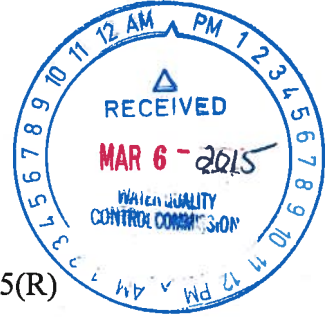


STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION



IN THE MATTER OF THE PROPOSED
AMENDMENTS TO STANDARDS FOR
INTERSTATE AND INTRASTATE WATERS,
20.6.4 NMAC

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)
) WQCC No. 14-05(R)
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**AMIGOS BRAVOS' MOTION TO SET A SPECIFIC HEARING DATE FOR THE
EXPERT TECHNICAL TESTIMONY OF DR. DEKE GUNDERSEN OR, IN THE
ALTERNATIVE, TO VACATE AND RESET THE JUNE 9, 2015 HEARING IN ITS
ENTIRETY**

Amigos Bravos, by and through undersigned counsel, hereby respectfully moves to: (1) set a specific hearing date on June 16, 2015 to present the expert technical testimony of Deke Gundersen; or (2) to vacate and reset the June 9, 2015 hearing until later in 2015. To resolve this motion and to accommodate potential counsel and witness availability concerns, Amigos Bravos respectfully suggests that the Hearing Officer hold a conference call the week of March 9th. In support of this motion, Amigos Bravos states as follows:

1. On July 10, 2014, the Commission issued a scheduling order for the Triennial Review. That order set April 14, 2014 as the first day of the Triennial Review.
2. On January 13, 2014, the Commission, without soliciting input from the Triennial Review parties (or, at least not Amigos Bravos), scheduled a hearing pertaining to the Dairy Rule in April 2014 and vacated the Triennial Review hearing.
3. On January 30, 2014, and in response to a January 27, 2015 motion filed by the New Mexico Environment Department requesting clarification regarding the Triennial Review hearing, the Hearing Officer for issued an order modifying the July 10, 2014 scheduling order and resetting the first day of the Triennial Review hearing to June 9, 2015.

4. Prior to the Commission's January 13, 2014 decision to vacate the April 14, 2014 Triennial Review hearing start date, one of Amigos Bravos' witnesses, Dr. Deke Gundersen, had made travel plans based on the original April 14, 2015 Triennial Review hearing start date. Those travel plans conflict with the June 9, 2015 Triennial Review hearing start date and Dr. Gundersen is therefore unavailable to testify in person or remotely via, e.g., the phone. Specifically, Dr. Gundersen is unavailable between June 5, 2015 and June 15, 2015.

5. Amigos Bravos, prior to filing this motion, conferred with the other parties. In general, the other parties expressed a willingness to accommodate Amigos Bravos or, if necessary, to vacate and reset the hearing dates. Of note, at least one other party noted that they had a witness availability concern for the currently scheduled June 9th hearing start date. And other parties each expressed potential conflicts for the remainder in June and later in 2015.

6. The New Mexico Environment Department, in order to conform to hearing notice requirements, must submit a notice of the June 9, 2015 hearing start date to the New Mexico Register no later than March 17, 2015. Based on conversations with the Department, it is Amigos Bravos' understanding that any rescheduled date would have to be set a minimum of 74 days prior to the hearing date for the Department to be able to properly notice the hearing.

Based on the above, Amigos Bravos requests that a specific hearing date be set on June 16, 2015 to present the expert technical testimony of Deke Gundersen. This would provide the Commission and the public with an opportunity to ask Dr. Gundersen questions, for the other parties to subject Dr. Gundersen, and for Amigos Bravos to conduct redirect or provide additional testimony as appropriate and necessary. However, given the various witness availability and other scheduling concerns of other parties (*see* ¶ 5), this date—and other dates in

June—may not necessarily work for all parties. Amigos Bravos therefore alternatively requests that, in this situation, the June 9, 2015 Triennial Review hearing be vacated and reset in its entirety to later this year to ensure, as much as possible, a seamless hearing.

Given the imminent need for the Department to submit a notice of the June 9, 2015 hearing start date to the New Mexico Register no later than March 17, 2015, Amigos Bravos respectfully suggests that the Hearing Officer hold a conference call the week of March 9th to obtain the input of all parties and to resolve the hearing scheduling issues in accord with all of the parties' interests.

Respectfully submitted this 6th day of March, 2015.



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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading was serviced by regular mail and, where an email address is specified, by email, on March 6, 2015 to:

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