



**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**

<b>Environment Department</b>	<b>State Engineer &amp; Interstate Stream Commission</b>
<b>Game and Fish Department</b>	<b>Oil Conservation Division</b>
<b>Department of Agriculture</b>	<b>Department of Health</b>
<b>State Parks Division</b>	<b>Soil and Water Conservation Commission</b>
<b>Bureau of Geology and Mineral Resources</b>	<b>Members-at-Large</b>

**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  
Gabriel Wade

Chair, New Mexico Environment Department  
Vice Chair, Oil Conservation Division

Dr. Abinash Achrekar  
Keith Candelaria  
David Certain

Department of Health  
Member-at-Large  
State Parks Division, Energy, Minerals and Natural  
Resources Department

Larry Dominguez  
Howard Hutchinson  
Krista McWilliams  
Ghassan Musharrafieh

Department of Agriculture  
Soil and Water Conservation Commission  
Member-at-Large  
New Mexico State Engineer and Intrastate Stream  
Commission

Kirk Patten  
Kelsey Rader  
David Sypher (teleconference)  
Bruce Thomson  
Stacy Timmons

New Mexico Game and Fish  
Member-at-Large  
Municipal and County Representative  
Member-at-Large  
New Mexico Bureau of Geology and Mineral  
Resources

**MEMBERS ABSENT:**

**OTHERS PRESENT:**

John Grubestic	Commission Counsel
Cody Barnes	Commission Administrator
Rebekah Martinez	Commission Administrator
Cheryl Arreguin	Certified Court Reporter
Felicia Orth	Hearing Officer for WQCC 19-03 (R)
Stuart R. Butzier	Counsel for Peabody Natural Resources Company in WQCC 19-03 (R)
Christina C. Sheehan	Counsel for Peabody Natural Resources Company in WQCC 19-03 (R)
John Cochran	Consultant for Peabody Natural Resources Company providing technical testimony
Chad Gaines	Environmental Specialist for Peabody Natural Resources Company providing technical testimony
Jeffrey Olyphant	Hydrology manager for Peabody Natural Resources Company providing technical testimony
James Boswell	Environmental, Regulatory and Permitting Director for Peabody Natural Resources Company providing technical testimony
Annie Maxfield	Counsel for NMED in WQCC 19-03 (R)
Shelly Lemon	Surface Water Quality Bureau Chief for NMED providing technical testimony
Jennifer Fullam	Environmental Scientist Supervisor for the Surface Water Quality Bureau providing technical testimony

**Please see attached sign-in-sheet for others present.**

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

**Item 1. Roll Call.**

The Administrator called the roll; a quorum was present.

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

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

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

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

**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 Pruet: 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.

**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