



**STATE OF NEW MEXICO
 WATER QUALITY CONTROL COMMISSION
 1190 St. Francis Drive, Suite S-2102
 Santa Fe, New Mexico 87505
 Phone: (505) 827-2428**

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 Geology and Mineral Resources	Members-at-Large

DRAFT Meeting Minutes

**New Mexico Water Quality Control Commission
 Virtual Meeting on Webex
 June 9, 2020
 9:00 a.m.**

To connect via video conference, go to: <https://nmed-oit.webex.com/nmed-oit/j.php?MTID=me1754f56088feba2fa4fb568506d966c>

When prompted, dial the meeting number: 133 877 2029

The password is: vmF8p7mtp8W

To connect via teleconference dial: 1-415-655-0001

When Prompted, dial access code: 133 877 2029

MEMBERS PRESENT:

Jennifer Pruett	Chair, New Mexico Environment Department
Gabriel Wade	Vice Chair, Oil Conservation Division
Keith Candelaria	Member-at-Large
David Certain	State Parks Division, Energy, Minerals and Natural Resources Department
Larry Dominguez	Department of Agriculture
Howard Hutchinson	Soil and Water Conservation Commission
Krista McWilliams	Member-at-Large
Ghassan Musharrafieh	New Mexico State Engineer and Interstate Stream Commission
Kirk Patten	New Mexico Game and Fish
Kelsey Rader	Member-at-Large
David Sypher	Municipal and County Representative
Bruce Thomson	Member-at-Large
Stacy Timmons	New Mexico Bureau of Geology and Mineral Resources

MEMBERS ABSENT:

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OTHERS PRESENT:

Robert F. Sánchez	Commission Counsel
Cody Barnes	Commission Administrator
Jeremy Nichols	WildEarth Guardians
Christal Weatherly	Counsel for NMED in WQMP/ CPP revisions
Shelly Lemon	Surface Water Quality Bureau Chief
Jennifer Fullam	Surface Water Quality Bureau
Rachel Conn	Amigos Bravos
Jesse Deubel	New Mexico Wildlife Federation
Logan Glassnap	New Mexico Wilderness Alliance
Christopher Atencio	Counsel for NMED in WQCC 20-07 (R)

The Chair called the meeting to order at 9:02 a.m.

Item 1. Roll Call.

The Administrator called the roll; a quorum was present. Chair Pruett discussed the protocol of the virtual meeting. She provided contact information for any individual experiencing technical issues. She mentioned the items on the agenda were time sensitive, which allowed the Commission to meet virtually, per advice from the Open Government Division of the Attorney General’s Office. Chair Pruett pointed out that Administrator Barnes will video record the meeting and will post the recording on the Commission’s website as soon as practicable after the meeting.

Item 2. Approval of the Draft Agenda.

Action: Vice Chair Wade moved to approve the draft agenda. Commissioner Hutchinson seconded the motion. Chair Pruett called a roll call vote. Commissioner Candelaria: aye; Commissioner Certain: aye; Commissioner Dominguez: aye; Commissioner Hutchinson: aye; Commissioner McWilliams: aye; Commissioner Musharrafieh: aye; Commissioner Patten: aye; Chair Pruett: aye; Commissioner Rader: aye; Commissioner Sypher: aye; Commissioner Thomson: aye; Commissioner Timmons: aye; and, Vice Chair Wade: aye. The motion passed 13-0.

Item 3. Approval of meeting minutes from May 12, 2020.

Action: Commissioner Hutchinson moved to approve the meeting minutes from May 12, 2020. Commissioner Dominguez seconded the motion. Chair Pruett called a roll call vote. Commissioner Candelaria: aye; Commissioner Certain: aye; Commissioner Dominguez: aye; Commissioner Hutchinson: aye; Commissioner McWilliams: aye; Commissioner Musharrafieh: aye; Commissioner Patten: aye; Chair Pruett: aye; Commissioner Rader: aye; Commissioner Sypher: aye; Commissioner Thomson: aye; Commissioner Timmons: aye; and, Vice Chair Wade: aye. The motion passed 13-0.

Item 4. Public comment.

