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**PEABODY NATURAL
RESOURCES COMPANY**

Petitioners.

The Water Quality Control Commission Administrator hereby certifies that the Notice of Public Rulemaking Hearing was published in Spanish and English in the **New Mexico Register** on July 30, 2019 in volume XXX, issue 14. The Notice of Public Rulemaking Hearing was published one time in Spanish and English in the **Albuquerque Journal** and **The Gallup Independent** on August 2, 2019. An affidavit of publication from the New Mexico Register including an invoice for publication and a copy of the notice published are attached to this Certificate as Attachment 1. Affidavits of publication in the Albuquerque Journal including a copy of the published notice are attached to this Certificate as Attachment 2. Affidavits of publication in the Gallup Independent including a copy of the published notice are attached to this Certificate as Attachment 3.



Cody Barnes, Commission Administrator
Water Quality Control Commission
P.O. Box 5469
Santa Fe, NM 87502
Phone: (505) 827-2428
Fax: (505) 827-2836
Cody.barnes@state.nm.us

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

IN THE MATTER OF:)
PROPOSED AMENDMENTS TO)
WATER QUALITY STANDARDS)
FOR SAN ISIDRO ARROYO AND)
TRIBUTARIES, 20.6.4 NMAC)
)
PEABODY NATURAL)
RESOURCES COMPANY)
)
Petitioners.)

No.: WQCC 19-03 (R)

**Attachment 1: AFFIDAVIT OF PUBLICATION FROM THE NEW MEXICO
REGISTER INCLUDING THE INVOICE FOR PUBLICATION AND A COPY OF THE
NOTICE OF PUBLIC RULEMAKING HEARING**

Please see the following pages for the Affidavit of Publication of the Notice of Public Rulemaking Hearing (in English and Spanish), an invoice for publication and a copy of the notice published in the New Mexico Register on July 30, 2019 in volume XXX, issue 14.

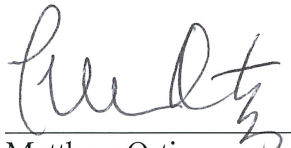
NEW MEXICO
State Records Center and Archives

COMMISSION OF PUBLIC RECORDS
Your Access to Public Information

Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # 4256 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXX, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # 4256, and that Invoice # 4256 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

Affiant:

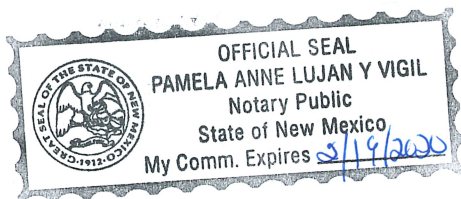

Matthew Ortiz

Subscribed, sworn and acknowledged before me this 30th day of July, 2019.

Notary Public:

My Commission Expires:


2/19/2020



1205 Camino Carlos Rey | Santa Fe, NM 87507 | nmcpr.state.nm.us

Hon. Hector Balderas
Attorney General

Hon. Brian S. Colón
State Auditor

Hon. Maggie Toulouse Oliver
Secretary of State

Debra Garcia y Griego
Department of Cultural Affairs

Kenneth Ortiz
General Services Department

Daniel Cordova
Interim Director, NM State Law Library

ATTACHMENT 1

**NEW MEXICO WATER QUALITY CONTROL COMMISSION
NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO
20.6.4 NMAC – STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE WATERS –
SAN ISIDRO ARROYO AND TRIBUTARIES**

The New Mexico Water Quality Control Commission (Commission) will hold a public hearing to start after the regularly scheduled Commission hearing which begins at 9:00 a.m. on Tuesday, October 8, 2019, and continuing on subsequent days, as necessary, at the New Mexico State Capitol Building, 490 Old Santa Fe Trail, Room 307, Santa Fe, New Mexico 87501. The purpose of the hearing is to consider amendments to the Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC. Peabody Natural Resources Company (PNRC) is the proponent of the proposed amendments. The hearing location may change prior to the hearing date, and those interested in attending should check the Commission website before the hearing at: <https://www.env.nm.gov/water-quality-control-commission/wqcc/>.

The proposed amendments to 20.6.4 NMAC, submitted by PNRC and docketed as WQCC 19-03 (R), propose changes to the aquatic life use classification of the San Isidro Arroyo and its tributaries. PNRC justifies the changes based on the results of Level 1 Hydrology Protocol evaluations, supporting regional hydrologic studies, and mine-specific hydrologic information as provided in the Lee Ranch Mine's permit from the New Mexico Mining and Minerals Division.

The PNRC's petition and proposed amendments are available on the New Mexico Environment Department's website, at <https://www.env.nm.gov/wqcc-19-03-a/>. The petition and amendments may also be obtained electronically or reviewed in person by contacting Cody Barnes, Commission Administrator, 1190 S. St. Francis Drive, Santa Fe, New Mexico 87502, (505) 827-2428 or cody.barnes@state.nm.us.

The hearing will be conducted in accordance with the New Mexico Water Quality Act, Section 74-6-6, NMSA 1978, and the Rulemaking Procedures for the Water Quality Control Commission, 20.1.6 NMAC.

Any person, including the petitioner, who intends to present technical testimony at the hearing shall, no later than 20 days prior to the hearing, file a notice of intent to present technical testimony. The notice shall:

1. Identify the person for whom the witness(es) will testify;
2. Identify each technical witness the person intends to present, and state the qualifications of that witness, including a description of their educational and work background;
3. If the hearing will be conducted at multiple locations, indicate the location or locations at which the witness will be present;
4. Include a copy of the direct testimony of each technical witness in narrative form, and state the estimated duration of the direct oral testimony of that witness;
5. Include the text of any recommended modifications to the proposed regulatory change; and
6. List and attach all exhibits anticipated to be offered by that person at the hearing.

