

**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)

WILLIAM C. OLSON CLOSING ARGUMENT

Pursuant to the New Mexico Water Quality Act (Water Quality Act), 74-6-1 to 74-6-17 NMSA 1978, the “*Rulemaking Procedures - Water Quality Control Commission*” of 20.1.6.304 NMAC and the New Mexico Water Quality Control Commission (“Commission”) Hearing Officer’s December 11, 2017 “*Order on the Joint Stipulation Regarding the Post Hearing Submittals Filing Deadline*”, William C. Olson hereby submits the following Closing Argument. Concurrently with the filing of this Closing Argument, I have filed February 16, 2018 “*William C. Olson Final Proposed Amendments to NMED Proposed Revisions to 20.6.2 NMAC*” (Olson Proposal) and “*William C. Olson Proposed Statement of Reasons*” (“Olson SOR”). The Olson Proposal indicates all amendments I propose based on pre-filed written testimony and hearing documents and testimony presented to the Commission during the November 14-17, 2017 hearings on New Mexico Environment Department (“NMED” or “Department”) proposed revisions to the Commission’s Ground and Surface Water Protection Regulations of 20.6.2 NMAC (“Rule”). The Olson SOR outlines the legal authority for the proceeding and provides factual findings, with citations to the evidentiary record, and conclusions of law in support of my proposed amendments in the Olson Proposal.

I. INTRODUCTION

The Ground and Surface Water Protection Regulations of 20.6.2 NMAC are fundamentally about protection of ground water resources in New Mexico for present and foreseeable future use. New Mexico is an arid state, with limited water resources and consequently ground and surface waters in New Mexico are public resources managed for public benefit. The state is growing and developing, placing an increasing demand on its limited ground water resources. New Mexican's obtain approximately 90 percent of their drinking water from ground water sources and it's extremely important to protect those resources. Towards that end, the Legislature enacted the Water Quality Act and, pursuant to its statutory authority since 1977, the Commission has adopted water quality standards and rules to protect all surface and subsurface waters in New Mexico, including rules for abatement of water pollution that may occur above established standards. The Water Quality Act was amended by the legislature in 2009 requiring that the Commission also specify in rules measures to be taken to prevent water pollution and monitor water quality. [Olson Direct Testimony, WCO Exhibit 1, pgs. 5-6].

On May 1, 2017, NMED submitted to the Commission its "*Petition to Amend the Ground and Surface Water Protection Regulations (20.6.2 NMAC) and Request for Hearing*" ("Petition"). On May 31, 2017, the Commission Hearing Officer issued a Procedural Order ("Order") governing prehearing submissions, scheduling and conduct of the hearing. The Order was subsequently revised on June 2, 2017, and later amended on August 11, 2017. Pursuant to the Order, on July 27, 2017, parties to the hearing, including myself, submitted statements of position on NMED's Petition and proposed their own amendments not contained in NMED's Petition, but which are logical outgrowths of NMED's proposed revisions. On July 27, 2017, NMED also filed with the Hearing Officer a "*New Mexico Environment Department Notice of*

Amended Petition” containing revisions to their original petition. On August 7, 2017, NMED, filed a “*Notice of Errata*” with the Hearing Officer containing “*corrected Proposed Amendments to the New Mexico Ground and Surface Water Protection Regulations 20.6.2 NMAC*” (hereafter referred to as “*Amended Petition*”) which included an omitted subsection referenced in the July 27, 2017 “*New Mexico Environment Department Notice of Amended Petition*”. [Olson Direct Testimony, WCO Exhibit 1, pgs. 4-5].

On November 9, 2017, NMED submitted its “*Amended Notice of Withdrawal of the New Mexico Environment Department’s Proposed Definition of Discharge Permit Amendment and Related Changes to 20.6.2 NMAC*” that included additional proposed 20.6.2 NMAC rule amendments as contained in its attached “*Amended NMED Exhibit 36*”.

Four days of public hearings were held before the Commission between November 14, 2017 and November 17, 2017 in Santa Fe, New Mexico on NMED’s Amended Petition. Participants were the Department; William C. Olson, an independent private citizen; City of Roswell (“Roswell”); Laun-Dry; Los Alamos National Security, LLC (“LANS”); Dairy Producers of New Mexico and Dairy Industry for a Clean Environment (Jointly “Dairies”); Amigos Bravos and Gila Resources Information Project (Jointly “AB/GRIP”); New Mexico Energy Minerals and Natural Resources Department (“EMNRD”); Rio Grande Resources Corporation, America Magnesium LLC, and New Mexico Copper Corporation; United States Air Force and Department of Defense (Jointly “USAF/DoD”); New Mexico Mining Association (“NMMA”); and Environmental Quality Association Subsection of the New Mexico Municipal League (“NMML”). The hearing record includes the September 11, 2017 pre-filed written direct testimonies of all parties with the exception of Rio Grande Resources Corporation, America Magnesium LLC, and New Mexico Copper Corporation. The hearing record also includes the

October 27, 2017 pre-filed written rebuttal testimony of all parties with the exception of Roswell, Laun-Dry and Rio Grande Resources Corporation, America Magnesium LLC, and New Mexico Copper Corporation. [Tr. vols. 1-4].

The Department's "*Amended NMED Exhibit 36*" contains NMED's proposed amendments to certain portions of the Commission's regulations in 20.6.2 NMAC. The Department intended to bring the rules up to date with current science, policy and practice. [Amended NMED Exhibit 36 and Petition, pg. 1].

II. NECESSITY OF THE RULE AMENDMENTS

The purpose of this hearing is to address NMED's proposed revisions in "*Amended NMED Exhibit 36*" in a manner that prevent and abate water pollution and protect water quality in an effective, efficient and reliable manner consistent with statutory requirements of the Water Quality Act. [Olson Direct Testimony, WCO Exhibit 1, pg. 5].

