



**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

**New Mexico Water Quality Control Commission
Meeting Minutes
Virtual Meeting on Webex
May 12, 2020
9:00 a.m.**

To connect via video conference, go to: <https://nmed-oit.webex.com/nmed-oit/j.php?MTID=mc15e27b8b8ff1013e2b249a96c9e7fe8>
When prompted, dial the meeting number: 808 545 946
The password is: jATSiXHj234

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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:

OTHERS PRESENT:

Robert F. Sanchez

Commission Counsel

Cody Barnes

Commission Administrator

Owen Johnson

Counsel for NMED in WQCC 20-04 (CO)

Andrew Knight

Counsel for NMED in WQCC 20-16 (CO)

Adam Rankin

Counsel for the Respondents in WQCC 20-16 (CO)

John Verheul

Counsel for NMED in WQCC 20-18 (R)

Kelly Nokes

Co-Counsel for Petitioner in WQCC 20-18 (R)

Erik Schlenker-Goodrich

Co-Counsel for Petitioner in WQCC 20-18 (R)

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

Chair Pruett called the meeting to order at 9:01 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: Commissioner Sypher 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 April 14, 2020.

Action: Commissioner Hutchinson moved to approve the meeting minutes from April 14, 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.

Action: No members of the public wished to speak.

Item 5. Adoption of WQCC Open Meetings Act Resolution for 2020. Commission Counsel Robert F. Sanchez. Time estimate: 30 minutes.

Action: Commission Counsel Sanchez and Chair Pruett presented a draft of the WQCC Open Meetings Act Resolution 2020-002. The Commission discussed the draft and presented amendments.

Commissioner Hutchinson moved to approve the Open Meetings Act Resolution 2020-002 as amended. 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 6. Review of WQCC schedule for June, July and August. Commission Administrator Cody Barnes. Time estimate: 10 minutes

Action: Commission Administrator Barnes reviewed the Commission's schedule through August. Commissioner Hutchinson expressed discontent that the public hearing for WQCC 20-08 (CO) was continued by the Hearing Officer to the August 11, 2020 meeting. Commissioner Hutchinson mentioned that when the Commission granted the hearing during the March 10, 2020, and set it for the Commission's June 9, 2020 meeting, he expressed his wish that the matter not be delayed. No action was taken.

Item 7. Discussion of potential dates to reschedule hearing on WQCC 20-04 (CO), ACME Hometown cleaners. Owen Johnson, counsel for the New Mexico Environment Department. Pete Domenici, Jr., counsel for ACME Hometown Cleaners. Felicia Orth, Hearing Officer. Time estimate: 30 minutes

Action: Owen Johnson, counsel for NMED in the matter, discussed that the parties and hearing officer in WQCC 20-04 (CO) agreed to reschedule the public hearing to the July 14, 2020 WQCC meeting. No action was taken.

Item 8. Request for Hearing. WQCC 20-16 (CO) New Mexico Environment Department Water Protection Division, Surface Water Quality Bureau v. Matador Production Company and San Mateo Midstream, LLC. Andrew Knight, counsel for the New Mexico Environment Department. Adam G. Rankin and Kaitlyn A. Luck, counsel for Matador Production Company and San Mateo Midstream, LLC. Time estimate: 30 minutes.

Action: Andrew Knight, counsel for NMED in WQCC 20-16 (CO), and Adam Rankin, counsel for the Respondent, provided an overview of the matter. The Commission discussed the request for hearing.

Commissioner Hutchinson moved to approve the request for hearing and to assign contract hearing officer Richard Virtue to manage the case through a hearing to be held during the regularly scheduled meeting on September 8, 2020 in Santa Fe, NM. 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.

The parties in the matter agreed to provide a stipulated motion for an extension of time. Chair Pruett directed the Commission Counsel to draft an order reflecting the Commission's decision.

Item 9. Request for Hearing. WQCC 20-18 (R). In the matter of the petition for proposed amendments to 20.6.4.9 NMAC, designation of waters of the Upper Pecos watershed as Outstanding National Resource Waters. John Verheul, counsel for the New Mexico Environment Department. Erik Schlenker-Goodrich, Kelly Nokes, and Allyson Beasley, counsel for the Petitioner. Time estimate: 30 minutes.

Action: John Verheul, counsel for NMED in WQCC 20-18 (R), along with Kelly Nokes and Erik Schlenker-Goodrich, co-counsel for the Petitioner, provided an overview of the matter. The Commission discussed the request for hearing.

Commissioner Hutchinson moved to approve the request for hearing and to assign contract hearing officer Felicia Orth to manage the case through a hearing to be held during the regularly scheduled meeting on November 10, 2020 in Santa Fe, NM. Commissioner Thomson 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.

Chair Pruett directed the Commission Counsel to draft an order reflecting the Commission's decision.

Item 7. Next meeting and upcoming matters proposed for June 9, 2020

Action: There were no upcoming matters yet for the June 9, 2020 meeting. Chair Pruett mentioned the meeting may be cancelled if there was not business to discuss. No action was taken.

Item 8. Adjournment

Action: The meeting adjourned at 10:55 A.M.

Commission Chair Jennifer J. Pruett