MEMBERS PRESENT:
Jennifer Pruett
Gabriel Wade
Dr. Abinash Achrekar
Keith Candelaria
David Certain
Larry Dominguez
Howard Hutchinson
Krista McWilliams
Ghassan Musharrafieh
Kirk Patten
Kelsey Rader
David Sypher (teleconference)
Bruce Thomson
Stacy Timmons

Chair, New Mexico Environment Department
Vice Chair, Oil Conservation Division
Department of Health
Member-at-Large
State Parks Division, Energy, Minerals and Natural Resources Department
Department of Agriculture
Soil and Water Conservation Commission
Member-at-Large
New Mexico State Engineer and Intrastate Stream Commission
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 Grubesic  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 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.
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.