Pollution prevention at facilities that discharge pollutants is important because extensive contamination of ground water resources can and has occurred in New Mexico from various types of discharging facilities, including mining, dairy, oil and gas, fueling industrial, wastewater and federal facilities. Since the adoption of pollution prevention rules in 1977, NMED and the New Mexico Oil Conservation Division have discovered that some discharging facilities operational and disposal practices failed to prevent ground water pollution and resulted in impacts on ground water quality. Over time, as the agencies have required new pollution prevention and ground water monitoring measures in permits, the number of cases of ground water contamination increased as more monitoring data was obtained. [Olson Direct Testimony, WCO Exhibit 1, pg. 6].

Due to the importance of preserving New Mexico's public water resources and the potential for contamination of these resources, water quality protection rules should be reviewed on a periodic basis to assess whether they are consistent with current knowledge and issues. Many of the Commission rules have not been revised in a long time and are due for review and update, especially the ground water standards. [Olson Direct Testimony, WCO Exhibit 1, pg. 6].

III. STATUTORY REQUIREMENTS

The Water Quality Act governs protection of ground water quality in the State of New Mexico. Important functions of the Commission's duties and powers under the Water Quality Act are to "*adopt water quality standards*" to protect uses of water and to adopt rules to "*prevent or abate water pollution*". [Sections 74-6-4(D) and 74-6-4(E) NMSA 1978].

Standards are to be based on credible scientific data and shall include narrative standards, and as appropriate, the designated uses of the waters and the water quality criteria necessary to protect such uses. Standards shall at a minimum protect public health or welfare, enhance the quality of water and serve the purposes of the Water Quality Act. In making standards, the Commission shall give weight it deems appropriate to all facts and circumstances, including the use and value of the water for water supplies, propagation of fish and wildlife, recreational purposes and agricultural, industrial and other purposes. [Section 74-6-4(D) NMSA 1978].

In adopting regulations, the Commission shall give weight it deems appropriate to all relevant facts and circumstances, including: (1) character and degree of injury to or interference with health, welfare, environment and property; (2) the public interest, including the social and economic value of the sources of water contaminants; (3) technical practicability and economic reasonableness of reducing or eliminating water contaminants from the sources involved and previous experience with equipment and methods available to control the water contaminants

involved; (4) successive uses, including but not limited to domestic, commercial, industrial, pastoral, agricultural, wildlife and recreational uses; (5) feasibility of a user or a subsequent user treating the water before a subsequent use; (6) property rights and accustomed uses; and (7) federal water quality requirements. [74-6-4(E) NMSA 1978].

To allow for flexibility in applying adopted rules, the Water Quality Act gives the Commission the authority to grant exceptions to its rules subject to limitations after a public hearing. In particular, 74-6-4(H) NMSA 1978 specifies, *“The commission may only grant a variance conditioned upon a person effecting a particular abatement of water pollution within a reasonable period of time. Any variance shall be granted for the period of time specified by the commission. The commission shall adopt regulations specifying the procedure under which variances may be sought, which regulations shall provide for the holding of a public hearing before any variance may be granted”*. This provision contemplates that there are circumstances under which a permit applicant may be allowed, through the granting of a variance, to cause temporary pollution of water as long as it is abated within a reasonable period of time. Under this provision, a person is limited from being granted approval of a variance that allows permanent water pollution. [Section 74-6-4(H) NMSA 1978].

The Commission’s power to allow water pollution is limited by the Water Quality Act where it states, *“reasonable degradation of water quality resulting from beneficial use shall be allowed. Such degradation shall not result in impairment of water quality to the extent that water quality standards are exceeded”*. This statutory provision allows some degradation of ground water quality but prohibits the Commission from allowing degradation in excess of water quality standards. Existing Commission rules reflect this in sections on approval of discharge permits such as 20.6.2.3109.C NMAC and numerous other sections of Commission rules that

reference compliance with standards as part of an action to be taken. 74-6-12(F) NMSA 1978.

The Water Quality Act was amended in 2009 to allow the Commission the power to adopt industry specific rules that were not previously allowed under the statute. The 2009 amendments inserted new statutory language in Section 74-6-4(K) NMSA 1978 that allows the Commission to adopt regulations specific to particular industries and requires that the Commission “*shall specify in regulations the measures to be taken to prevent water pollution and to monitor water quality*”, and that the regulations be based on “*best available scientific information*”. [Section 74-6-4(K) NMSA 1978].

IV. PROPOSED RULE AMENDMENTS

The following section contains my discussion of the parties proposed rule amendments to the Department’s proposed 20.6.2 NMAC rule revisions of “*Amended NMED Exhibit 36*” that was attached to the Department’s November 9, 2018 “*Amended Notice of Withdrawal of the New Mexico Environment Department’s Proposed Definition of Discharge Permit Amendment and Related Changes to 20.6.2 NMAC*”. My following proposed amendments are necessary to prevent and abate water pollution and protect water quality in an effective, efficient and reliable manner consistent with statutory requirements of the Water Quality Act.

A. NMED Proposed Amendments

I testified that as a hydrologist and citizen of New Mexico with a long-term involvement in Commission rulemaking and implementation and enforcement of Commission rules, I supported NMED’s effort to update the Commission’s Ground and Surface Water Protection Rules at 20.6.2 NMAC. In my direct written testimony I supported the majority of NMED’s proposed revisions and proposed amendments to seven (7) sections of the Department’s Amended Petition. I also took no position on 1) Elimination of the 5 year term for approved

variances in 20.6.2.1210 NMAC; 2) Numerical health-based standards that were revised to be less stringent than existing standards in 20.6.2.3103.A(1) NMAC; and 3) The “note” containing a grandfathering clause for water quality standards in 20.6.2.3103 NMAC. [Olson Direct Testimony, WCO Exhibit 1, pgs. 6-7].

The Department in its October 27, 2017 “*Notice of Intent to Provide Rebuttal Testimony*” and the accompanying additional proposed 20.6.2 NMAC rule amendments of “*NMED Exhibit 27*” and its November 9, 2018 “*Amended NMED Exhibit 36*” either accepted or otherwise addressed six (6) of my direct testimony’s proposed amendments to 20.6.2.7.D(4)(b) NMAC, 20.6.2.1210.A(5) NMAC, 20.6.2.3103.A(2) NMAC, 20.6.2.3105.A NMAC, 20.6.2.3109.F(4) NMAC and 20.6.2.4103.F(1) NMAC. [McQuillan Rebuttal Testimony, NMED Exhibit 28, pgs. 6-7; Vollbrecht Rebuttal Testimony, NMED Exhibit 30, pg. 19; Vollbrecht Testimony Tr. vol. 1, pg. 78, line 15 to pg. 79, line 8; and Vollbrecht Testimony Tr. vol. 4, pg. 841, line 22 to pg. 842, line 22].

