

STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION

COPY



In the Matter of:

**PROPOSED AMENDMENTS TO
SURFACE WATER QUALITY
STANDARDS FOR SAN ISIDRO
ARROYO AND TRIBUTARIES,
20.6.4 NMAC**

No. WQCC 19-03 (R)

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

Pursuant to 20.1.6.202 NMAC, the New Mexico Environment Department (“Department”) submits this Notice of Intent to Present Technical Testimony for the hearing in this matter currently scheduled for October 8, 2019.

1. Entity for whom the witnesses will testify

The witnesses will testify for the Surface Water Quality Bureau of the Water Protection Division of the Department.

2. Identity of witnesses

The Department will call the following witnesses to present technical testimony at the hearing:

Shelly Lemon is the Bureau Chief with the Department’s Surface Water Quality Bureau. A copy of Ms. Lemon’s written direct testimony is attached as NMED Exhibit A. Her resume is attached as NMED Exhibit B.

Jennifer Fullam is the Standards, Planning and Reporting Team Supervisor and the Water Quality Standards Coordinator with the Department’s Surface Water Quality Bureau. A copy of

Ms. Fullam’s written direct testimony is attached as NMED Exhibit C. Her resume describing her educational and professional background is attached as NMED Exhibit D.

3. Estimated duration of direct oral testimony of witnesses

Ms. Lemon	15 minutes
Ms. Fullam	20 minutes

4. List of exhibits to be offered by the Department at the hearing

<u>EXHIBIT NUMBER</u>	<u>TITLE OF EXHIBIT</u>
NMED Exhibit A	Written Direct Testimony of Shelly Lemon
NMED Exhibit B	Resume of Shelly Lemon
NMED Exhibit C	Written Direct Testimony of Jennifer Fullam
NMED Exhibit D	Resume of Jennifer Fullam
NMED Exhibit E	Proposed Work Plan Submitted by Peabody Natural Resources Company dated September 2015
NMED Exhibit F	New Mexico Environment Department’s Response, via email dated October 1, 2015, to Peabody’s Work Plan
NMED Exhibit G	EPA Region 6 Response to Proposed Workplan dated October 1, 2015
NMED Exhibit H	Peabody’s Revised Workplan dated November 16, 2016
NMED Exhibit I	Peabody’s Revised Workplan dated June 6, 2017
NMED Exhibit J	New Mexico Environment Department’s Approval of Proposed Workplan dated January 12, 2018
NMED Exhibit K	Peabody’s Use Attainability Analysis dated May, 2018
NMED Exhibit L	New Mexico Environment Department’s Comments to Peabody’s Use Attainability Analysis dated August 24, 2018
NMED Exhibit M	EPA Region 6’s Request for Additional Information dated September 26, 2018
NMED Exhibit N	Peabody’s Revised Use Attainability Analysis dated November 6, 2018
NMED Exhibit O	Peabody’s Notice of Public Comment Period for the Use Attainability Analysis dated February 27, 2019
NMED Exhibit P	New Mexico Environment Department’s Comments and Proposed Alternative Language to NMAC dated March 29, 2019

The Department reserves the right to introduce and move for admission of any other exhibit in support of rebuttal testimony at the hearing.

Respectfully submitted,

**NEW MEXICO ENVIRONMENT DEPARTMENT
OFFICE OF GENERAL COUNSEL**

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *New Mexico Environment Department's Notice of Intent to Present Technical Testimony* was filed with the WQCC Administrator and served on the following via electronic mail on September 18, 2019:

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s/Annie Maxfield _____
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