Water Quality Control Commission
RECEIVED
July 30, 2026
Pamela Jones

STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF PROPOSED AMENDMENTS TO 20.6.4 NMAC – ***Standards for Interstate and Intrastate Surface Waters,*** **NO. WQCC 25-75 (R)**

NEW MEXICO ENVIRONMENT DEPARTMENT,

PETITIONER

NEW MEXICO NATURAL RESOURCES PARTNERSHIP'S
NOTICE OF INTENT TO PRESENT TECHNICAL REBUTTAL TESTIMONY

Pursuant to 20.1.6.202 NMAC, the *Pre-Hearing Order* issued on January 15, 2026 and the notice of the public hearing in this matter, the New Mexico Oil and Gas Association, New Mexico Mining Association, Dairy Producers of New Mexico, New Mexico Farm & Livestock Bureau, Dairy Farmers of America, and New Mexico Cattle Growers' Association (collectively the "New Mexico Natural Resources Partnership" or "NRP") file their Notice of Intent to Present Technical Testimony. This matter is scheduled for a public hearing to commence on September 28, 2026.

Preliminary Statement

NRP and its members have reviewed and considered the proposed amendments to 20.6.4 as identified in the First Amended Petition for Regulatory Change to Adopt Amendments to 20.6.4 NMAC filed on June 2, 2026. NRP notes that the amendments proposed in the First Amended Petition differ substantially from those presented in the original Petition. NRP and its members have identified the following specific changes as potentially adversely impacting their interests and the interests of their individual members:

1. Proposed amendments to the definition of "wetlands" in 20.6.4.7(W)(4) NMAC.

2. Proposed amendments to the Antidegradation Policy and Implementation Plan in 20.6.4.8 NMAC.
3. Proposed criteria for wetlands as specified in proposed section 20.6.4.13(N).
4. Proposed amendments to the provisions regarding use attainability analysis in 20.6.4.15 NMAC.
5. Proposed amendments and additions to the numeric criteria for lead, selenium, PFOS and PFOA in 20.6.4.900(J) NMAC.

NRP is not identifying a technical witness, technical testimony or exhibits for presentation on direct, and reserves its right to identify one or more rebuttal technical witnesses, their testimony and exhibits as provided in the *Pre-Hearing Order.* NRP is unable to provide direct testimony at this time because it is unable to assess the intent and potential impact of the proposed amendments and whether they are supported by technical evidence until it has an opportunity to review the direct testimony and exhibits to be filed by the Department. NRP is aware of the technical information cited in the public notice, but notes that the referenced technical documents consist of mostly technical and guidance documents published by the U.S. Environmental Protection Agency that do not address, or address only generally, the specific amendments proposed by the Department.

As required by applicable regulations and the Pre-Hearing Order, the Partnership provides the following information:

1 Identify the person for whom the witness(es) will testify:

NRP reserves the right to identify one or more technical witnesses to present rebuttal technical testimony.

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:

NRP reserves the right to identify one or more technical witnesses to present rebuttal technical testimony.

3. Include a copy of the direct testimony of each technical witness in narrative form, and state the estimated duration of the rebuttal oral testimony of that witness:

NRP reserves the right to identify one or more technical witnesses to present rebuttal technical testimony.

4. Include the text of any recommended modifications to the proposed regulatory change; and

At this time, NRP proposes that the Commission not adopt the proposed definition of "administrative rulemaking costs," the second sentence of proposed 20.6.4.10(F) regarding responsibility for such costs, and the reference to administrative rulemaking costs in the third sentence of that proposed subsection. NRP reserves the right to propose additional changes to, deletions from, or alternatives to, the rule amendments as proposed by the Department as part of NRP's rebuttal testimony or motions, including but not limited to on such topics as wetlands, anti-degradation and use attainability analyses.

5. List and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of the rules:

NRP reserves the right to identify one or more exhibits to be presented by any technical witness who may be identified to present rebuttal technical testimony.

Respectfully submitted,

GALLAGHER & KENNEDY, PA

/s/ Dalva L. Moellenberg
Dalva L. Moellenberg
Anthony Trujilly
Serafina I. Seluja

1239 Paseo de Peralta
Santa Fe, NM 87501
dlm@gknet.com
ajt@gknet.com
serafina.seluja@gknet.com

MODRALL, SPERLING, ROEHL,
HARRIS & SISK, P.A.

/s/ Stuart R. Butzier
Stuart R. Butzier
Benjamin Rossi
Stuart.butzier@modrall.com
Benjamin.rossi@modrall.com

Counsel for NMOGA, NMMA, DPNM, NMFA, DFA, and NMCGA (collectively the New Mexico Natural Resources Partnership)

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2026, a copy of the foregoing was served to the parties below via Electronic Mail.

Pamela Jones,
Commission Administrator
Water Quality Control Commission
1190 Saint Francis Drive, Suite S2102 Santa Fe, NM 87505
Pamela.Jones@env.nm.gov

Eduardo Uguarte II
Assistant Attorney General
New Mexico Department of Justice
P.O. Box 1508 Santa Fe, NM 87504
eugarte@nmdoj.gov

Counsel for the WQCC

Felicia Orth
Hearing Officer
Water Quality Control Commission
1190 Saint Francis Drive, Suite S2102
Santa Fe, NM 87505
felicia.l.orth@gmail.com

Brecken Scott
Christal Weatherly
Assistant General Counsel
P.O. Box 5469 Santa Fe, NM 87502(505) 490-1177
brecken.scott@env.nm.gov
Christal.Weatherly@env.nm.gov

Counsel for New Mexico Environment Department

Elizabeth Newlin Taylor
Taylor & McCaleb, P.A.
P.O. Box 2540
Corrales, New Mexico 87048-2540
(505) 888-6600
etaylor@taylormccaleb.com

Counsel for the San Juan Water Commission

Jennifer Bradfute
Matthias Sayer
David Kirmse
Bradfute Sayer, P.C.
P.O. Box 90233
Albuquerque, New Mexico 87199
(505) 264-8740
jennifer@bradfutelaw.com
matthias@bradfutelaw.com
david@bradfutelaw.com

Counsel for WATR Alliance

Tannis Fox
Western Environmental Law Center
409 East Palace Ave, #2
Santa Fe, NM 87501
(505) 629-0732
fox@westernlaw.org

Counsel for Amigos Bravos

Bruce Wetherbee, Pro Se
60 Thoreau Street #103
Concord, Massachusetts 01742
editor@thecandlepublishing.com
(505) 501-1570

/s/ *Dalva L. Moellenberg*
Dalva L. Moellenberg