

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 INTENT
TO PRESENT TECHNICAL TESTIMONY**

Pursuant to section 303 of the Guidelines for Water Quality Control Commission Regulation Hearings and section 302.A 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 Intent to Present Technical Testimony.

1. Identify the person or entity for whom the witnesses will testify: The Attorney General.
2. Identify each technical 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., and Bruce Thomson, Ph.D., P.E. A description of Ms. Travers' and Dr. Thomson's education and work backgrounds are set forth in their direct testimony and in their resumes. Ms. Travers' direct testimony is AGO Exhibit 3 and her resume is AGO Exhibit 4. Dr. Thomson's direct testimony is AGO Exhibit 16 and his resume is AGO Exhibit 17.
3. Attach the full direct testimony of each technical witness, which shall include an express basis for all expert opinions offered: Ms. Travers' direct testimony is AGO Exhibit 3 and Dr. Thomson's direct testimony is AGO Exhibit 16.

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 exhibits to be offered by the person at the hearing: A list of all exhibits to be offered and the exhibits are attached to this Notice of Intent to Present Technical Testimony.

Respectfully submitted,

GARY KING
ATTORNEY GENERAL OF NEW MEXICO



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
T 505.827.6695
F 505.827.4444
tfox@nmag.gov

Counsel for the Attorney General

Certificate of Service

I certify that the following were served with the foregoing pleading by mail or hand delivery on February 22, 2013:

Andrew Knight
Kathryn Becker
Assistant General Counsels
Office of General Counsel
New Mexico Environment Department
P.O. Box 5469
Santa Fe, New Mexico 87502-5469

Dalva Moellenberg
Anthony J. Trujillo
Gallagher and Kennedy, P.A.
1233 Paseo de Peralta
Santa Fe, New Mexico 87501-2758

Bruce Frederick
Staff Attorney
New Mexico Environmental Law Center
1405 Luisa Street, #5
Santa Fe, New Mexico 87505-4074

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

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

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

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

T L FOX

Tannis L. Fox

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 EXHIBITS

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 McMorRan, 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</i>

	<i>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)