

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 Game and Fish Department **Department of Agriculture State Parks Division Bureau of Geology and Mineral Resources**

State Engineer & Interstate Stream Commission Oil Conservation Division Department of Health Soil and Water Conservation Commission Members-at-Large

Meeting Minutes New Mexico Water Quality Control Commission Meeting November 12, 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

Larry Dominguez (teleconference) Howard Hutchinson

Resources Department Department of Agriculture

Krista McWilliams

Soil and Water Conservation Commission

Kelsey Rader **David Sypher** Member-at-Large Member-at-Large

Bruce Thomson

Municipal and County Representative

Member-at-Large **Stacy Timmons**

New Mexico Bureau of Geology and Mineral

Resources

MEMBERS ABSENT:

Ghassan Musharrafieh

New Mexico State Engineer and Intrastate Stream

Commission

Kirk Patten

New Mexico Game and Fish

OTHERS PRESENT:

John Kreienkamp Cody Barnes

Rebekah Martinez

Andrew Knight Pete Domenici Jr. Commission Counsel

Commission Administrator Commission Administrator

Counsel for NMED in WQCC 19-30(A) Counsel on behalf of JVP, Former Fox and

Associate Site

Chris Vigil

Counsel for NMED in WQCC 19-46 (R)

Shelly Lemon Jennifer Fullam

Surface Water Quality Bureau Chief Surface Water Quality Bureau

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 Sypher seconded the motion. The Chair called a voice vote. The motion passed unanimously.

Item 3. Approval of meeting minutes from October 08, 2019.

Action:

Commissioner Certain moved to approve the meeting minutes from October 08, 2019. Commissioner Hutchinson 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.

Settlement update and discussion on the Commission's jurisdiction over the matter. WQCC 19-30 (A), In the Matter of the Petition to Approve Partial Abatement Completion Report for Former Fox and Associate Site. Andrew Knight, Office of General Counsel, NMED; Pete V. Domenici, Jr. Esq., Domenici Law Firm PC, Counsel on behalf of JVP, Former Fox and Associate Site. Time estimate: 30 minutes.

Action:

Mr. Pete Domenici Jr., counsel for JVP, Former Fox and Associate Site, filed a Notice of Withdrawal of Petition during the meeting. Mr. Domenici explained that both parties were able to come to an agreement.

Item 6. Request for Hearing; WQCC 19-46 (R), In the Matter of the Petition to Amend 20.6.4 NMAC, Establishing a Nutrient Temporary Standard. Chris Vigil, Office of General Counsel, NMED; Shelly Lemon and Jennifer Fullam, Surface Water Quality Bureau, NMED. Time estimate: 15 minutes.

Mr. Chris Vigil, counsel for NMED, explained the proposed amendments with the help of Shelly Lemon and Jennifer Fullam, both with NMED Surface Water Quality Bureau.

Mr. Vigil requested that a hearing be held in March 2020 and a hearing officer be appointed. Commissioner Thompson moved to approve a scheduled hearing in March 2020. Vice Chair Wade seconded the motion. The motion passed unanimously.

Chair Jennifer Pruett volunteered to serve as the hearing officer for the March 2020 hearing. Commissioner Dominguez moved to appoint Chair Pruett as the hearing officer. Commissioner Hutchinson seconded the motion. The motion passed unanimously.

- Item 7. Next meeting and upcoming matters proposed for December 10, 2019
- Action: There are no upcoming matters yet for the December 10, 2019 meeting. No action was taken. The meeting may be cancelled if there is no business to discuss.
- Item 8. Adjournment
- **Action:** The meeting adjourned at 9:13AM.

Commission Chair Pruett

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