



**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

March 10, 2020

9:00 a.m.

Harold Runnels Building, Runnels Auditorium

1190 Saint Francis Drive

Santa Fe, New Mexico 87505

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 Musharrafiieh	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
Stacy Timmons	New Mexico Bureau of Geology and Mineral Resources

MEMBERS ABSENT:

Bruce Thomson	Member-at-Large
---------------	-----------------

OTHERS PRESENT:

Robert F. Sanchez	Commission Counsel
Melayna Ortiz	Commission Administrator
Owen Johnson	Counsel for NMED in WQCC 20-04 (CO)

Pete Domenici Jr. Christopher Atencio	Counsel for ACME Hometown Cleaners Counsel for NMED in WQCC 20-08 (CO), WQCC 20-07 (R), WQCC 17-07 (A) and WQCC 17-08 (A)
Major Mark E. Coon (teleconference) Judi Kahl Rhonda Holderman Elizabeth Reitzel Christopher Vigil Shelly Lemon Jennifer Fullam Daniel Campbell Kenneth Scott Berry	Counsel for Cannon Air Force Base Constructions Program Bureau Chief Constructions Program Bureau Counsel for Abel Villalpando Counsel for NMED in WQCC 19-46 (R) Surface Water Quality Bureau Chief Surface Water Quality Bureau City of Raton City of Raton

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

The Chair called the meeting to order at 9:10 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 Patten seconded the motion. The Chair called a voice vote. The motion passed unanimously.

Item 3. Approval of meeting minutes from November 12, 2019.

Action: Vice Chair Wade moved to approve the meeting minutes from November 12, 2019. Commissioner Dominguez 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. Adoption of WQCC Open Meetings Act Resolution for 2020. Commission Counsel Robert F. Sanchez. Time estimate: 30 minutes.

Action: Commission Counsel Sanchez presented a draft of the WQCC Open Meetings Act Resolution for 2020.

Commissioner Dominguez moved to table the adoption of the 2020 Open Meetings Act Resolution. Commissioner McWilliams seconded the motion. The Chair called a voice vote. The motion passed unanimously.

Item 6. Pending Motion to Waive 90-Day Hearing Deadline. WQCC 20-04 (CO). ACME Hometown Cleaners. Owen Johnson, NMED/OGC; Pete V. Domenici, Jr. Esq., Domenici Law Firm PC, Counsel on behalf of ACME Hometown Cleaners. Time estimate: 30 minutes.

Action: Owen Johnson and Pete Domenici Jr. presented the Motion to Waive 90-day hearing deadline.

Commissioner Dominguez moved to waive the 90-day hearing deadline for WQCC 20-04 (CO) ACME Hometown Cleaners and set a hearing during the regularly scheduled WQCC meeting on May 12, 2020. Commissioner Hutchinson seconded the motion. The Chair called a voice vote. The motion passed unanimously.

Commissioner Dominguez moved to appoint Felicia Orth as hearing officer in the matter. Commissioner Certain seconded the motion. The Chair called a voice vote. The motion passed unanimously.

Item 7. Request for hearing. WQCC 20-08 (CO). Water Protection Division of the New Mexico Environment Department v. Cannon Air Force Base. Christopher Atencio, NMED/OGC; Mark E. Coon, Regional Counsel, Dobbins Air Reserve Base, Counsel on behalf of Cannon Air Force Base. Time estimate: 30 minutes.

Action: Christopher Atencio and Mark E. Coon presented the request for hearing.

Commissioner Dominguez moved to waive the 90-day hearing deadline for WQCC 20-08 (CO). Vice Chair Wade seconded the motion. The Chair called for a vote. Commissioner Candelaria: aye; Commissioner Certain: aye; Commissioner Dominguez: aye; Commissioner Hutchinson: nay; Commissioner McWilliams: aye; Commissioner Musharrafieh: aye; Commissioner Patten: aye; Chair Pruett: aye; Commissioner Rader: aye; Commissioner Sypher: aye; Commissioner Thomson: absent; Commissioner Timmons: aye; and, Vice Chair Wade: aye. The motion passed 11-1.

