

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.

**PROCEDURAL ORDER RELATING TO THE
JOINT MOTION FOR STAY OF 20.6.7 NMAC**

Three parties in this matter, Amigos Bravos, Gila Resources Information Project and Turner Ranch Properties, filed on October 23, 2013 a Joint Motion to Stay 20.6.7 NMAC until the appeal process for the Copper Rule is concluded in the New Mexico courts. William Olson filed a concurrence in the Joint Motion on November 5. The New Mexico Attorney General takes no position on the Joint Motion for Stay. The Joint Motion is opposed by the Environment Department and Freeport-McMoRan.

Freeport-McMoRan filed on November 4 a Motion for Extension of Time to respond to the Motion for Stay and requested a scheduling conference and order. The Hearing Officer, Commission Counsel, Mr. Olson and Counsel for all parties except the Mining Association participated in a teleconference on November 5 to discuss filing deadlines and other details leading up to the Commission's consideration of the Joint Motion for Stay during its regular meeting on December 10, 2013.

All were agreed to the following, and it is so ordered:

1. The Commission will hear the Joint Motion for Stay on December 10, 2013.
2. All parties intending to support the Motion for Stay on December 10 shall file affidavits, proposed live testimony, record references or any other evidence they wish to present in support of the Motion by November 15, 2013.

3. Parties willing to waive cross-examination of live witnesses proposed by other parties in a November 15 filing will file a notice of that waiver by November 26.
4. All parties intending to oppose the Motion for Stay on December 10 shall file affidavits, proposed live testimony, record references or any other evidence they wish to present in opposition to the Motion by November 26, 2013.
5. Parties willing to waive cross-examination of live witnesses proposed by other parties in a November 26 filing will file a notice of that waiver by December 5.
6. Rebuttal evidence may be presented at the Commission meeting, subject to objection and in the discretion of the Hearing Officer.
7. The time allowed for witness presentation or oral legal argument may be limited; potential time limits will be discussed in a teleconference on November 27 or December 2, depending on the parties' availability.

Sally Worthington for Felicia L. Orth

Felicia L. Orth, Hearing Officer

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CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2013 I sent the attached Procedural Order Relating to the Joint Motion For Stay of 20.6.7 NMAC to the Service List below. The Procedural Order Relating to the Joint Motion For Stay of 20.6.7 NMAC, were hand-delivered to Andrew Knight and Kathryn Becker and sent via first-class mail to all other Counsel.

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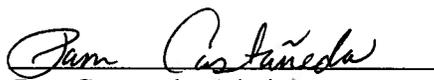
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