Any member of the general public may testify at the hearing. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer non-technical exhibits in connection with their testimony, so long as the exhibit is not unduly repetitious of the testimony. A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Written comment must be mailed or delivered to the commission administrator.

The deadline for filing notices of intent is September 18, 2019 at 5:00 p.m. in the Commission Administrator's office. All documents filed in this matter, including notices of intent, must be filed with a single-sided original and three copies. Any person may offer non-technical public comment at the hearing or submit a non-technical written statement in lieu of oral testimony at or before the hearing.

To present technical testimony rebutting the testimony of another party at the hearing, a person must file a notice of intent to present rebuttal testimony no later than 5:00 p.m. on September 18, 2019. The notice shall comply with the requirements set out above. In addition, if a party takes a position on proposed changes of other parties, the notice shall include the basis for that support or opposition.

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Cody Barnes, WQCC Administrator at least 14 days prior to the hearing date at P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone (505) 827-2428 or email cody.barnes@state.nm.us. (TDD or TTY) users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

NMED does not discriminate based on race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kristine Yurdin, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. You can also visit the Department's website to see how to register a complaint at: <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

COMISIÓN DE CONTROL DE CALIDAD DE AGUA DE NUEVO MÉXICO
NOTIFICACIÓN DE AUDIENCIA PÚBLICA PARA CONSIDERAR LOS CAMBIOS PROPUESTOS A
NMAC 20.6.4 - ESTÁNDARES INTERESTATAL Y DENTRO DEL ESTADO PARA AGUAS
SUPERFICIALES - ARROYO SAN ISIDRO Y AFLUENTES

La Comisión de Control de Calidad del Agua de Nuevo México (Comisión) estará llevando a cabo una audiencia pública después de la audiencia programada de la Comisión a comenzar a las 9:00 a.m. el martes, 8 de octubre de 2019 y continuando los días subsiguientes, de ser necesario, en el Edificio del Capitolio del Estado de Nuevo México, 490 Old Santa Fe Trail, Sala 307, Santa Fe, Nuevo México, 87501. El propósito de la audiencia es considerar los cambios a los Estándares Interestatal y Dentro del Estado para Aguas Superficiales, NMAC 20.6.4. Peabody Natural Resources Company (PNRC) es quien propone los cambios. El lugar de la audiencia puede ser sujeto a cambio antes del día de la misma, y aquellos interesados en asistir, deben verificar el sitio web de la Comisión antes de la audiencia en: <https://www.env.nm.gov/water-quality-control-commission/wqcc/>.

Los cambios propuestos a NMAC 20.6.4, sometidos por PNRC y expedidos como WQCC 19-03 (R), proponen cambios en la clasificación de uso de vida acuática en el Arroyo San Isidro y sus afluentes. PNRC justifica los cambios basados en los resultados de las evaluaciones del Protocolo Hidrológico Nivel 1, apoyando estudios hidrológicos regionales, e información hidrológica específica a minas como ofrecidas en el permiso Lee Ranch Mine de la División de Minas y Minerales de Nuevo México.

La petición y cambios propuestos por PNRC están disponibles en el sitio web del Departamento de Medio Ambiente de Nuevo México, en <https://www.env.nm.gov/water-quality-control-commission/wqcc-19-03-a/>. La petición y cambios también pueden ser obtenidos electrónicamente o revisados en persona contactando a Cody Barnes, Administrador de la Comisión, 1190 S. St. Francis Drive, Santa Fe, New Mexico 87502, (505) 827-2428 o cody.barnes@state.nm.us.

La audiencia será llevada a cabo de acuerdo con el Acta de Calidad de Agua de Nuevo México, NMSA 1978 §74-6-6, y los Procedimientos Reglamentarios para la Comisión de Control de Calidad de Agua, NMAC 20.1.6.

Cualquier persona, incluyendo el solicitante, quien tiene la intención de presentar el testimonio técnico en la audiencia debe, no más tarde de 20 días antes de la audiencia, archivar una notificación de intención para presentar el testimonio técnico. La notificación debe:

1. Identificar la persona por la cual el (los) testigo (s) testificará;
2. Identificar cada testigo técnico que la persona intenta presentar, y declarar las calificaciones de dicho testigo, incluyendo una descripción de sus antecedentes educativos y de trabajo;
3. Si la audiencia será conducida en varias localidades, indicar la localidad o localidades en las cuales el testigo estará presente;
4. Incluya una copia del testimonio directo de cada testigo técnico en forma narrativa, y declare la duración estimada del testimonio directo oral de los testigos;
5. Incluya el texto de cada modificación recomendada al cambio regulatorio propuesto; y
6. Enumere y atache toda la evidencia anticipada a ser ofrecida por la persona en la audiencia.

Cualquier miembro del público general puede testificar en la audiencia. No se necesita notificación previa para presentar testimonio que no sea técnico en la audiencia. Cualquier miembro puede ofrecer evidencia que no sea técnica en conexión con su testimonio, siempre y cuando la evidencia no sea excesivamente repetitiva en el testimonio. Un miembro del público general que desee someter una declaración escrita para récord, en vez de ofrecer un testimonio oral en la audiencia, debe archivar la declaración escrita antes de la audiencia o someterla en la audiencia. Comentarios escritos tienen que ser enviados por correo o llevados al administrador de la comisión.

La fecha límite para archivar notificaciones de intento es el 18 de septiembre de 2019 a las 5:00 p.m. en la oficina del Administrador de la Comisión. Todos los documentos archivados en esta cuestión, incluyendo notificaciones de intención, tienen que ser archivados con un original en páginas sencillas y tres copias. Cualquier persona puede ofrecer comentarios públicos no técnicos en la audiencia o someter una declaración escrita no técnica en vez de un testimonio oral en o antes de la audiencia.

