



**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION
1190 St. Francis Drive, Suite S-2102
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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

**Meeting Minutes
New Mexico Water Quality Control Commission
Regular Meeting
May 14, 2019
9:00 a.m.
State Capitol Building, Room 307
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501**

MEMBERS PRESENT:

Jennifer Pruett	Chair, New Mexico Environment Department
David Certain	State Parks Division, Energy, Minerals and Natural Resources Department
Howard Hutchinson	Soil and Water Conservation Commission
Kirk Patten	New Mexico Game and Fish
Stacy Timmons	New Mexico Bureau of Geology and Mineral Resources
Larry Dominguez	Department of Agriculture
Gabriel Wade	Oil Conservation Division
Dr. Abinash Achrekar	Department of Health
Ghassan Musharrafi	New Mexico State Engineer and Intrastate Stream Commission
David Sypher	Municipal and County Representative
Keith Candelaria	Member-at-Large
Krista McWilliams	Member-at-Large
Kelsey Rader	Member-at-Large
Bruce Thomson	Member-at-Large

MEMBERS ABSENT:

OTHERS PRESENT:

John Gruebsic
Pam Castañeda
Cody Barnes

Commission Counsel
Commission Administrator
Commission Administrator

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

The Chair called the meeting to order at 9:04 a.m.

The Chair asked the new Commissioners to introduce themselves. There were six new members appointed.

Item 1. Roll Call.

The Administrator called the roll; a quorum was present.

Item 2. Approval of the Draft Agenda.

Action: Commissioner Sypher moved to approve the draft agenda. Commissioner Hutchinson seconded the motion. The motion passed unanimously.

Item 3. Approval of meeting minutes from April 9, 2019.

Action: Commissioner Wade moved to approve the draft meeting minutes for April 9, 2019. Commissioner Dominguez seconded the motion. The motion passed unanimously.

Item 4. Election of a Vice Chair pursuant to NMSA 1978, §74-6-3(C).

Action: The Chair opened the floor for nominations. Commissioner Dominguez moved to elect Commissioner Wade to serve as the Vice Chair. Commissioner Certain seconded the motion. The motion passed unanimously.

Item 5. Orientation for Commissioners. Felicia Orth, Hearing Officer.

Action: Ms. Orth, a Hearing Officer, presented an orientation for the Commissioners to better understand their roles, responsibilities and authorities.

Mr. Michael Neas, provided public comment regarding the issue of produced water.

The Commission took a break at 10:25 a.m. and reconvened at 10:39 a.m.

Item 6. Appointment by the Commission of three regular Board Members and one alternate Board Member to the Utility Operator Advisory Board. Eric Hall, NMED/Utility Operator Certification Program.

Action: Rick Mitchell and Joe Bailey, Utility Operator Advisory Board members, sat with the commissioners.

Eric Hall, Utility Operator Certification Program Manager, New Mexico Environment Department respectfully requested the Commission to appoint three regular positions and one alternate position. The regular positions will expire on June 30, 2022. Mr. Hall gave a brief presentation of how the nominees were chosen on April 5, 2019, during a Utility Operator Advisory Board meeting. The Utility Operator Advisory Board members voted to recommend the appointment of Richard Dale Graham from Ruidoso Downs, Ivan Able from the City of Carlsbad, Cathie R. Eisen from Steven and Marie Gilvarry from the City of Las Vegas as the alternate Board member. Commissioner Hutchinson moved to approve the four as presented to the Commission. Commissioner Sypher seconded the motion. The motion passed unanimously. The Chair thanked them for taking time out of their busy schedule to serve on the Advisory Board.

Item 7. Request for Hearing and Appointment of a Hearing Officer; WQCC 19-03 (R), In the Matter of: Proposed Amendments to Surface Water Quality Standards for San Isidro Arroyo and Tributaries 20.6.4 NMAC. Stuart R. Butzier, Modrall Sperling Roehl Harris & Sisk, P.A., Counsel on behalf of Peabody Natural Resources Company.

Action: Stuart Butzier, of the Modrall, Sperling Roeh Harris & Sisk on behalf of Peabody, requested for a hearing to be set and a Hearing Officer to be appointed. Mr. Chad Gains, Peabody was also present. Ms. Annie Maxfield, Office of General Counsel requested to set the hearing for September. Commissioner Hutchinson moved to appoint Felicia Orth as the Hearing Officer. Commissioner Dominguez seconded the motion. The motion passed unanimously.

Commissioner Achrekar had to leave the meeting. There was still a quorum.

Item 8. Decision by Commission Whether to Reconsider April 9 Decision on Motion to Vacate Agency Decision and Remand the Petition for Review of DP-1132; WQCC 18-05 (A), Petition for Review of the New Mexico Secretary of the Environment's Decision Granting Groundwater Discharge Permit DP-1132 in Proceeding Groundwater Bureau 17-20 (P).

Action: Denise Kopan, of Albuquerque Court Reporting Service, LLC recorded and transcribed this agenda item, WQCC 18-05 (A) whether to reconsider the April 9 decision and remand the Petition for Review of the New Mexico Secretary of the Environment's Decision Granting Groundwater Discharge Permit DP-1132 in Proceeding Ground Water Bureau 17-20(P). Motion to Vacate Agency Decision and Remand the Petition for Review of DP-1132. The transcript is available in the office of the Commission Administrator.

The Commission hadn't ruled on the Motion to Stay at the meeting on April 9, 2019.

Item 9. The Commission discussed whether to reconsider the Motion to Stay. Commissioner Wade motioned. Commissioner Hutchinson seconded the motion. Commissioner's that were not appointed at the last Water Quality Commission

meeting didn't vote. The Chair asked the Commission Administrator to take a roll call vote. Commissioner Certain, Aye, Commissioner Timmons, Aye, Commissioner Patten, Aye, Commissioner Hutchinson, Aye, Commissioner Wade, Aye, Commissioner Dominguez, Aye, Commission Chair, Nay. The vote was 6 ayes, 1 nay. The Commission did not reconsider the Motion.

- 9. Reconsideration by Commission of Motion to Vacate Agency Decision and Remand the Petition for Review of DP-1132 (if this is decision made regarding #8 above); WQCC 18-05 (A), Petition for Review of the New Mexico Secretary of the Environment's Decision Granting Groundwater Discharge Permit DP-1132 in Proceeding Ground Water Bureau 17- 20 (P).**

Action: No action was taken.

- 10. Next meeting and upcoming matters proposed for June 11, 2019.**

Action: No action was taken.

- Item 11. Adjournment.**

Action: The meeting adjourned approximately at 11:18 a.m.



Commission Chair

SIGN-IN SHEET
 Water Quality Control
 June 11, 2019
 PLEASE PRINT LEGIBLY

NAME	MAILING ADDRESS	Do you wish to make public comment? Yes or No
Jay Wazems	Cherokee Co	N