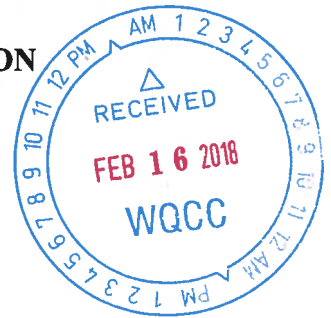


**BEFORE THE WATER QUALITY CONTROL COMMISSION
FOR THE STATE OF NEW MEXICO**



In the Matter of:

**PROPOSED
AMENDMENTS TO GROUND
AND SURFACE WATER
PROTECTION REGULATIONS,
20.6.2 NMAC**

No. WQCC 17-03(R)

**DAIRY PRODUCERS OF NEW MEXICO'S AND DAIRY INDUSTRY
GROUP FOR THE CLEAN ENVIRONMENT'S WRITTEN
CLOSING ARGUMENT AND PROPOSED STATEMENT
OF REASONS FOR PROPOSED AMENDMENTS TO 20.6.2 NMAC**

The Dairy Producers of New Mexico (DPNM) and Dairy Industry Group for a Clean Environment (DIGCE) (jointly Dairies) hereby submit their Written Closing Argument and proposed partial Statement of Reasons for the Commission's consideration as it deliberates on this proceeding.

DAIRIES' WRITTEN CLOSING ARGUMENT

I. INTRODUCTION

DPNM and DIGCE greatly appreciate the time and consideration of the Commission and its Hearing Officer with regard to the proposed amendments to 20.6.2 NMAC. DPNM and DIGC also appreciate the time and effort of the Department and the other parties in preparing and presenting evidence and arguments regarding the amendments. As indicated during the hearing and as presented in more detail below, the Dairies initially had a limited number of concerns with the Department's proposed amendments, and most of those have been resolved. Specific issues resolved between the Dairies and the Department should be addressed in the Department's post-hearing submittals, but also are discussed in this document.

In particular, the Dairies appreciate the Department's cooperation to develop acceptable language in 20.6.2.4103.F and 20.6.2.4103.F(2)(d) to allow Dairies who conduct abatement work in accordance with the Dairy Rule and the permits issued under that rule to conclude the abatement without the need to prepare and present separate and detailed Stage 1 and Stage 2 abatement plans as otherwise required under the abatement rule.

The remaining unresolved issues also relate to the abatement rule. One of those issues is the Dairies' opposition to the Department's proposal to repeal the existing rule regarding technical infeasibility determinations. The remaining issues concern Dairies' language changes to some of the abatement rule provisions where there does not appear to be substantial disagreement between the Department and the Dairies on the meaning of the existing rule language, but where the Dairies prefer explicit language to confirm interpretations that the Department contends are already implicit in the rule. The Dairies ask that the Hearing Officer recommend and that the Commission adopt the Dairies' requested language changes to those provisions.

II. DAIRIES' PARTICIPATION IN THE HEARING PROCESS

Dairies have appeared in this proceeding through undersigned legal counsel and have participated in this proceeding as follows (references to the pleading numbers on the online list posted on the Commission's website):

1. Filed a Statement of Position and Proposed Amendments (Pleading 25)
2. Filed a Notice of Intent to Present Direct Testimony, including the written direct testimony of Eric Palla (Pleading 49).
3. Filed a Response to Amigos Bravos' and Gila Resources Information Project's ("AB/GRIP") Expedited Motion to Stay all Filing Deadlines and hearing (Pleading 59).
4. Filed a Notice of Intent to Present Written Rebuttal Testimony, including the written direct testimony of Eric Palla (Pleading 78).
5. Participated in all pre-hearing conferences held by the Hearing Officer.

6. Appeared through counsel at the public hearing on November 14-18, 2017, presented Mr. Palla to adopt and summarize his written testimony to answer questions on cross-examination, and to answer questions from the Commission, and conducted cross-examination of witnesses offered by the other parties on issues of importance to the Dairies. Mr. Palla's written direct and rebuttal testimonies and resume, Dairies Exhibits A, B and C, were admitted into evidence. TR Vol.1, p.138, l.8. References to pertinent cross-examination are referenced below.

