

**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.

**ORDER ON AMIGOS BRAVOS' SECOND MOTION  
TO POSTPONE THE HEARING**

This matter comes before the Hearing Officer on Amigos Bravos' Motion to Postpone the Hearing, filed February 19, 2013. Turner Ranch and Gila Resources Information Project concur in the Motion. There is not time for written responses or replies to the Motion; I have reviewed the Procedural Order entered November 21, 2012, the earlier Motion to Postpone the Hearing, along with the Responses to that Motion, and e-mail correspondence with Counsel.

The Motion is denied; an adjustment to the pre-hearing deadlines will be sufficient to address the issues raised by the Department's filing of the Amended Petition on February 18, 2013, shortly before the deadline for the Notices of Intent to Present Technical Testimony.

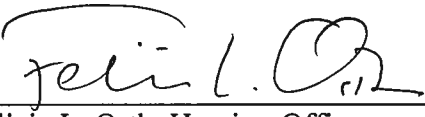
1. Section 302 of the Procedural Order is hereby revised as follows:

Section 302.A.4: "Include the text of any recommended modifications to the October 30, 2012 proposed Copper Rule; and"

Section 302.B: "In order to present technical testimony rebutting the testimony of another Party at the hearing, a person must file a notice of intent to present rebuttal technical testimony no later than 5 p.m. March 15, 2013. The notice shall comply with the requirements set out above in Section 302.A. In addition, if a Party takes a position on proposed changes to the Petition by other Parties, i.e., either supports or opposes changes to the Petition, the notice shall also include the basis for that support or opposition. In their March 15 filing, Parties may also revise or supplement the technical testimony and exhibits submitted on February 22, 2013 in order to address changes to the original Petition that were made by the Department in the Amended Petition filed February 18, 2013. This may include additional recommended changes prompted by the Amended Petition. Rebuttal and sur-rebuttal by the Department and other Parties to testimony and exhibits submitted on March 15 addressing the Amended Petition will be heard as necessary and appropriate at the hearing."

Section 302.C. "The Hearing Officer shall enforce Sections 302.A and 302.B through the exclusion of technical testimony or exhibits, as applicable."

2. In Section 201.B.3 of the Procedural Order, the word “background” is stricken; if the Parties choose, they may submit their NOIs on discs for ten of the fourteen copies required. The Administrator does need the discs; e-mail transmission is not sufficient.
3. Regarding Section 304 of the Procedural Order, the date for the Hearing Officer to travel to Silver City has been selected; it is May 3, 2013. The updated public notice is attached.

  
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Felicia L. Orth, Hearing Officer

**NEW MEXICO WATER QUALITY CONTROL COMMISSION  
NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS  
TO 20.6.2 NMAC—THE COPPER RULE**

The New Mexico Water Quality Control Commission will hold a public hearing beginning at 9:00 a.m. on April 9, 2013 at the New Mexico State Capitol Building, Room 307, 409 Old Santa Fe Trail, Santa Fe, New Mexico to consider proposed amendments to the Commission's Ground and Surface Water Protection Rule, 20.6.2 NMAC, referred to as the Copper Rule and proposed in WQCC 12-01 (R) by the New Mexico Environment Department (NMED). The hearing will proceed as necessary throughout April 9-11, April 16-18, April 23-25 and April 30-May 2 in Santa Fe; a public comment session will be held in Silver City on May 3, 2013, from 4-7 p.m. in the Global Resource Center at Western New Mexico University, 817 West 12<sup>th</sup> Street. Public comment will also be accepted from 5-7 p.m. in the evenings of April 10 and 11 in Apodaca Hall in the Old PERA Building at 1120 Paseo de Peralta.

The proposed amendments would establish new rules for the copper mine industry to specify measures to be taken to prevent water pollution and to monitor water quality.

The proposed amendments may be reviewed during regular business hours at the Commission Administrator's office located in the Harold Runnels Building, 1190 St. Francis Drive, Room N-2150 Santa Fe, New Mexico, 87502. In addition, the proposed amendments and related pleadings, including an amended petition, are posted on the Commission webpage at <http://www.nmenv.state.nm.us/wqcc/>.

The hearing will be conducted in accordance with the Guidelines for Water Quality Control Commission Regulation Hearings, the Water Quality Act, Section 74-6-6 NMSA 1978, and other applicable procedures and procedural orders. Written comments regarding the proposed revisions may be addressed to Pam Castañeda, Commission Administrator, at the above address; reference docket number WQCC 12-01 (R).

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of hearing.

Persons wishing to present technical testimony must file with the Commission a written notice of intent to do so. The requirements for a notice of intent can be found in the Commission's Guidelines for Regulation Hearings and have been modified by a procedural order entered in this matter, which may be obtained from the Administrator or found on the Commission's webpage. Notices of intent for the hearing must be received by in the Office of the Commission Administrator by 5:00 pm on February 22, 2013, and should reference the name of the regulation, the date of the hearing, and docket number WQCC 12-01 (R).