Para presentar testimonio técnico refutando el testimonio de otra parte en la audiencia, una persona tiene que archivar una notificación de intención para presentar el testimonio de refute no más tardar a las 5:00 p.m. del 18 de

septiembre de 2019. La notificación debe cumplir con los requisitos explicados anteriormente. En adición, si una parte toma una posición en los cambios propuestos por otras partes, la notificación debe incluir las bases para dicho apoyo u oposición.

Si cualquier persona necesita asistencia, un intérprete o ayuda auxiliar para participar en este proceso, por favor contacte a Cody Barnes, Administrador WQCC, por lo menos 14 días antes de la audiencia al P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, teléfono (505) 827-2428 o al correo electrónico cody.barnes@state.nm.us . Usuarios (TDD o TTY) por favor llamen al número vía New Mexico Relay Network, 1-800-659-1779 (voz); usuarios TTY: 1-800-659-8331).

NMED no discrimina basados en raza, color, nacionalidad, discapacidad, edad o sexo, en la administración de sus programas o actividades, como es requerido por las leyes y reglamentaciones aplicables. NMED es responsable por la coordinación de esfuerzos de cumplimiento y recibo de preguntas concernientes a requisitos antidiscriminatorios implementados por C.F.R. 40 Partes 5 y 7 incluyendo el Título VI del Acta de Derechos Civiles de 1964, según enmendado; Sección 504 del Acta de Rehabilitación de 1973; el Acta de Discriminación por Edad de 1975, Título IX de las Enmiendas de Educación de 1972 y la Sección 13 de las Enmiendas del Acta Federal del Control de la Contaminación de Agua de 1972. Si usted tiene alguna pregunta acerca de esta notificación o de los programas antidiscriminatorios de NMED, políticas o procedimientos, usted puede contactar a: Kristine Yurdin, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. Usted también puede visitar el sitio web del Departamento para ver cómo puede registrar una queja en: <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> Si usted entiende que ha sido discriminado con respecto a un programa o actividad de NMED, usted puede contactar al Coordinador de Antidiscriminación identificado anteriormente.

**IN THE MATTER OF:
PROPOSED AMENDMENTS TO
WATER QUALITY STANDARDS
FOR SAN ISIDRO ARROYO AND
TRIBUTARIES, 20.6.4 NMAC**

Petitioners.

Please see the following pages for the Affidavit of Publication of the Notice of Public Rulemaking Hearing (in English and Spanish) and a copy of the notice published one time in the Albuquerque Journal on August 2, 2019.

AFFIDAVIT OF PUBLICATION

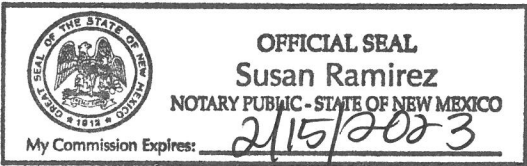
STATE OF NEW MEXICO

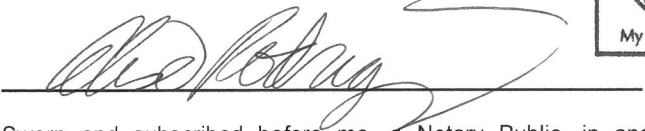
County of Bernalillo SS

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Elise Rodriguez , the undersigned, on oath states that she is an authorized Representative of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

08/01/2019





Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 2 day of August of 2019

PRICE \$444.13

Statement to come at the end of month.

ACCOUNT NUMBER 1007603



**NEW MEXICO WATER QUALITY CONTROL COMMISSION
NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO
20.6.4 NMAC – STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE WATERS –
SAN ISIDRO ARROYO AND TRIBUTARIES**

The New Mexico Water Quality Control Commission (Commission) will hold a public hearing to start after the regularly scheduled Commission hearing which begins at 9:00 a.m. on Tuesday, October 8, 2019, and continuing on subsequent days, as necessary, at the New Mexico State Capitol Building, 490 Old Santa Fe Trail, Room 307, Santa Fe, New Mexico 87501. The purpose of the hearing is to consider amendments to the Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC. Peabody Natural Resources Company (PNRC) is the proponent of the proposed amendments. The hearing location may change prior to the hearing date, and those interested in attending should check the Commission website before the hearing at: <https://www.env.nm.gov/water-quality-control-commission/wqcc/>.

The proposed amendments to 20.6.4 NMAC, submitted by PNRC and docketed as WQCC 19-03 (R), propose changes to the aquatic life use classification of the San Isidro Arroyo and its tributaries. PNRC justifies the changes based on the results of Level 1 Hydrology Protocol evaluations, supporting regional hydrologic studies, and mine-specific hydrologic information as provided in the Lee Ranch Mine's permit from the New Mexico Mining and Minerals Division.

The PNRC's petition and proposed amendments are available on the New Mexico Environment Department's website, at <https://www.env.nm.gov/water-quality-control-commission/wqcc-19-03-a/>. The petition and amendments may also be obtained electronically or reviewed in person by contacting Cody Barnes, Commission Administrator, 1190 S. St. Francis Drive, Santa Fe, New Mexico 87502, (505) 827-2428 or cody.barnes@state.nm.us.

The hearing will be conducted in accordance with the New Mexico Water Quality Act, Section 74-6-6, NMSA 1978, and the Rulemaking Procedures for the Water Quality Control Commission, 20.1.6 NMAC.

Any person, including the petitioner, who intends to present technical testimony at the hearing shall, no later than 20 days prior to the hearing, file a notice of intent to present technical testimony. The notice shall:

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2. Identify each technical witness the person intends to present, and state the qualifications of that witness, including a description of their educational and work background;
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The deadline for filing notices of intent is September 18, 2019 at 5:00 p.m. in the Commission Administrator's office. All documents filed in this matter, including notices of intent, must be filed with a single-sided original and three copies. Any person may offer non-technical public comment at the hearing or submit a non-technical written statement in lieu of oral testimony at or before the hearing.

