



**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

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Meeting Minutes
New Mexico Water Quality Control Commission
Virtual Meeting on Webex
December 8, 2020
9:03 a.m.

MEMBERS PRESENT:

Jennifer Pruett	Chair, New Mexico Environment Department
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
Ghassan Musharrafi	New Mexico State Engineer and Interstate Stream Commission
Kelsey Rader	Member-at-Large
David Sypher	Municipal and County Representative
Bruce Thomson	Member-at-Large
Stacy Timmons	New Mexico Bureau of Geology and Miner
Krista McWilliams	Member-at-Large
Kirk Patten	New Mexico Game and Fish
Jason Cornwell	New Mexico Department of Health Resources

MEMBERS ABSENT:

Gabriel Wade	Vice Chair, Oil Conservation Division
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OTHERS PRESENT:

Robert F. Sánchez	Commission Counsel
Gregory Chakalian	NMED Administrative Law Judge
Pam Jones	Commission Administrator
Madai Corral	NMED OPF Hearing Clerk
John Verheul	Counsel for NMED
Kelly Nokes	Counsel for NMED

36	Heidi Henderson	NMED Surface Water Quality Bureau
37	Shelly Lemon	NMED Surface Water Quality Bureau
38	Sarah Holcomb	NMED Surface Water Quality Bureau
39	Jennifer Fullam	NMED Surface Water Quality Bureau
40	Kris Barrios	NMED Surface Water Quality Bureau
41	Lynette Guevara	NMED Surface Water Quality Bureau
42	Rachel Jankowitz	NMED Surface Water Quality Bureau
43	Miguel Montoya	NMED Surface Water Quality Bureau
44	Diana Aranda	NMED Surface Water Quality Bureau
45	William Foley	Member of the Public
46	Jay Lazarus	Member of the Public
47	Jolene McCaleb	Member of the Public
48	Rachel Conn	Member of the Public
49	James Bearzi	Member of the Public

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51 The Chair called the meeting to order at 9:03 a.m.

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53 **Item 1. Roll Call.**

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55 The Administrator called the roll; a quorum was present. Commissioner Wade was
56 counted as absent. Chair Pruett discussed the protocol of the virtual meeting. She
57 provided contact information for any individual experiencing technical issues. She
58 mentioned the items on the agenda were time sensitive, which allowed the
59 Commission to meet virtually, per advice from the Open Government Division of
60 the Attorney General’s Office. Chair Pruett pointed out that Commission
61 Administrator will video record the meeting and will post the recording on the
62 Commission’s website as soon as practicable after the meeting.

63
64 **Item 2. Approval of the Draft Agenda.**

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66 **Action:** Commissioner Sypher moved to approve the draft agenda. Commissioner
67 Hutchinson seconded the motion. Chair Pruett called a roll call vote. Commissioner
68 Candelaria: aye; Commissioner Certain: aye; Commission Cornwell: aye;
69 Commissioner Dominguez: aye; Commissioner Hutchinson: aye; Commissioner
70 McWilliams: aye; Commissioner Musharrafieh: aye; Commissioner Patten: aye;
71 Chair Pruett: aye; Commissioner Rader: aye; Commissioner Sypher: aye;
72 Commissioner Thomson: aye; Commissioner Timmons: aye; and, Vice Chair
73 Wade: absent. The motion passed 13-0 with 1 Commissioner absent.

74
75 **Item 3. Approval of meeting minutes from November 10, 2020.**

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77 **Action:** Commissioner Hutchinson moved to approve the meeting minutes from November
78 10, 2020. Commissioner Dominguez seconded the motion. There was no discussion
79 and there were no edits. Chair Pruett called a roll call vote. Commissioner
80 Candelaria: aye; Commissioner Certain: aye; Commission Cornwell: aye;
81 Commissioner Dominguez: aye; Commissioner Hutchinson: aye; Commissioner
82 McWilliams: aye; Commissioner Musharrafieh: aye; Commissioner Patten: aye;
83 Chair Pruett: aye; Commissioner Rader: aye; Commissioner Sypher: aye;

84 Commissioner Thomson: aye; Commissioner Timmons: aye; and, Commissioner
85 Wade: absent. The motion passed 13-0 with 1 Commissioner absent.

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87 **Item 4. Public comment.**

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89 **Action:** There was no public comment.

