



**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
Special Meeting
June 18, 2019
10:00 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
Dr. Abinash Achrekar (teleconference)	Department of Health
Larry Dominguez (teleconference)	Department of Agriculture
Krista McWilliams (teleconference)	Member-at-Large
Ghassan Musharrafieh	New Mexico State Engineer and Intrastate Stream Commission
Kirk Patten (teleconference)	New Mexico Game and Fish
Kelsey Rader	Member-at-Large
David Sypher (teleconference)	Municipal and County Representative
Bruce Thomson (teleconference)	Member-at-Large
Stacy Timmons (teleconference)	New Mexico Bureau of Geology and Mineral Resources

MEMBERS ABSENT:

Keith Candelaria	Member-at-Large
David Certain	State Parks Division, Energy, Minerals and Natural Resources Department
Howard Hutchinson	Soil and Water Conservation Commission

OTHERS PRESENT:

John Grubestic
Cody Barnes
Kim Stone
John Verheul

Stuart Butzier

Lindsay Lovejoy

Commission Counsel
Commission Administrator
Certified Court Reporter
Counsel for the New Mexico Environment
Department in WQCC 18-05 (A)
Counsel for Triad National Security, LLC, and U.S.
Department of Energy/NNSA in WQCC 18-05 (A)
Counsel for Communities for Clean Water in
WQCC 18-05 (A)

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

The Chair called the meeting to order at 10:00 a.m.

Item 1. Roll Call.

The Administrator called the roll; a quorum was present.

Item 2. Approval of the Draft Agenda.

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

Item 3. Ratification of Decision by Commission to Reconsider April 9, 2019 Decision Denying 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 Ground Water Bureau 17- 20 (P) in response to Communities for Clean Water v. WQCC S1 SC 37717.

Action: The Chair and Commission Counsel discussed the procedural protocol for a motion to ratify the Commission's decision made on April 9, 2019 to reconsider the Commission's decision to deny a motion to vacate the agency's decision and remand the petition 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 Ground Water Bureau 17- 20 (P) in response to Communities for Clean Water v. WQCC S1 SC 37717. Only members present during the May 14, 2019 meeting can move and second such a motion.

Commissioner Achrekar moved to reconsider the Commission's decision made on April 9, 2019 about WQCC 18-05 (A). Commissioner Wade seconded the motion. The Chair asked for a voice vote on the motion. Commissioner Dominguez abstained from the vote. He was not present during the June 11, 2019 therefore he was not fully informed on the matter. He mentioned he will abstain from item 4 of the agenda for the same reason. The motion passed unanimously.

Item 4. **4. Ratification by Commission of Decision 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 Ground Water Bureau 17- 20; to the New Mexico Environment Department, in response to Communities for Clean Water v. WQCC S1 SC 37717, to appoint a new hearing officer and schedule a new hearing.**

Action: Commissioner Wade moved that the commission vacate the agency decision and remand WQCC 18-05 (A) to appoint a new hearing officer and a new hearing. Commissioner Achrekar seconded the motion.

The Commission discussed the motion and its implications. The Chair asked for a roll call vote. Commissioner Dominguez abstained. The vote passed unanimously.

The Chair allowed Mr. John Verheul to present an amendment to the motion for the commission to vacate the agency decision and remand WQCC 18-05 (A) to appoint a new hearing officer and a new hearing. His suggested the Commission limit the remand to matters after July 15, 2018. Mr. Stuart Butzier presented an argument in favor of the motion made by Mr. Verheul. Mr. Butzier entered an exhibit to the Commission and the members of the public, which was NMAC 20.1.4. Mr. Lindsay Lovejoy presented his argument against the motion made by Mr. Verheul. Mr. Verheul and Mr. Butzier presented their final arguments. The Commission discussed and deliberated on the amended motion. No Commissioner moved for the motion change suggested by Mr. Verheul.

Commissioner Wade presented his original motion to vacate the agency's decision in WQCC 18-05 (A) and remand the case to appoint a new hearing officer and schedule a new hearing. The Chair asked for a roll call vote on Commissioner Wade's original motion. Commissioner Dominguez abstained. The vote passed unanimously. The motion carried.

Item 5. **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 July meeting if no items are ready for the agenda. No action was taken.

Item 11. **Adjournment.**

Action: The meeting adjourned at 10:55 a.m.


Commission Chair Pruett