My remaining proposed public notice amendments to 20.6.2.4108 NMAC, if modified as suggested by the Department, were supported by the Department but not incorporated into “*Amended NMED Exhibit 36*”. [Vollbrecht Rebuttal Testimony, NMED Exhibit 30, pgs. 20-22; and Vollbrecht Testimony Tr. vol. 4, pg. 1006, line 21 to pg. 1007, line 13].

Consequently, with the exception of my proposed amendments addressed separately below and my lack of position on the elimination of the 5 year term for approved variances in 20.6.2.1210 NMAC, I support the Department’s 20.6.2 NMAC rule amendments contained in “*Amended NMED Exhibit 36*” for the reasons expressed in the Departments pre-filed written direct and rebuttal testimony and its oral testimony hearing testimony.

B. William C. Olson Proposed Amendment

In 20.6.2.4108 NMAC, the rule language does not address initial public notice of submission of alternate abatement standards petitions. Alternate abatement standards may be petitioned at any time, and could be submitted outside submission of a Stage 2 abatement plan. The requirements in NMED's proposed 20.6.2.4103.F(5) NMAC specifies that review of alternate abatement standards petitions follow Commission adjudicatory procedures in 20.1.3 NMAC (Variance Hearings). However, the Commission's variance hearing procedures of 20.1.3 NMAC only require a one-time newspaper publication and notification of the facility specific list 30 days prior to a Commission hearing. There is no initial public notice of submission of alternate abatement standards petitions to NMED. The public, adjacent landowners, tribes, pueblos, New Mexico Natural Resource Trustee, and other local, state or federal agencies would not receive initial notice of submission of alternate abatement petitions, as occurs for a Stage 2 abatement plan. These public and governmental parties would subsequently not have the opportunity to provide input on whether it may affect them during NMED's review of the petition prior to a Commission hearing on the matter. Receiving information from the public and other governmental agencies upfront in the review process is critical and useful to NMED in evaluating alternate abatement standards petitions, especially knowledge of area water wells and present and future water and land uses that may be affected, as well as other site specific information. In addition, the information contained in an alternate abatement standards petition is highly technical and extensive. The public should be provided with adequate time to review and assess the petition's effects prior to the 30-day Commission hearing notice issued pursuant to the Commission's adjudicatory procedures. I proposed new amended language to address this

discrepancy and provide initial public notice of submission of a petition for alternate abatement standards, similar to that required for submission of a Stage 2 abatement plan. My proposed amendments to this section also clarified that hearings on alternate abatement standards are before the Commission and not the Secretary of NMED. [William C. Olson Direct Written Testimony WCO Exhibit 1, pgs. 13-15; and Olson Testimony Tr. vol.4, pg. 1010, line 16 to pg. 1012, line 18].

The Department in its testimony of Mr. Vollbrecht agreed with my above testimony and supported my proposed public notice amendments to 20.6.2.4108 NMAC, if they were slightly modified. However, the Department did not incorporate them into “*Amended NMED Exhibit 36*”. [Vollbrecht Testimony Tr. vol. 4, pg. 1006, line 21 to pg. 1007, line 13; Vollbrecht Rebuttal Testimony, NMED Exhibit 30, pgs. 20-22]. As I testified at the hearing, NMED’s suggested modifications to my proposed amendments on abatement plan public notices are acceptable. [Olson Testimony Tr. vol. 4, pg. 1012, line 19 to pg. 1013, line 3].

For the above reasons, I propose that 20.6.2.4108 NMAC be amended as follows consistent with my testimony and NMED’s supporting modifications:

20.6.2.4108 PUBLIC NOTICE AND PARTICIPATION:

B. ~~[Within thirty (30) days of filing of]~~ Any person proposing a Stage 2 abatement plan ~~[proposal, or proposed]~~ a significant modification [of] to a Stage 2 [of the] abatement plan, or an alternative abatement standard ~~[any responsible person]~~ shall provide ~~[to the secretary proof of public]~~ notice of the ~~[abatement plan]~~ proposal to the following persons:

the public, who shall be notified through publication of a notice in newspapers of general circulation in this state and in the county where the abatement will occur or where the water body that would be affected by a proposed alternative abatement standard is located. and, in areas with large percentages of non-English speaking people, through the mailing of the public notice in English to a bilingual radio station serving the area where the abatement will occur with a request that it be aired as a public service announcement in the predominant non-English language of the area;

(2) those persons, as identified by the secretary, who have requested notification, who shall be notified by mail or email;

(3) the New Mexico Trustee for Natural Resources, and any other local, state or federal governmental agency affected, as identified by the secretary, which shall be notified by certified mail;

(4) owners and residents of surface property located inside, and within one (1) mile from, the perimeter of the geographic area where the standards and requirements set forth in Section 20.6.2.4103 NMAC are exceeded who shall be notified by a means approved by the secretary; and

(5) the Governor or President of each Indian Tribe, Pueblo or Nation within the state of New Mexico, as identified by the secretary, who shall be notified by mail or email.

C. The public notice proposal ~~for a Stage 2 abatement plan proposal or significant modification of a Stage 2 abatement plan~~ shall ~~[include, as approved in advance by]~~ be submitted to the secretary for approval with a ~~proposed Stage 2 abatement plan proposal, or significant modification of a Stage 2 abatement plan,~~ and shall include:

- (1) name and address of the responsible person;
- (2) location of the proposed abatement;
- (3) brief description of the nature of the water pollution and of the proposed abatement action;
- (4) brief description of the procedures followed by the secretary in making a final determination;
- (5) statement on the comment period;
- (6) statement that a copy of the abatement plan can be viewed by the public at the department's main office or at the department field office for the area in which the discharge occurred;
- (7) statement that written comments on the abatement plan, and requests for a public meeting or hearing that include the reasons why a meeting or hearing should be held, will be accepted for consideration if sent to the secretary within sixty (60) days after the ~~[determination of administrative completeness; and]~~ date of public notice; and
- (8) address and phone number at which interested persons may obtain further information.