90
91 **Item 5. WQCC 20-66:** *Approval of the 2020-2022 State of New Mexico Clean*
92 *Water Act §303(d) and §305(b) Integrated Report*, John Verheul, Counsel for
93 NMED, Lynette Guevara and Kris Barrios, NMED Surface Water Quality Bureau.

94
95 **Action:** John Verheul, Counsel for NMED, presented the request for approval of the
96 integrated report and introduced Lynette Guevara to make the presentation. Ms.
97 Guevara stated that this integrated report is satisfying statutory requirements of the
98 Clean Water Act, which, if approved, will be submitted to the EPA.

99
100 Chair Pruett offered the Commissioners the opportunity to discuss the item.

101
102 There was extensive discussion regarding the abbreviated description of the
103 probable sources for pollution. Commissioners Hutchinson and Dominguez
104 expressed concern regarding the language of the executive summary. Counsel
105 Verheul explained that as it is an executive summary, the details are abbreviated,
106 and discussion continued with suggestions for more completely listing the probable
107 sources of pollution as described in the executive summary.

108
109 One member of the public, Rachel Conn, made comment that she was concerned
110 about adequate staffing for NMED to collect the data regarding sediment
111 impairment.

112
113 Following this discussion, the Chair called a 15-minute break. Upon returning the
114 roll was called with all Commissioners (except for Commissioner Wade) once
115 again present.

116
117 Discussion of the language to be included in the executive summary continued.
118 Commissioner Timmons asked if these changes being discussed are appropriate to
119 the Open Meetings Act, and Counsel Sánchez confirmed that there is past
120 precedence for the Commission to edit the document while discussing same.

121
122 Commissioner Thomson made the motion to approve the 2020-2022 State of NM
123 Clean Water Act §303(d) and §305(b) Integrated Report subject to the editorial
124 corrections and revisions as discussed. Commissioner McWilliams seconded the
125 motion. Chair Pruett called a roll call vote. Commissioner Candelaria: aye;
126 Commissioner Certain: aye; Commissioner Cornwell: aye; Commissioner
127 Dominguez: no; Commissioner Hutchinson: aye with reservations; Commissioner
128 McWilliams: aye; Commissioner Musharrafieh: aye; Commissioner Patten: aye;
129 Chair Pruett: aye; Commissioner Rader: aye; Commissioner Sypher: aye;
130 Commissioner Thomson: aye; Commissioner Timmons: aye; and, Commissioner

131 Wade: absent. The motion passed with 12 votes in the affirmative, 1 vote negative
132 and 1 Commissioner absent.

133
134 Chair Pruett took a moment to thank Lynette Guevara for her service with the
135 Surface Water Quality Bureau and wished her well on her new assignment with the
136 Ground Water Bureau.

137
138 **Item 6.** **WQCC 20-18:** *In the Matter of the Petition for Proposed Amendments to 20.6.4.9*
139 *NMAC, Designation of Waters of the Upper Pecos Watershed as Outstanding*
140 *National Resources Waters*, Proposed Substitution of In-House Hearing Officer for
141 Contract Hearing Officer, Chair Jennifer Pruett.

142
143 **Action:** Chair Pruett opened the discussion with explanation that the contract Hearing
144 Officer, Felicia Orth suggested the substitution of Gregory Chakalian to be the
145 Hearing Officer on this matter.

146
147 The Commission discussed the item. Commissioner Dominguez made the motion
148 to change the Hearing Officer in accordance with the draft Order presented in the
149 board packet. Commissioner Hutchinson seconded the motion. Chair Pruett called
150 a roll call vote. Commissioner Candelaria: aye; Commissioner Certain: aye;
151 Commissioner Cornwell: aye; Commissioner Dominguez: aye; Commissioner
152 Hutchinson: aye; Commissioner McWilliams: aye; Commissioner Musharrafieh:
153 aye; Commissioner Patten: aye; Chair Pruett: aye; Commissioner Rader: aye;
154 Commissioner Sypher: aye; Commissioner Thomson: aye; Commissioner
155 Timmons: aye; and, Commissioner Wade: absent. The motion passed 13-0 with 1
156 Commissioner absent.

157
158 **Item 7.** Next meeting and expected upcoming matters for January 12, 2021.
159
160 Commissioner Hutchinson made the remark that the legislative session might only
161 meet for budgetary discussions with a special session called later in the year.

162
163 **Item 8. Adjourment**

164
165 **Action:** The meeting adjourned at 12:00p.m.

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gabriel wade

Commission Vice-Chair Wade