

**STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION**

IN THE MATTER OF PETITION TO AMEND
USE FOR LOWER DRY CIMARRON RIVER AND
TO ESTABLISH WATER QUALITY STANDARDS
FOR LAKES, 20.6.4 NMAC

WQCC 11-05 (R)



**NEW MEXICO ENVIRONMENT DEPARTMENT'S
NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY**

The New Mexico Environment Department, pursuant the *Guidelines for Water Quality Control Commission Regulation Hearings* (Part 303) and Hearing Officer's Procedural and Scheduling Order (March 2, 2012), files this Notice of Intent to Present Technical Testimony at the public hearing in this matter scheduled for April 10, 2012.

1. Person filing the statement.

New Mexico Environment Department.

2. Witnesses.

James P. Bearzi. Mr. Bearzi is the Bureau Chief of the New Mexico Environment Department's Surface Water Quality Bureau. A description of Mr. Bearzi's educational and work background is provided in his pre-filed direct testimony, attached hereto as Exhibits 7.

Tim Michael. Mr. Michael is an Environmental Scientist with the New Mexico Environment Department's Surface Water Quality Bureau. A description of Mr. Michael's educational and work background is provided in his pre-filed direct testimony, attached hereto as Exhibit 18.

Deborah Sarabia. Ms. Sarabia is an Environmental Scientist with the New Mexico Environment Department's Surface Water Quality Bureau. A description of Ms. Sarabia's educational and work background is provided in her pre-filed direct testimony, attached hereto as Exhibit 28.

3. Testimony and Exhibits.

The direct testimony and supporting exhibits for each witness has been attached. The Department anticipates the following time for each witness to present testimony:

James Bearzi	15 minutes
Tim Michael	20 minutes
Deborah Sarabia	60 minutes

4. Text of Recommended Modifications.

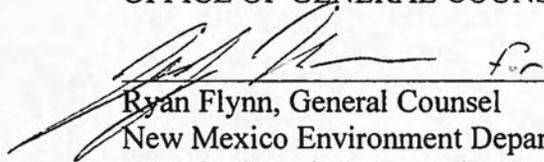
The text of the recommended modifications, Exhibit 6 and the original statement of basis, Exhibit 1 are attached hereto.

5. Reservation of Rights.

The Department reserves the right to call any person and offer any exhibit in response to the testimony or exhibit offered by another person in the hearing.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT
OFFICE OF GENERAL COUNSEL

A handwritten signature in black ink, appearing to read "Ryan Flynn", is written over a horizontal line. The signature is stylized and includes a small flourish at the end.

Ryan Flynn, General Counsel
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Annotated Exhibit List 3/16/2012

EXHIBIT	DOCUMENT	DATE	DESCRIPTION
1	NMED's Proposal and Statement of Basis, September 26, 2011	Sept 26, 2011	Proposed amendments and supporting arguments, 34 pages
2	Proposed Amendments to 20.6.4 NMAC, September 26, 2011	Sept 26, 2011	Proposed amendments ordered by segment, 7 pages
3	Lower Dry Cimarron River Use Attainability Analysis August 2011, September 26, 2011	Sept 26, 2011	Use Attainability Analysis with Air-Water Temperature Correlation, 25 pages
4	Summary of Proposed Changes to Designated Uses for Lakes, September 26, 2011	Sept 26, 2011	Spreadsheet summarizing proposed changes
5	References, September 26, 2011	Sept 26, 2011	References cited in Exhibit 1, 3 pages
6	Revised Proposed Amendments to 20.6.4 NMAC, March 16, 2012	March 16, 2012	Revision filed with NMED NOI, 7 pages
7	Direct Testimony of James P. Bearzi, March 16, 2012	March 16, 2012	Introduction to proposal, 10 pages
8	James P. Bearzi resume, March 16, 2012	March 16, 2012	James Bearzi resume, 2 pages
9	NMED's Petition for Hearing to Amend Use for Lower Dry Cimarron River and to Establish Water Quality Standards for Lakes, September 26, 2011	Sept 26, 2011	Petition to amend Water Quality Standards, 2 pages
10	Dry Cimarron River Designated Uses meeting sign-in sheet, August 12, 2010	Aug 12, 2010	August 2010 Folsom meeting sign-in sheet
11	Proposed Amendments and Statement of Basis Discussion Draft August 2011	Aug 10, 2011	Proposed amendment and statement of basis, 65 pages
12	Press releases on Water Quality Standards for the Lower Dry Cimarron and Lakes, August 12, 2011	Aug 12, 2011	Press releases directing public to the proposal and to August 24 and 30 meetings, 3 pages
13	Comments on Dry Cimarron River proposal	Sept 30, 2011	Comments from the Folsom meeting and in response to the discussion draft, 3 pages
14	Lakes Classification meeting sign-in sheet, Santa Fe, August 24, 2011	Aug 24, 2011	August 2011 Santa Fe meeting sign-in sheet
15	Comments on lakes proposal	Feb 8, 2012	One comment and four letters, 6 pages
16	Legal notices of hearing, English and Spanish, February 24, 2012	Feb 24, 2012	Legal notices of hearing, English and Spanish, 4 pages
17	Notice of hearing on website, March 7, 2012	March 7, 2012	Screen print of notice of hearing on website, 1 page
18	Direct Testimony of Tim Michael, March 16, 2012	March 16, 2012	Testimony on lower Dry Cimarron River proposal, 9 pages
19	Tim Michael resume, March 16, 2012	March 16, 2012	Tim Michael resume, 1 page
20	Dry Cimarron River Location Map	March 16, 2012	Map
21	Lower Dry Cimarron River Map	March 16, 2012	Map
22	Pierce, S.T. and Ditmore, D.R. 1986	May 15, 1986	SWQB survey of Union County Creeks and the Dry Cimarron River, 12 pages
23	Coss, D. 1986	Feb 1, 1986	SWQB proposed classification of streams including Oak Creek and Long Canyon, 15 pages
24	SWQB 1991, pages 78-90	March 1, 1991	SWQB survey of the Dry Cimarron River and Oak Creek, 8 pages
25	SWQB 2004	Aug 1, 2004	SWQB survey of the Dry Cimarron River watershed, 14 pages
26	Lower Dry Cimarron River Use Attainability Analysis March 2012	March 16, 2012	Use Attainability Analysis with Air-Water Temperature Correlation attached, 26 pages
27	EPA Region 6 Technical Approval, October 27, 2011	Oct 27, 2011	Letter from EPA Region 6 providing technical approval of the Dry Cimarron River UAA
28	Direct Testimony of Deborah Sarabia, March 16, 2012	March 16, 2012	Testimony on Lakes proposal
29	Reference cited in Lakes testimony	March 16, 2012	List of cited references, 4 pages
30	Referenced documents	March 16, 2012	Documents
31	Deborah Sarabia resume, March 16, 2012	March 16, 2012	Deborah Sarabia resume
32	Statewide Lakes map	March 16, 2012	Map
33	Taos/Questa Lakes map	March 16, 2012	Map
34	Pecos Wilderness Lakes map	March 16, 2012	Map
35	Canjilon Lakes aerial photo	March 16, 2012	Aerial photo