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g. sign language interpreter, to participate in any aspect of this process, please contact the Personnel Services Bureau by March 9, 2013. The Bureau can be reached at the New Mexico Environment Department, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502-5469,

and (505) 827-9872. TDD or TDY users may access this number via the New Mexico Relay Network (Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779.)

The Commission may make a decision on the proposed regulatory changes at the conclusion of the hearing, or may convene a meeting after the hearing to consider action on the proposal.

**NEW MEXICO AGUA CONTROL DE CALIDAD DE LA COMISIÓN  
AVISO DE AUDIENCIA PÚBLICA PARA CONSIDERAR LAS ENMIENDAS  
PROPUESTAS A 20.6.2 NMAC-LA REGLA DE COBRE**

El Agua de Nuevo México Comisión de Control de la Calidad llevará a cabo una audiencia pública comienzo a las 9:00 am el 9 de abril de 2013 a la New Mexico State Capitol Building, Room 307, 409 Old Santa Fe Trail, Santa Fe, Nuevo México, para examinar las enmiendas propuestas a motivo de la Comisión y de la Regla de Agua Superficial Protección, 20.6.2 NMAC, conocido como la Regla de cobre y propuso en WQCC 12-01 (R) por el Departamento de Medio Ambiente de Nuevo México (NMED). La audiencia se haga lo necesario durante todo abril 9-11, 16 a 18 abril, abril 23-25 y desde abril 30 hasta mayo 02 en Santa Fe, una sesión de comentarios públicos se llevará a cabo en Silver City el 3 de mayo de 2013, a partir de 4 - 7 pm en el Centro de Recursos Mundiales en Western New Mexico University, 817 West 12th Street. Los comentarios del público también serán aceptadas de 5-7 pm en la noche del 10 de abril y 11 en Apodaca Hall en el Edificio Antiguo PERA en 1120 Paseo de Peralta.

Las enmiendas propuestas establecen nuevas normas para la industria de la mina de cobre para especificar las medidas que deben adoptarse para evitar la contaminación del agua y para controlar la calidad del agua.

Las modificaciones propuestas pueden ser revisados durante el horario regular en la oficina del Administrador de la Comisión ubicadas en el edificio Harold Runnels, 1190 St. Francis Drive, Room N-2150 en Santa Fe, Nuevo México, 87502. Además, las modificaciones propuestas y argumentos relacionados, incluyendo una petición enmendada, se publican en la página web de la Comisión en <http://www.nmenv.state.nm.us/wqcc/>.

La audiencia se llevará a cabo de conformidad con las Directrices para el Control de la Calidad del Agua Audiencias Reglamento de la Comisión, la Ley de Calidad del Agua, Sección 74-6-6 NMSA 1978 y otros procedimientos aplicables y las órdenes de procedimiento. Los comentarios escritos sobre las revisiones propuestas pueden dirigirse a Pam Castañeda, de la Comisión Administradora, en la dirección arriba, la referencia número de expediente WQCC 12-01 (R).

Todas las personas interesadas se les dará oportunidad razonable en la audiencia para presentar pruebas pertinentes, los datos, opiniones y argumentos, de forma oral o por escrito, a presentar pruebas y testigos. Cualquier persona que desee presentar una declaración no técnico escrito para que conste en lugar de testimonio oral debe presentar dicha declaración antes del cierre de la audiencia.

Las personas que deseen presentar testimonio técnico deberá presentar a la Comisión una notificación por escrito de su intención de hacerlo. Los requisitos para la notificación de intención se puede encontrar en las Directrices de la Comisión sobre el Reglamento de Audiencias y han sido modificados por una orden de procedimiento consignados en el presente asunto, que se puede obtener del administrador o que se encuentran en la página web de la Comisión. Las notificaciones de intención para la audiencia debe ser recibida por la Oficina de la Comisión Administradora de las 5:00 pm el 22 de febrero de 2013, y deberá hacer referencia al

nombre de la regulación, la fecha de la audiencia, y el número de expediente WQCC 01.12 (R).

Si usted es una persona con una discapacidad y necesita asistencia o ayuda auxiliar, por ejemplo, un intérprete de lenguaje, para participar en cualquier aspecto de este proceso, por favor póngase en contacto con la Oficina de Servicios de Personal el 9 de marzo de 2013. La oficina puede ser contactada en el Departamento Ambiental de Nuevo México, 1190 St. Francis Drive, PO Box 5469, Santa Fe, NM 87502-5469, y 827 a 9872 (505). Los usuarios de TDD o TDY pueden acceder a este número a través de New Mexico Relay Network (Albuquerque TDD: (505) 275-7333; fuera de Albuquerque: 1-800-659-1779)

La Comisión podrá adoptar una decisión sobre las modificaciones propuestas regulatorias a la conclusión de la audiencia, o podrá convocar una reunión después de la audiencia para considerar la acción sobre la propuesta.