

STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION



IN THE MATTER OF PROPOSED AMENDMENTS
TO 20.6.2 NMAC, THE COPPER RULE

WQCC 12-01 (R)

New Mexico Environment Department,
Petitioner.

**NEW MEXICO ENVIRONMENT DEPARTMENT'S RESPONSE TO
MOTION TO POSTPONE HEARING**

The New Mexico Environment Department (“NMED” or “Department”) provides this Response to the Motion to Postpone Hearing filed by Amigos Bravos. NMED opposes the Motion, and requests that it be denied.

It is not necessary to postpone the hearing in this matter to allow Amigos Bravos to fully participate in the proceeding. In the Procedural Order, entered November 21, 2012, the Hearing Officer set out a reasonable time frame for preparation, and at this point, all parties are presumably well into the process of preparing for this hearing. In the event that the dispositive motions are granted, this effort will not be wasted. Since the Commission has been instructed by the legislature to promulgate rules for the copper industry, it is safe to assume there will be a hearing on copper rules at some point.

It has now been almost four years since the 2009 amendments to the Water Quality Act were passed, requiring the Commission to undertake this rulemaking. When it announced the creation of the Copper Rule Advisory Committee to the Commission one year ago, the Department stated its intent to have a rule in place by December 2012. Now that a Petition has been filed, and a hearing date has been set, principals of good governance dictate that absent

good cause the Commission should keep to that schedule, and conduct the rulemaking as expeditiously as possible.

WHEREFORE, the Department requests that the Motion to Postpone be denied.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT



Andrew P. Knight
Assistant General Counsel
Office of General Counsel
Post Office Box 5469
Santa Fe, New Mexico 87502-5469
Telephone: (505) 222-9540
Email: andrew.knight@state.nm.us

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served by email on the following on this 28th day of January, 2013:

Dalva L. Moellenberg
T.J. Trujillo
Gallagher & Kennedy, P.A.
1233 Paseo de Peralta
Santa Fe, New Mexico 87501

Sean Cunniff
Office of the Attorney General
Civil Division
P.O. Box 1508
Santa Fe, New Mexico 87504

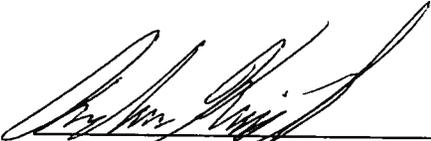
R. Bruce Fredrick
New Mexico Environmental Law Center
1405 Luisa Street, Suite 5
Santa Fe, New Mexico 87501

Louis W. Rose
Montgomery & Andrews. P.A.
P.O. Box 2307
Santa Fe, New Mexico 87504-2307

Tannis Fox
Office of the Attorney General
Civil Division
P.O. Box 1508
Santa Fe, New Mexico 87504

Jon J. Indall
Comeau, Maldegen, Templeman &
Indall LLP
P.O. Box 669
Santa Fe, New Mexico 87504-0669

Tracy Hughes
High Desert Energy + Environment
Law Partners, LLC
P.O. Box 8201
Santa Fe, New Mexico 87504


Andrew P. Knight