To present technical testimony rebutting the testimony of another party at the hearing, a person must file a notice of intent to present rebuttal testimony no later than 5:00 p.m. on September 18, 2019. The notice shall comply with the requirements set out above. In addition, if a party takes a position on proposed changes of other parties, the notice shall include the basis for that support or opposition.

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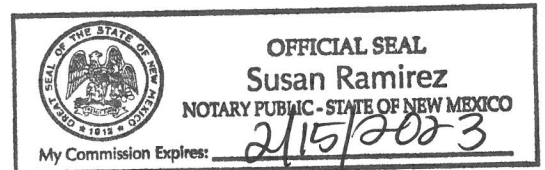
Journal: August 1, 2019

OF PUBLICATION

XICO

SS

signed, on oath states that she is an authorized Representative of this newspaper is duly qualified to publish legal notices pursuant to the provisions of Section 3, Chapter 167, Session Laws of 1937, and that the notice, copy of which hereto is attached, is assessed as court cost; that the notice, copy of which hereto is attached, is published in the regular daily edition, for 1 time(s) on the following



me, a Notary Public, in and for the State of New Mexico this _____ of 2019

of month.

7603

AFFIDAVIT OF PUBLICATION

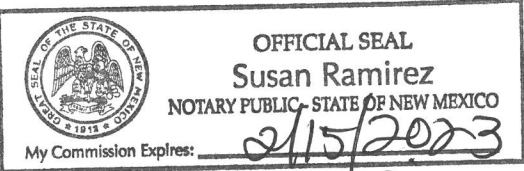
STATE OF NEW MEXICO

County of Bernalillo SS

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Elise Rodriguez , the undersigned, on oath states that she is an authorized Representative of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

08/01/2019



[Handwritten Signature]

Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this

2 day of August of 2019

PRICE \$489.71

Statement to come at the end of month.

ACCOUNT NUMBER 1007603

14. Incluya una copia del testimonio directo de cada testigo técnico en forma narrativa, y declare



**COMISIÓN DE CONTROL DE CALIDAD DE AGUA DE NUEVO MÉXICO
NOTIFICACIÓN DE AUDIENCIA PÚBLICA PARA CONSIDERAR LOS CAMBIOS PRO-
PUESTOS A NMAC 20.6.4 - ESTÁNDARES INTERESTATAL Y DENTRO DEL ESTADO
PARA AGUAS SUPERFICIALES - ARROYO SAN ISIDRO Y AFLUENTES**

La Comisión de Control de Calidad del Agua de Nuevo México (Comisión) estará llevando a cabo una audiencia pública después de la audiencia programada de la Comisión a comenzar a las 9:00 a.m. el martes, 8 de octubre de 2019 y continuando los días subsiguientes, de ser necesario, en el Edificio del Capitolio del Estado de Nuevo México, 490 Old Santa Fe Trail, Sala 307, Santa Fe, Nuevo México, 87501. El propósito de la audiencia es considerar los cambios a los Estándares Interestatal y Dentro del Estado para Aguas Superficiales, NMAC 20.6.4. Peabody Natural Resources Company (PNRC) es quien propone los cambios. El lugar de la audiencia puede ser sujeto a cambio antes del día de la misma, y aquellos interesados en asistir, deben verificar el sitio web de la Comisión antes de la audiencia en: <https://www.env.nm.gov/water-quality-control-commission/wqcc/>.

Los cambios propuestos a NMAC 20.6.4, sometidos por PNRC y expedidos como WQCC 19-03 (R), proponen cambios en la clasificación de uso de vida acuática en el Arroyo San Isidro y sus afluentes. PNRC justifica los cambios basados en los resultados de las evaluaciones del Protocolo Hidrológico Nivel 1, apoyando estudios hidrológicos regionales, e información hidrológica específica a minas como ofrecidas en el permiso Lee Ranch Mine de la División de Minas y Metales de Nuevo México.

La petición y cambios propuestos por PNRC están disponibles en el sitio web del Departamento de Medio Ambiente de Nuevo México, en <https://www.env.nm.gov/water-quality-control-commission/wqcc-19-03-a/>. La petición y cambios también pueden ser obtenidos electrónicamente o revisados en persona contactando a Cody Barnes, Administrador de la Comisión, 1190 S. St. Francis Drive, Santa Fe, New Mexico 87502, (505) 827-2428 o cody.barnes@state.nm.us.

La audiencia será llevada a cabo de acuerdo con el Acta de Calidad de Agua de Nuevo México, NMSA 1978 §74-6-6, y los Procedimientos Reglamentarios para la Comisión de Control de Calidad de Agua, NMAC 20.1.6.

Cualquier persona, incluyendo el solicitante, quien tiene la intención de presentar el testimonio técnico en la audiencia debe, no más tarde de 20 días antes de la audiencia, archivar una notificación de intención para presentar el testimonio técnico. La notificación debe:

1. Identificar la persona por la cual el (los) testigo (s) testificará;
2. Identificar cada testigo técnico que la persona intenta presentar, y declarar las calificaciones de dicho testigo, incluyendo una descripción de sus antecedentes educativos y de trabajo;
3. Si la audiencia será conducida en varias localidades, indicar la localidad o localidades en las cuales el testigo estará presente;
4. Incluya una copia del testimonio directo de cada testigo técnico en forma narrativa, y declare la duración estimada del testimonio directo oral de los testigos;
5. Incluya el texto de cada modificación recomendada al cambio regulatorio propuesto; y
6. Enumere y atache toda la evidencia anticipada a ser ofrecida por la persona en la audiencia.