D. The public notice proposal for a proposed alternative abatement standard shall be submitted to the secretary for approval thirty (30) days prior to the filing of a petition for alternative abatement standards, and shall include:

- (1) name and address of the responsible person;
- (2) location of the proposed alternative abatement standards;
- (3) brief description of the nature of the water pollution and of the proposed alternative abatement standards;
- (4) brief description of the procedures followed by the commission in making a final determination on a petition for alternate abatement standards;
- (5) statement that a copy of the petition for alternate abatement standards petition can be viewed by the public at the department's main office or at the department field office for the area in which the affected water body is occurring;
- (6) statement on how the public can request to be placed on a facility-specific mailing list for notification of any hearing conducted on the petition for alternate abatement standards pursuant to 20.1.3 NMAC; and
- (7) address and phone number at which interested persons may obtain further information.

DE. Within thirty (30) days of the secretary's approval of a ~~Stage 2 abatement plan~~ public notice proposal for a proposed Stage 2 abatement plan, significant modification of a Stage 2 abatement plan or alternative abatement standard, any responsible person shall provide to the secretary proof of public notice to the persons listed in Subsection B of 20.6.2.4108 NMAC.

EF. For a proposed Stage 2 abatement plan or significant modification of a Stage 2 abatement plan, Aa public meeting or hearing may be held if the secretary determines there is significant public interest. Notice of the time and place of the meeting or hearing shall be given at least thirty (30) days prior to the meeting or hearing pursuant to Subsections A and B above. The secretary may appoint a meeting facilitator or hearing officer. The secretary may require the responsible person to prepare for approval by the secretary a fact sheet, to be distributed at the public meeting or hearing and afterwards upon request, written in English and Spanish, describing site history, the nature and extent of water pollution, and the proposed abatement. The record of the meeting or hearing, requested under this Section, consists of a tape recorded or transcribed session, provided that the cost of a court recorder shall be paid by the person requesting the transcript. If requested by the secretary, the responsible person will provide a translator approved by the secretary at a public meeting or hearing conducted in a locale where testimony from non-English speaking people can reasonably be expected. At the meeting or hearing, all interested persons shall be given a reasonable chance to submit data, views or arguments orally or in writing, and to ask questions of the secretary or the secretary's designee and of the responsible person, or their authorized representatives.

G. An alternative abatement standard shall only be granted after a public hearing before the commission, as required by NMSA 1978, Section 74-6-4(H) of the Water Quality Act. The commission shall review petitions for alternative abatement standards in accordance with the procedures for review of variance petitions provided in the commission's adjudicatory procedures, 20.1.3 NMAC.

The USAF/DoD, NMMA and Dairies objected to my proposal for issuance of an initial public notice of a petition for alternate abatement standards on the rationale that public notice of the Commission hearing under the adjudicatory procedures of the Commission is sufficient. None of these parties provided evidence contrary to my testimony that the rule language in 20.6.2.4108 does not address initial public notice of submission of alternate abatement standards petitions. Nor did they provide evidence contradicting my testimony that the public may not have an opportunity to provide input if an alternate abatement standards petition is submitted outside of a Stage 2 abatement plan or abatement plan modification. My testimony was uncontested and consequently the Commission should adopt my proposed language as supported and amended by NMED. [Olson Testimony Tr. vol. 4, pg. 1014, line 25 to pg. 1015, line 17].

NMMA's counsel questioned whether public notices of abatement plan modifications already cover public notice of alternate abatement standards petition. They do not. Alternate abatement standards are separate actions that must be granted by the Commission before an abatement plan modification. Alternate abatement standards are a form of variance from the Rules subject to a Commission hearing and approval and are not approved by the Department under the modification process. If approved by the Commission, alternate abatement standards and the means of achieving them must be later incorporated into an abatement plan modification that is administratively approved by the Department. [Olson Testimony Tr. vol. 4, pg. 1015, line 18 to pg. 1016, line 23].

Consequently, the Commission should adopt my above-proposed language for 20.6.2.4108 NMAC, as modified and supported by NMED, in order to eliminate holes in the public participation process for alternative abatement standards. This language ensures that the public

is properly noticed when the alternate abatement standard petition process begins and gives the public the opportunity to provide information and concerns during the Department's review of the petition prior to a Commission hearing on the variance.

C. LANS Proposed Amendments

LANS proposed to adopt a new section 20.6.2.10 NMAC to incorporate specific statutory exemptions in a separate section for the purpose of conforming with the language of the Water Quality Act and to better inform the regulated community and public on the scope of the regulations. This is a reasonable concept. However, the proposed language set forth by LANS in Item 2 of its August 7, 2017 "*Corrected Proposed Changes to Regulations and Statement of Basis*" does not conform with the language of the Water Quality Act and omits portions of the statutory language. [Olson Rebuttal Testimony, WCO Rebuttal Exhibit 1, pgs. 2-3]. Both myself and the Department proposed that LANS' language should not be adopted unless it is amended as follows to conform with the Water Quality Act (Note: Language of "Amended NMED Exhibit 36 with typo highlighted):

20.6.2.10 LIMITATIONS: These regulations do not apply to the following:

A. Any activity or condition subject to the authority of the environmental improvement board pursuant to the Hazardous Waste Act, NMSA 1978, Sections 74-4-1 to -14, the Ground Water Protection Act, NMSA 1978, Sections 74-6B-1 to -14, or the Solid Waste Act NMSA 1978, Sections 74-9-1 to -25 except to abate water pollution or to control the disposal or use of septage and sludge, or

B. any activity or condition subject to the authority of the oil conservation commission pursuant to provisions of the Oil and Gas Act, NMSA 1978, Section 70-2-12 and other laws conferring power on the oil conservation commission and the oil conservation division of the energy, minerals and natural resources department to prevent or abate water pollution.