III. DAIRIES' PROPOSED AMENDMENTS TO 20.6.2 IN DIRECT TESTIMONY

Through the direct written testimony of Mr. Palla, Dairies offered amendments on the following issues, which were subsequently addressed in other portions of the record as cited below:

A. Definition of "Discharge Permit Amendment"

Dairies offered changes relating to the definition of "discharge permit amendment, as well as written rebuttal testimony. That issue was withdrawn as part of the Joint Stipulation (Pleading 92) and, therefore, the Dairies' changes should not be considered.

B. Five-Year Review of Variances—20.6.2.1210.E

Dairies proposed modifications to the language offered by the Department on the five-year review of variances. The Department addressed the Dairies' proposal in Mr. Vollbrecht's written rebuttal testimony, Department Exhibit 30, p. 30, ll. 3-12. During the cross-examination of the Department's witness Mr. Vollbrecht, the Department agreed to add, to the Department's final proposed amendment for section 20.6.2.1210.E, presented in Department Exhibit 36, the words "which are material to the variance." TR Vol. 1, p. 105, ll. 22-25 and p. 106, l. 13 to p. 107, l. 9. A revised version of this subsection, consistent with the Transcript, is presented in the proposed Statement of Reasons below. Dairies' anticipate that the Department will incorporate these changes in its final proposal, but if not, the Dairies request that the Commission adopt 20.6.2.1210.E in the form set forth below.

C. Abatement Conducted under the Dairy Rule—20.6.2.4103.F

Dairies requested changes to the language offered by the Department for 20.6.2.4103.F to allow a dairy to petition for alternative abatement standards when a dairy has conducted abatement in a manner that is exempt from the abatement plan process. The purpose is to avoid unnecessary and duplicative work to prepare and obtain approval of separate Stage 1 and Stage 2 abatement plan. In response, the Department presented modified language in Mr. Vollbrecht's written rebuttal testimony, Department Exhibit 30, p. 16, ll. 13-18. That language is acceptable to the Dairies, as addressed in Mr. Palla's testimony, TR Vol. 3, p. 576 l. 21 to P. 577, l. 21 and in Mr. Vollbrecht's testimony in the hearing transcript at TR Vol. 4, p. 836, l. 15 to p. 837, l. 14. Related language was proposed by the Department for section 20.6.2.4103.F(2)(d), as shown in Department Exhibit 36, as addressed in Mr. Palla's testimony at TR Vol. 3, p. 577, l. 22 to p. 578. 12. Assuming that the Department's final proposal incorporates the agreed-upon language, Dairies requested that the Commission adopt these provisions as proposed by the Department.

D. Requiring the Department's Information Requests for Abatement to be Reasonable—20.6.2.4106.C

The Dairies requested minor changes to 20.6.2.4106.C NMAC regarding the information that may be required by the Department for an abatement plan, as supported by Mr. Palla's direct written testimony. Although the Department opposed this addition, Mr. Vollbrecht testified in his written rebuttal testimony, Department Exhibit 30, p. 16, ll. 20-24, that the basis for the Department's opposition to the Dairies' proposal is that the "reasonableness" requirement already is implicit in the rule. In that case, there is no good reason for the Commission not to adopt the Dairies' proposal and make the reasonableness requirement clear and explicit. Consequently, the Dairies request that the Commission adopt the Dairies' proposed language.

