

**STATE OF NEW MEXICO  
BEFORE THE WATER QUALITY CONTROL COMMISSION**

<i>In the Matter of:</i>	)	WQCC 12- 09(R)
PROPOSED AMENDMENT TO	)	<i>and</i>
PART 20.6.2 NMAC - DAIRY RULE	)	WQCC 13-08(R)

**THE COALITION  
NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY**

Amigos Bravos, Rio Grande Chapter of the Sierra Club, Caballo Concerned Citizens, Lea County Concerned Citizens, and Rio Valle Concerned Citizens ("the Coalition") file this Notice of Intent to Present Technical Testimony ("NOI") pursuant to the Water Quality Act and the Water Quality Control Commission's ("the Commission") Guidelines for Water Quality Control Commission Regulation Hearings and the Procedural Order issued October 3, 2014.

1. Entity for whom the witness will testify: The Coalition.
2. Technical Witnesses: Kathy J. Martin, P.E. ("KJM"), and William C. Olson ("WCO"). The qualifications of the witnesses and the basis for their expert technical testimony are set out in the attachments to their pre-filed direct written testimony, WCO 1 through 20 and KJM 1 through 9.
3. Testimony: The written direct testimony of Ms. Martin and Mr. Olson are pre-filed with this NOI. Ms. Martin and Mr. Olson will acknowledge and affirm their respective written testimony under oath at hearing and, at that time, provide a brief summary of the testimony.

4. Recommended Amendments: Recommended changes to the Dairy Industry for a Clean Environment's ("DIGCE") proposed rule changes are included as Exhibit WCO-3 attached to the William C. Olson testimony.

5. Exhibits: The Coalition provides the following exhibits:

A. Twenty (20) exhibits are attached to Mr. Olson's testimony:

<b>Exhibit</b>	<b>Description of Exhibit</b>
WCO-1	Written Direct Testimony of William C. Olson
WCO-2	Resume of William C. Olson
WCO-3	October 17, 2014 Coalition Proposed Amendments to the Dairy Rule
WCO-4	March 8, 2010 Testimony of Sarah McGrath, <i>In the Matter of Proposed Amendment to 20.6.2 NMAC (Dairy Rule)</i> No. WQCC 09-13(R), New Mexico Water Quality Control Commission
WCO-5	March 8, 2010, Sarah McGrath Exhibit SKM-1 (March 8, 2010), <i>In the Matter of Proposed Amendment to 20.6.2 NMAC (Dairy Rule)</i> No. WQCC 09-13(R), New Mexico Water Quality Control Commission
WCO-6	March 8, 2010, Sarah McGrath Exhibit SKM-2 (March 8, 2010), <i>In the Matter of Proposed Amendment to 20.6.2 NMAC (Dairy Rule)</i> No. WQCC 09-13(R), New Mexico Water Quality Control Commission
WCO-7	Statement of Reasons and Order, <i>In the Matter of Proposed Amendment to 20.6.2 NMAC (Dairy Rule)</i> No. WQCC 09-13(R), New Mexico Water Quality Control Commission (January 14, 2011)
WCO-8	March 8, 2010, Bart Faris Testimony and Exhibits BF-1 to BF-8, <i>In the Matter of Proposed Amendment to 20.6.2 NMAC (Dairy Rule)</i> No. WQCC 09-13(R), New Mexico Water Quality Control Commission Testimony of Bart Faris and Exhibits BF-1 to BF-8
WCO-9	Settlement Agreement, Dairy Industry for a Clean Environment, Inc. vs. Water Quality Control Commission, <i>In the Matter of Proposed Amendment to 20.6.2 NMAC (Dairy Rule)</i> , Court of Appeals Docket No. 31012 (July 7, 2011)
WCO-10	Statement of Reasons and Order, <i>In the Matter of Proposed Amendment to 20.6.6 NMAC (Dairy Rule)</i> No. WQCC 11-04(R), New Mexico Water Quality Control Commission (November 16, 2011)
WCO-11	Notice of Settlement, Amended Motion for Stay of Dairy Rule, and Stipulation, <i>In the Matter of Proposed Amendment to 20.6.2 NMAC (Dairy Rule)</i> No. WQCC 09-13(R), (July 8, 2011)
WCO-12	S.E. Reynolds, NM State Engineer Office April 13, 1967 Letter to A.L Porter, N Commission
WCO-13	R.L Stamets, NMOCD March 15, 1985 Letter to S.E Reynolds, NM State Engineer Office