84 **Action:** Jeremy Nichols made a public comment regarding an upcoming regulatory hearing
85 before the Oil Conservation Commission on produced water.
86

87 **Item 5. Revisions by the New Mexico Environment Department (NMED) to the Water**
88 **Quality Management Plan and Continuing Planning Process (WQMP/ CPP).**
89 **Christal Weatherly, counsel for NMED. Time estimate: 1 hour.**
90

91 **Action:** Christal Weatherly, counsel for NMED, Shelly Lemon, Surface Water Quality
92 Bureau (SWQB) Chief, and Jennifer Fullam, SWQB, presented the proposed
93 revisions to the WQMP/ CPP.
94

95 Rachel Conn from Amigos Bravos, Jesse Deubel from the New Mexico Wildlife
96 Federation, and Logan Glassnap from New Mexico Wilderness Alliance each made
97 a public comment relating to the item.
98

99 The Commission and members of the public asked questions of Ms. Weatherly,
100 Ms. Lemon, and Ms. Fullam. The Commission discussed the matter.
101

102 Commissioner Rader moved that SWQB further address comments made on the
103 WQMP/ CPP revisions and to draft amendments to the introduction section to
104 present before the WQCC in a future meeting on the following four topics; 1.)
105 watershed effects on surface water quality and planning; 2.) climate change
106 mitigation and adaptation in the Governor’s executive order; 3.) MS4 permit
107 process especially related to the middle Rio Grande; and 4.) potential effects on the
108 SWQB of Federal changes to the waters of the U.S. including any planning or
109 analysis on such impacts. Vice Chair Wade Seconded the motion. Chair Pruett
110 called a roll call vote. Commissioner Candelaria: aye; Commissioner Certain: aye;
111 Commissioner Dominguez: nay; Commissioner Hutchinson: aye; Commissioner
112 McWilliams: nay; Commissioner Musharrafieh: aye; Commissioner Patten: aye;
113 Chair Pruett: aye; Commissioner Rader: aye; Commissioner Sypher: aye;
114 Commissioner Thomson: aye; Commissioner Timmons: nay; and, Vice Chair
115 Wade: aye. The motion passed 10-3.
116

117 **Item 6. Motion for Recording of Rulemaking Hearing. WQCC 20-07 (R), Proposed**
118 **Revisions to 20.7.5 NMAC – Wastewater Facility Construction Loans. Chris**
119 **Atencio, counsel for NMED. Time estimate: 30 minutes.**
120

121 **Action:** Chris Atencio, counsel for NMED in the matter, provided an overview of the
122 motion. The Commission discussed the motion. Commissioner Hutchinson moved
123 to allow a digital recording of the hearing. Commissioner McWilliams seconded
124 the motion. Chair Pruett called a roll call vote. Commissioner Candelaria: aye;
125 Commissioner Certain: aye; Commissioner Dominguez: aye; Commissioner
126 Hutchinson: aye; Commissioner McWilliams: aye; Commissioner Musharrafieh:
127 aye; Commissioner Patten: aye; Chair Pruett: abstained; Commissioner Rader: aye;
128 Commissioner Sypher: aye; Commissioner Thomson: aye; Commissioner
129 Timmons: aye; and, Vice Chair Wade: aye. The motion passed 12-0.
130

131 **Item 7. Update on the New Mexico Supreme Court and Court of Appeals decisions**
132 **on A-1-CA-36039, Rio Hondo Land and Cattle Co., LP and WildEarth**
133 **Guardians v. New Mexico Water Quality Control Commission and New**
134 **Mexico Environment Department. In the Matter of: Final Total Maximum**
135 **Daily Load for the Rio Ruidoso; approval date: November 15, 2016. No**
136 **action will be taken by the Commission. Time estimate: 30 minutes.**
137

138 **Action:** Commissioner Dominguez updated the Commission on New Mexico Supreme
139 Court and Court of Appeals decisions on A-1-CA-36039. No action was taken.
140

141 **Item 8. Open Meetings Act Resolution 2020-002 and correction of Commission**
142 **Administrator email. Commission Administrator Cody Barnes. Time**
143 **estimate: 5 minutes.**
144

145 **Action:** Chair Pruett mentioned an additional edit made to the Open Meetings Act
146 Resolution 2020-002 that corrected the Administrator's email address. No action
147 was taken.
148

149 **Item 9. Next meeting and upcoming matters for July 14, 2020. Following the July 14th**
150 **public meeting, there will be two public hearings on WQCC 20-04 (CO),**
151 **ACME Hometown Cleaners and WQCC 20-07 (R), Proposed Revisions to**
152 **20.7.5 NMAC.**
153

154 **Action:** Aside from the hearings scheduled for WQCC 20-04 (CO) and WQCC 20-07 (R),
155 there were no upcoming matters for the July 14, 2020 meeting.
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157 **Item 10. Adjournment**
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159 **Action:** The meeting adjourned at 12:40PM.
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Commission Chair Pruett