Cualquier miembro del público general puede testificar en la audiencia. No se necesita notificación previa para presentar testimonio que no sea técnico en la audiencia. Cualquier miembro puede ofrecer evidencia que no sea técnica en conexión con su testimonio, siempre y cuando la evidencia no sea excesivamente repetitiva en el testimonio. Un miembro del público general que desee someter una declaración escrita para récord, en vez de ofrecer un testimonio oral en la audiencia, debe archivar la declaración escrita antes de la audiencia o someterla en la audiencia. Comentarios escritos tienen que ser enviados por correo o llevados al administrador de la comisión.

La fecha límite para archivar notificaciones de intento es el 18 de septiembre de 2019 a las 5:00 p.m. en la oficina del Administrador de la Comisión. Todos los documentos archivados en esta cuestión, incluyendo notificaciones de intención, tienen que ser archivados con un original en páginas sencillas y tres copias. Cualquier persona puede ofrecer comentarios públicos no técnicos en la audiencia o someter una declaración escrita no técnica en vez de un testimonio oral en o antes de la audiencia.

Para presentar testimonio técnico refutando el testimonio de otra parte en la audiencia, una persona tiene que archivar una notificación de intención para presentar el testimonio de refute no más tarde a las 5:00 p.m. del 18 de septiembre de 2019. La notificación debe cumplir con los requisitos explicados anteriormente. En adición, si una parte toma una posición en los cambios propuestos por otras partes, la notificación debe incluir las bases para dicho apoyo u oposición.

Si cualquier persona necesita asistencia, un intérprete o ayuda auxiliar para participar en este proceso, por favor contacte a Cody Barnes, Administrador WQCC, por lo menos 14 días antes de la audiencia al P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, teléfono (505) 827-2428 o al correo electrónico cody.barnes@state.nm.us. Usuarios (TDD o TTY) por favor llamen al número vía New Mexico Relay Network, 1-800-659-1779 (voz); usuarios TTY: 1-800-659-8331).

NMED no discrimina basados en raza, color, nacionalidad, discapacidad, edad o sexo, en la administración de sus programas o actividades, como es requerido por las leyes y reglamentaciones aplicables. NMED es responsable por la coordinación de esfuerzos de cumplimiento y recibo de preguntas concernientes a requisitos antidiscriminatorios implementados por C.F.R. 40 Partes 5 y 7 incluyendo el Título VI del Acta de Derechos Civiles de 1964, según enmendado; Sección 504 del Acta de Rehabilitación de 1973; el Acta de Discriminación por Edad de 1975, Título IX de las Enmiendas de Educación de 1972 y la Sección 13 de las Enmiendas del Acta Federal del Control de la Contaminación de Agua de 1972. Si usted tiene alguna pregunta acerca de esta notificación o de los programas antidiscriminatorios de NMED, políticas o procedimientos, usted puede contactar a: Kristine Yurdin, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. Usted también puede visitar el sitio web del Departamento para ver cómo puede registrar una queja en: <https://www.env.nm.gov/non-employee-discrimination-complaint-page/>. Si usted entiende que ha sido discriminado con respecto a un programa o actividad de NMED, usted puede contactar al Coordinador de Antidiscriminación identificado anteriormente.

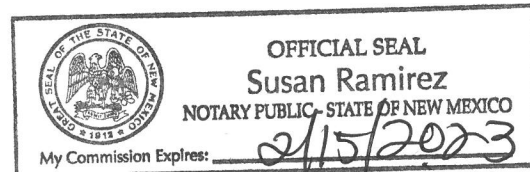
Journal: August 1, 2019

OF PUBLICATION

ICO

SS

igned, on oath states that she is an authorized Representative of
his newspaper is duly qualified to publish legal notices
ning of Section 3, Chapter 167, Session Laws of 1937, and that
e of assessed as court cost; that the notice, copy of which hereto
paper in the regular daily edition, for 1 time(s) on the following



ie, a Notary Public, in and
ite of New Mexico this
of 2019

onth.

3

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

IN THE MATTER OF:)
PROPOSED AMENDMENTS TO)
WATER QUALITY STANDARDS)
FOR SAN ISIDRO ARROYO AND)
TRIBUTARIES, 20.6.4 NMAC)
)
PEABODY NATURAL)
RESOURCES COMPANY)
)
Petitioners.)

No.: WQCC 19-03 (R)

**Attachment 3: AFFIDAVIT OF PUBLICATION FROM THE GALLUP INDEPENDENT
INCLUDING A COPY OF THE PUBLISHED NOTICE OF PUBLIC RULEMAKING
HEARING**

Please see the following pages for the Affidavit of Publication of the Notice of Public Rulemaking Hearing (in English and Spanish) and a copy of the notice published one time in the Gallup Independent on August 2, 2019.

Affidavit of Publication

STATE OF NEW MEXICO

) SS

COUNTY OF MCKINLEY

Amelda Besselente being duly sworn upon oath, deposes and says:

As LEGAL CLERK of The Independent, a newspaper published in and having a general circulation in McKinley County, New Mexico and in the City of Gallup, New Mexico and having a general circulation in Cibola County, New Mexico and in the City of Grants, New Mexico and having a general circulation in Apache County, Arizona and in the City of St. Johns and in the City of Window Rock, Arizona therein: that this affiant makes the affidavit based upon personal knowledge of the facts herein sworn to. That the publication, a copy of which is hereto attached was published in said newspaper during the period time of publication and said notice was published in the newspaper proper, and not in a supplement thereof, for One Time, the first publication being on the _____ day of _____, 2019, the second publication being on the _____ day of _____, 2019, the third publication being on the _____ day of _____, 2019,

and the last publication being on the 2nd day of August, 2019. That such newspaper, in which such notice or advertisement was published, is now and has been at all times material hereto, duly qualified for such purpose, and to publish legal notices and advertisements within the meaning of Chapter 12, of the statutes of the State of New Mexico, 1941 compilation,

Amelda Besselente
Affiant.

