

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

**In the Matter of:** \_\_\_\_\_ )

**PROPOSED AMENDMENT** )  
**TO 20.6.6 NMAC (Dairy Rule)** )  
\_\_\_\_\_ )

**WQCC 13-08(R)**

**NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY ON BEHALF OF THE  
DAIRY INDUSTRY GROUP FOR A CLEAN ENVIRONMENT**

The Dairy Industry Group for a Clean Environment (hereinafter, "DIGCE"), pursuant to Section 302 of the Procedural Order issued on October 3, 2014, files this Notice of Intent to Present Technical Testimony at the public hearing scheduled for December 9, 2014. The hearing on the Petition filed in WQCC 13-08(R) matter is combined with a hearing on the Petition filed in WQCC 12-09(R). DIGCE previously filed and served a Notice of Intent to Present Technical Testimony in No. WQCC 12-09(R) on or about November 19, 2012. The written direct written testimony regarding the proposed rule amendments filed in WQCC 12-09(R) is contained in the Notice of Intent filed in that matter, which is in the record and incorporated by reference herein.

**1. Person for whom the witness(es) will testify:**

The witnesses will testify for DIGCE and its members.

**2. Identify each technical witness the person intends to present and state the qualifications of that witness including a description of their educational and work background:**

a) Mark Turnbough, Ph.D., is a technical witness who will testify regarding limited regulatory impact assessments (RIA) of selected provisions in the existing Dairy Rule. His qualifications, education and work background are included in his written testimony attached;

b) Keith Gordon, P.E., is a technical witness who will testify regarding synthetic and clay liner requirements contained in DIGCE's proposed amendments. His qualifications, education and work background are included in his written testimony attached;

c) Charles Fiedler, P.E., is a technical witness who will testify regarding ground water monitoring requirements. His qualifications, education and work background are included in his written testimony attached; and

d) Loney Ashcraft is a technical witness who will testify regarding mechanisms used to separate and/or settle solids from wastewater, changes relating to flow metering, land application of wastewater, and sampling requirements. His qualifications, education and work background are included in his written testimony attached.

**3. Attach the full written direct testimony of each technical witness, which shall include an express basis for all expert opinion offered:**

The direct testimony of each technical witness is attached.

**4. Include the text of any recommended modifications to the proposed regulatory change:**

*See* Second Amended Petition filed August 2013 and the accompanying Attachment A (rule modification proposals). Pertinent parts are included in the testimony.

**5. Identify and attach all exhibits to be offered by the person at the hearing:**

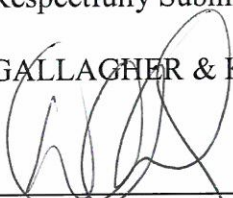
EXHIBIT #	DESCRIPTION
DIGCE – 1	Direct Testimony of Mark Turnbough, Ph.D.
DIGCE – 2	Direct Testimony of Keith Gordon, P.E.
DIGCE – 3	Direct Testimony of Charles Fiedler, P.E.
DIGCE – 4	Direct Testimony of Loney Ashcraft
TURNBOUGH – 1	Table MT1-Final Permits Issued Under Dairy Rule
TURNBOUGH – 2	Table MT2-Draft Permits Issued Under Dairy Rule
TURNBOUGH – 3	Table MT3-Combined Draft and Final Permits Issued Under Dairy Rule
TURNBOUGH – 4	Resume for Mark Turnbough, Ph.D.
GORDON – 1	Curriculum Vitae for I. Keith Gordon, P.E.
GORDON – 2	Figure 1: HDPE Liner Leakage Rates Figure 2: Soil Liners: Materials Classification – Laboratory Testing Figure 3: Compacted Soil Liner (CSL) Leakage Rates Figure 4: Compacted Soil Liners Advantages Figure 5: Soil Liners: Field Testing/Installation/CQA
GORDON – 3	Waste Containment Systems, Waste Stabilization, and Landfills Design and Evaluation, PPS 379 & 383 (Sharma, Hari D. and Sangeeta P. Lewis, 1994)
GORDON – 4	Quality Assurance and Quality Control for Waste Containment Facilities, Chapter 2: Compacted Soil Liners, PPS 19 - 98 (Daniel, David E. and Koerner, Robert M., 1993)
GORDON – 5	Bibliography
GORDON – 6	List of Acronyms

EXHIBIT #	DESCRIPTION
FIEDLER – 1	Figure re Ground Water Gradient
FIEDLER – 2	Figure re Current Prescriptive Monitoring
FIEDLER – 3	Bibliography
ASHCRAFT – 1	NRCS standard job sheets for crops harvested by grazing (2 pages)

**WHEREFORE**, DIGCE respectfully requests that the Water Quality Control Commission accept the following NOI on behalf of DIGCE. Further, DIGCE reserves the right to supplement this pleading and its attachments as may be necessary or appropriate for good cause.

Respectfully Submitted,

GALLAGHER & KENNEDY, P.A.




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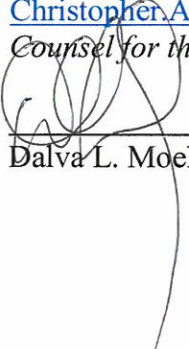
**Certificate of Service:**

I hereby certify that a true and accurate copy of the foregoing pleading was served upon the following parties of record mail and/or hand-delivery on Friday, October 17, 2014:

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