



**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

Meeting Minutes

New Mexico Water Quality Control Commission

Regular Meeting

June 11, 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
Gabriel Wade	Vice Chair, Oil Conservation Division
Keith Candelaria	Member-at-Large
David Certain	State Parks Division, Energy, Minerals and Natural Resources Department
Howard Hutchinson	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
Larry Dominguez	Department of Agriculture

OTHERS PRESENT:

John Grubestic
Cody Barnes

Commission Counsel
Commission Administrator

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

The Chair called the meeting to order at 9:02 a.m.

Item 1. Roll Call.

The Administrator called the roll; a quorum was present.

Item 2. Approval of the Draft Agenda.

Action: Commission Counsel Grubestic informed the Commission of changes in the agenda. The parties involved in items 4 (a) and 4 (b) requested to be removed from the agenda as they were not prepared to present the settlement. Commissioner Hutchinson moved to approve the draft agenda as revised. Commissioner Sypher seconded the motion. The motion passed unanimously.

Item 3. Approval of meeting minutes from May 14, 2019.

Action: The Chair and Commissioner Timmons made edits. Commissioner McWilliams moved to approve the draft meeting minutes for May 14, 2019. Commissioner Wade seconded the motion. The motion passed unanimously.

Item 4. Executive Session pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss pending litigation.

Action: The Chair allowed the commission to make a motion to enter Executive Session. Commissioner Wade moved to enter closed session to discuss pending litigation in the Verified Petition for an Original Peremptory Writ of Mandamus in *Communities for Clean Water v. WQCC*, S-1-SC-37717, WQCC 18-05 (A). Commissioner Certain seconded the motion. The Chair asked for a roll call vote. The motion passed unanimously.

The Commission went into closed session at 9:09 a.m.

Item 4 (C). Verified Petition for an Original Peremptory Writ of Mandamus in *Communities for Clean Water v. WQCC*, S-1-SC-37717, WQCC No. 18-05(A).

Action: In closed session, the Commission discussed pending litigation for *Communities for Clean Water v. WQCC*, S-1-SC-37717, WQCC No. 18-05(A). The matters discussed in the closed meeting were limited only to those specified in the motion for closure.

The Commission took a break at 10:17 a.m. and reconvened at 10:28 a.m.

The Chair asked the Commission Administrator for a roll call vote to return to open session at 10:30 a.m. The vote was unanimous to reenter open session. Commission Counsel and the Commission Administrator informed the public outside the committee room that the Commission had returned to open session.

Item 5. Action Items Discussed in Executive Session.

Action: Commissioner Hutchinson moved to reconsider the remand of WQCC 18-05 (A). The Chair seconded the motion. The Chair asked for a voice vote. The motion passed unanimously.


The Commission deliberated the remand. Commissioner Hutchinson moved for the Commission to remand WQCC 18-05(A) to the Secretary for a new hearing with a new hearing officer. The Chair seconded the motion. The Commission discussed procedural concerns for the new hearing. The Chair asked the Commission Administrator for a roll call vote. The motion passed unanimously.

Item 6. Next meeting and upcoming matters proposed for July 9, 2019.

Action: The Chair and Commission Counsel discussed possible agenda items for the July meeting. The Chair mentioned the chance of canceling the meeting if no items are ready for the agenda. No action was taken.

Item 11. Adjournment.

Action: The meeting adjourned at 10:39 a.m.


Commission Chair Pruet