



**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  
September 11, 2018  
9:00 a.m.  
State Capitol Building, Room 307  
490 Old Santa Fe Trail  
Santa Fe, New Mexico 87501**

**MEMBERS PRESENT:**

Larry Dominguez  
David Certain

Jane DeRose-Bamman  
Howard Hutchinson  
J.C. Borrego  
Edward Vigil  
Kirk Patten  
Nelia Dunbar

Scott Dawson  
Barbara Toth  
John Waters

Chair, Department of Agriculture  
State Parks Division, Energy, Minerals and Natural  
Resources Department  
Municipal and County Representative  
Soil and Water Conservation Commission  
New Mexico Environment Department  
Member-at-Large  
New Mexico Game and Fish  
New Mexico Bureau of Geology and Mineral  
Resources  
Oil Conservation Division  
Department of Health  
Member-at-Large

**MEMBERS ABSENT:**

**OTHERS PRESENT:**

Gideon Elliot  
Erin Anderson  
Pam Castañeda

Commission Counsel  
Administrative Law Judge  
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.

The Chair introduced Kirk Patten, Game and Fish Department. Mr. Patten filled in for Commissioner Payne.

**Item 2. Approval of the Draft Agenda.**

**Action:** Mr. Hutchinson moved to approve the Draft Agenda as presented. Mr. Dawson seconded the motion. The motion passed unanimously.

**Item 3. Approval of meeting minutes from August 14-15, 2018.**

**Action:** The Chair requested a revision on-page 2, second to the last paragraph, at the bottom strike “the motion passed unanimously”. On page 3 the middle of the page strike “the motion passed unanimously” and on the last paragraph “timelines shouldn’t be capitalized, and “On or” should be changed to “for”. On page 6 the last sentence “unanimously” should be stricken. The Chair entertained a motion for approval of the meeting minutes as amended. Ms. DeRose-Bamman so moved. Mr. Hutchinson seconded the motion. The motion passed unanimously. Mr. Waters, Ms. Toth, and Mr. Patten abstained.

**Item 4. Appointment by the Commission of two regular board members to the Utility Operator Certification Advisory Board.**

**Action:** Mr. Dale Graham and Ms. Cathie Eisen, Utility Operator Advisory Board members, sat with the commissioners. Eric Hall, Utility Operator Certification Program Manager, New Mexico Environment Department respectfully requested the Commission to appoint two regular Advisory Board positions. The regular positions will expire on June 30, 2021. Mr. Hall gave a brief presentation of how the nominees were chosen during a Utility Operator Advisory Board meeting on June 21, 2018. The Utility Operator Advisory Board members voted to recommend the appointment of Joe Harvey from the City of Carlsbad and Robert E. Towle from the New Mexico Water Service Company as the regular Board members. Mr. Waters moved to approve the two gentlemen as presented to the Commission. Ms. DeRose-Bamman seconded the motion. The motion passed unanimously. The Chair on behalf of the Commission thanked them for taking time out of their busy schedule to serve on the Advisory Board.

**Item 5. WQCC 18-04 (CO). In the Matter of: Southwest Capital Bank, Land Development 2, LLC Club Rio Rancho. Request for Hearing and appointment of a Hearing Officer.**

**Action:** Josh Skarkis, on behalf of Southwest Capitol Bank, Land Development 2, LLC, Club Rio Rancho requested to extend the deadline for the hearing and waive the 90-day deadline and request a hearing to be set for December. Mr. John Verheul, office of General Counsel, New Mexico Environment Department had no comment regarding the respondent's position. The Chair moved to appoint Erin Anderson as the Hearing Officer. Ms. DeRose-Bamman seconded the motion. The motion passed unanimously.

**Item: 6. WQCC 18-03 (V). In the Matter of the Petition for a Variance to Approve Alternative Abatement Standards for the Pecos Mine Operable Unit. Public Hearing.**

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

Cheryl Arreguin recorded and transcribed the public hearing for WQCC 18-03 (V). The transcript is available in the office of the Commission Administrator.

Dalva Moellenberg, on behalf of Cyprus Amax Mineral's provided an opening statement.

Lara Katz, Office of General Counsel, on behalf of New Mexico Environment provided an opening statement.

Alisha Voss, Manager Remediation Projects, Freeport Mineral Corporation, Neil Blandford, P.G. Senior Vice President, Principal Hydrologist and Beth Salvas, Project manager, P.G. Hydrologist, testified.

The Commission examined Ms. Voss, Mr. Blandford and Ms. Salvas.

Roland Rivera, property owner examined Ms. Voss, Mr. Blandford and Ms. Salvas.

The commission recessed for a short break at 11:00 a.m. and reconvened at 11:11 a.m.

Ms. Lee Rivera, property owner examined Mr. Blandford.

Public comment was given by Roland Rivera and Lee Rivera.

The Commission recessed for lunch at 1:10 p.m. and reconvened the meeting at 2:12 p.m.

Kurt Vollbrecht, Manager of the Mining Environmental Compliance Section, New Mexico Environment Department testified.

Mr. Moellenberg cross examined Mr. Vollbrecht.

The Commission examined Mr. Vollbrecht.

Mr. Hutchinson moved to approve the petition for a variance, to approve alternative abatement standards for the Pecos Mine Operable Unit. Mr. Borrego seconded the motion.

The Commission deliberated on the motion.

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

**Item 7. Next meeting and forthcoming matters. October 9, 2018.**

**Action:** Item 7 and 8 were switched. The Chair asked the Administrator if there were any agenda items scheduled. There are none currently.

**Item 8. Closed executive session to be held pursuant to section 10-15-1(H)(7) for pending litigation. Amigos Bravos and Gila Resources Information Project v. NM Water Quality Control Commission. New Mexico Court of Appeals (A-1-CA-37531), WQCC 17-03 (R).**

**Action:** The Chair entertained a motion to close the meeting in accordance with the Open Meetings Act 10-15-1 (H)(7) for the Commission to enter into discussions for pending litigation. Amigos Bravos and Gila Resources Information Project v. NM Water Quality Control Commission. New Mexico Court of Appeals (A-1-CA-37531), WQCC 17-03(R). Mr. Hutchinson so moved. Ms. DeRose-Bamman seconded the motion.

The Chair asked the Commission Administrator to take a roll call vote. The vote was 10 yes and 0 nay. The motion passed unanimously. The time was 3:01 p.m. when the Commission went into closed session.

The Commission returned to open session at 3:18 p.m. and reconvened the regular meeting. The Chair stated that the record should reflect that the matters discussed in closed executive session were the matters stipulated in the motion going into executive session.

**Item 9. Adjournment.**

**Action:** The Chair entertained a motion to adjourn the meeting. Mr. Hutchinson moved to adjourn the meeting. Mr. Dawson seconded the motion. The motion passed unanimously. The meeting was adjourned at 3:19 p.m.

  
Commission Chair

