



**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

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
 04/10/18
 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
Scott Dawson	Oil Conservation Division
Edward Vigil	Member-at-Large
Jacob Payne	New Mexico Game and Fish
Nelia Dunbar	New Mexico Bureau of Geology and Mineral Resources

MEMBERS ABSENT:

John Waters	Member-at-Large
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OTHERS PRESENT:

Stephen Vigil	Commission Counsel
Pam Castañeda	Commission Administrator

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

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

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36 **Item 1. Roll Call.**

37

38 Roll was taken; a quorum was present.

39

40 **Item 2. Approve the Agenda.**

41

42 **Action:** There was a request to switch item 6 and 7. The Chair entertained a motion to
43 approve the agenda as amended. Mr. Hutchinson so moved. Ms. Dunbar
44 seconded the motion. The motion passed unanimously.

45

46 **Item 3. Approval of meeting minutes from March 13, 2018.**

47

48 **Action:** Ms. DeRose-Bamman requested a revision to page 5 line 179, “at” following
49 approximately should be stricken. Mr. Borrego suggested on line 170 between
50 Ground and Water “and” needed to be stricken. On line 70 should state Office of
51 General Counsel not Office of the General Counsel, “the” should be stricken. On
52 line 42 needed to state why Mr. Hutchinson couldn’t attend the meeting “because
53 he was in Washington D.C.” needed to be added. Between line 121 and 125
54 Commissioner De Rose-Bamman raised an issue regarding the EPA’s approval
55 and technical supporting document this needed to be noted on the minutes clarify
56 that she raised this issue. “Ms. De Rose-Bamman raised concern that EPA’s
57 technical support document did not accurately reflect the Commission’s decision
58 and suggested that the Commission send EPA a letter to document the issue”, this
59 sentence needed to be added after the period on line 122. Ms. De Rose-Bamman
60 requested on lines 54 through 56 page 2, Dr. Dail not Dial needed to be corrected.
61 Mr. Hutchinson moved to approve the minutes as amended. Mr. Borrego
62 seconded the motion. The motion passed unanimously.

63

64 The Chair introduced Commissioner Certain, with the State Parks Division. He
65 will be replacing Commissioner Tafoya.

66

67 **Item 4. Update and Approval of WQCC communication regarding the 2013
68 Triennial Review and associated Technical Support Document.**

69

70 **Action:** In the March meeting there was much discussion from the update given by the
71 New Mexico Environment Department on the triennial review. There was
72 discussion about the back and forth between NMED and EPA region 6 and the
73 need for clarification from EPA Region 6 regarding their first technical support
74 document. As noted in the Minutes Ms. DeRose-Bamman had thought there
75 needed to be clarity placed in the record. The Commission took no action on this
76 item in March. Based on the Commissions discussion and concerns, the Chair
77 worked with Commission Counsel and with the New Mexico Environment
78 Department on drafting a letter. The letter was routed to the Commission for
79 review. The Commission discussed changes to the letter. There were some
80 revisions made during the meeting. Ms. Fullam provided more information to

81 assist with the letter. The Commission asked Ms. Fullam questions. Mr.
82 Hutchison moved to approve the changes to the letter. Ms. Dunbar seconded the
83 motion. The motion passed unanimously. The letter will be finalized and the
84 Chair will sign on behalf of the Commission.
85

86 **Item 5. WQCC 17-09 (A). In the Matter of La Vista Del Canyon Mobile Home Park,**
87 **Moses Anserlian, Alice Apelian, and Champs Investments III, LLC., Owners.**
88 **Deliberations and possible decision.**
89

90 **Action:** The Chair entertained a motion to close the meeting in accordance with the Open
91 Meetings Act 10-5-1 (H)(3) for discussion relating to WQCC 17-09 (A) In the
92 Matter of La Vista Del Canyon Mobile Home Park, Moses Anserlian, Alice
93 Apelian, and Champs Investments III, LLC, Owners. Mr. Payne so moved. Ms.
94 DeRose-Bamman seconded the motion. The motion passed unanimously.
95

96 The Chair asked the Commission Administrator to take a roll call vote. The vote
97 was 9 yes and 0 nay. The motion passed unanimously. When the Commission
98 went into closed session the time was 9:49 a.m.
99