Sworn and Subscribed to before me this 5th day of August, A.D., 2019.

[Signature]
Notary Public

My commission expires:
August 29th, 2021

Legal Notice
LEGAL NOTICE
Gallup-McKinley County
New Mexico
NEW MEXICO WATER
QUALITY CONTROL
COMMISSION
NOTICE OF PUBLIC
HEARING TO CONSIDER
PROPOSED AMENDMENTS
TO 20.6.4 NMAC -
STANDARDS FOR
INTERSTATE AND
INTRASTATE SURFACE
WATERS - SAN ISIDRO
ARROYO AND TRIBUTARIES

The New Mexico Water Quality Control Commission (Commission) will hold a public hearing to start after the regularly scheduled Commission hearing which begins at 9:00 a.m. on Tuesday, October 8, 2019, and continuing on subsequent days, as necessary, at the New Mexico State Capitol Building, 490 Old Santa Fe Trail, Room 307, Santa Fe, New Mexico 87501. The purpose of the hearing is to consider amendments to the Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC. Peabody Natural Resources Company (PNRC) is the proponent of the proposed amendments. The hearing location may change prior to the hearing date, and those interested in attending should check the Commission website before the hearing at: <https://www.env.nm.gov/water-quality-control-commission/wqcc/>.

The proposed amendments to 20.6.4 NMAC, submitted by PNRC and docketed as WQCC 19-03 (R), propose changes to the aquatic life use classification of the San Isidro Arroyo and its tributaries. PNRC justifies the changes based on the results of Level 1 Hydrology Protocol evaluations, supporting regional hydrologic studies, and mine-specific hydrologic information as provided in the Lee Ranch Mine's permit from the New Mexico Mining and Minerals Division.

The PNRC's petition and proposed amendments are available on the New Mexico Environment Department's website, at <https://www.env.nm.gov/water-quality-control-commission/wqcc-19-03-a/>. The petition and amendments may also be obtained electronically or reviewed in person by contacting Cody Barnes, Commission Administrator, 1190 S. St. Francis Drive, Santa Fe, New Mexico 87502, (505) 827-2428 or cody.barnes@state.nm.us.

The hearing will be conducted in accordance with the New Mexico Water Quality Act, Section 74-6-6, NMSA 1978, and the Rulemaking Procedures for the Water Quality Control Commission, 20.1.6 NMAC.

Any person, including the petitioner, who intends to present technical testimony at the hearing shall, no later than 20 days prior to the hearing, file a notice of intent to present technical testimony. The notice shall:

1. Identify the person for whom the witness(es) will testify;
2. Identify each technical witness the person intends to present, and state the qualifications of that witness, including a description of their educational and work background;
3. If the hearing will be conducted at multiple locations, indicate the location or locations at which the witness will be present;
4. Include a copy of the direct testimony of each technical witness in narrative form, and state the estimated duration of the direct oral testimony of that

Legal Notice
witness;
5. Include the text of any recommended modifications to the proposed regulatory change; and
6. List and attach all exhibits anticipated to be offered by that person at the hearing.

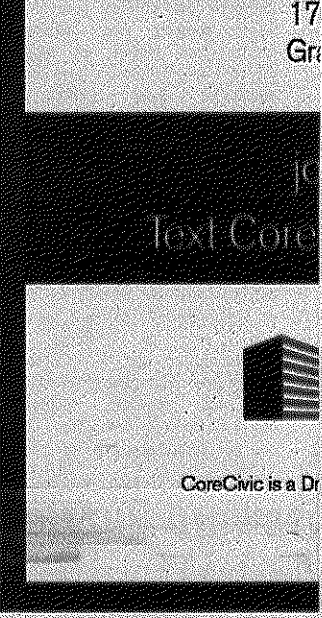
Any member of the general public may testify at the hearing. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer non-technical exhibits in connection with their testimony, so long as the exhibit is not unduly repetitious of the testimony. A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Written comment must be mailed or delivered to the commission administrator.

The deadline for filing notices of intent is September 18, 2019 at 5:00 p.m. in the Commission Administrator's office. All documents filed in this matter, including notices of intent, must be filed with a single-sided original and three copies. Any person may offer non-technical public comment at the hearing or submit a non-technical written statement in lieu of oral testimony at or before the hearing.

To present technical testimony rebutting the testimony of another party at the hearing, a person must file a notice of intent to present rebuttal testimony no later than 5:00 p.m. on September 18, 2019. The notice shall comply with the requirements set out above. In addition, if a party takes a position on proposed changes of other parties, the notice shall include the basis for that support or opposition.

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Cody Barnes, WQCC Administrator at least 14 days prior to the hearing date at P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone (505) 827-2428 or email cody.barnes@state.nm.us. (TDD or TTY) users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

NMED does not discriminate based on race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kristine Yurdin, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. You can also visit the Department's website to see how to register a complaint at: <https://www.env.nm.gov/non-employee-discrimination-complaint-page/>. If you believe that you have been discriminated against with respect to a NMED



Legal Notice
program or activity, you may contact the Non-Discrimination Coordinator identified above.

Legal #18783 Published in The Independent August 2, 2019.

LEGAL NOTICE
Gallup - McKinley County
New Mexico

STATE OF NEW MEXICO
COUNTY OF MCKINLEY
ELEVENTH JUDICIAL
DISTRICT COURT

No. D-1113-CV-2018-00329

WILMINGTON SAVINGS
FUND SOCIETY, FSB, AS
TRUSTEE OF STANWICH
MORTGAGE LOAN TRUST A,

Plaintiff,

vs.

ANGELINA DAMON, RENA
BATES, AND NAVAJO TRIBE
OF INDIANS,

Defendants.

