

STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION



In the Matter of)
PROPOSED AMENDMENT) Nos. WQCC 12-09(R) and 13-08(R)
TO 20.6.6. NMAC (Dairy Rule))

ORDER

This matter came before the Hearing Officer on *The New Mexico Environment Department's Motion for Leave To File Amended Notices of Intent To Present Technical and Rebuttal Testimony* (the "Motion"). After considering the Motion, the New Mexico Attorney General Office's Objections, and all other relevant documents, the Hearing Officer finds the Motion should be granted in part, and denied in part. Specifically, the Hearing Officer finds and orders that:

1. Given the unforeseen circumstances, it is reasonable to allow Trais Kliphuis from the New Mexico Environment Department to adopt, with modifications and amendments, the technical testimony and any rebuttal testimony already submitted by Jerry Schoeppner.
2. Ms. Kliphuis will not be permitted to offer new or supplemental testimony, as there is not adequate time for the other parties to fully evaluate additional testimony and offer rebuttal testimony.
3. In order to address the expert substitution, the Hearing Officer will grant the parties latitude during cross-examination on issues related to Ms. Kliphuis qualifications, expertise and amendments.
4. The Hearing Officer will also entertain objections and motions to strike regarding Ms. Kliphuis's qualifications and/or testimony during the hearing.

Pam Castañeda for Christopher T. Saucedo
Hearing Officer

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

**In the Matter of:
PROPOSED AMENDMENT
TO 20.6.2 NMAC (Dairy Rule)**

**WQCC 12-09 (R) and
WQCC 13-08 (R)**

CERTIFICATE OF SERVICE LIST

I hereby certify that a copy of the Order on the New Mexico Environment Department's Motion for Leave to File Amended Notice of Intent to Present Technical and Rebuttal Testimony (the "Motion") by the Hearing Officer on March 27, 2015 was sent via e-mail and regular first-class mail to all parties on March 27, 2015:

SERVICE LIST

Robert A. Stranahan, IV
Dalva L. Mollenberg, Esq.
Anthony (T.J.) J. Trujillo, Esq.
Gallagher & Kennedy, P.A.
1239 Paseo de Peralta
Santa Fe, New Mexico 87501
DLM@gknet.com
AJT@gknet.com
bob.stranahan@gknet.com
For the Petitioner, Dairy Industry Group for a Clean Environment (DIGCE)

Jeff Kendall, General Counsel
Christopher Atencio, Assistant General Counsel
Kay R. Bonza, Assistant General Counsel
Office of General Counsel
New Mexico Environment Department
P.O. Box 5469
Santa Fe, New Mexico 87502-5469
Jeff.Kendall@state.nm.us
Christopher.Atencio@state.nm.us
Kay.Bonza@state.nm.us
For the Ground Water Quality Bureau

Jon Block
Eric Jantz
Douglas Meiklejohn
New Mexico Environmental Law Center
1405 Luisa Street, Ste. 5
Santa Fe, NM 87505
Jblock@nmelc.org
For the Rio Grande Chapter of the Sierra Club and Amigos Bravos

Tannis L. Fox, Assistant Attorney General
Water, Environmental and Utilities Division
Office of the New Mexico Attorney General
P.O. Box 1508
Santa Fe, New Mexico 87504
tfox@nmag.gov
For the New Mexico Attorney General

Wade Jackson, General Counsel
NM Economic Development Department
Joseph Montoya Building
1100 S. St. Francis Drive
Santa Fe, New Mexico 87505
Wade.Jackson@state.nm.us
Counsel for the Commission


Pam Castañeda, Administrator
Water Quality Control Commission
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2425 (P)
(505) 827-0310 (F)