

**VILLAGE OF QUESTA
SPECIAL MEETING MINUTES
THURSDAY, DECEMBER 15, 2016
VILLAGE OF QUESTA COUNCIL CHAMBERS
3:00PM**

I. CALL TO ORDER BY MAYOR MARK L. GALLEGOS

Mayor Gallegos called the meeting to order at 3:13pm.

II. ROLL CALL

Mayor Gallegos asked Village Clerk Renee Martinez to take roll.

Present:

Councilor Lawrence Ortega

Councilor Brent Jaramillo

Councilor John Anthony Ortega

Not Present:

Councilor Julian Cisneros

Also Present:

Administrator Loretta Trujillo

Village Clerk Renee Martinez

Attorney Marcus Rael

Attorney Lance Hough

III. PLEDGE OF ALLEGIANCE

Mayor Gallegos asked Attorney Marcus Rael to lead the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Mayor Mark Gallegos requested item C be moved up to item A under Presentations/Updates.

Motion: Councilor John Anthony Ortega

Second: Councilor Lawrence Ortega

To approve the agenda as amended. All voted yes. Motion carried.

V. PRESENTATIONS/UPDATES

A. Municipal Water Supply Update

Mayor Gallegos gave a brief update on the progress of the past 10 days. Mayor stated that we are in emergency status at the state level and Homeland Security. The exploratory well has been drilled to 500ft. We were hoping to have water this week, but there are processes that we need to follow regarding water sampling. The Village will have some results tomorrow. The design and specs of the well must also be approved by the NMED. We are in the process of checking for leaks and prv's. We are going to try and get the public as much information as we can. Mayor Gallegos

read the PSA that was scheduled to be released aloud to the public. Councilor Lawrence Ortega asked what the current status was on the application to the NMED. Ms. Trujillo stated that the engineer is anticipating having the documents to the NMED by noon tomorrow.

Ms. Valerie Trujillo, Superintendent of Questa Schools stated that she has calculated the instructional hours for school and at this point our original school contract days are 169 days with the elementary having 6.5 hours per day, and Jr. High and High School at 6.75 hours per day. The minimum regulations for PED from the state department is 1,080 hours for Jr. High and High School and 990 hours for instructional time minimum. We are still ok with the elementary who have 8 more days. After tomorrow the Jr. High/High School is down to .75. This is what she is concerned about. She will be requesting a waiver from PED, which are hard to come by. We are also concerned about some talk about contract negotiations with our staff because they have lost work; the school will have them make up time at the end of the year and do some type of admin leave in order for them not to be affected as far as their pay. The instructional hours must be met, especially with the seniors who graduate on May 20th.

Mr. Lupe Aragon spoke about the pressure tests that are being done on the lines.

Mr. Roberto Vigil stated that he hopes there will be water available to the public until the NMED approves it for drinking. We need to make sure the well is not sucking up water from the tailings. Any breaks in the lines can be contaminated. Mayor Gallegos stated that when the water system is fully online we will make sure that all the testing that needs to be done, is done. Attorney Marcus Rael stated that the lines that that were embedded in tailings about 10 years ago, or maybe longer, they were replaced. The Environment Department issued a clean-up order to leave the lines in place and put them off line so that we wouldn't be removing all the tailings material from the ground, and leave it buried. There are no current Village of Questa lines that are embedded in tailings. Mr. Vigil stated that this is inaccurate. He knows for a fact that the lines going up to his residence are still buried in tailings. Mr. Rael disagreed and informed Mr. Vigil that he can provide him with a letter from NMED stating that the lines were replaced and not to dig up the old lines. Mr. Vigil stated that this would be helpful. Mayor Gallegos assured the public that all needed testing will be done on all historical lines.

Ms. Valerie Trujillo, Superintendent of Questa Schools stated that they have also explored the option of their two irrigation wells, located at each of the schools. Ms. Trujillo stated that it would be a lengthy and expensive process to get them operational.

B. Update on Partial Consent Decree and EPA

Attorney Marcus Rael presented a power point update on the partial consent decree between the United States of America/EPA and Chevron Mining. Mr. Rael spoke about the ROD major remedy components (target areas) – Mill Area, Mine Site Area, Tailing Facility, Red River & South Tailing Facility and Eagle Rock Lake. The total cost from the Record of Decision (ROD) is estimated to be \$517 million to \$883 million. Mr. Rael stated that the clean-up of Eagle Rock Lake has been completed. An inlet control was installed at the gate up by the bridge at the Forest Service property. The water in the lake should be very good right now. Sediment was removed and an outlet was installed. The transformers that were stored at the mill site had leaked and a very heavy clean-up was done.