NOTICE OF SALE

NOTICE IS HEREBY GIVEN that on August 7, 2019, at the hour of 12:30 PM, the undersigned Special Master, or his designee, will, at the front entrance of the McKinley County Courthouse, at 207 West Hill Street, Gallup, NM 87301, sell all of the rights, title, and interests of the above-named Defendants, in and to the hereinafter described real property to the highest bidder for cash. The property to be sold is located at 47 Mya, Vanderwagon, New Mexico 87326, and is more particularly described as follows:

A TRACT OF LAND LYING WITHIN THE NW1/4 OF SECTION 29, T12N, R18W, N.M.P.M., MCKINLEY COUNTY, NEW MEXICO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING FOR A TIE AT THE WEST 1/4 CORNER OD SAID SECTION 29 AND RUN N00 09'20"E ALONG SECTION LINE, A DISTANCE OF 605.05' TO A POINT, THENCE N88 57'E A DISTANCE OF 326.0' TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE REAL POINT OF BEGINNING, THENCE N00 09'20"E, A DISTANCE OF 485.0' TO THE NORTHWEST CORNER; THENCE N88 57'E, A DISTANCE OF 326.0' TO THE NORTHEAST CORNER;

Affidavit of Publication

STATE OF NEW MEXICO

) SS

COUNTY OF MCKINLEY

Amelda Besselente being duly sworn upon oath, deposes and says:

As LEGAL CLERK of The Independent, a newspaper published in and having a general circulation in McKinley County, New Mexico and in the City of Gallup, New Mexico and having a general circulation in Cibola County, New Mexico and in the City of Grants, New Mexico and having a general circulation in Apache County, Arizona and in the City of St. Johns and in the City of Window Rock, Arizona therein: that this affiant makes the affidavit based upon personal knowledge of the facts herein sworn to. That the publication, a copy of which is hereto attached was published in said newspaper during the period time of publication and said notice was published in the newspaper proper, and not in a supplement thereof, for One Time, the first publication being on the _____ day of _____, 2019, the second publication being on the _____ day of _____, 2019, the third publication being on the _____ day of _____, 2019,

and the last publication being on the 2nd day of August, 2019. That such newspaper, in which such notice or advertisement was published, is now and has been at all times material hereto, duly qualified for such purpose, and to publish legal notices and advertisements within the meaning of Chapter 12, of the statutes of the State of New Mexico, 1941 compilation,

Amelda Besselente
Affiant.

Sworn and Subscribed to before me this 5th day of August, A.D., 2019.

Bachuga
Notary Public

My commission expires:
August 29th, 2021

Legal Notice

LEGAL NOTICE
Gallup-McKinley County
New Mexico

COMISIÓN DE CONTROL DE CALIDAD DE AGUA DE NUEVO MÉXICO NOTIFICACIÓN DE AUDIENCIA PÚBLICA PARA CONSIDERAR LOS CAMBIOS PROPUESTOS A NMAC 20.6.4 - ESTÁNDARES INTERESTATAL Y DENTRO DEL ESTADO PARA AGUAS SUPERFICIALES - ARROYO SAN ISIDRO Y AFLUENTES

La Comisión de Control de Calidad del Agua de Nuevo México (Comisión) estará llevando a cabo una audiencia pública después de la audiencia programada de la Comisión a comenzar a las 9:00 a.m. el martes, 8 de octubre de 2019 y continuando los días subsiguientes, de ser necesario, en el Edificio del Capitolio del Estado de Nuevo México, 490 Old Santa Fe Trail, Sala 307, Santa Fe, Nuevo México, 87501. El propósito de la audiencia es considerar los cambios a los Estándares Interestatal y Dentro del Estado para Aguas Superficiales, NMAC 20.6.4. Peabody Natural Resources Company (PNRC) es quien propone los cambios. El lugar de

Legal Notice

la audiencia puede ser sujeto a cambio antes del día de la misma, y aquellos interesados en asistir, deben verificar el sitio web de la Comisión antes de la audiencia en: <https://www.env.nm.gov/water-quality-control-commission/wqcc/>.

Los cambios propuestos a NMAC 20.6.4, sometidos por PNRC y expedidos como WQCC 19-03 (R), proponen cambios en la clasificación de uso de vida acuática en el Arroyo San Isidro y sus afluentes. PNRC justifica los cambios basados en los resultados de las evaluaciones del Protocolo Hidrológico Nivel 1, apoyando estudios hidrológicos regionales, e información hidrológica específica a minas como ofrecidas en el permiso Lee Ranch Mine de la División de Minas y Metales de Nuevo México.

La petición y cambios propuestos por PNRC están disponibles en el sitio web del Departamento de Medio Ambiente de Nuevo México, en <https://www.env.nm.gov/water-quality-control-commission/wqcc-19-03-a/>. La petición y cambios también pueden ser obtenidos electrónicamente o revisados en persona contactando a Cody Barnes, Administrador de la

Legal Notice

Comisión, 1190 S. St. Francis Drive, Santa Fe, New Mexico 87502, (505) 827-2428 o cody.barnes@state.nm.us.

La audiencia será llevada a cabo de acuerdo con el Acta de Calidad de Agua de Nuevo México, NMSA 1978 §74-6-6, y los Procedimientos Reglamentarios para la Comisión de Control de Calidad de Agua, NMAC 20.1.6.

Cualquier persona, incluyendo el solicitante, quien tiene la intención de presentar el testimonio técnico en la audiencia debe, no más tarde de 20 días antes de la audiencia, archivar una notificación de intención para presentar el testimonio técnico. La notificación debe:

1. Identificar la persona por la cual el (los) testigo (s) testificará;
2. Identificar cada testigo técnico que la persona intenta presentar, y declarar las calificaciones de dicho testigo, incluyendo una descripción de sus antecedentes educativos y de trabajo;
3. Si la audiencia será conducida en varias localidades, indicar la localidad o localidades en las cuales el testigo estará presente;
4. Incluya una copia del testimonio directo de cada testigo técnico en forma narrativa, y declare la duración estimada del testimonio directo oral de los testigos;
5. Incluya el texto de cada modificación recomendada al cambio regulatorio propuesto; y
6. Enumere y atache toda la evidencia anticipada a ser ofrecida por la persona en la audiencia.

