

**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 20.6.6 NMAC - DAIRY RULE | ) | WQCC 13-08(R)  |

**THE COALITION  
NOTICE OF INTENT TO PRESENT TECHNICAL REBUTTAL 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 Rebuttal 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 above witnesses and the basis for their expert technical testimony are set out in their pre-filed direct written testimony contained in Coalition Exhibits WCO 1 through 20 and KJM 1 through 9,
3. Testimony: The written rebuttal testimony of Ms. Martin and Mr. Olson are pre-filed with this NOI. The attached pre-filed written rebuttal testimony of William C. Olson is contained in Coalition Rebuttal Exhibit 'A' with supporting exhibits, Coalition Rebuttal Exhibits WCO-21 through 26. The attached pre-filed written rebuttal testimony

of Kathy J. Martin, P.E. is contained in Coalition Rebuttal Exhibit 'B'. 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 their rebuttal testimony.

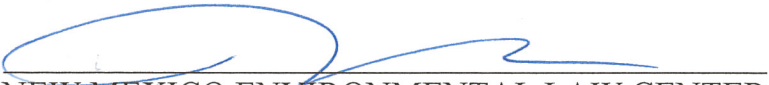
4. Recommended Amendments: Recommended changes to the Dairy Industry for a Clean Environment's ("DIGCE") proposed rule changes are included in the Coalition Rebuttal Testimony of Kathy J. Martin attached hereto as Coalition Rebuttal Exhibit 'B'.

5. Exhibits: The Coalition provides the following exhibits in rebuttal:

| <b>Exhibit</b> | <b>Description of Exhibit</b>  |
|----------------|--|
| 'A'            | Written Rebuttal Testimony of William C. Olson.  |
| WCO-21         | NMED's March 8, 2010 scientific expert witness testimony supporting ground water monitoring well requirements of the Dairy Rule from the 2010 Dairy Rule hearings filed as NMED NOI Attachment 8 (relevant portion).               |
| WCO-22         | Eight technical exhibits supporting NMED's March 8, 2010 scientific expert witness testimony for ground water monitoring well requirements of the Dairy Rule from the 2010 Dairy Rule hearings.                                    |
| WCO-23         | NMED's March 29, 2010 scientific expert witness rebuttal testimony supporting ground water monitoring well requirements of the Dairy Rule from the 2010 Dairy Rule hearings filed as NMED Rebuttal Attachment 3(relevant portion). |
| WCO-24         | Five supporting technical exhibits supporting NMED's March 29, 2010 scientific expert witness rebuttal testimony for ground water monitoring well requirements of the Dairy Rule from the 2010 Dairy Rule hearings.                |
| WCO-25         | EPA's September 1986 RCRA Ground Water Monitoring Technical Enforcement Guidance Document (relevant portion).  |
| WCO-26         | DIGCE's pre-filed direct testimony of G. Robert Hagevoort in the 2010 Dairy Rule hearings (relevant portion).  |
| 'B'            | Written Rebuttal Testimony of Kathy J. Martin.   |

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, certify that on November 21, 2014, I caused to be served the Coalition's Notice of Intent to Present Rebuttal Technical Testimony with the above described pre-filed rebuttal testimony and exhibits upon:

Jeffrey Kendall and Chris Attencio  
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Jon Block