Partial Consent Decree - Required for remedial action work and addresses part of the work from the ROD. Includes legal requirements and work to be performed. The agencies and Chevron Mining negotiated the PCD. The PCD was then lodged with the court and by the Department of Justice to seek approval from a federal judge. We are now just passed the PCD comment period. The Village of Questa did submit comments on the PCD. NMED, Amigos Bravos and Taos County also submitted comments. The Department of Justice will address the comments. This hearing has not been scheduled yet. After the hearing, the work that is identified in the partial consent decree will commence.

Mr. Rael explained the following:

Partial Consent Decree Work \$143 Million -

- Mine Site Area:
 - Mine dewatering O&M
 - Groundwater extraction system
 - Water treatment plant O&M
 - Groundwater monitoring
- Tailing Facility Area
 - Cover demonstration pilot project – Councilor John Anthony Ortega asked if this was going to be somewhere other than the tailings facility. Mr. Rael stated that towards the very north of the tailings facility, there is no tailings deposited there. With EPA present, the drilled down 12 ft. and took test samples.
 - Replace seepage collection systems
 - Groundwater extraction system
 - Groundwater and surface water monitoring
 - Monitor and maintain tailing dams
- Eagle Rock Lake
 - O&M and monitoring

Mr. Rael stated that the testing will include the sediment entering the lake as well as the sediment in the lake. The water quality will also be tested. A report will be given every couple of months. Councilor Brent Jaramillo inquired if there was a way for Chevron or EPA to post the test results online. Mr. Rael stated that they will be posted to the EPA site under Questa Mine, as well as the NMED website; once the consent decree is approved by the court.

A concern about conflicting information given by different agencies was expressed by the public.

Mr. Rael stated that he received a lot of feedback from the EPA regarding the last meeting that was held here in Questa. He stated that he is here to collect information and pass it along.

Mr. Rael went over the following:

Tailing Facility Cover Demonstration Pilot Project:

Approximately 275 acre test area
 Determine whether a 2-foot cover system meets soil, groundwater and revegetation objectives
 Monitor effectiveness of cover system over 5 years
 EPA to use test results to evaluate possible change to ROD requirement for a 3-foot cover
 Design starts 60 days following lodging of CD
 Construction to begin 30 days after approval of final design or entry of CD (whichever is later)

Pilot Projects Benefits:

Reclamation work begins as soon as possible – Possibly in June
 Potential jobs for local residents
 Potential to cover tailings in just a few months from now
 If proven successful after 5 years (2-foot cover successful at NM mining sites)
 Intended to be the final remedy and final reclamation for this study area
 If proven unsuccessful after 5 years
 An additional 1 foot of cover will be required as the final remedy and reclamation

Village of Questa Comments on PCD:

The Village reserved an assessment of the 2 feet of cover after the 5 year period, and to advocate enforcement of 3 feet if the pilot project failed.

The Village reserved an assessment of the discharged water quality at the tailings impoundment during the 5 year period, and to advocate installment of a WTP at the tailings impoundment if the discharge permits are violated.

The Village requested incentives for hiring local workers to complete pilot project and all remedial actions.

The Village requested community updates from EPA when new actions are triggered under PCD.

Mr. Roberto Vigil expressed concerns regarding Eagle Rock Lake. He also provided pictures. Mr. Rael requested copies to show to the EPA. Mr. Vigil stated that we are getting mine acid into the red river and into acequias. The remedy is not working. Mr. Rael stated that the remedy has not started.

Mayor Gallegos stated that the EPA has agreed to come back after the holidays to hold another meeting in Questa. Mr. Rael stated that he will make every effort to make sure all the questions raised today are answered before this meeting. Mr. Rael will also have the natural resource damage assessment update available at the next meeting.

C. Chevron Temporary Water Treatment Plant Update

Councilor Brent Jaramillo asked Mr. Rael to explain the issue regarding the temporary water treatment plant getting blown over and the talk around town that the water got dumped into the Red River. Mr. Rael stated that the information he was given regarding this was that no water went into the Red River. It went through the tailings lines and down to the tailings pond. He stated that based on the pictures and comments from Mr. Vigil, he stated that it is possible that some of the water went into the Red River.

VI. MATTERS FROM ADMINISTRATOR, MAYOR AND COUNCIL

Councilor Lawrence Ortega asked that Ms. Trujillo please keep the council updated on the water issue as much as possible since they do also get calls from citizens who want to be updated.

VII. ADJOURNMENT

Motion: Councilor John Anthony Ortega

Second: Councilor Lawrence Ortega

In Favor: All

Opposed: None

There being no further business to discuss, the meeting was adjourned at 5:33pm.

ATTEST:

Renee Martinez, CMC



APPROVED:

Mark Gallegos, Mayor