Cualquier miembro del público general puede testificar en la audiencia. No se necesita notificación previa para presentar testimonio que no sea técnico en la audiencia. Cualquier miembro puede ofrecer evidencia que no sea técnica en conexión con su testimonio, siempre y cuando la evidencia no sea excesivamente repetitiva en el testimonio. Un miembro del público general que desee someter una declaración escrita para récord, en vez de ofrecer un testimonio oral en la audiencia, debe archivar la declaración escrita antes de la audiencia o someterla en la audiencia. Comentarios escritos tienen que ser enviados por correo o llevados al administrador de la comisión.

La fecha límite para archivar notificaciones de intento es el 18 de septiembre de 2019 a las 5:00 p.m. en la oficina del Administrador de la Comisión. Todos los documentos archivados en esta cuestión, incluyendo notificaciones de intención, tienen que ser archivados con un original

Legal Notice

en páginas sencillas y tres copias. Cualquier persona puede ofrecer comentarios públicos no técnicos en la audiencia o someter una declaración escrita no técnica en vez de un testimonio oral en o antes de la audiencia.

Para presentar testimonio técnico refutando el testimonio de otra parte en la audiencia, una persona tiene que archivar una notificación de intención para presentar el testimonio de refute no más tardar a las 5:00 p.m. del 18 de septiembre de 2019. La notificación debe cumplir con los requisitos explicados anteriormente. En adición, si una parte toma una posición en los cambios propuestos por otras partes, la notificación debe incluir las bases para dicho apoyo u oposición.

Si cualquier persona necesita asistencia, un intérprete o ayuda auxiliar para participar en este proceso, por favor contacte a Cody Barnes, Administrador WQCC, por lo menos 14 días antes de la audiencia al P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, teléfono (505) 827-2428 o al correo electrónico cody.barnes@state.nm.us. Usuarios (TDD o TTY) por favor llamen al número vía New Mexico Relay Network, 1-800-659-1779 (voz); usuarios TTY: 1-800-659-8331).

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Bidding quiz

You are South in each of the following hands. What would you bid at the point where the question mark appears?

1. ♠ 852 ♥ Q9862 ♦ Q63 ♣ 74
East South West North
1 ♠ Pass 4 ♠ 4 NT
Pass 5 ♥ Pass 5 ♠
Pass ?

2. ♠ AJ4 ♥ AJ2 ♦ AJ6 ♣ A985
East South West North
1 ♠ 1 ♠
2 NT 3 ♠
?

3. ♠ 62 ♥ K9 ♦ AKQ953 ♣ K84
East South West North
1 ♠ 2 ♠ Pass 2 ♥
Pass ?

1. Six diamonds. The four-notrump bid is equivalent to a strong takeout double, and you should assume when partner bids it that he has excellent support for the other three suits.

But when your partner next bids five spades after you bid five hearts, you should revise your original assessment. If partner, who obviously has a powerhouse, liked hearts, he would either pass five hearts or bid six hearts. It therefore follows that he is asking you to choose between the two remaining suits, and you should honor this request by bidding six diamonds on your Q-x-x.

Partner could have any of these three hands:

- ♠ A7 ♦ AKJ952 ♣ AKQ93
- ♠ AK5 ♦ AKJ84 ♣ KQJ92
- ♠ AJ ♦ AK985 ♣ AKQ852

which, opposite your hand, would make six diamonds an excellent contract.

2. Three diamonds. It is reasonable to assume that partner is not happy with notrump and would prefer to play the hand in a game or slam in either clubs or diamonds. There is no good reason to suppress your diamond support, so you should bid three diamonds at this point. Partner may have any of these hands:

- ♠ 10 ♥ K8 ♦ KQ7543 ♣ KJ72
- ♠ Q73 ♥ — ♦ K9742 ♣ KQ643
- ♠ 6 ♥ K853 ♦ KQ73 ♣ KQ74

in which case the best final contract would be a minor-suit slam.

3. Three hearts. There is a definite possibility of a game in hearts, and you should pursue it by bidding three hearts, inviting partner to bid four. True, you have only two hearts, but that shouldn't stop you from raising partner, he is almost certain to have either six hearts or five very good ones. Partner may have any of these three hands:

- ♠ J8 ♥ QJ8763 ♦ 84 ♣ AJ2
- ♠ K93 ♥ AQ7542 ♦ 72 ♣ 63
- ♠ 74 ♥ AQJ43 ♦ 862 ♣ A52

and you would surely want to be in four hearts with each of them.

Tomorrow: So near and yet so far.

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ATTACHMENT 3

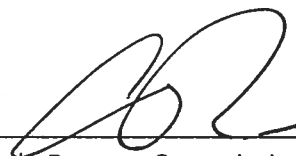
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via email to the persons below on August 23, 2019. Hard-copies can be mailed via first-class US mail upon request.

Annie Maxfield
Assistant General Counsel
New Mexico Environment Department
121 Tijeras Ave. NE Ste. 1000
Albuquerque, NM 87102
Annie.maxfield@state.nm.us
Counsel for the New Mexico Environment Department

Stuart R. Butzier
Modrall Sperling Roehl Harris & Sisk, P.A.
P.O. Box 9318
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Stuart.butzier@modrall.com
Counsel for Peabody Natural Resources Company

John Grubestic
Assistant Attorney General
Open Government Division
NM Office of the Attorney General
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jgrubestic@nmag.gov
Commission Counsel



Cody Barnes, Commission Administrator
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505.827.2428