Vice Chair Wade moved to set the hearing for June 9 and 10, 2020. Commissioner Sypher seconded the motion. The Chair called for a vote. Commissioner Candelaria: aye; Commissioner Certain: aye; Commissioner Dominguez: aye; Commissioner Hutchinson: nay; Commissioner McWilliams: aye; Commissioner Musharrafieh: aye; Commissioner Patten: aye; Chair Pruett: aye; Commissioner Rader: aye; Commissioner Sypher: aye; Commissioner Thomson: absent; Commissioner Timmons: aye; and, Vice Chair Wade: aye. The motion passed 11-1.

Commissioner Hutchinson moved to set the hearing on June 9 and 10, 2020 in Santa Fe, New Mexico. Vice Chair Wade seconded the motion. The Chair called a voice vote. The motion passed unanimously.

Commissioner Hutchinson moved to appoint Max Shepherd as hearing officer in the matter. Vice Chair Wade seconded the motion. The Chair called a voice vote. The motion passed unanimously.

Item 8. Request for hearing. WQCC 20-07 (R), Proposed Revisions to 20.7.5 NMAC – Wastewater Facility Construction Loans. Christopher Atencio, NMED/OGC

Action: Christopher Atencio, Judi Kahl and Rhonda Holderman presented the request for hearing in WQCC 20-07 (R).

Commissioner Dominguez moved to set a hearing on the matter to be held on June 8, 2020 in Santa Fe, New Mexico. Commissioner Sypher seconded the motion. The Chair called a voice vote. The motion passed unanimously.

Commissioner Dominguez moved to appoint Chair Pruett as hearing officer. Commissioner Certain seconded the motion. The Chair called a voice vote. The motion passed unanimously.

Item 9. Settlement update. WQCC 17-07 (A), Creekside Dairy, and WQCC 17-08 (A), Rockhill Dairy. Christopher Atencio, NMED/OGC; Elizabeth Reitzel, Miller Stratvert P.A., Counsel for Abel Villalpando, Petitioner for Creekside Dairy and Rockhill Dairy. Time estimate: 20 minutes.

Action: Commissioner Dominguez moved to have the settlement update on WQCC 17-07 (A) and WQCC 17-08 (A) at the next regularly scheduled meeting. Commissioner McWilliams seconded the motion. The Chair called a voice vote. The motion passed unanimously.

Item 10. Regulatory Hearing; WQCC 19-46 (R), In the Matter of the Petition to Amend 20.6.4 NMAC, Establishing a Nutrient Temporary Standard. Christopher Vigil, NMED/OGC. The Water Quality Control Commission may render a decision following the hearing. Time estimate: 4 hours.

Action: Ms. Cheryl Arreguin from Albuquerque Court Reporting Services transcribed agenda item 10. The transcript is available for review at the Board 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 Pruett explained the hearing process.

Christopher Vigil, NMED Assistant General Counsel; Shelly Lemon, Surface Water Quality Bureau Chief; and Jennifer Fullam, Surface Water Quality Bureau Standards, Planning & Reporting Team Leader gave an opening statement and provided their technical testimony. The Commission cross-examined them as a panel.

Daniel Campbell and Kenneth Scott Berry provided non-technical testimony.

Christopher Vigil provided a closing argument.

The Commission Administrator Ortiz entered the sign-in sheet as WQCC exhibit #1.

After the public hearing, the Commission deliberated on the matter.

Commissioner Dominguez moved to approve the amendment proposed in WQCC 19-46 (R). Commissioner McWilliams seconded the motion. The Chair asked for a roll call vote. Commissioner Candelaria: aye; Commissioner Certain: aye; Commissioner Dominguez: aye; Commissioner Hutchinson: aye; Commissioner McWilliams: aye; Commissioner Musharrafiieh: aye; Commissioner Patten: aye; Chair Pruett: aye; Commissioner Rader: aye; Commissioner Sypher: aye; Commissioner Thomson: absent; Commissioner Timmons: aye; and, Vice Chair Wade: aye. The motion passed 12-0.

Item 11. Next meeting and upcoming matters proposed for April 14, 2020

Action: Commission Administrator Ortiz mentioned there were no upcoming matters yet for the April 14, 2020 meeting. Chair Pruett discussed that the meeting may be cancelled if there was a lack of business. No action was taken.

Item 12. Adjournment

Action: The meeting adjourned at 4:00PM.

Commission Chair Pruett