

**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 THE NEW MEXICO ENVIRONMENT  
DEPARTMENT'S NOTICE OF WITHDRAWAL OF THE NEW MEXICO  
ENVIRONMENT DEPARTMENT'S PROPOSED DEFINITION OF DISCHARGE  
PERMIT AMENDMENT AND RELATED CHANGES TO 20.6.2 NMAC**

Amigos Bravos, the Gila Resources Information Project ("GRIP"); the New Mexico Environment Department ("NMED"), Los Alamos National Security, LLC ("LANS"), William C. Olson, the New Mexico Energy, Minerals and Natural Resources Department, the Dairy Group for a Clean Environment and the Dairy Producers of New Mexico (jointly the "Dairies"); the New Mexico Mining Association; the New Mexico Copper Corporation; American Magnesium, LLC; and Rio Grande Resources Corporation (collectively the "Parties"), by and through undersigned counsel, hereby submit this joint stipulation regarding NMED's Notice of Withdrawal of NMED's Proposed Definition of Discharge Permit Amendment and Related Changes to 20.6.2 NMAC ("Notice of Withdrawal"). The City of Roswell, Laun-DRY, the Department of Defense and the New Mexico Municipal League Environmental Quality Association Subsection did not provide their position on this Joint Stipulation.

In support of this stipulation, the Parties agree as follows:

1. NMED filed its Notice of Withdrawal on November 7, 2017 in this matter.
2. In the Notice of Withdrawal, NMED withdrew its proposed definition of discharge permit amendment and related proposed changes (collectively, the "Proposed Changes"). NMED has also filed an Amended Notice of Withdrawal on November

9, 2017. The Proposed Changes appeared in the following sections of attachment 2 to the Department's Petition for Rulemaking, filed on May 1, 2017: 20.6.2.7.D(4) and (5) NMAC; 20.6.2.3106.H NMAC; 20.6.2.3109.B, D and I NMAC; 20.6.2.3112 NMAC; and 20.6.2.3114.E NMAC. The last version of the Proposed Changes is reflected in the following sections of NMED Exhibit 27, filed on October 27, 2017 and Exhibit 28 filed on November 9, 2017: 20.6.2.7.D(4) and (5) NMAC; 20.6.2.3106.H NMAC; 20.6.2.3109.B, D, and I NMAC; 20.6.2.3112 NMAC; and 20.6.2.3114.E NMAC.

3. The Proposed Changes are no longer before the Water Quality Control Commission ("WQCC") in this proceeding. Therefore, the Parties agree that no person is entitled to present proposed rule language or testimony based on the Proposed Changes in this proceeding.
4. In submitting this joint stipulation, the Parties also agree to the attached revised hearing schedule, removing NMED's Proposed Changes from this proceeding. Accommodations for witness scheduling issues that may arise from the removal of the Proposed Changes from the hearing in this matter can be addressed before and/or during the hearing, as necessary.

Respectfully submitted this 13<sup>th</sup> day of November 2017.

By:



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## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Stipulation was served on November 13, 2017 via electronic mail to the following:

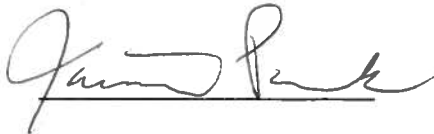
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**Revised Schedule of Testimony, WQCC 17-03 (R)**

<b>November 14</b>	<p>Regular WQCC Meeting</p> <p>Motion to Dismiss in WQCC 17-03 (R)</p> <p><b>WQCC 17-03 (R):</b></p> <p>Opening statement by Hearing Officer</p> <p>Opening statements by Parties</p> <ul style="list-style-type: none"> <li>• Removal of 5-year limitation on variances (20.6.2.1210 NMAC)</li> </ul>
<b>November 15</b>	<ul style="list-style-type: none"> <li>• Changes to 20.6.2.3103 NMAC: <ul style="list-style-type: none"> <li>- Reorganizing Narrative Standard from 20.6.2.7 (Definitions) to 20.6.2.3103.A(2) NMAC</li> <li>- Content of Narrative standard</li> <li>- Revise numeric standards for consistency with MCL's.</li> <li>- Retain WQCC-set standards for several constituents below MCL's.</li> <li>- Content of note.</li> <li>- Codify note as 20.6.2.3103.D NMAC.</li> <li>- CAS Numbers</li> </ul> </li> </ul> <p>Other Issues [time permitting]:</p> <ul style="list-style-type: none"> <li>• Process for submittal and review of application for discharge permit modifications (20.6.2.3106 NMAC)</li> <li>• Fact sheets, draft permits, and time frame for determination whether discharge permit required (20.6.2.3108 NMAC)</li> <li>• Notification and response to comments on draft permits or proposed disapprovals (20.6.2.3109 NMAC)</li> <li>• Adding provision for appeal of dispute resolution decision (20.6.2.4113, 4114 NMAC)</li> <li>• Exemptions (20.6.2.10 and 20.6.2.3105 NMAC)</li> </ul>
<b>November 16</b>	[Issues continued from 11/16 if necessary]

	<ul style="list-style-type: none"> <li>• Add language re exemptions/permitting requirements for ASR projects (20.6.2.5006 NMAC)</li> <li>• Alternative Abatement Standards (20.6.2.4103 NMAC)</li> <li>• Subsurface water contaminants (20.6.2.4103.B NMAC)</li> <li>• Abatement plans – financial assurance (20.6.2.4104 NMAC)</li> <li>• Public process associated with petitions for alternative abatement standards (20.6.2.4108 NMAC)</li> <li>• Language changes to provide correct statutory and agency references (20.6.2.3105.L, M, N NMAC; 20.6.2.5101.D(1)-(3) NMAC)</li> <li>• Geothermal resources (20.6.2.1201, 3105, 5002, 5003, 5101 NMAC)</li> <li>• Discharge plan required (20.6.2.3106 NMAC)</li> <li>• Reorganizing Definitions section alphabetically (20.6.2.7 NMAC)</li> </ul>
<b>November 17</b>	[Issues continued from 11/16 if necessary]