[Olson Rebuttal Testimony, WCO Rebuttal Exhibit 1, pg. 2-3; Olson Testimony Tr. vol. 3, pg. 705, line 19 to pg. 706, line 13; and Amended NMED Exhibit 36, pg. 9].

The above-proposed amendment was supported by LANS. [LANS Beers Testimony Tr. vol. 3, pg. 686, lines 3-6].

LANS also proposed to revise 20.6.2.3105.O NMAC to exempt activities regulated under the federal Solid Waste Disposal Act and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) from the discharge permitting requirements of the Commission rules. There is no statutory exemption in the Water Quality Act for these activities. In fact, some CERCLA sites have operational discharge permits issued under Commission rules. Due to the lack of a statutory exemption and the need for the state to protect its interests in preventing and abating water pollution in New Mexico pursuant to its statutory authority, the Commission should not adopt LANS's proposal for 20.6.2.3105.O NMAC. [Olson Rebuttal Testimony, WCO Rebuttal Exhibit 1, pg. 3; and Olson Testimony Tr. vol. 3. pg. 706. Line 21 to pg. 708, line 4].

D. USAF/DOD Proposed Amendments

Mr. Samuel Brock testified in his September 7, 2017 written direct testimony, and as corrected on October 20, 2017, that the USAF/DoD seeks to clarify the scientific basis for setting standards for toxic pollutants. To accomplish this Mr. Brock proposed a rewrite of the language of 20.6.2.3103.A(2) for establishing how a toxic pollutant standard is determined and added criteria for sources of acceptable scientific information used in such determinations. NMED in its Petition moved the language for determining toxic pollutants from the definitions section of the rule to the standards but preserved the long-standing language on how the Commission determines toxic pollutants. The USAF/DoD revised language omits important portions of existing Commission language about how an appropriate concentration of a toxic pollutant is determined and, therefore, such revisions should not be adopted by the Commission. The USAF/DoD also proposes to add language for criteria on acceptable science when determining concentrations of toxic pollutants. This proposal is reasonable, but it is not consistent with the

Commission statutory requirement that standards be “*based upon credible scientific data and other evidence appropriate under the Water Quality Act*” (see NMSA 1978 74-6-4.D). In addition, the Commission should not limit appropriate science, as proposed by USAF/DoD, to United States federal agency toxicology information due to the current politicization and suppression of science at the federal level. For the above reasons, I oppose the USAF/DoD language as proposed. Alternately, to address USAF/DoD’s concerns, I propose that the Commission adopt my modifications of the USAF/DoD scientific criteria language consistent with the statutory language on Commission powers for setting standards in NMSA 1978 74-6-4.D and existing Commission rule language as follows:

20.6.2.3103. STANDARDS FOR GROUND WATER OF 10,000 mg/l TDS CONCENTRATION OR LESS:

A. Human Health Standards.

(2) Standards for Toxic Pollutants. A toxic pollutant shall not be present at a concentration shown by scientific information currently available to the public to have potential for causing one or more of the following effects upon exposure, ingestion, or assimilation either directly from the environment or indirectly by ingestion through food chains: (1) unreasonably threatens to injure human health, or the health of animals or plants which are commonly hatched, bred, cultivated or protected for use by man for food or economic benefit; as used in this definition injuries to health include death, histopathologic change, clinical symptoms of disease, behavioral abnormalities, genetic mutation, physiological malfunctions or physical deformations in such organisms or their offspring; or (2) creates a lifetime risk of more than one cancer per 100,000 exposed persons. Sources of scientific information for human health risk assessments should be based on credible science and supporting studies conducted in accordance with sound scientific practices as well as data collected by accepted methods. Examples of acceptable sources for scientific information for human health risk assessments include, but are not limited to, the Integrated Risk Information System, EPA’s Provisional Peer Reviewed Toxic Values, Agency for Toxic Substances and Disease Registry Minimal Risk Levels and Human Effects Assessment Summary Tables.

[Olson Rebuttal Testimony, WCO Rebuttal Exhibit 1, pgs. 4-5; and Olson Testimony Tr. vol. 2, pg. 502, line 19 to pg. 505, line 9].

On page 8 of USAF/DoD’s November 9, 2017 Surrebuttal testimony of Mr. Brock he stated that USAF/DoD was amenable to support my language if a new USAF/DoD proposed definition of credible science is adopted. The 1st sentence of USAF/DoD’s proposed definition is similar to my proposed language, however, the remainder contains lengthy limiting criteria inconsistent with the broader requirements of the Water Quality Act. Therefore, I recommend

that the Commission not adopt USAF/DoD's proposed language and instead adopt the above compromise language I have testified to that is consistent with the broader requirements of the Water Quality Act. [Olson Testimony Tr. vol. 2, pg. 505, lines 10-23].

Mr. Scott Clark testified in his September 7, 2017 written direct testimony on page 5, lines 7-8 that the USAF/DoD is proposing to adopt a new section 20.6.2.10 NMAC "*ensuring that the proposed amendments to the Rules mirrors the text in Section 74-6-12(B) of the Act*". This is a reasonable concept. However, the proposed language set forth by USAF/DoD on page 4, lines 11-18 of his written direct testimony does not conform with the language of the Water Quality Act and omits portions of the statutory language. As USAF/DoD's proposed language and rationale for this section is identical to LAN's proposed language for the section, the USAF/DoD's language should not be adopted unless it is amended as myself and the Department have proposed in the above LANS Proposed Amendments section. [Olson Rebuttal Testimony, WCO Rebuttal Exhibit 1, pg. 5; and Olson Testimony Tr. vol. 3, pg. 705, line 19 to pg. 706, line 13].

