



**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  
January 9, 2018  
9:00 a.m.**

**New Mexico Public Education Department  
Mabry Hall  
300 Don Gaspar Ave.  
Santa Fe, New Mexico 87501**

**MEMBERS PRESENT:**

Larry Dominguez  
Christy Tafoya

Jane DeRose-Bamman  
Howard Hutchinson  
J.C. Borrego  
Scott Dawson  
Edward Vigil  
John Waters  
Nelia Dunbar

Jacob Payne

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

**MEMBERS ABSENT:**

**OTHERS PRESENT:**

Stephen Vigil  
Pam Castañeda

Commission Counsel  
Commission Administrator

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

The Chair called the meeting to order at 9:03 a.m.

**Item 1. Roll Call.**

Roll was taken; a quorum was present.

**Item 2. Approve the Agenda.**

**Action:** The agenda was revised. Agenda item 8 and 7 were switched. The Chair entertained a motion to approve the agenda as revised. Mr. Waters moved to approve the agenda as revised switching items 7 and 8. Mr. Borrego seconded the motion. The motion passed unanimously.

**Item 3. Approval of meeting minutes from November 14, 2017.**

**Action:** The Chair requested the amendment of page 2 line 39 at the end change Ms. To Mr. Hutchinson on line 44 change Mr. to Ms. DeRose-Bamman. Line 45-page 2 strike new Commissioner. Add Commissioner Tafoya had to leave for a meeting to line 61 item 4 after vote, add to line 72 item 5 and line 84 item 6. Page 3 line 112 Dennis needed to be changed to Denise. On line 118 at the end of the sentence "following the Legislative Session" needed to be added after the next WQCC meeting. Line 122, the beginning paragraph, the needed to be added before January and meeting after 2018. The sentence would read there are agenda items scheduled for the January 9, 2018 meeting. On the next sentence the word do should be due. Legislation should be changed to Legislature. On line 123 maybe needed to be changed to may be. Stephen Vigil, Commission Counsel requested on page 1 under others present to add Regina Ryanczak she was also present. Ms. DeRose-Bamman requested on line 132 page 4 to add November 17, 2017 after 5:00 P.M. On line 110-page 3 change meeting to hearing. The Chair entertained a motion to approve the November 14, 2017, minutes as revised. Ms. DeRose-Bamman so moved. Mr. Hutchinson seconded. The motion passed unanimously.

**Item 4. Adoption of WQCC Open Meetings Act Resolution for 2018.**

**Action:** Stephen Vigil, Commission Counsel addressed the WQCC Open Meetings Act Resolution for 2018. Some revisions were made. The Chair entertained a motion to approve the WQCC Open Meetings Act Resolution for 2018 as amended. Ms. DeRose-Bamman moved to approve with renumbering of the phrases and new paragraphs for 5 and 6 and striking "and to the Governor's office," and making any other editorial changes that were necessary. Mr. Hutchinson seconded the motion. The motion passed unanimously.

**Item 5. SWQB's update on upcoming revisions to the WQMP/CPP.**

**Action:** Jennifer Fullam, Standard Planning and Reporting Team Supervisor with Surface Water Quality Bureau gave a presentation and overview on revisions to the WQMP/CPP. No action was taken on this item.

**Item 6. WQCC 17-04 (R). In the Matter of Proposed Amendments to Surface Water Quality Standards for Dog Canyon and Tecolote Creek, 20.6.4 NMAC. Public Hearing.**

**Action:** Erin Anderson the Administrative Law Judge conducted the hearing in accordance with WQCC 20.1.6 NMAC.

Cheryl Arreguin of Kathy Townsend Court Reporters recorded and transcribed the public hearing for WQCC 17-04 (R). The transcript is available in the office of the Commission Administrator.

John Verheul, Office of General Counsel ("NMED"), representing the Surface Water Quality Bureau provided a brief opening statement. Jennifer Fullam and Dr. Bryan Dail provided testimony.

The Commission crossed examined Ms. Fullam and Dr. Dail.

No public comment.

Mr. Waters moved to accept the proposed amendments to the surface water quality standards for Dog Canyon Creek, Tecolote Creek, 20.6.4 NMAC, as presented by the Department. Ms. Tafoya seconded the motion. The Chair asked the Commission Administrator to take a roll call vote. The motion passed unanimously 10-0.