E. Clarifying Appeal Rights Following Dispute Resolution—20.6.2.4113 and .4114

Dairies requested minor changes to sections 20.6.2.4113 and .4114 NMAC to clarify rights of appeal relating to decisions made following dispute resolution. The reasons for these changes are

set forth in Mr. Palla's written direct testimony. Although the Department opposes these changes, as indicated in Mr. Vollbrecht's written rebuttal testimony, Department Exhibit 30, p. 16. 25 to p. 17 l. 2, again, the only reason is that the Department believes that the appeal rights are "implicit." In that case, for the sake of clarity, the Commission should adopt the Dairies' proposal to make the appeal rights explicit. Mr. Olson also provided rebuttal testimony on these changes in WCO Rebuttal Exhibit 1, pages 10-11, but the Commission should consider the need for clarity on this point as expressed in Mr. Palla's testimony. During the public hearing on November 14-18, 2017, the option to propose new language regarding 20.6.2.4113 and 4114 was discussed but no language was suggested by parties. Mr. Olson agreed during oral testimony that he would not object to clarifying language in sections 20.6.2.4113 and .4114 NMAC. TR Vol. 3, p. 588, ll. 16-21. Consequently, the Dairies request that the Commission adopt the Dairies' proposed language.

IV. DAIRIES' REBUTTAL TESTIMONY

Through Mr. Palla's written rebuttal testimony, the Dairies offered additional testimony on the following points:

A. Variances—20.6.2.1210

Dairies opposed changes proposed by AB/GRIP and William Olson regarding the variance provision section 20.6.2.1210 NMAC. The Dairies opposed the changes to the variance provision, section 20.6.2.1210.A NMAC, offered by Mr. Olson, but understand that Mr. Olson and NMED agreed on modified language that was incorporated into the Department's proposed language in Exhibit 36. Dairies understand that Mr. Olson withdrew his other proposed changes to the variance provision. Dairies do not object to the Department's modified language for section 20.6.2.1210.A NMAC. Dairies object to the changes proposed by AB/GRIP for the reasons stated in Mr. Palla's written rebuttal testimony. Dairies recommend that the Commission adopt amendments to section

20.6.2.1210 as proposed by the Department, including the changes to 20.6.2.1210.E as referenced herein.

B. Fees—20.6.2.3114

Dairies opposed changes to the fee provisions offered by AB/GRIP, which are moot do to the withdrawal of the other discharge permit amendment provision.

C. Abatement Rule Demonstration of Compliance—20.6.2.4103.D

Dairies opposed changes to section 20.6.2.4103.D regarding the requirements to show compliance with abatement standards, as offered by the City of Roswell. The Department offered alternative language for this subsection, as shown in Department Exhibit 36 which the Dairies do not oppose. Dairies recommend that the Commission adopt the Department's proposal, assuming it remains the same as in Department's Exhibit 36.

D. Repeal of the Department's Authority to Make a Technical Infeasibility Determination—20.6.2.4103.E NMAC

Dairies oppose the Department's proposal to eliminate the ability for the Department to make a "technical infeasibility" determination and to allow for technical infeasibility determinations to be made only by the Commission through the adoption of alternative abatement standards. This is the primary remaining area of substantive disagreement between the Dairies and the Department. Dairies contend that the Commission properly determined that technical infeasibility determinations are not "variances" when it originally adopted the Abatement Rule, and no new evidence or arguments have been presented in this proceeding that should cause the Commission to reconsider its 1995 determination on that legal point. The other reason offered by the Department for repeal of existing 20.6.2.4103.E NMAC is to ensure that public notice is provided through the Commission public hearing process. As indicated in Mr. Palla's written rebuttal testimony, public notices and participation relating to technical infeasibility determinations can be accomplished through the public participation requirements for abatement plans, 20.6.2.4108 NMAC. The Dairies are not

providing a complete Statement of Reasons, but are addressing only those provisions where Dairies have proposed rule amendments that are different from those proposed by the Department, and where Dairies oppose amendments offered by the Department or the other parties. For each part of the Statement of Reasons, Dairies identify the relevant rule provision and the amendments offered by Dairies, the Department, or other parties, and then provide reasons in support of the Commission's adoption of the Dairies' amendments or for rejection of the amendments offered by the other parties. In that way, if the Commission chooses to agree with the Dairies' position, the Commission can incorporate the Dairies' proposed Statement of Reasons with respect to that provision.

The Commission should not repeal the existing rule regarding technical infeasibility in Section 20.6.2.4103.E NMAC. The Commission adopted this provision in 1995 in the original abatement rules. The Department proposes to repeal this authority because it now believes that allowing the Department to grant a technical infeasibility determination without a hearing before the Commission is contrary to the Water Quality Act because such a determination is a "variance," and a variance can be granted only by the Commission after a public hearing. NMED Exhibit 13, Kurt Vollbrecht's direct written testimony, page 16.