Mr. Clark also testified on page 6 of his September 7, 2017 written direct testimony that USAF/DoD is proposing to revise 20.6.2.3105.O NMAC of NMED's Petition language and add a new Section N to exempt activities regulated under the federal Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) from the discharge permitting requirements of Commission rules, similar to that proposed by LANS. As discussed above in my analysis of LANS similar amendment, there is no statutory exemption in the Water Quality Act for these activities. In fact, some CERCLA and RCRA sites have operational discharge permits issued under Commission rules. Due to the lack of a statutory exemption and the need for the state to protect its interests in

preventing and abating water pollution in New Mexico pursuant to its statutory authority, the Commission should not adopt USAF/DoD's proposal for 20.6.2.3105.O NMAC or 20.6.2.3105.N NMAC. [Olson Rebuttal Testimony, WCO Rebuttal Exhibit 1, pgs. 5-6; and Olson Testimony Tr. vol. 3, pg. 706, line 21 to pg. 708, line 4].

In addition, Mr. Clark recommended on page 7 of his September 7, 2017 written direct testimony that revisions be made to the rules regarding spill notification and compliance with standards. Mr. Clark provides opinion but no testimony on proposed language for rules regarding these issues and therefore the Commission should not consider his recommendations for further amendments. [Olson Rebuttal Testimony, WCO Rebuttal Exhibit 1, pg. 6].

E. NMMA Proposed Amendments

Mr. Michael Neumann testified on pages 4-6 of his September 11, 2017 written direct testimony that the NMMA proposes alternative language to the variance section of 20.6.2.1210.E on the content of five year review reports and who may request a hearing to re-open an approved variance. NMMA's proposal to clarify that factual issues be "*material*" to the variance are reasonable, but I believe the language needs to be amended and simplified as set out below. Regarding NMMA language on who may request a hearing to re-open a variance, Mr. Neumann on page 6 of his direct testimony states that "*NMMA's language would extend the right to request a hearing to only those persons who have appeal rights under the Water Quality Act*". While consistency with the Water Quality Act is appropriate, NMMA's proposed language limiting appeals to a person who has "*standing to appeal a permit decision*" is not consistent with the Water Quality Act. The Water Quality Act specifies that appeals of agency and Commission actions can be made by "*a person who is adversely affected*" (see NMSA 1978 74-6-5.O and NMSA 1978 74-6-7.A) and are not limited to a legal standing for appeal. It is also not

appropriate to link the five year compliance report submission to a permit renewal. A variance is a deviation from Commission rules that is separate from issuance of a permit even though it may later be incorporated into a permit. A decision on re-consideration of an approved variance must be made within 90 days of availability of the report. Permit renewals have many associated deadlines for submission and review. A deadline for re-consideration of a variance should not be buried within the framework of deadlines for permit renewals where many other issues are under consideration. In addition, NMMA's insertion of proposed language regarding "*substantially different*" circumstances into this section is vague and creates ambiguity about what needs to be included in the report. For the above reasons, the Commission should not adopt NMMA's language on variances as proposed. To address some of NMMA's concerns, I propose the following amendment to "*Amended NMED Exhibit 36*" as follows:

20.6.2.1210 VARIANCE PETITIONS:

E. For variances granted for a period in excess of five years, the petitioner 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 **that 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 that were unknown at the time the variance was initially granted **and which are material to the variance or the conditions under which the variance was approved, the department or any person, including the department who is adversely affected** 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.

[Olson Written Rebuttal Testimony, WCO Rebuttal Exhibit 1, pgs. 6-8; and Olson Testimony Tr. vol. 2, pg. 340, line 16 to pg. 342, line 20].

F. Dairies Proposed Amendments

The Dairies also proposed alternative language to the variance section of 20.6.2.1210.E NMAC on the content of five-year review reports and who may request a hearing to re-open an approved variance. The Dairies proposed amendments are identical to those proposed for this section by the NMMA. Consequently, my above arguments and proposed amendments related

to NMMA Proposed Amendments are also my arguments for the Dairies on this issue. [Olson Rebuttal Testimony, WCO Rebuttal Exhibit 1, pg. 10; and Olson Testimony Tr. vol. 2, pg. 340, line 16 to pg. 342, line 20].

Mr. Eric Palla testified on pages 9-10 of his September 11, 2017 written direct testimony that the Dairies are proposing to add language to 20.6.2.4113 NMAC and 20.6.2.4114 NMAC to allow for appeal of a secretary decision on a dispute resolution. I was a member of the Commission during the rulemaking hearings and adoption of the abatement rules. I also implemented and enforced these abatement rules for approximately 16 years after their adoption. The intent of the dispute resolution of 20.6.2.4113 NMAC was to allow a responsible party to contest technical decisions of NMED staff implementing the rule by disputing staff requirements to the Secretary of NMED for a final Secretary decision on a specific technical issue. Agency actions based on the Secretary's decision are incorporated into an abatement plan approval with conditions (subject to a public hearing for final action) or a notice of deficiency regarding the overall abatement plan. Final agency action in this form is explicitly appealable to the Commission under 20.6.2.4114 NMAC. The Rule would be unwieldy for both NMED and the Commission if disputes of each individual technical rule requirement are appealed to the Commission outside either approval of an overall abatement plan or agency issuance of a notice of deficiency. In addition, dispute resolution under 20.6.2.4113 NMAC is a non-public process between the agency and the responsible party for achieving compromise on technical issues. There is no public participation in dispute resolution. Private resolution of technical issues between the agency and the responsible person does not mean that the public may not object to the Secretary's technical resolution decision during a public hearing on the abatement plan where agency actions become final. If the Commission agrees to adopt the Dairies proposed

amendment, then the Commission should also amend the language of 20.6.2.4113 NMAC to make dispute resolution a full public participation process that includes other interested parties currently excluded from negotiations. [Olson Rebuttal Testimony, WCO Rebuttal Exhibit 1, pgs. 10-11; and Olson Testimony Tr. vol. 3, pg. 584, line 11 to pg. 586, line 15]. The Department in its hearing testimony confirmed my above analysis of the Dairies proposed amendment to this section and reiterated that the outcome of dispute resolution is not a final appealable agency action and that any Department action resulting from dispute resolutions would be incorporated into a broader decision or approval that could then be appealed to the Commission. [Vollbrecht Testimony Tr. vol. 3, pgs. 582, line 14 to pg. 583, line 17]. Based upon the above discussion, the Commission should not adopt the Dairies proposed amendments for this section.

