

STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION



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

No. WQCC 12- 01 (R)

MOTION TO APPROVE
SCHEDULE FOR DEVELOPMENT OF COPPER REGULATIONS

The New Mexico Environment Department (“Department”) submits this Motion to Approve the Schedule for Development of Copper Regulations. In support of this Motion, the Department states as follows:

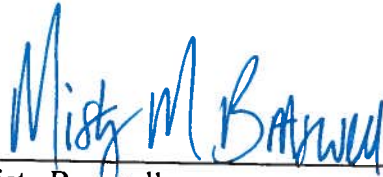
A 2009 amendment to the New Mexico Water Quality Act requires the Commission to adopt new industry-specific discharge permit rules for the copper industry. NMSA 1978, Section 74-6-4(K). The amendment further provides that “[t]he regulations shall be developed and adopted in accordance with a schedule approved by the commission”. *Id.* “The schedule shall incorporate an opportunity for public input and stakeholder negotiations.” *Id.*

The Department has developed the attached Schedule for Development of Copper Regulations. The schedule provides for public input and stakeholder negotiations. The Department has provided the draft Schedule to stakeholders and all stakeholders that have been identified to date concur with the Schedule. Therefore, the Department respectfully requests that the Commission approve the Schedule.

A proposed form of order is attached.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT



Misty Braswell
Assistant General Counsel
Office of General Counsel
New Mexico Environment Department
1190 St. Francis Drive
Santa Fe, New Mexico 87502-6110
Telephone (505) 827-2982

CERTIFICATE OF SERVICE

I certify that on January 3, 2012 I served this Motion for Approval of Schedule via electronic mail to:

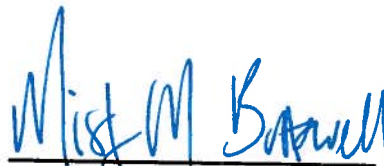
Jonathan Block, Staff Attorney
New Mexico Environmental Law Center
1405 Luisa St. #5
Santa Fe, NM 87505-4074
Email: jblock@nmelc.org

Dal Moellenberg
Gallagher & Kennedy P.A.
1233 Paseo de Peralta
Santa Fe, NM 87501-2758
Email: dlm@gknet.com

Anthony J. Trujillo
Gallagher and Kennedy P.A.
1233 Paseo de Peralta
Santa Fe, NM 87501-2758
Email: ajt@gknet.com

And hand-delivered on the same date to:

Carmella Casados, WQCC Administrator
Harold Runnels Building
1190 St. Francis Drive, Suite N2150
Santa Fe, New Mexico, 87502



Misty M. Braswell

STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION

)
)
In the Matter of:)
)
PROPOSED AMENDMENT)
TO 20.6.2 NMAC (Copper Rule))
)
_____)

No. WQCC 12- 01 (R)

**ORDER APPROVING SCHEDULE
FOR DEVELOPMENT OF COPPER REGULATION**

This matter came before the Commission on January 10, 2012. Having considered the Motion, IT IS HEREBY ORDERED that the Schedule for Development of Copper Regulations is approved.

ISSUED this 12th day of January, 2012.



Butch Tongate
Chairperson
Water Quality Control Commission



SCHEDULE FOR DEVELOPMENT OF COPPER REGULATIONS

Approved by the New Mexico Water Quality Control Commission

1/10/2012

Copper Regulation Project Schedule

Event	Deliverable	Scheduled Start Date	Scheduled Finish Date	Comments
Planning				
Presentation and approval of copper regulation development schedule	Copper regulation development schedule presented to WQCC and approved.	January 10, 2012	January 10, 2012	Get on WQCC agenda; provide schedule original and copies to WQCC administrator by January 3, 2012.
Regulation Development				
Prepare regulation discussion draft	Initial discussion draft of copper facility regulations prepared.	January 2012	August 12, 2012	
Conduct outreach with copper industry, other stakeholders	Copper industry leaders and other stakeholders identified by NMED. Advisory Committee created.	November 2011	December 31, 2011.	
	Stakeholder/Technical Group created.	December 2011	January 6, 2012	Initial meeting on January 25, 2012 and monthly thereafter.
	Modify initial discussion draft of regulations.	December 2011	January 13, 2012	Initial meeting February 2012 and monthly thereafter.
	Discussion draft of regulations made available for public comment (posting on NMED website), and distributed to industry, other stakeholders and Small Business Regulatory Advisory Commission.	February 2012	August 12, 2012	Modification to initial discussion draft based upon Advisory Committee and Stakeholder/Technical Group input.
	Notice given of availability of discussion draft and schedule of public meetings.	August 13, 2012	August 13, 2012	Require submittal of written comments by September 12, 2012.
	Public meetings held.	August 21, 2012	August 25, 2012	Public meetings to be held in Albuquerque and Silver City.
	Stakeholder negotiations held.	August 21, 2012	September 14, 2012	

Event	Deliverable	Scheduled Start Date	Scheduled Finish Date	Comments
Modify discussion draft of regulations	Revised final draft of proposed copper regulations developed.	September 14, 2012	September 27, 2012	Revisions to discussion draft based on public input and stakeholder negotiations.
Regulation Adoption				
Public hearing	Petition for Rulemaking and request for hearing submitted to WQCC.	September 27, 2012	September 27, 2012	
	Hearing scheduled by WQCC.	October 9, 2012	October 9, 2012	WQCC schedule a hearing at the October 9, 2012 meeting for a December 11, 2012 hearing.
	Notice given of availability of proposed rule.	October 16, 2012	October 16, 2012	Submittal of notice to NM Register no later than October 16, 2012.
	Proposed regulation submitted for publication in NM Register and provided to Small Business Regulatory Advisory Commission.	October 16, 2012	October 16, 2012	NM Register publication and publication in a newspaper of statewide circulation on October 30, 2012.
	Proposed regulation and notice of hearing published.	October 30, 2012	October 30, 2012	
	Hearing held before WQCC.	December 11, 2012	December 11, 2012	
	Regulations adopted by WQCC.	December 12, 2012	December 12, 2012	
Project close-out	Final regulation submitted for publication.	December 18, 2012	December 18, 2012	Submittal of final regulation to NM Register no later than December 17, 2012 for publication on December 31.
	Final regulation published.	December 31, 2012	December 31, 2012	Publish in NM Register.