100 The Commission returned to open session at 12:15 p.m. and reconvened the
101 regular meeting. The Chair stated that the record should reflect that the matters
102 discussed in closed executive session were limited to only those specified in the
103 motion for closure.
104

105 The Commission recessed for lunch at 12:17 p.m. and reconvened the meeting at
106 1:20 p.m.
107

108 Mr. Payne moved to accept with amendment the Administrative Compliance
109 Order issued by the New Mexico Environment Department, specifically in the
110 Compliance Order findings of 74-83 with the amendment to 82 regarding the fine
111 of \$28,500.00 be held in abeyance with any remediation for fixing the problems
112 outlined by the Department. The cost of those remediation's to be subtracted
113 from that total amount. If not in compliance the full amount be applied and the
114 amount of \$28,500 would be paid as a fee in 30 days of non-compliance. Ms. De
115 Rose-Bamman seconded the motion.
116

117 The Chair asked the Commission Administrator to take a roll call vote. The vote
118 was 9 yes and 0 nay. The motion passed unanimously.
119

120 Mr. Payne moved to incorporate New Mexico Environment Department's
121 proposed findings of facts and conclusions of law in the Commission's decision.
122 Mr. Dawson seconded the motion. The motion passed unanimously.
123

124 Mr. Hutchinson moved for the Chair to sign the Final Order and Findings of Facts
125 and Law. Ms. DeRose-Bamman seconded. The motion passed unanimously.
126
127

128
129 **Item 6. WQCC 17-07 (A). Rockhill Dairy GWQB 17-03 (CO). Public Hearing.**
130
131 **Action:** Erin Anderson the Administrative Law Judge conducted the hearing in
132 accordance with the WQCC Commission 20.1.3 Adjudicatory procedures NMAC.
133
134 Cheryl Arreguin recorded and transcribed the public hearing for WQCC 17-07
135 (A). The transcript is available in the office of the Commission Administrator.
136
137 Christopher Atencio, Office of General Counsel, gave an opening statement and
138 introduced Ms. Nancy McDuffie, Program Manager for the New Mexico
139 Environment Department's Agricultural Program.
140
141 Ms. McDuffie testified.
142
143 The Commission examined Ms. McDuffie.
144
145 Mr. Atencio and Mr. Villalpando cross-examined Ms. McDuffie.
146
147 Mr. Abel Villalpando gave an opening statement and testified. Carol Irvin,
148 Discharge Manager and Office manager for Rockhill Dairy testified.
149
150 Mr. Atencio cross-examined Ms. Irvin
151
152 The Commission took a short break at 2:02 p.m. and reconvened at 2:13 p.m.
153
154 The Commission examined Mr. Villalpando.
155
156 There was no public comment.
157
158 The parties are to file Findings of Fact and Conclusion of law 30 days after the
159 conclusion of the hearing and closing of the record.
160
161 The Commission asked the Hearing Officer to prepare a Hearing Officer's Report
162 including a review of the civil penalties and a recommended decision to the
163 Commission. Ms. DeRose-Bamman motioned. Mr. Hutchinson seconded the
164 motion. The motion passed unanimously.
165
166 **Item 7. WQCC 17-08 (A). Rockhill Dairy GWQB 17-03 (CO) Public Hearing.**
167
168 **Action:** Due to limited time the hearing is rescheduled for the next WQCC meeting. Both
169 parties consented to rescheduling the hearing for May 8, 2018.
170
171
172
173
174

175 **Item 8. Next Meeting and forthcoming matter. May 8, 2018.**

176
177 **Action:** WQCC 17-03 (R) deliberations and possible decision. WQCC 17-08 (A)
178 Rockhill Dairy, WQCC 18-01 (R) Petition for a rule change and WQCC 18-02
179 (A) Request for hearing.

180
181 **Item 9. Adjournment.**

182
183 **Action:** The Chair entertained a motion to adjourn. Mr. Hutchinson so moved to adjourn
184 the meeting. Mr. Dawson seconded the motion. The motion passed unanimously.
185 The meeting adjourned at approximately 5:30 p.m.

186
187
188
189


Commission Chair