G. NMML Proposed Amendments

The NMML objected to moving the language on how to determine a toxic pollutant from its current location in 20.6.2.7.WW NMAC to a new standard section in 20.6.2.3103.A(2) unless the standard provision is only applied to the list of pollutants contained within the definition of “toxic pollutants. I raised this issue in my September 11, 2017 written direct testimony and proposed amended language and the reasons for the change. [Olson Rebuttal Testimony, WCO Rebuttal Exhibit 1, pgs. 11-12; and Olson Direct Testimony, WCO Exhibit 1, page 9, #V.3]. The Department accepted my proposed amendment in its “*Amended NMED Exhibit 36*” and this section now only applies to the list of pollutants contained within the definition of “toxic pollutants. Consequently, NMML’s objection has been addressed.

H. Roswell Proposed Amendments

Mr. Jay Snyder testified on page 3-4 of his October 19, 2017 amended written direct testimony that Roswell proposes to amend 20.6.2.4103.E NMAC by deleting existing

Commission language requiring that subsurface water and surface water abatement is not complete until “*a minimum of eight (8) consecutive quarterly standards from all compliance sampling stations*” meets standards. Roswell replaces this explicit requirement with vague language that abatement is complete when “*sufficient*” samples meet standards. I was a member of the Commission during the 1995 adoption of the abatement rules and subsequently implemented and enforced abatement rules with both NMED and the New Mexico Oil Conservation Division (“NMOCD”). The intent of this requirement is to ensure that water pollution has definitively been abated prior to closure. The existing Commission rule language was adopted because during abatement of water pollution the concentration of water contaminants at individual monitoring stations can vary throughout the year and year to year due to fluctuations in the water levels from seasonal and climatic influences that affect recharge of water. As a hydrologist implementing and enforcing New Mexico water pollution abatement rules for both the NMED and NMOCD for 25 years I have frequently observed this phenomenon. Mr. Snyder testifies on page 3 of his amended direct testimony that sites “*can be satisfactorily monitored with semi-annual or annual sampling to complete abatement*”. Less frequent monitoring schedules during abatement activities are often approved and the abatement rules in 20.6.2.4106.C(3) NMAC and 20.6.2.4106.E(4) NMAC allow flexibility in monitoring water quality during implementation of abatement activities, including sampling frequencies such as those referenced by Mr. Snyder. However, upon closure it is necessary that cessation of abatement activities, or clean closure, be demonstrated by 8 quarters of sampling to account for variations in water quality as discussed above. In addition, the language proposed by Roswell is vague and subjective and will lead to disputes over abatement closure requirements with no consistent closure requirement from site to site. Under Roswell’s proposed language it is likely

that different standards of closure will be applied to different parties at different sites. Due to limited water supplies in New Mexico and the fact that approximately 90 % of New Mexico residents rely on ground water as a source of drinking water, it is imperative that water pollution be definitively abated by a responsible party to standards. This is best accomplished as demonstrated by 8 consecutive quarters of clean water quality sampling to account for repeated fluctuations in water levels. For the above reasons, Roswell's proposal for 20.6.2.4103.E NMAC should not be adopted by the Commission. [Olson Rebuttal Testimony, WCO Rebuttal Exhibit 1, pgs. 12-14; and Olson Testimony Tr. vol. 4, pg. 877, line 5 to pg. 879, line 19].

Mr. Snyder testified on page 4-5 of his October 19, 2017 amended written direct testimony in support of Roswell's proposal to amend 20.6.2.4103.F(1)(d) NMAC. Roswell's proposal deletes existing Commission language requiring that an alternate abatement standard for technical infeasibility is only applicable at sites where the reduction in the concentration of water contaminants "*would be less than 20 percent of the concentration at the time technical infeasibility is proposed*". Roswell replaces this with language that allows technical infeasibility in cases where the reduction in the concentration of water contamination is "*substantially*" less. The language proposed by Roswell is vague and subjective, allows wide variation in criteria for considering technical infeasibility and will lead to disputes over what is "*substantial*". There would be no explicit consistent requirement applied from site to site such that different criteria will be applied to different parties and sites. Roswell's proposal also deletes other existing Commission language requiring that a statistically valid decrease "*cannot*" be demonstrated by fewer than 8 consecutive sampling events and instead allows less frequent "*sufficient sampling as set forth in 20.6.2.4103(E)...*". In my Roswell amendment discussions above I addressed the need for 8 consecutive quarters of sampling in making decisions on abatement closure. The

same arguments I made above apply here regarding decisions on technical infeasibility. For the above reasons, Roswell's proposal for 20.6.2.4103.F(1)(d) NMAC should not be adopted by the Commission. [Olson Rebuttal Testimony, WCO Rebuttal Exhibit 1, pgs. 14-15, and Olson Testimony Tr. vol. 4, pg. 879, line 25 to pg. 881, line 15].

Mr. Snyder testified on page 5 of his October 19, 2017 amended written direct testimony that Roswell proposes to amend 20.6.2.4108.B(4) NMAC by reducing the existing public notice radius for notifying owners and residents of adjacent surface property of a proposed Stage 2 abatement plan from "*one (1) mile*" to "*1/3 of a mile*". As a rationale for this amendment, Mr. Snyder testifies that Roswell's proposal is consistent with the notice requirements regarding discharge permits under 20.6.2.3108 NMAC. It is inappropriate to compare discharge permit public notice requirements with those for abatement of water pollution. The purpose of a discharge permit is to prevent water pollution at a facility. A shorter radius for discharge permits is appropriate because water pollution is not allowed by Commission rules and should not occur. Once water pollution has occurred in violation of Commission rules, the effects of that contamination can extend for large distances from a facility. A more extensive landowner public notification radius is warranted under an abatement plan to notify persons who could potentially be affected by pollution. This issue was addressed at the original Commission abatement hearings in 1995. In addition, the Commission has been presented technical evidence at adjudicatory hearings (Dona Dairies and Tyrone mine), alternate abatement standards hearings (LAC Minerals, L-Bar uranium mine) and other rule-making hearings (Dairy Rule and Copper Mine Rule) regarding the extent of water pollution, once it has, occurred and how the effects of that pollution can extend over 1 mile in distance. During my 25 years of experience in working on water pollution abatement with both NMED and NMOCD there were numerous examples of

extensive water pollution within NMED and NMOCD case files across many different industries. I have personally worked on many of these sites. In some cases, water pollution at the sites has extended over 1 mile. For the above reasons, Roswell's proposal for 20.6.2.4108.B(4) NMAC should not be adopted by the Commission. [Olson Rebuttal Testimony, WCO Rebuttal Exhibit 1, pgs. 15-16; and Olson Testimony Tr. vol. 4, pg. 1013, line 4 to pg. 1014, line 24].

