



**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION
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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
September 13, 2016
9:00 a.m.
State Capitol Building, Room 307
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501**

MEMBERS PRESENT:

Larry Dominguez
Christy Tafoya

Jane DeRose-Bamman
Howard Hutchinson
Mike Johnson
Hoyt Pattison
Michael Vonderheide

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

MEMBERS ABSENT:

Matthias Sayer
Scott Dawson
Edward Vigil
Deborah Dixon
John Waters

Vice Chair, Department of Game and Fish
Oil Conservation Division
Member-at-Large
Office of the State Engineer
Member-at-Large

OTHERS PRESENT:

Jeffrey N. Holappa
Morris Chavez
Pam Castañeda

Administrative Law Judge
Hearing Officer
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. Approve the Agenda.

Action: Mr. Hutchinson moved to approve the agenda. Ms. DeRose-Bamman seconded the motion. The motion passed unanimously.

Item 3. Approval of meeting minutes from August 9, 2016.

Action: Mr. Vonderheide requested the amendment of lines 154 and 159 to reflect the correct spelling of Vice Chair Sayer's last name. The Chair entertained a motion to approve the August minutes as amended. Ms. DeRose-Bamman so moved. Mr. Hutchinson seconded the motion. The motion passed unanimously.

Item 4. Approval of the Final Draft of the Jemez River TMDLs.

Action: John Verheul, Office of General Counsel, introduced Meghan Bell with the Surface Water Quality Bureau. Ms. Bell gave a brief presentation. The Commission questioned Ms. Bell. Mr. Vonderheide moved for approval of the Final Draft of the Jemez River TMDLs. Mr. Hutchinson seconded the motion. The motion passed unanimously. The Chair entertained a motion for approval for him to sign the final order on behalf of the Commission. Mr. Hutchinson so moved. Ms. Tafoya seconded the motion. The motion passed unanimously.

Item 5. Approval of the Final Draft of the Pecos River TMDLs.

Action: Mr. Verheul, Office of General Counsel, introduced Rachel Jankowitz with the Surface Water Quality Bureau gave a brief presentation. The Commission questioned Ms. Jankowitz. Mr. Vonderheide moved for approval of the Final Draft of the Pecos River TMDLs. Mr. Hutchinson seconded. The motion passed unanimously. The Chair entertained a motion for approval for him to sign the final order on behalf of the Commission. Mr. Hutchinson so moved. Mr. Johnson seconded the motion. The motion passed unanimously.

The Commission took a short break at 9:45 a.m. to set up for Item 6. The meeting reconvened at 10:00 a.m.

Item 6. Technical and Legal Updates on the Gold King Mine Spill.

Action: Dennis McQuillan, Chief Scientist, and Annie Maxfield, OGC/NMED, gave a technical, legal update and presentation regarding the Gold King Mine Spill at the request of the Commission. The Commission questioned Ms. Maxfield regarding legal matters. The Chair recognized the presence of Secretary-Designate Tongate and asked if he had any comments. Secretary Tongate talked about former

Secretary Ryan Flynn, the President of the Navajo Nation, and the head of the Environment Department of Colorado, and a member of the Southern Ute Tribal Council testifying before Congress earlier this year. Secretary-Designate Tongate praised the New Mexico Environment Department for their hard work and for all that they are doing to continue the cleanup of the spill.

The Commission took a short break at 11:00 a.m. for the petitioners to set up for Item 7. The meeting reconvened at 11:13 a.m.

Item 7. WQCC 16-02 (A). In the Matter of the Petition for Alternative Abatement Standards Former Price's Valley Gold North Dairy, Bernalillo, Sandoval County, New Mexico D&G Price Limited Partnership. Public Hearing.

Action: Jeffrey N. Holappa, Administrative Law Judge, conducted the public hearing in accordance with the Commission's Adjudatory procedures.

Stephanie Trambley, Trambley's Court Reporting, recorded and transcribed the public hearing for WQCC 16-02 (A). The transcript is available in the office of the Commission Administrator.

Pete V. Domenici, Jr., counsel for petitioner, and Lara Katz, Office of General Counsel, provided opening statements.

Jay Snyder, Senior Hydrogeologist, EA Engineering, Science and Technology, Inc., John Price, D&G Price Limited Partnership, and Ali V. Furrall, New Mexico Environment Department, provided testimony. The Commission questioned the witnesses and counsel. No members of the public offered written or oral comment.

The Commission took a lunch break at 12:30 p.m. and reconvened at 1:30 p.m.

The Commission deliberated on the petition.

Ms. DeRose-Bamman moved that the Commission approve the alternative abatement standards. Ms. DeRose-Bamman amended her motion for the Chair to sign the statement of reasons and final order on behalf of the Commission. Mr. Hutchinson seconded the motion. The Chair asked the administrator to take a roll call vote. The amended motion passed unanimously 7-0. Mr. Holappa advised the Commission that after reaching a decision, the Commission shall direct a member, its counsel or a party to prepare a final order pursuant to 20.1.3.21(D). The Chair directed the parties to file a joint statement of reasons and final order with the Commission Administrator.

The Commission took a short break at 2:45 p.m. The meeting reconvened at 3:00 p.m.

Item 8. WQCC 14-05 (R). In the Matter of Proposed Amendments to Standards for Interstate and Intrastate Waters, 20.6.4 NMAC. Continued deliberations and final decision.

Action: The Commission continued deliberations on WQCC 14-05 (R).

Vice Chair Sayer joined the meeting by teleconference for this item.

The Commission Administrator audio recorded the deliberations.

Ms. De Rose-Bamman moved to approve the statement of reasons and final order as amended for the Chair to sign on behalf of the Commission. Mr. Hutchinson seconded the motion. The Chair asked the Commission Administrator to take a roll call vote. The motion passed unanimously 8-0.

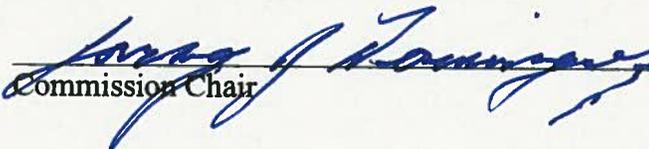
Item 9. Next meetings presently scheduled for October 11, 2016 and November 8, 2016.

Action: The Chair asked the Commission Administrator about agenda items for October 11, 2016, and November 8, 2016. Due to Election Day on November 8, 2016, the Commission rescheduled the meeting to November 15, 2016.

Mr. Pattison announced his resignation from the Commission and read his letter to Governor Martinez. The Chair thanked him for his service to the Commission.

Item 10. Adjournment.

Action: The Chair entertained a motion to adjourn. Mr. Pattison moved to adjourn the meeting. Ms. De Rose-Bamman seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 3:45 p.m.


Commission Chair