

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
NOTICE OF OBJECTION
TO WILLIAM C. OLSON'S
NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY

The New Mexico Environment Department (“NMED” or “Department”) hereby submits this Notice of Objection to William C. Olson’s Notice of Intent to Present Technical Testimony at the public hearing set to begin April 9, 2013. The basis for the Department’s objection is Mr. Olson’s violation of his professional services contract with the Department.

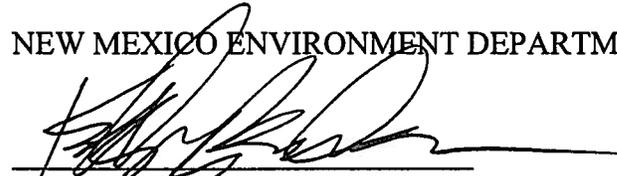
Mr. Olson was retained by the Department for the express purpose of developing rules applicable to all copper mine facilities, including to “[a]ssist NMED in preparing for public hearing to be held in front of the WQCC.” By virtue of his status as an expert consultant assisting the Department in the development of proposed copper rules, Mr. Olson gained access to confidential information, including information protected by the attorney-client privilege and work product doctrine. Notwithstanding the duties and obligations of his professional services contract with the Department, Mr. Olson filed a Notice of Intent to Present Technical Testimony (“NOI”) on February 22, 2013, as a member of the public.

While the Department does not seek to strike Mr. Olson’s NOI or otherwise prevent Mr. Olson from fully participating in the upcoming hearing, the Department wishes to be on record as objecting to his violation of the professional services contract. Furthermore, the Department

does not waive its right to object to or move to strike specific testimony or exhibits during the hearing, and reserves all other rights of recourse outside of these administrative proceedings.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT



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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served by email on the following on this 12th day of March, 2013:

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