory, provided oral argument and answered questions from the Hearing Officer and the Commission.

Mr. Pattison moved that the Commission sustain the action of the Secretary in denying the request for a hearing and issuing the permit. Mr. Waters seconded the motion. Mr. Tongate amended the motion to request the Hearing Officer to prepare a Statement of Reasons and Findings of Fact that support the Commission's decision. Mr. Pattison accepted the amendment to the motion. Mr. Waters seconded the amended motion.

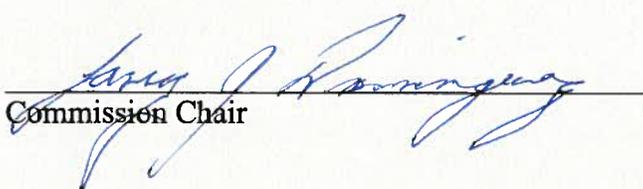
The Chair asked the Commission Administrator to take a roll call vote. Nine yes votes, and two no votes. The motion passed.

Item 7. Next meeting.

Action: January 12, 2016.

Item 8. Adjournment.

The Chair adjourned the meeting at 12:45 p.m.


Commission Chair