Dairies disagree that the existing technical infeasibility provision constitutes a variance. A "variance" is not defined in the Water Quality Act, and the Department has not presented any legal argument why it believes that a technical infeasibility determination as provided in 20.6.2.4103.E NMAC is a variance. In the public hearing regarding the original adoption of the abatement rule, the Department provided evidence in support of its position that technical infeasibility determinations are not "variances." Witness Dennis McQuillan drew a distinction between a technical infeasibility determination and a variance. Mr. McQuillan stated about technical infeasibility that:

This has been a long-standing provision in our abatement agreements. It was developed and modified in the course of negotiation these agreement with the responsible parties, and it has also been incorporated into the Underground Storage Tank Regulations. It is not a variance. It is approved by the Secretary. And there are a number of provisions in there. TR Vol. I, p. 113, ll. 15-22

Mr. McQuillan goes on to state “The variance provisions have always been out there for someone who was unable to demonstrate technical infeasibility, and the Commission has been briefed over the years on the abatement agreements containing technical infeasibility.” TR Vol. I, p. 114, ll. 7-9 (1994 Hearing). Mr. McQuillan further established the difference between a variance and a technical infeasibility by stating the different procedures for a variance and technical infeasibility.

Section 3-203.F is a technical infeasibility provision that is not a variance. It’s a long-standing procedure that the agency has given –has granted to responsible parties where they implement the abatement technology that’s been approved by the agency pursuant to their remediation proposal, and they get the contaminant concentration down within 200 percent of the standard, and the curve of concentration versus time is asymptomatic—that means it’s flattening out—and it’s—the projected reduction of concentrations over the remainder of a 20-year period would be less than 20 percent of the standard, and after they have a minimum of eight consecutive quarters, they can propose technical infeasibility under those conditions, and they would have to propose an alternate—not an alternate standard, but a –I can’t remember the actual term we use—but another standard that would be technically feasible.

Now, this is very different from the procedures set forth in 3-203.G, which is, in fact, the variance procedure where concentration does not have to be within 200 percent of the standard. The responsible person could come and petition the Commission under this provision for approval of an alternative abatement standard, where three demonstrations would have to be met that are specified in the regulations. A public hearing would result, and the new thing about this alternative abatement standard is that the responsible person has the option of utilizing a transport, fate and risk assessment in order to justify the Commission approval of these alternative standards.

TR Vol. 2, p. 208, l. 20 to p. 210, l. 2 (1994 Hearing). Mr. McQuillan’s testimony highlights another major difference between a variance requiring a public hearing and a technical infeasibility determination. The Commission, in 20.6.2.4103.E NMAC, authorizes the Department to make a technical infeasibility determination only if specific and objective technical criteria are met. In particular, this provision may be used only if the abatement has achieved a contaminant level that is

no more than 200% of the standard. Also, the Department must determine, based on sufficient data and a specific statistical test, that further reductions in the concentration levels are not feasible. Thus, the Department's discretion is narrowly and objectively defined.

The Department also does not address in its testimony how repeal of 20.6.2.4103.E NMAC would affect prior technical infeasibility determinations made by the Department. It is possible that past determinations would no longer be valid, and the Commission would now have to reconsider each of those past determinations in variance hearings. Neither the Department nor any other party has presented testimony raising any concerns regarding the use of the technical infeasibility determination process in the past. Indeed, in the hearing regarding the original adoption of 20.6.2.4103.E NMAC, the Department described this as an established and successful process. Repeal of 20.6.2.4103.E would create undue and unwarranted uncertainty regarding the validity of past determinations and could result in the need for the Commission to hold variance hearings on numerous past and future technical infeasibility determinations, which is not a good use of the Commission's time or the parties' resources.

