

STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION

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

No. WQCC 12-01(R)

New Mexico Environment Department,
Petitioner.

**ATTORNEY GENERAL'S NOTICE OF
FILING REBUTTAL TESTIMONY AND EXHIBITS**

Pursuant to Section 302.b of the Procedural Order issued by the Hearing Officer in this matter, the Attorney General of the State of New Mexico hereby files his Notice of Filing Rebuttal Testimony and Exhibits.

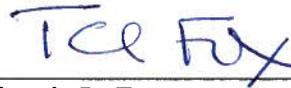
1. Identify the person or entity for whom the rebuttal witnesses will testify: The Attorney General.
2. Identify each technical rebuttal witness the person intends to present and state the qualifications of that witness, including a description of their education and work background:
The Attorney General intends to present Connie Travers, M.A., of Stratus Consulting, Inc., as a rebuttal witness. A description of Ms. Travers' education and work backgrounds are set forth in their direct testimony and in their resumes. Ms. Travers' rebuttal testimony is AGO Exhibit 25 and her resume is AGO Exhibit 4.
3. Attach the full rebuttal testimony of each technical witness, which shall include an express basis for all expert opinions offered: Ms. Travers' rebuttal testimony is AGO Exhibit 25.
4. Include the text of any recommended modifications to the proposed regulatory change: The text of recommended modifications to the New Mexico Environment Department's proposed Copper Mine Rule is AGO Exhibit 2.

5. Identify and attach all rebuttal exhibits to be offered by the person at the hearing:

A list of all rebuttal exhibits to be offered and the exhibits are attached to this Notice. Rebuttal exhibits are AGO Exhibits 25 to 30.

Respectfully submitted,

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Certificate of Service

I certify that the following were served with the foregoing pleading by mail or hand delivery on March 15, 2013:

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ATTORNEY GENERAL EXHIBITS
Revised March 15, 2013

Exhibit	Description of Exhibit
1	Decision and Order on Remand, <i>In the Matter of Appeal of Supplemental Discharge Permit for Closure (DP 1341) for Phelps Dodge Tyrone, Inc.</i> , Nos. 03-12(A) and 03-13(A) (WQCC Feb. 9, 2007)
2	AGO Proposed Amendments to Copper Mine Rule, 20.6.7 NMAC
3	Direct Testimony of Connie Travers
4	Resume of Connie Travers
5	NMED August 17, 2012 Supplemental Permitting Requirements for Copper Mine Facilities, 20.6.7 NMAC
6	Freeport McMoran, Inc. September 5, 2012 Comments on NMED August 17, 2012 Draft
7	September 7, 2012 NMED 2 nd Internal Discussion Draft, Copper Mine Rule
8	September 7, 2012 email from B. Olson to D. Martin, NMED, Major Issues in 9/7/12 NMED 2 nd Internal Discussion Draft
9	September 13, 2012 NMED Draft Copper Mine Rule issued for public comment
10	Tyrone Settlement Agreement (Dec. 20, 2010)
11	Final Ground Water Restoration Plan for the Chino, Cobre, and Tyrone Mine Facilities (New Mexico Office of Natural Resources Trustee, Jan. 4, 2012) [excerpts]
12	Testimony of Clint Marshall, New Mexico Environment Department (2003) [excerpts]
13	Testimony of Clint Marshall, New Mexico Environment Department (2007)
14	<i>The State-of-the Practice of Characterization and Remediation of Contaminated Ground Water at Fractured Rock Sites</i> (EPA 2001)
15	<i>Costs of Remediation at Mine Sites</i> (EPA 1997)
16	Direct Testimony of Bruce M. Thomson, Ph.D., P.E.
17	Resume of Bruce M. Thomson, Ph.D., P.E.
18	Southwest New Mexico Regional Water Plan (Daniel B. Stephens & Associates, Inc., May 2005) [on separate CD]
19	<i>Analysis of Ground-Water Development to Meet Projected Demands in Regional Planning District 4, Southwest New Mexico</i> (Office of State Engineer Hydrology Report 02-04, Mar. 2002)
20	Testimony of Michael Johnson, New Mexico Office of the State Engineer (2007)
21	Technical Memorandum on Groundwater Recharge Analysis and Estimate of Recharge Option Costs (Balleau Groundwater, Inc., Oct. 15, 2009)

22	<i>Ground Water Model of the Mimbres Basin, Luna, Grant, Sierra, and Dona Ana Counties, New Mexico</i> (Office of State Engineer Hydrology Bureau, Jan. 2011)
23	Testimony of Craig Roepke, New Mexico Interstate Stream Commission (2007) and Proposal (Sept. 24, 2003)
24	Rebuttal Testimony of Connie Travers
25	Map of Places of Withdrawal at Tyrone Mine, WQCC Decision (Feb. 4, 2009)
26	Trauger Well Map (1972)
27	Waters Well Map (2006)
28	Trauger (1972) and Waters Well Map (2006)
29	List of Public Water Systems in Grant County (2007)
30	Shomaker Figures 9 and 10 (places of withdrawal)