MEETING MINUTES

New Mexico Water Quality Control Commission
Regular Meeting
December 11, 2018
9:00 a.m.
State Capitol Building, Room 322
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501

MEMBERS PRESENT:
Larry Dominguez
Christy Tafoya
Jane DeRose-Bamman
Howard Hutchinson
Dana Bahar
Edward Vigil
Jacob Payne
Stacey Timmons
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:
Stephen Vigil
John Krienkamp
Pam Castañeda
Commission Counsel
Commission Counsel
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 Draft Agenda.**

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

Item 3. **Approval of meeting minutes from September 11, 2018 and October 24, 2018**

**Action:** Ms. DeRose-Bamman suggested revisions to the September 11, 2018 minutes. On page 2, line 65, strike “their terms will expire on June 30, 2020” and add a period after the first sentence. On page 3, line 97, move “20.1.3” after the word “procedures” and after the word “NMAC.” Mr. Hutchinson moved to approve the minutes for the September 11, 2018 meeting as amended. Mr. Vigil seconded the motion. The motion passed unanimously.

Ms. DeRose-Bamman suggested revisions to the October 24, 2018 Special meeting minutes. On lines 20 and 21, add parentheses. On page 3, line 119, delete the word “at.” On line 160, add a period after “January” and delete the rest of the sentence. Mr. Waters moved to approve the October 24, 2018 meeting minutes as amended. Mr. Hutchinson seconded the motion. The motion passed unanimously.

Item 4. **Substitute Memorandum of Agreement between the State of New Mexico and the U.S. Environmental Protection Agency regarding the Underground Injection Control Program--Request for approval.**

**Action:** Mr. William Brancard, General Counsel for the Energy, Minerals, and Natural Resources Department, gave an overview regarding the Substitute Memorandum of Agreement between the State of New Mexico and the U.S. Environmental Protection Agency regarding the Underground Injection Control Program, and answered questions from Commissioners. Ms. DeRose-Bamman moved that the Commission approve the Agreement and that the Chair sign it on behalf of the Commission. Mr. Dawson seconded the motion. The motion passed unanimously.

Item 5. **Villalpando v. N.M. Environment Dep’t, A-1-CA-37623, New Mexico Court of Appeals. WQCC 17-07 (A). Creekside Dairy GWQB 17-02 (CO). Request for Approval of Stipulated Motion for Extension.**

**Action:** Commission Counsel updated the Commission on this matter. Counsel stipulated to the Motion for Extension.

Action: Commission Counsel updated the Commission on this matter. Counsel stipulated to the Motion for Extension.

Item 7. Deliberation and action on agenda items 5 and 6. The Commission may enter into closed session under the Open Meetings Act, NMSA 1978, Section 10-15-1(H)(7) (pending litigation) for deliberation. Final action will be taken in open session.

Action: None.


Action: The Chair updated the Commission regarding the above matter. A public hearing was scheduled for December 2018. The parties waived the 90-day deadline. A Hearing Officer was appointed in September and had since left the Environment Department. Ms. Tafoya moved to appoint Felicia Orth as the Substitute Hearing Officer for WQCC 18-04 (CO). Mr. Hutchinson seconded the motion. The motion passed unanimously.


Action: The next meeting is scheduled for April 9, 2019.

Item 10. Adjournment.

Action: Mr. Hutchinson moved to adjourn the meeting. Mr. Waters seconded the motion. The motion passed unanimously. The meeting adjourned at 9:50 a.m.

[Signature]
Commission Chair