E. Other Changes to the Abatement Rules

Dairies opposed other changes to the abatement rules offered by William Olson and AB/GRIP. Dairies understand that the Department accepted certain changes in its proposal as presented in Department Exhibit 36, and Dairies do not object to the Department's proposal for changes in that form.

DAIRIES' PROPOSED STATEMENT OF REASONS

VARIANCES

Section 20.6.2.1210.E

The Commission should adopt this subsection in the following form, incorporating the language presented in Department Exhibit 36, with the highlighted language reflecting additional language agreed to at TR Vol. 1, p. 105, ll. 22-25 and p. 106, l. 13 to p. 107, l. 9:

E. For a variance granted for a period in excess of five years, the petition shall provide to the department for review a variance compliance report at five year intervals to demonstrate that the conditions of the variance are being met, including notification of any changed circumstances or newly-discovered facts **which are material to the variance**. At such time as the department determines the report is administratively complete, the department shall post the report on its website, and mail or e-mail notice of its availability to those persons on a general and facility-specific list maintained by the department who have requested notice of discharge permit applications, and any person who participated in the variance process. If such conditions are not being met, or there is evidence indicating changed circumstances or newly-discovered facts or conditions **which are material to the variance or its conditions** that were unknown at the time the variance was initially granted, any person, including the department, may request a hearing before the commission to revoke, modify, or otherwise reconsider the variance within 90 days of the issuance of notice of availability of the report.

Dairies offer the following reasons for the additional highlighted language: “Dairies offered and the Department agreed to language that limits the consideration of changed circumstances and newly-discovered facts to those material to the variance, as addressed in the written direct testimony of Mr. Palla.”

The following are reasons not to adopt changes to the variance provisions, 20.6.2.1210 NMAC, offered by AB/GRIP: “The Commission does not adopt changes to 20.6.2.1210 NMAC proposed by AB/GRIP because they are inadequately explained and supported by testimony, they do not reflect the different type of variances contemplated under the Dairy Rule, 20.6.6 NMAC, and because they would add unduly burdensome requirements, as discussed in Mr. Palla’s written rebuttal testimony, Dairies’ Exhibit C, pages 3-4.”

The Commission should not adopt other changes to the variance provision originally proposed by Mr. Olson, but subsequently withdrawn, other than certain changes incorporated into

the Department's Exhibits 27 and 36. These changes should be addressed in the Department's and Mr. Olson's proposed Statements of Reasons.

ABATEMENT RULE

Existing Section 20.6.2.4103.E NMAC (Technical Infeasibility)

Dairies propose the following reasons for the Commission not to adopt the Department's proposed amendment to strike and repeal 20.6.2.4103.E NMAC: "The Commission does not adopt the Department's proposal to repeal 20.6.2.4103.E NMAC regarding technical infeasibility demonstrations made by the Department. Sufficient reasons have not been given to overturn the Commission's determination, when it adopted the technical infeasibility determination provision, that such determinations are not "variances" as that term is used in the Water Quality Act. Technical infeasibility determinations made by the Department under 20.6.2.4103.E are limited by specific objective criteria, so the Department's discretion is narrow. Adequate public notice and opportunity for participation regarding technical infeasibility determinations can be provided under 20.6.2.4108 NMAC. Also the Department has not addressed how repeal of this provision would affect previous technical infeasibility determinations granted by the Department, and repeal could result in undue uncertainty regarding their effect and the potential need for the Commission to hear many additional variance cases on both past and future technical infeasibility determinations."

Section 20.6.2.4103.F

The Commission should adopt language for this provision allowing for a person conducting an abatement under an exemption in 20.6.2.4105 NMAC to submit a petition for alternative abatement standards in the same form as the Department proposed in its Exhibit 36. As the Department proposed and testified on this language, Dairies will defer to the Department's testimony and proposed Statement of Reasons on this point.

Section 20.6.2.4103.F(2)(d)

The Commission should adopt the following language for this subparagraph:

(d) a summary of all actions taken to abate water pollution to standards, including a summary of the Stage 1 and Stage 2 abatement plan. For abatement conducted by a person exempt under 20.6.2.4105 NMAC and who has not submitted a Stage 1 or Stage 2 abatement plan, in lieu of submitting such a plan or plans, the petition shall submit a demonstration that abatement is consistent with the requirements and provisions of Subsections C and E of Section 20.6.2.4106.