V. PUBLIC COMMENT OF PETE DOMENICI Jr. AND JAY SNYDER

I have been a strong advocate of public involvement and public input in state government during my 25-year career in state government including my 18 years of service on both the Commission and New Mexico Oil Conservation Commission. Over the last 6 years since leaving state government service, I have worked to inform and educate the public on Commission issues and encourage public participation in Commission matters.

As an independent member of the public at this hearing, I am concerned about how two (2) members of official parties of record provided technical rebuttal testimony in support of their clients in the guise of public comment. Having filed a notice of appearance pursuant to Commission rulemaking rules, Mr. Domenici is the legal counsel of record on behalf of both the City of Roswell and a private company, Laun-Dry. Mr. Snyder was qualified as an expert witness on behalf of both of these parties and filed written direct testimony for his clients. Both Mr. Domenici Jr. and Mr. Snyder were active parties of record during pre-hearing filings and the entire hearing. Throughout my 31 year history of working with the Commission, I have not observed a party's counsel and expert witness provide legal counsel and technical expert witness testimony on behalf of their clients and also provide public comment rebuttal regarding the same issues that they have been paid to represent. As legal counsel on behalf of his clients, Mr.

Domenici pre-filed Direct Technical Testimony of his expert witness Mr. Jay Snyder according to the Hearing Officers Order on September 11, 2017. Pursuant to the Hearing Officers Order, the parties were to provide pre-filed written rebuttal testimony on October 27, 2017. Neither Roswell nor Laun-Dry pre-filed any written rebuttal testimony for this hearing pursuant to the Hearing Officer's Order. At the hearing, after completion of the presentation of their direct testimony on behalf of their clients, Roswell and Laun-Dry, Mr. Domenici and Mr. Snyder both signed up to provide public comment rebuttal at the same time and on the same day. Both provided technical rebuttal testimony as public comment related to pre-filed written direct testimony of their clients and in rebuttal to other hearing parties. It appears they were seeking to introduce new technical rebuttal testimony that they failed to provide as pre-filed rebuttal testimony prior to the hearing in accordance with the Hearing Officers Order. In my opinion, as a member of the public that has worked hard to comply with Commission hearing procedures and encouraged members of the public to provide input at this hearing, this is an abuse of the Commission's rulemaking hearing rules. Consequently, the Commission should place no weight on the public rebuttal comment of Mr. Domenici and Mr. Snyder. [Olson Testimony Tr. vol. 4, page 881, line 16 to page 883, line 24]

VII. CONCLUSION

In summary, as discussed above, I support the majority of the Department's proposed revisions to 20.6.2 NMAC presented in the "*Amended NMED Exhibit 36*" with the addition of my 20.6.2.4108 alternative abatement standards public notice amendments as supported by the Department. For the foregoing reasons, I also respectfully request that the Commission modify certain portions of the parties proposed amendments to NMED's Petition and not adopt certain parties amendments as explained and illustrated above. A concise summary of my amendments

to the 20.6.2.4108 alternative abatement standards public notice regulations, as supported by the Department, and my final proposed amendments to specific parties proposed revisions are summarized in the attached February 16, 2018 “*William C. Olson Final Proposed Amendments to NMED Proposed Revisions to 20.6.2 NMAC*”. Also attached are my February 16, 2018 “*William C. Olson Proposed Statement of Reasons*” which provides the rationale and factual support for the amendments I have proposed.

As a member of the public with a long-term interest in protecting New Mexico’s water quality, I appreciate the opportunity to submit this closing argument providing my technical opinions and proposed amendments regarding NMED’s proposed revisions to Commission rules. I believe my proposals amend the Rules in a manner that prevents and abates water pollution and protects water quality in an effective, efficient and reliable manner consistent with statutory requirements of the Water Quality Act.

I recommend the Commission adopt the Department’s proposed 20.6.2 Rule Amendments in “*Amended NMED Exhibit 36*” along with my above-proposed amendments for the reasons I have set out in my testimony and this closing argument. Thank you.

Respectfully submitted,

By: 
William C. Olson
14 Cosmic Way
Lamy, New Mexico
(505) 466-2969
billjeanie.olson@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2018, a true and correct copy of the foregoing “*William C. Olson Closing Argument*”, “*William C. Olson Proposed Statement of Reasons*” and “*William C. Olson Final Proposed Amendments to NMED Proposed Revisions to 20.6.2 NMAC*” was served via electronic mail to the following:

Pam Castaneda, Administrator*
Water Quality Control Commission
Room N-2168, Runnels Building
1190 St. Francis Dr.
Santa Fe, New Mexico 87505
pam.castaneda@state.nm.us
*Original and 12 hard copies also hand delivered

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

Dalva L. Moellenberg
Gallagher and Kennedy, P.A.
1239 Paseo de Peralta
Santa Fe, New Mexico 87501
DLM@gknet.com

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

Michael Bowen
New Mexico Mining Association
1470 St. Francis Dr.
Santa Fe, New Mexico 87505
nmma@comcast.net

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

Louis W. Rose
Kari Olson
Montgomery & Andrews, P.A.
P.O. Box 2307
Santa Fe, New Mexico 87504-2307
lrose@montand.com
kolson@montand.com

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

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

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

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

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

Stuart R. Butzier
Christina C. Sheehan
Modrall, Sperling, Roehl, Harris & Sisk,
P.A.
P.O. Box 2168
Albuquerque, NM 87103-2168
stuart.butzier@modrall.com
christina.sheehan@modrall.com



William C. Olson