

STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION



IN THE MATTER OF PROPOSED AMENDMENTS
TO 20.6.2 NMAC, THE COPPER MINE RULE

No. WQCC 12-01 (R)

New Mexico Environment Department,
Petitioner.

**NEW MEXICO ENVIRONMENT DEPARTMENT'S
NOTICE OF INTENT TO PRESENT TECHNICAL
REBUTTAL TESTIMONY**

The New Mexico Environment Department (“NMED” or “Department”) pursuant to the Procedural Order issued on November 21, 2012 hereby submits this Notice of Intent to Present Technical Rebuttal Testimony in support of the above-referenced petition at the public hearing set to begin April 9, 2013.

1. The person for whom the witnesses will testify.

The Department.

2. The name and qualifications of each technical rebuttal witness.

Thomas Skibitski. Mr. Skibitski’s qualifications and resume were provided with the Department's Notice of Intent to Provide Technical Testimony for its direct case, filed on February 22, 2013.

Adrian Brown. Mr. Brown qualifications and resume were provided with the Department's Notice of Intent to Provide Technical Testimony for its direct case, filed on February 22, 2013.

3. Whether the Department supports or opposes the proposed Copper Mine Rule.

The Department supports the proposed Copper Mine Rule.

4. A list and description of rebuttal exhibits.

<u>EXHIBIT NUMBER</u>	<u>TITLE OF REBUTTAL EXHIBIT</u>
NMED Exhibit 20	NMED Mission and Objectives
NMED Exhibit 21	NMED Correspondence to Ms. Smith (3-1-13)
NMED Exhibit 22	NMED's Response to Petition for Variance for the Savannah Pit Leach Stockpile, No. WQCC 11-03(V)
NMED Exhibit 23	Statement of Reasons and Order Granting Variance
NMED Exhibit 24	NMED's Response to Petition for Variance for the Lee Hill Leach Stockpile, No. 12-05(V)
NMED Exhibit 25	Findings of Fact, Conclusions of Law, and Order Granting Variance, No. WQCC 07-02(V)
NMED Exhibit 26	"Reliable Mine Water Technology," by Adrian Brown, P.E., Mine Water and the Environment, Volume 29, Number 2

5. Reservation of Rights.

The Department reserves the right to call additional surrebuttal witnesses at hearing in response to the rebuttal of other parties.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT



Andrew P. Knight
Kathryn S. Becker
Assistants General Counsel
Office of General Counsel
Post Office Box 5469
Santa Fe, New Mexico 87502-5469
Telephone: (505) 222-9540

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served by email on the following on this 14th day of March, 2013:

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
Phone: 505-827-6695
E:mail: tfox@nmag.gov
For the New Mexico Attorney General

Bruce Frederick, Staff Attorney
Doug Meiklejohn
Jon Block
Eric Jantz
N.M. Environmental Law Center
1405 Luisa St. #5
Santa Fe, NM 87505-4074
Phone: 505-989-9022
E:mail: bfrederick@nmelc.org
For the Gila Resources Information Project and
Turner Ranch Properties

Dalva Moellenberg
Anthony J. Trujillo
Gallagher and Kennedy P.A.
1233 Paseo de Peralta
Santa Fe, NM 87501-2758
Phone: 505-982-9523
E:mail: dlm@gknet.com
E:mail: Trujillo, TJ <ajt@gknet.com
For Freeport-McMoRan Chino Mines Company, Freeport-McMoRan Tyrone, Inc.
And Freeport-McMoRan Cobre Mining Company

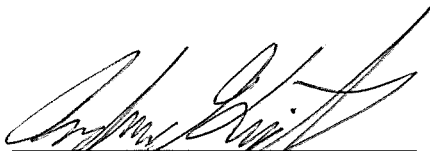
Tracy Hughes
High Desert Energy and Environmental Law
P.O. Box 8201
Santa Fe, New Mexico 87504
Phone: 505.819.1710
E:mail: hughes@energyenvironmentlaw.com
For Amigos Bravos

Louis W. Rose
Montgomery & Andrews
P.O. Box 2307
Santa Fe, NM 87504-2307
Phone: 505-986-2506
E:mail: lrose@montand.com
For the New Mexico Mining Association

Jon Indall
Comeau, Maldegen, Templeman & Indall
P.O. Box 669
Santa Fe, New Mexico 87504-0669
Phone: 505-982-4611
E:mail: jindall@cmtisantafe.com
For the New Mexico Mining Association

William C. Olson
14 Cosmic Way
Lamy, New Mexico 87540
Phone: 505-466-2969
E:mail: billjeanie.olson@gmail.com

Sean Cunniff, Assistant Attorney General
Civil Division
Office of the New Mexico Attorney General
P.O. Box 1508
Santa Fe, New Mexico 87504
Phone: 505-827-6469
E:mail: scunniff@nmag.gov
Commission Counsel



Andrew P. Knight