Dairies offer these reasons: “The Commission should adopt the Department’s language in 20.6.2.4103.F(2)(d) for consistency with the language in 20.6.2.4103.F allowing for a person abating pollution under an exemption in 20.6.2.4105 to submit an alternative abatement plan, and to reflect that abatement conducted under such an exemption is not required to submit a complete Stage 1 and Stage 2 abatement plan.”

Section 20.6.2.4103.D

Dairies Proposed Statement of Reasons for the Commission not to adopt the amendment to 20.6.2.4103.D: “The Commission declines to adopt the amendment to 20.6.2.4103.D offered by the City of Roswell because the proposed amendment would give the Department unguided discretion to accept fewer, or to require more, than eight consecutive quarters of sampling to show compliance with abatement standards.”

Section 20.6.2.4106.D

The Commission should adopt the following language for this subparagraph:

C. The purpose of Stage 1 of the abatement plan shall be to design and conduct a site investigation that will adequately define site conditions, and provide the data necessary to select and design an effective abatement option. Stage 1 of the abatement plan may include, but not be limited to, the following information depending on the media affected, and as reasonably needed to select and implement an expeditious abatement option:

.....
(7) Any additional information that may reasonably be required to design and perform an adequate site investigation.

Dairies offer these reasons: “The Commission should adopt the Dairies minor changes to 20.6.2.4106.C(7) because the proposed amendment is necessary to explicitly state and clarify the role of the Department. While it may be argued that the Department would implicitly act reasonably, the proposed amendment clarifies and explicitly requires the Department to act in a reasonable manner with regard to information the Department may require for an abatement plan.”

Section 20.6.2.4113 and 4114

The Commission should adopt the following language for this subparagraph:

C. 20.6.2.4113 DISPUTE RESOLUTION: In the event of any technical dispute regarding the requirements of Paragraph (9) of Subsection A and Subsection E of Section 20.6.2.1203, Sections 20.6.2.4103, 20.6.2.4105, 20.6.2.4106, 20.6.2.4111 or 20.6.2.4112 NMAC, including notices of deficiency, the responsible person may notify the secretary by certified mail that a dispute has arisen, and desires to invoke the dispute resolution provisions of this Section, provided that such notification must be made within thirty (30) days after receipt by the responsible person of the decision of the secretary that causes the dispute. Upon such notification, all deadlines affected by the technical dispute shall be extended for a thirty (30) day negotiation period, or for a maximum of sixty (60) days if approved by the secretary for good cause shown. During this negotiation period, the secretary or his/her designee and the responsible person shall meet at least once. Such meeting(s) may be facilitated by a mutually agreed upon third party, but the third party shall assume no power or authority granted or delegated to the secretary by the Water Quality Act or by the commission. If the dispute remains unresolved after the negotiation period, the decision of secretary shall be final and subject to appeal.

20.6.2.4114 APPEALS FROM SECRETARY'S DECISIONS: If the secretary determines that an abatement plan is required pursuant to Paragraph (9) of Subsection A of 20.6.2.1203, Paragraph (4) of Subsection E of 20.6.2.3109, or Subsection B of 20.6.2.4105 NMAC, approves or provides notice of deficiency of a proposed abatement plan, technical infeasibility demonstration or abatement completion report, or modifies or terminates an approved abatement plan, or takes final action on dispute resolution under 20.6.2.4113 NMAC, he shall provide written notice of such action by certified mail to the responsible person and any person who participated in the action.

Dairies offer these reasons: “The Commission should adopt the Dairies proposed changes to 20.6.2.4113 and 4114 NMAC because the change is necessary to clarify the right to appeal. The proposed amendment would make the appeal right explicit which allows a clear reading of the statute and the rights of each party in dispute resolutions.”

Other Changes to Abatement Rules Offered by AB/GRIP and Mr. Olson and not incorporated into the Department's proposal.

