

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

**IN THE MATTER OF:** )  
 )  
**PROPOSED AMENDMENT TO** ) **No. WQCC 12-01(R)**  
**PART 20.6.2 NMAC - COPPER RULE** )  
\_\_\_\_\_ )

**NOTICE OF INTENT  
TO PRESENT TECHNICAL TESTIMONY**

Gila Resources Information Project (“GRIP”) and Turner Ranch Properties, L.P. (“TRP”) file this Notice of Intent to Present Technical Testimony (“NOI”) pursuant to the Water Quality Act and the Water Quality Control Commission’s (“the Commission”) Guidelines for Water Quality Control Commission Regulation Hearings and the Procedural Order issued November 26, 2012.

1. Entity for Whom the witness will testify: GRIP and TRP.
2. Technical Witnesses: James R. Kuipers, P.E. and Sally Smith. The qualifications of these witnesses and basis for their testimony are set out in their attached pre-filed written testimony.
3. Testimony: The written direct testimony of Mr. Kuipers and Ms. Smith are pre-filed along with this NOI. Mr. Kuipers and Ms. Smith will acknowledge and affirm their written testimony under oath at hearing and provide a brief summary.
4. Recommended Amendments: Recommended changes to the New Mexico Environment Department’s (“NMED”) proposed rule are included as Attachment 2 to Mr. Kuipers’ written testimony.
5. Exhibits: GRIP and TRP provide the following exhibits:
  - A. Two exhibits are attached to Mr. Kuipers’ pre-filed written testimony: Kuipers Attachment 1 is a copy of Mr. Kuipers’ resume; Kuipers Attachment 2 sets forth the recommended changes to NMED’s proposed rule in strikeout/underline format. Further explanation for the recommended changes is provided in the footnotes of Kuipers Attachment 2.

B. Four exhibits are attached to Ms. Smith's pre-filed written testimony: Smith Attachment 1 are NMED's Guidelines for the Copper Regulation Advisory Committee ("CRAC"); Smith Attachment 2 is NMED's August 17, 2012, draft of the copper rule; Smith Attachment 3 is Freeport McMoRan's September 5, 2012, comments on NMED's August 17<sup>th</sup> draft; Smith Attachment 4 is a letter from GRIP to NMED Secretary Martin.

C. Reservation of Rights: GRIP and TRP reserve the right to call additional witnesses or introduce additional exhibits in response to the testimony and witnesses presented at hearing.

Respectfully submitted:

NEW MEXICO ENVIRONMENTAL LAW  
CENTER

By:   
R. Bruce Frederick  
Douglas Meiklejohn  
Jon Block  
Eric Jantz  
1405 Luisa Street, Ste. 5  
Santa Fe, NM 87505  
(505) 989-9022  
bfrederick@nmelc.org

*Attorneys for the Gila Resources Information  
Project and Turner Ranch Properties, L.P.*

**CERTIFICATE OF SERVICE:** I hereby certify that on February 22, 2013 I sent Amigos Bravos' Notice of Intent to Present Technical Testimony by email to the following:

Andrew Knight  
New Mexico Environment Department  
1190 St. Francis Drive  
Santa Fe, New Mexico 87502-6110  
Andrew.Knight@state.nm.us  
kathryn.becker@state.nm.us

Tannis Fox  
Office of the NM Attorney General  
P.O. Box 1508  
Santa Fe, NM 87504  
tfox@nmag.gov

Jon Indall  
Comeau, Maldegen, et al.  
P.O. Box 669  
Santa Fe, NM 87504-0669  
jindall@cmtisantafe.com

Dalva Moellenberg  
TJ Trujillo  
Gallagher and Kennedy, PA  
1233 Paseo de Peralta  
Santa Fe, New Mexico 87501-2758  
ajt@gknet.com/DLM@gknet.com

Louis Rose  
Montgomery & Andrews, PA  
P.O. Box 2307  
Santa Fe, NM 87504-2307  
lrose@montand.com

Tracy Hughes  
High Desert Partners, L.L.C.  
P.O. Box 8201  
Santa Fe, New Mexico 87504  
hughes@energyenvironmentlaw.com

Sean Cunniff  
Pam Castaneda  
WQCC  
SCunniff@nmag.gov  
Pam.Castaneda@state.nm.us

  
R. Bruce Frederick