WCO-14	S.E. Reynolds, NM State Engineer Office May 15, 1985 Letter to Dick Stamets, NMOCD
WCO-15	Michael Burkhardt, EID, February 26, 1987 Letter to USEPA, Comments on Final Draft dated 1986 of Guidelines for Ground-Water Classification Under the EPA Ground-Water Protection Strategy
WCO-16	July 19, 2006 Court of Appeals Opinion, Phelps Dodge Tyrone, Inc vs. New Mexico Water Quality Control Commission (2006-NMCA-115, 140 N.M. 464, 143 P.3d 502)
WCO-17	Testimony of William C. Olson, <i>In the Matter of Appeal of Supplemental Discharge Permit for Closure (DP 1341) for Phelps Dodge Tyrone, Inc.</i> , Nos. WQCC 03-12(A) and 03-13(A), New Mexico Water Quality Control Commission (July 9, 2007)
WCO-18	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. WQCC 03-12(A) and 03-13(A), New Mexico Water Quality Control Commission (Feb. 4, 2007)
WCO-19	September 24, 2010 Discharge Permit DP-1641, Parasol Dairy
WCO-20	NMED March 27, 2014 Draft Discharge Permit DP-1799, AgGas Pecos 1

B. Nine (9) exhibits are attached to Ms. Martin 's testimony:

<b>Exhibit</b>	<b>Description of Exhibit</b>
KJM-01	Written Direct Testimony of Kathy J. Martin, PE (NM#21522)
KJM-02	Annotated Bibliography of Liner Systems (1990) by Kathy J. Martin
KJM-03	Curriculum Vitae and List of Expert Testimony and Deposition of Kathy J. Martin
KJM-04	<b><u>Incorporated by reference:</u></b> Written Direct Testimony of Kathy J. Martin, <i>Proposed Amendment to 20.6.2 NMAC (Dairy Rule)</i> , WQCC 12-09(R) Exhibit 1 – Direct Testimony of Kathy J. Martin, PE Exhibit A – Kathy J. Martin, PE Curriculum Vitae Exhibit B – Background information on backflow prevention devices Exhibit C – Chemigation Exhibit D – Safety Valves Exhibit E – Background information on flow meters and field calibration Exhibit F – Flow Meters for Measuring Dairy Liquid Manure Applications Exhibit G – Flow Meters Tested on Dairy Lagoon Water Exhibit H – Background information on nutrient management plans and certifications Exhibit I – MOU between NRCS and ASA on Certified Professional Crop Scientists Exhibit J – MOU between NRCS and ASA on Certified Professional Agronomists Exhibit K – USDA-NRCS Nutrient management plan areas and performance objectives Exhibit L – US EPA Region VI General Permit for CAFOs in New Mexico Exhibit M – USDA-NRCS Updated Standard 590 CPNM for New Mexico Exhibit N – NRCS Comprehensive NMP Technical Guidance for New Mexico
KJM-05	Pages 35-43 of Bonaparte and Gross (1992), “LDCRS Flow from Double-Lined Landfills and Surface Impoundments”, USEPA Risk Reduction Engineering Laboratory Contract No. 68-C0-0068

KJM-06	Thiel and Giroud (2011), "Important Considerations for Leakage Control of Exposed Geomembrane-Lined Ponds", 13 <sup>th</sup> Intn'l Waste Mgmt and Landfill Symp.
KJM-07	NM-NRCS Construction Specification 521A – Flexible Membrane Liner
KJM-08	NM-NRCS Conservation Practice Standard 313 – Waste Storage Facility

6. Reservation of Rights: The Coalition reserves the right to call additional witnesses or introduce additional exhibits in response to the testimony and witnesses presented at hearing and raise relevant objections to the evidence, witnesses and exhibits offered by the parties to the proceeding.

Respectfully submitted:

  
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*Attorneys for The Coalition*

**CERTIFICATE OF SERVICE**

I, Jon Block, hereby certify that on October 17, 2014, I caused to be served by hand the Coalition's Notice of Intent to Present Technical Testimony with attached pre-filed, direct written testimony and exhibits of William C. Olson and Kathy J. Martin upon the following:

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 Jon Block