



**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

| | |
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| 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
January 12, 2021
9:03 a.m.

MEMBERS PRESENT:

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| Gabriel Wade | Vice Chair, Oil Conservation Division |
| David Certain | State Parks Division, EMNRD |
| Larry Dominguez | Department of Agriculture |
| Howard Hutchinson | Soil and Water Conservation Commission |
| Ghassan Musharrafieh | 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 |
| Krista McWilliams | Member-at-Large |
| Kirk Patten | New Mexico Game and Fish |
| Jason Cornwell | New Mexico Department of Health Resources |

MEMBERS ABSENT:

| | |
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| Jennifer Pruet | Chair, NMED |
| Keith Candelaria | Member-at-Large |

OTHERS PRESENT:

| | |
|-------------------|--------------------------|
| Robert F. Sánchez | Commission Counsel |
| Pam Jones | Commission Administrator |
| Madai Corral | NMED OPF Hearing Clerk |

34 Christopher Atencio Counsel for NMED
35 Steve Jetter, Sr. Environmental Geologist, Glorieta
36 Geoscience, Inc.
37 Annie Maxfield Counsel for NMED
38 Eric Hall Manager of the Utility Operator
39 Certification Program
40 Jill Turner Environmental Science Supervisor for
41 NMED DWB
42 Kendall Crowe Environmental Scientist, NMED DWB
43 Ivan Abell Member of the Public
44 Nile Carver Member of the Public
45 Joe Bailey Member of the Public
46 Jay Lazarus Member of the Public
47 Joe Harvey Member of the Public
48 Rachel Conn Member of the Public
49 Tim Goering Member of the Public
50 Sidney Hoke Member of the Public
51 Catherine Eisen Member of the Public
52 Tiffany Rivera Member of the Public
53 Richard Graham Member of the Public

54
55 Vice-Chair Wade called the meeting to order at 9:02 a.m.

56
57 **Item 1. Roll Call.**

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

70
71 **Item 2. Approval of the Draft Agenda.**

72
73 **Action:** Commissioner Hutchinson moved to approve the draft agenda.
74 Commissioner Cornwell seconded the motion. Vice-Chair Wade
75 called a roll call vote. Commissioner Certain: aye; Commissioner
76 Cornwell: aye; Commissioner Dominguez: aye; Commissioner
77 Hutchinson: aye; Commissioner McWilliams: aye; Commissioner
78 Musharrafieh: aye; Commissioner Patten: aye; Commissioner

79 Rader: aye; Commissioner Sypher: aye; Commissioner Thomson:
80 aye; Commissioner Timmons: aye; and Vice Chair Wade: aye.
81 Commissioner Candelaria: absent; Chair Pruett: absent. The
82 motion passed 12-0 with 1 Commissioner and Chair Pruett absent.
83

84 **Item 3. Approval of meeting minutes from December 8, 2020.**

85
86 **Action:** Commissioner Hutchinson moved to approve the meeting minutes
87 from December 8, 2020. Commissioner Cornwell seconded the
88 motion. There was no discussion and there were no edits. Vice-
89 Chair Wade called a roll call vote. Commissioner Certain: aye;
90 Commissioner Cornwell: aye; Commissioner Dominguez: aye;
91 Commissioner Hutchinson: aye; Commissioner McWilliams: aye;
92 Commissioner Musharrafieh: aye; Commissioner Patten: aye;
93 Commissioner Rader: aye; Commissioner Sypher: aye;
94 Commissioner Thomson: aye; Commissioner Timmons: aye; and
95 Vice Chair Wade: aye. Commissioner Candelaria: absent; Chair
96 Pruett: absent. The motion passed 12-0 with 1 Commissioner and
97 Chair Pruett absent.
98

99 **Item 4. Public comment.**

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101 **Action:** There was no public comment.
102

103 **Item 5: WQCC 20-72:** *In the Matter of the Petition for Request for*
104 *Variance from Regulations 20.6.6 NMAC, Ironhorse Permian Basin,*
105 *LLC Former Lakeside Dairy DP-796, Request for Hearing and*
106 *Appointment of Hearing Officer. Christopher Atencio, Counsel for*
107 *New Mexico Environment Department. Steve Jetter, Sr.,*
108 *Environmental Geologist, Glorieta Geoscience Inc., Consultant for*
109 *Petitioner.*

110
111 **Action:** Vice-Chair Wade opened discussion regarding approval of the 90-
112 Day extension to Request a Hearing.

