



**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**

<b>Environment Department</b>	<b>State Engineer &amp; Interstate Stream Commission</b>
<b>Game and Fish Department</b>	<b>Oil Conservation Division</b>
<b>Department of Agriculture</b>	<b>Department of Health</b>
<b>State Parks Division</b>	<b>Soil and Water Conservation Commission</b>
<b>Bureau of Geology and Mineral Resources</b>	<b>Members-at-Large</b>

**Meeting Minutes  
New Mexico Water Quality Control Commission  
Meeting  
September 10, 2019  
9:00 a.m.  
State Capitol Building, Room 307  
490 Old Santa Fe Trail  
Santa Fe, New Mexico 87501**

**MEMBERS PRESENT:**

Jennifer Pruet	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 (teleconference)	Department of Agriculture
Howard Hutchinson (teleconference)	Soil and Water Conservation Commission
Krista McWilliams	Member-at-Large
Ghassan Musharrafieh	New Mexico State Engineer and Intrastate Stream Commission
Kirk Patten	New Mexico Game and Fish
Kelsey Rader	Member-at-Large
David Sypher	Municipal and County Representative
Bruce Thomson	Member-at-Large
Stacy Timmons	New Mexico Bureau of Geology and Mineral Resources

**MEMBERS ABSENT:**

Dr. Abinash Achrekar	Department of Health
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**OTHERS PRESENT:**

John Grubestic  
Cody Barnes  
Rebekah Martinez  
Theresa DuBois  
Andrew Knight

Commission Counsel  
Commission Administrator  
Commission Administrator  
Certified Court Reporter  
Counsel for NMED in WQCC 19-30 (A) and in  
WQCC 19-33 (A) on behalf of Mia Napolitano  
Counsel for JVP, Former Fox and Associate Site in  
WQCC 19-30 (A) and counsel for Comet Cleaners  
of Las Cruces, Inc in WQCC 19-33 (A).

Pete Domenici Jr.

**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:** Commissioner Sypher moved to approve the draft agenda. Vice Chair Wade seconded the motion. The Chair called a voice vote. The motion passed unanimously.

**Item 3. Approval of meeting minutes from August 13 and 14, 2019.**

**Action:** Commissioner Thomson moved to approve the meeting minutes from August 13 and 14, 2019. Commissioner Certain 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. Request for Hearing and Appointment of a Hearing Officer; WQCC 19-30 (A), In the Matter of the Petition to Approve Partial Abatement Completion Report for Former Fox and Associate Site. Andrew Knight, NMED/OGC; Pete V. Domenici, Jr. Esq., Domenici Law Firm PC, Counsel on behalf of JVP, Former Fox and Associate Site.**

**Action:** Mr. Pete Domenici Jr. requested to put the matter in abeyance. He and NMED counsel would like to continue discussion outside of the hearing process. Mr. Domenici Jr. requested the matter stay docketed as a WQCC matter. Mr. Andrew Knight discussed whether the Commission has jurisdiction for the specific petition. Commissioner Certain moved to deny the request for a hearing and appointment of hearing officer. Commissioner Sypher seconded the motion. Vice Chair Wade

questioned the procedural timeframe associated with 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: aye; Commissioner Timmons: aye; and, Vice Chair Wade: aye. The motion passed 13-0.

**Item 6. Request for Hearing and Appointment of a Hearing Officer; WQCC 19-33 (A), In the Matter of the Petition to Allow Corrective Action Plan and Reverse Requirement for Abatement Plan for Comet Cleaners of Las Cruces, Inc. Mia Napolitano, NMED/OGC; Pete V. Domenici, Jr. Esq., Domenici Law Firm PC, Counsel on behalf of Comet Cleaners of Las Cruces, Inc**

**Action:** Mr. Domenici Jr. withdrew the request for hearing but requested the item to stay on the agenda. Mr. Knight concurred with Mr. Domenici Jr.'s position. Vice Chair Wade moved to deny the request for hearing and appointment of hearing officer. Commissioner Thomson seconded the motion. The Chair called a voice vote. The motion passed unanimously.

**Item 7. Review and approve the order in connection with the public permit review for WQCC 19-02 (A) held during the August 13, 2019 regularly scheduling WQCC meeting. WQCC 19-02 (A), In the matter of two petitions for review of the Secretary's decision to issue groundwater discharge permit number DP-1840 for the Copper Flat mine. Andrew Knight, NMED/OGC; Charles de Saillan, counsel for petitioners Turner Ranch Properties, L.P., Hillsboro Pitchfork Ranch, LLC, and Gila Resources Information Project; Samantha Barncastle, counsel for petitioner Elephant Butte Irrigation District; and, Stuart Butzier and Christina Sheehan, counsel for discharge permit applicant New Mexico Copper Corporation.**

**Action:** Ms. Theresa DuBois from Albuquerque Court Reporting Services transcribed agenda item 7. The transcript is available for review at the Commission Administrator's Office at 1190 South Saint Francis Drive, Suite S-2102, Santa Fe, New Mexico 87505. A copy can be obtained from Albuquerque Court Reporter Service, LLC. Post Office Box 56787, Albuquerque, New Mexico 87187, or (505) 806-1202

Chair Pruett proposed an amendment to the Final Order condition a). The Chair asked for a roll call vote on the proposed amendment. 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: aye; Commissioner Timmons: aye; and, Vice Chair Wade: aye. The amendment passed 13-0.

Commissioner McWilliams moved to pass the Final Order as amended. Vice Chair Wade seconded the motion. The Chair asked for a roll call vote. Commissioner

Candelaria: abstain; 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: aye; Commissioner Timmons: aye; and, Vice Chair Wade: aye. The motion passed 12-0 with one abstention.

**Item 8. Executive Session pursuant to NMSA 1978, Section 10-15-1 (H)(3) to review and deliberate on the draft order in connection with two petitions for review of the Secretary's decision to issue groundwater discharge permit number DP-1840 for the Copper Flat mine.**

**Action:** The Commission did not enter executive session.

**Item 9. Action on items discussed in Executive Session.**

**Action:** The Commission did not enter executive session.

**Item 10. Next meeting and upcoming matters proposed for October 8, 2019**

**Action:** There will be a surface water standard hearing on WQCC 19-03 (R) to be held after the regularly scheduled meeting in October. No action was taken.

**Item 11. Adjournment**

**Action:** The meeting adjourned at 9:20 AM.

  
Commissioner Chair Pruett 10/8/19