The Commission took a short break at 10:38 a.m. to set up for Item 7. The meeting reconvened at 10:47 a.m.

**Item 7. WQCC 17-09 (A). In the Matter of La Vista Del Canyon Mobile Home Park, Moses Anserlian, Alice Apelian, and Champs Investments III, LLC., Owners. Public Hearing.**

**Action:** Erin Anderson the Administrative Law Judge conducted the hearing in accordance with WQCC 20.1.3 NMAC and other applicable law.

Cheryl Arreguin of Kathy Townsend Court Reporters recorded and transcribed the public hearing for WQCC 17-09 (A). The transcript is available in the office of the Commission Administrator.

The record remained open for a period for the parties to file post hearing submissions of additional documents requested by the Commission. These were due on January 17, 2018.

Deliberations and a decision may be made at a future meeting.

The Commission recessed for lunch at 1:53 p.m. and reconvened at 3:01 p.m.

**Item 8. WQCC 17-06 (R). In the Matter of Proposed Revisions to the Rulemaking Rules for the Water Quality Control Commission, 20.1.6 NMAC. Public Hearing.**

**Action:** Erin Anderson the Administrative Law Judge conducted the hearing in accordance with WQCC 20.1.6 NMAC.

Cheryl Arreguin of Kathy Townsend Court Reporters recorded and transcribed the public hearing for WQCC 17-06 (R). The transcript is available in the office of the Commission Administrator.

Christopher Atencio, Office of General Counsel (“NMED”) provided a brief opening statement. Jason Wallace, Office of General Counsel (“NMED”) provided testimony.

Mr. Payne moved to repeal 20.1.6 NMAC in whole and replace with the proposed as presented by the Environmental Department today. The Chair added as presented with the revisions. Mr. Hutchinson seconded. The Chair asked the Commission Administrator to take a roll call vote. The motion passed unanimously 9-0. Ms. Tafoya was not present during the vote.

**Item 9. Closed Executive Session to be held pursuant to Section 10-15-1(H)(7) to discuss pending litigation: Communities for Clean Water v. N.M. Water Quality Control Commission New Mexico Court of Appeals A-1-CA-35253 Rio Hondo v. N.M. Water Quality Control Comm’n New Mexico Court of Appeals, A-1-CA-36039.**

**Action:** The Chair entertained a motion to enter into closed executive session pursuant to NMSA 1978, §10-15-1(H)(7) to discuss matters related to pending litigation as set forth in the meeting agenda at 4:13 p.m. Ms. DeRose-Bamman so moved. Mr. Waters seconded the motion. The Chair asked the Commission Administrator to take a roll call vote. The motion passed unanimously 9-0. Ms. Tafoya was not present during the vote.

The Commission returned to open session at 5:12 p.m. The Chair stated that the record should reflect that the matters discussed in closed executive session were limited to legal issues subject to attorney-client privilege in the pending legal matter listed as agenda Item 9.

**Item 10. 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 on case WQCC 15-07 (A). The Commission has limited options as they must wait for a mandate from the Court of Appeals that gives them the jurisdiction to act on the remand. Mr. Payne moved that the Commission not seek a writ of certiorari in this case and set for a status conference for the March 13, 2018, meeting pending a mandate from the Court of Appeals. The Chair asked the Commission Administrator to take a roll call vote. The motion passed unanimously 9-0. Ms. Tafoya was not present during the vote.


**Item 11. Next meeting and forthcoming matters. March 13, 2018.**

**Action:** The Chair asked the Commission Administrator if any agenda items were scheduled. There are two TMDL's requested to be placed on the agenda. Surface Water may give an update on the Triennial Review. The Hearing Officer gave an update on WQCC 17-03 (R) In the Matter of: Proposed Amendments to Ground and Surface Water Protection Regulations, 20.6.2 NMAC deadline for filing Post-hearing submittals will be due on February 16, 2018. The Commission may deliberate at the next WQCC meeting following the Legislative Session regarding this. WQCC 17-07 (A) and WQCC 17-08 (A) may have a public hearing and will be added to the WQCC March meeting. The Chair noted that no actions were taken. This was strictly informational to the Commissioners.

The Commission will not meet in February due to the Legislature.

**Item 10. Adjournment.**

**Action:** The Chair entertained a motion to adjourn. Ms. DeRose-Bamman so moved to adjourn the meeting. Mr. Hutchinson seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 5:23 p.m.

  
Commission Chair