Dairies recommend that the Commission not adopt additional changes to the abatement rules offered by AB/GRIP and Mr. Olson, other than as they were incorporated into the Department's proposal as discussed in the Department's testimony. The Dairies offer the following reasons:

"The Commission declines to adopt the amendment to the criteria for the adoption of alternative abatement standards as proposed by Amigos Bravos and the Gila Resources Information Project because it was not supported by technical testimony and for the reasons stated in Mr. Palla's written rebuttal testimony."

CONCLUSION

For the reasons articulated herein, the Dairies respectfully request that the Commission order changes to 20.6.2 NMAC keeping with the Dairies comments and proposed changes, including those proposed by the Department and supported by the Dairies with additional language changes on these issues.

Respectfully Submitted,

GALLAGHER & KENNEDY, P.A.



Dalva L. Moellenberg, Esq.

Katelyn Hart, Esq.

1239 Paseo de Peralta

Santa Fe, NM 87501

(505) 982-9523

(505) 983-8160

DLM@gknet.com

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Dairies Closing Argument and Proposed Statement of Reasons was served on February 16, 2018, via electronic mail to the following:

Ms. Pam Castañeda,
Administrator
Water Quality Control
Commission
Room N-2168, Runnels
Building
1190 St. Francis Dr.
Santa Fe, New Mexico 87505
Pam.castaneda@state.nm.us

Pete Domenici
Lorraine Hollingsworth
Domenici Law Firm, P.C.
320 Gold Ave. SW, Suite 1000
Albuquerque, NM 87102
pdomenici@domenicilaw.com
lhollingsworth@domenicilaw.com

William C. Olson
14 Cosmic Way
Lamy, NM 87540
billjeanie.olson@gmail.com

New Mexico Environment
Department
Office of General Counsel
John Verheul
Lara Katz
P.O. Box 5469
Santa Fe, New Mexico 87502
John.verhaul@state.nm.us
Lara.katz@state.nm.us

Louis W. Rose
Kari Olsen
P.O. Box 2307
Santa Fe, NM 87504
lrose@montand.com
kolson@montand.com

John Grubestic
Office of the Attorney General
Post Office Drawer 1508
Santa Fe, NM 87504-1508
jgrubestic@nmag.gov

New Mexico Environmental
Law Center
Jaimie Park
Douglas Meiklejohn
Johnathan Block
Eric Jantz
1405 Luisa Street, Suite 5
Santa Fe, New Mexico 87505
jpark@nmelc.org
dmeiklejohn@nmelc.org

Michael L. Casillo
AFLOA/JACE
1500 West Perimeter Rd. Ste.
1500
Joint Base Andrews, MD 20762
michael.l.casillo2.civ@mail.mil

Michael Bowen
Executive Director
1470 St. Francis Drive
Santa Fe, NM 87505
nmma@comcast.net

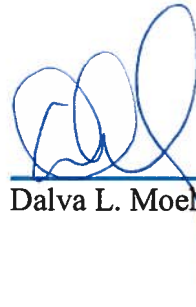
Rachel Conn
Projects Director
Amigos Bravos
P.O. Box 238
Taos, NM 87571
rconn@amigosbravos.org

William Brancard
Cheryl Bada
Energy, Minerals & Natural
Resources Department
1220 South St. Francis Drive
Santa Fe, NM 87505
bill.brancard@state.nm.us
cheryl.bada@state.nm.us

Russell Church, President
NMML EQA Subsection
NM Municipal League
P.O. Box 846
Santa Fe, NM 87504
rchurch@redriver.org

Stuart R. Butzier
Christina C. Sheehan
American Magnesium, LLC
Rio Grande Resources
Corporation
New Mexico Copper
Corporation
P.O. Box 2168
Albuquerque, NM 87103-2168
Stuart.butzier@modrall.com
Christina.sheehan@modrall.com

Timothy A. Dolan
Office of Laboratory Counsel
Los Alamos National Laboratory
P.O. Box 1663, MS A187
Los Alamos, NM 87545
tdolan@lanl.gov



Dalva L. Moellenberg, Esq.