



**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION
1190 St. Francis Drive, Suite S-2102
Santa Fe, New Mexico 87505
Phone: (505) 827-2425
Fax: (505) 827-2836**

CONSTITUENT AGENCIES

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

**Meeting Minutes
New Mexico Water Quality Control Commission
Regular Meeting
05/08/18
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 |
| David Certain | State Parks Division, Energy, Minerals and Natural Resources Department |
| Jane DeRose-Bamman | Municipal and County Representative |
| Howard Hutchinson | Soil and Water Conservation Commission |
| J.C. Borrego | New Mexico Environment Department |
| Edward Vigil | Member-at-Large |
| Jacob Payne | New Mexico Game and Fish |
| Nelia Dunbar | New Mexico Bureau of Geology and Mineral Resources |
| John Waters | Member-at-Large |

MEMBERS ABSENT:

| | |
|--------------|---------------------------|
| Scott Dawson | Oil Conservation Division |
|--------------|---------------------------|

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 9:02 a.m.

Item 1. Roll Call.

Roll was taken; a quorum was present.

Item 2. Approval of the Revised Draft Agenda.

Action: Mr. Waters moved to approve the Revised Draft Agenda. Mr. Payne seconded the motion. The motion passed unanimously.

Item 3. Approval of meeting minutes from April 10, 2018.

Action: Ms. DeRose-Bamman requested a revision to line 100 and 105 the reference to the time should be p.m. not a.m. Mr. Payne requested on line 111 “or” should be “for”. On line 143 and 154 “Commission examined” instead of cross-examined. Ms. DeRose-Bamman requested that on line 90 and 91 Open Meetings Act needed to be capitalized.

Ms. DeRose-Bamman moved to approve the minutes as amended. Mr. Hutchinson seconded the motion. Mr. Waters abstained. The motion passed unanimously.

Item 4. WQCC 18-01 (R). In the Matter of Proposed Revisions to: 20.7.5 NMAC-Wastewater Facility Construction Loan. Request for Hearing and appointment of a Hearing Officer.

Action: Christopher Atencio, Office of General Counsel and Judi Kahl, Bureau Chief of the Construction Programs Bureau came before the Commission to request a hearing to be set for August 14, 2018. The Chair moved that Erin Anderson be appointed as the Hearing Officer and schedule the hearing for August 14, 2018. Mr. Hutchinson seconded the motion. The motion passed unanimously.

Item 5. WQCC 18-03 (V). In the Matter of the Petition for a Variance to Approve Alternative Abatement Standards for the Pecos Mine Operable Unit. Request for Hearing and appointment of Hearing Officer.

Action: Dalva Mollenberg, Esq., Gallagher & Kennedy, P.A. Counsel for Cyprus Amax Minerals Company came before the Commission to request a hearing to be set for the July or August meeting. Lara Katz with Office of General Counsel concurred to have the hearing set for July or August.

The Chair entertained a motion to appoint Erin Anderson as the Hearing Officer. The Hearing Officer will work with the parties, the Commission Chair and the Administrator to set the hearing date. Mr. Hutchinson so moved. Mr. Waters seconded the motion. The motion passed unanimously.

The Commission took a break at 9:31 a.m. and reconvened the meeting at 9:43 a.m.

Item 6. WQCC 17-08 (A). Rockhill Dairy GWQB 17-03 (CO). Public Hearing.

Action: Erin Anderson, Administrative Law Judge conducted the hearing in accordance with the WQCC Commission 20.1.3 Adjudicatory procedures NMAC.

Denise Kopan recorded and transcribed the public hearing for WQCC 17-08 (A). The transcript is available in the office of the Commission Administrator.

Christopher Atencio, Office of General Counsel, gave an opening statement and introduced Ms. Nancy McDuffie, Program Manager for the New Mexico Environment Department's Agricultural Program.

Ms. McDuffie testified.

Mr. Atencio and Mr. Villalpando cross-examined Ms. McDuffie.

The Commission examined Ms. McDuffie.

Ms. Hunter testified.

Mr. Atencio examined Ms. Hunter.

Mr. Villalpando cross-examined Ms. Hunter.

The Commission examined Ms. Hunter.

Mr. Abel Villalpando testified.

Mr. Atencio cross-examined Mr. Villalpando.

The Commission examined Mr. Villalpando.

Mr. Villalpando gave a closing statement.

There was no public comment.

The Chair entertained a motion that the Commission ask the Hearing Officer to file a Scheduling Order so that all the parties, as well as the Commission, know the specified timelines. Mr. Certain so moved. Mr. Borrego seconded the motion. The motion passed unanimously.

The Commission recessed for lunch at 12:41 p.m. and reconvened the meeting at 1:50 p.m.

Item 7. WQCC 17-03 (R). In the Matter of: Proposed Amendments to Ground and Surface Water Protection Regulations, 20.6.2 NMAC. Motion to Provisionally Extend, from May 7 to June 15, 2018, the Deadline for Parties'

Exceptions to the Hearing Officer Report or, Alternatively, to Waive the Deadline under 20.6.2.305.C NMAC, and New Mexico Environment Department's Motion to Withdraw the Hearing Officer's Report and Vacate the Post Scheduling Order.

Action: Denise Kopan recorded and transcribed the public hearing for WQCC 17-03 (R). The transcript is available in the office of the Commission Administrator.

All parties present were provided an opportunity to address the Commission.

The Commission took a break at 3:15 p.m. and reconvened the meeting at 3:31 p.m.

Based on the request of all the parties, the Commission granted postponement of deliberations until either July or August predicated on the parties' waiver of a challenge to exceed the 60-day deadline under 20.6.306.C NMAC, and that the Commission retain the current Hearing Officer Report with a prospect of either amending or replacing the report with a final document. Ms. DeRose-Bamman motioned. Mr. Waters seconded the motion. The Commission discussed 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 8. WQCC 17-03 (R). In the Matter of: Proposed Amendments to Ground and Surface Water Protection Regulations, 20.6.2 NMAC. Deliberations and possible decision.


Action: Based on actions of the Commission from Item 7, the Chair entertained a motion to table Item 8 and be taken up at the July or August meeting. Mr. Waters motioned to table item 8 until the July or August meeting. Mr. Payne seconded the motion. The motion passed unanimously.

Item 9. Next Meeting and forthcoming matter. June 12, 2018.

Action: The Chair asked the Commission Administrator if there were any items scheduled for June. There may be only one item Approval of the State of New Mexico Clean Water Act 2018-2020 §303 (d)/§305 (b) Integrated Report and List. This may also be scheduled for July.

Item 9. Adjournment.

Action: The Chair entertained a motion to adjourn. DeRose-Bamman so moved to adjourn the meeting. Mr. Hutchinson seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 3:55 p.m.


Commission Chair