

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



**IN THE MATTER OF PROPOSED
AMENDMENTS TO GROUND
AND SURFACE WATER PROTECTION
REGULATIONS, 20.6.2 NMAC**

No. WQCC 17-03 (R)

JOINT STIPULATION REGARDING PROPOSED CHANGES TO 20.6.2 NMAC

Amigos Bravos, the Gila Resources Information Project (“GRIP”), and the New Mexico Environment Department (“NMED”), (collectively the “Parties”), by and through undersigned counsel, hereby submit this joint stipulation regarding proposed changes to 20.6.2 NMAC. In support of this stipulation, the parties state as follows:

1. Rules for the protection of New Mexico’s ground water and associated water quality standards are set forth in 20.6.2 NMAC, Ground and Surface Water Protection Regulations (“Rules”).
2. NMED filed a Petition to Amend 20.6.2 NMAC with the New Mexico Water Quality Control Commission (“WQCC”) on May 1, 2017.
3. Amigos Bravos and GRIP filed a Statement of Position on NMED’s Petition to Amend 20.6.2 NMAC with Statement of Reasons and Proposed Changes on July 27, 2017. Amigos Bravos and GRIP filed a Notice of Errata and Corrected Proposed Changes on August 8, 2017.
4. Amigos Bravos and GRIP proposed extensive changes to NMED’s proposed amendments for 20.6.2.7.WW NMAC (definition of toxic pollutant) and to 20.6.2.3103.A NMAC (human health standards for ground water of 10,000 mg/l TDS concentration or less).

5. Amigos Bravos and GRIP, with this stipulation, and in exchange for the commitments made by NMED in this stipulation, withdraw their proposed changes to 20.6.2.7.WW NMAC and to 20.6.2.3103.A NMAC, and maintain their statements of support for NMED's proposed changes to 20.6.2.7.WW NMAC and 20.6.2.3103.A NMAC.
6. Amigos Bravos and GRIP, with this stipulation, and in exchange for the commitments made by NMED in this stipulation, will also support an extension of the current rebuttal testimony filing deadline from October 13, 2017 to November 3, 2017, should NMED request an extension of that deadline in this proceeding.
7. NMED, with this stipulation, and in exchange for Amigos Bravos and GRIP withdrawing their proposed changes to 20.6.2.7.WW NMAC and to 20.6.2.3103.A NMAC pursuant to this stipulation, agree to meet and confer with Amigos Bravos and GRIP through the creation of a working group for the purpose of identifying potential regulatory changes pertaining to toxic pollutants and standards for toxic pollutants. If, through the working group, the parties collectively determine that there are appropriate regulatory changes to be made pertaining to toxic pollutants, NMED agrees to petition the WQCC to propose changes to toxic pollutants and associated standards no later than December 2019. The determination of when to submit an agreed upon petition for regulatory change shall be made at the discretion of NMED, in consultation with Amigos Bravos and GRIP. If the parties do not reach agreement, Amigos and GRIP may, at their discretion, independently choose to petition the WQCC to propose changes to toxic pollutants and associated standards.

8. In submitting this joint stipulation, the parties, while endeavoring to reach a consensus agreement regarding the appropriate definition of toxic pollutant and the appropriate level for associated standards, do not waive any rights to independently propose, support, or oppose proposed changes to 20.6.2.7.WW NMAC or 20.6.2.3103.A NMAC at any time, or to otherwise propose, support, or oppose proposed changes to the definition of toxic pollutant and associated standards through other means.

Respectfully submitted this 6th day of September 2017.

By:  _____

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Stipulation was served on September 6th, 2017 via electronic mail to the following:

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