113
114 Counsel Sanchez expressed his concern that the Petition was not
115 signed by the Petitioner Iron Horse, and that no one from Iron
116 Horse Permian was present to speak to the issues. He questioned
117 whether a consultant could act in the place of an attorney for this
118 matter. Counsel Atencio made the point that there was nothing
119 in regulations that stated a Petitioner must be an attorney. Vice-
120 Chair Wade stated for the record that the Department thus
121 stipulates that Steve Jetter, Sr. of Glorieta Geoscience does
122 represent Iron Horse Permian in this matter.
123

124 Vice-Chair Wade offered the Commissioners the opportunity to
125 discuss the item. Upon the conclusion of discussion, Vice-Chair
126 Wade called for a motion.

127
128 Commissioner Hutchinson made the motion to approve the 90-
129 Day Extension to Request the Hearing, have the Chair appoint the
130 hearing officer and place this matter on the June 8, 2021 WQCC
131 meeting agenda. Commissioner Dominguez seconded the motion.
132 Vice-Chair Wade called a roll call vote. Commissioner Certain:
133 aye; Commissioner Cornwell: aye; Commissioner Dominguez:
134 aye; Commissioner Hutchinson: aye; Commissioner McWilliams:
135 aye; Commissioner Musharrafiieh: aye; Commissioner Patten:
136 aye; Commissioner Rader: aye; Commissioner Sypher: aye;
137 Commissioner Thomson: aye; Commissioner Timmons: aye; and
138 Vice Chair Wade: aye. Commissioner Candelaria: absent; Chair
139 Pruett: absent. The motion passed 12-0 with 1 Commissioner and
140 Chair Pruett absent.

141
142 **Item 6. WQCC 20-73:** *In the Matter of the Petition to Appoint Members*
143 *to The Utility Operators Certification Advisory Board*, request to
144 appoint two regular members and one alternate member to the
145 Utility Operators Certification Advisory Board. Annie Maxfield,
146 Counsel for New Mexico Environment Department, and Eric Hall,
147 Manager of the Utility Operator Certification Program, New Mexico
148 Environment Department Drinking Water Bureau.

149
150 **Action:** Annie Maxfield, Counsel for NMED DWB presented the Petition and
151 invited Eric Hall, Manager of the Utility Operators Certification
152 Program to describe the process for selecting UOCAB members.

153
154 The Commission discussed the item. After hearing the
155 presentation, Commissioner Hutchinson moved to formally seat
156 the board members Cathie Eisen and Ivan Abell. Commissioner
157 Dominguez seconded the motion. Before the vote, Counsel
158 Sanchez expressed his concerns regarding NMSA 1978 Sec 66-33-
159 4 (C) and the process for appointing members to the UOCAB.

160
161 Counsel Maxfield explained the process for requesting the
162 appointment of members of the UOCAB. Ms. Maxfield stated that
163 there will be more on this topic as the Department works to more
164 clearly define this process.

165
166 Commissioner Thomson suggested having one of the WQCC
167 Commissioners move to appoint the suggested candidates to
168 UOCAB.

169 After this discussion, Commissioner Hutchinson withdrew his
170 motion to seat the members and made a motion to appoint 2
171 regular members - Mr. Bailey and Mr. Hoke and appoint Mr.
172 Mitchell as an alternate to the UOCAB. Commissioner Thomson
173 seconded the motion. Vice-Chair Wade called a roll call vote.
174 Commissioner Certain: aye; Commissioner Cornwell: aye;
175 Commissioner Dominguez: aye; Commissioner Hutchinson: aye;
176 Commissioner McWilliams: aye; Commissioner Musharrafieh:
177 aye; Commissioner Patten: aye; Commissioner Rader: aye;
178 Commissioner Sypher: aye; Commissioner Thomson: aye;
179 Commissioner Timmons: aye; and Vice Chair Wade: aye.
180 Commissioner Candelaria: absent; Chair Pruett: absent. The
181 motion passed 12-0 with 1 Commissioner and Chair Pruett absent.
182

183 **Item 7.** Next meeting and expected upcoming matters. Vice-Chair Wade
184 stated that there will not be a WQCC meeting in the months of
185 February and March 2021 due to the legislative session.
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187 **Item 8. Adjournment**

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189 **Action:** The meeting adjourned at 10:10a.m.
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Commission Vice-Chair Wade