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

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


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

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

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

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

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

Chris Atencio, counsel for NMED in the matter, provided an overview of the motion. The Commission discussed the motion. Commissioner Hutchinson moved to allow a digital recording of the hearing. Commissioner McWilliams 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: abstained; Commissioner Rader: aye; Commissioner Sypher: aye; Commissioner Thomson: aye; Commissioner Timmons: aye; and, Vice Chair Wade: aye. The motion passed 12-0.

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


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

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

Action: Aside from the hearings scheduled for WQCC 20-04 (CO) and WQCC 20-07 (R), there were no upcoming matters for the July 14, 2020 meeting.

Item 10. Adjournment

Action: The meeting adjourned at 12:40PM.

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Commission Chair Pruett