



**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
 Meeting
 October 08, 2019
 9:00 a.m.
 State Capitol Building, Room 307
 490 Old Santa Fe Trail
 Santa Fe, New Mexico 87501**

MEMBERS PRESENT:

Jennifer Pruett	Chair, New Mexico Environment Department
Gabriel Wade	Vice Chair, Oil Conservation Division
Dr. Abinash Achrekar	Department of Health
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 Musharrafi	New Mexico State Engineer and Intrastate Stream Commission
Kirk Patten	New Mexico Game and Fish
Kelsey Rader	Member-at-Large
David Sypher (teleconference)	Municipal and County Representative
Bruce Thomson	Member-at-Large
Stacy Timmons	New Mexico Bureau of Geology and Mineral Resources

MEMBERS ABSENT:

35 **OTHERS PRESENT:**

36	John Grubestic	Commission Counsel
37	Cody Barnes	Commission Administrator
38	Rebekah Martinez	Commission Administrator
39	Cheryl Arreguin	Certified Court Reporter
40	Felicia Orth	Hearing Officer for WQCC 19-03 (R)
41	Stuart R. Butzier	Counsel for Peabody Natural Resources Company
42		in WQCC 19-03 (R)
43	Christina C. Sheehan	Counsel for Peabody Natural Resources Company
44		in WQCC 19-03 (R)
45	John Cochran	Consultant for Peabody Natural Resources
46		Company providing technical testimony
47	Chad Gaines	Environmental Specialist for Peabody Natural
48		Resources Company providing technical testimony
49	Jeffrey Olyphant	Hydrology manager for Peabody Natural Resources
50		Company providing technical testimony
51	James Boswell	Environmental, Regulatory and Permitting Director
52		for Peabody Natural Resources Company providing
53		technical testimony
54	Annie Maxfield	Counsel for NMED in WQCC 19-03 (R)
55	Shelly Lemon	Surface Water Quality Bureau Chief for NMED
56		providing technical testimony
57	Jennifer Fullam	Environmental Scientist Supervisor for the Surface
58		Water Quality Bureau providing technical
59		testimony
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62 **Please see attached sign-in-sheet for others present.**

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64 The Chair called the meeting to order at 9:00 a.m.

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66 **Item 1. Roll Call.**

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68 The Administrator called the roll; a quorum was present.

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70 **Item 2. Approval of the Draft Agenda.**

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72 **Action:** Vice Chair Wade moved to approve the draft agenda. Commissioner Dominguez
73 seconded the motion. The Chair called a voice vote. The motion passed
74 unanimously.

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76 **Item 3. Approval of meeting minutes from September 10, 2019.**

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78 **Action:** Commissioner Hutchinson moved to approve the meeting minutes from September
79 10, 2019. Vice Chair Wade seconded the motion. The Chair called a voice vote.
80 The motion passed unanimously.

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Item 4. Public comment.

Action: No members of the public wished to speak.

Item 5. Regulatory Hearing; WQCC 19-03 (R), In the Matter of the Proposed Amendments to Surface Water Quality Standards for San Isidro Arroyo and Tributaries 20.6.4 NMAC. Stuart R. Butzier, Modrall Sperling Roehl Harris & Sisk, P.A., counsel on behalf of Peabody Natural Resources Company. Annie Maxfield, NMED/OGC. The Water Quality Control Commission may render a decision following the hearing.

Action: Ms. Cheryl Arreguin from Albuquerque Court Reporting Services transcribed agenda item 5. The transcript is available for review at the Commission Administrator’s Office at 1190 South Saint Francis Drive, Santa Fe, New Mexico, 87505. A copy can be obtained from Albuquerque Court Reporting Service, LLC. Post Office Box 56787, Albuquerque, New Mexico 87187, or (505) 806-1202.

Hearing Officer Felicia Orth provided an explanation of the hearing procedures.

Mr. Stuart R. Butzier, counsel for the Applicant, gave an opening statement. Mr. John Cochran, Mr. Chad Gaines, Mr. Jeffery Olyphant, and Mr. James Boswell provided technical testimony for the Applicant, and were examined as a panel by the Commissioners and NMED counsel.

Ms. Annie Maxfield, NMED counsel, provided an opening statement. Ms. Shelly Lemon and Ms. Jennifer Fullam provided technical testimony for the Department, and were examined by Commissioners as a panel.

Public comment was invited; none was offered.

The Hearing Officer closed the evidentiary record, and the Commission deliberated on the petition.

Commissioner Hutchinson moved to approve the proposed amendment to 20.6.4 NMAC presented in the Applicant’s Exhibit 9. Commissioner Dominguez seconded the motion. The Chair called for a roll call vote. Commissioner Achrekar: aye; 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 Thomson: absent; Commissioner Timmons: aye; and, Vice Chair Wade: aye. The motion passed 13-0.

Commissioner Hutchinson moved that the Chair may sign an order prepared by Commission Counsel. Commissioner Dominguez seconded the motion. The Chair called a voice vote. The motion passed unanimously.

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Item 10. Next meeting and upcoming matters proposed for November 12, 2019

Action: There are no upcoming matters yet for the November 12, 2019 meeting. No action was taken.

Item 11. Adjournment

Action: The meeting adjourned at 2:30 PM.

Commission Chair Pruett