

**RECEIVED**

By Water Quality Control Commission at 4:13 pm, Apr 03, 2020

STATE OF NEW MEXICO  
WATER QUALITY CONTROL COMMISSION

IN THE MATTER OF:  
THE PETITION FOR  
HEARING ON RENEWAL OF SEPTIC DISPOSAL  
FACILITY DISCHARGE PERMIT, DP-465 FOR

NO: \_\_\_\_\_  
GWB 19-28(P)

S&R SEPTIC (DP-465),

Petitioner.

**PETITIONER'S MOTION FOR EXTENTION TO FILE BRIEF**

COMES NOW the Petitioner S&R Septic, by and through undersigned counsel of record, and hereby requests that the Water Quality Control Commission enter an Order Extending the Deadline for Petitioner's Appeal Brief until on or before April 24, 2020. As grounds for this Motion Petitioner states as follows:

1. The administrative record in this matter was filed March 16, 2020 and supplemented March 20, 2020. Depending on which of these establishes the filing of the administrative record Petitioner's Brief could be due April 9, 2020 or April 12, 2020.
2. Due to the impacts of the coronavirus on Petitioner's counsel's office access and operations, Petitioner needs the additional time requested. Counsel has not been in his office since March 14, 2020 and one of counsel's administrative staff, who would normally assist with the preparation of this brief, has been in quarantine without electronic connection since March 15, 2020.
3. Counsel needs access to both hard copy and electronic records, as well as a response to an IPRA submitted on March 14, 2020 to NMED but received during the week of March 20, 2020 or later. A response to at least some of the IPRA requests is expected on April

13, 2020 in time to be incorporated in a brief filed pursuant to an April 24, 2020 brief. *See Exhibits 1 & 2, as attached.*

4. Opposing parties have been contacted and NMED and James Brockman and Jerome Hansen do not oppose this Motion. Dion Smith and Robert Sanchez have not been reached regarding this Motion.

WHEREFORE, the Petitioner requests that the WQCC enter an Order Extending the Deadline for Petitioner's Appeal Brief until on or before April 24, 2020.

Respectfully submitted,

DOMENICI LAW FIRM, P.C.

/s/ Pete Domenici

Pete V. Domenici, Jr., Esq.  
Jeanne Cameron Washburn, Esq.  
320 Gold Avenue SW, Suite 1000  
Albuquerque, New Mexico 87102  
(505) 883-6250

[pdomenici@domicilaw.com](mailto:pdomenici@domicilaw.com)

[jwashburn@domicilaw.com](mailto:jwashburn@domicilaw.com)

I hereby certify that the foregoing was served on all parties on the 3<sup>rd</sup> day of April, 2020.

/s/ Jeanne Cameron Washburn

Jeanne Cameron Washburn, Esq.

**DOMENICI LAW FIRM, P.C.**

ATTORNEYS AT LAW

320 Gold Avenue SW

Suite #1000

Albuquerque, New Mexico 87102

-

(505) 883-6250 Telephone

(505) 884-3424 Facsimile

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Reed Easterwood  
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Lorraine Hollingsworth  
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Jeanne Cameron Washburn  
jwashburn@domicilaw.com

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March 14, 2020

Melissa Y. Mascarenas  
Inspection of Public Records Officer  
1190 St. Francis Drive, Ste. N-4050  
Santa Fe, NM 87505

Re: NMED IPRA Request

Dear Ms. Mascarenas:

Enclosed please find the NMED IPRA request for your attention.

Thank you.

Sincerely,

/s/ Pete V. Domenici, Jr.  
Pete V. Domenici, Jr., Esq.

JCW/4381

Encl.

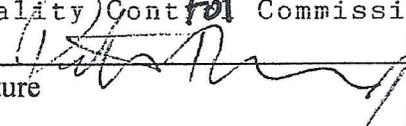
Exhibit 1



NEW MEXICO ENVIRONMENT DEPARTMENT  
INSPECTION OF PUBLIC RECORD REQUEST FORM

Please fill out the following information:

1. Date: 3/13/20
2. Requestor's Name: Pete Domenici Jr.
3. Requestor's Address: 320 Gold Ave SW Suite 1000  
Albuquerque, NM 87102
4. Phone No.: ( 505 ) 883-6250
5. Email: pdomenicin@domenicilaw.com
6. Company Being Represented: Self
7. Address: \_\_\_\_\_
8. Document or File being requested to be reviewed or copied (please describe the records in sufficient detail to enable Department personnel to reasonably identify & locate the records):  
1. a current list of all sites in abatement. ~~withdrawn~~ 4/1/20 pvs  
2. a list of the names of all discharge permits approved ~~or~~ denied by Secretary Kenney
9. NMED Bureau where Document/File can be found (if known): Groundwater Quality Bureau or Water Quality Control Commission records

Signature 

The cost for copying by NMED is as indicated on Attachment A. Please send this request to:

**Melissa Y. Mascareñas**  
**Inspection of Public Records Officer**  
**1190 St. Francis Drive, Ste. N-4050**  
**Santa Fe, New Mexico 87505**  
**fax: (505) 827-1628 or**  
**email: melissa.mascarenas@state.nm.us**

Attachment page 1

2. (continued) or issued by the Groundwater Quality Bureau.
3. a list or names or case file numbers of all groundwater quality bureau discharge permits denied by the NMED Secretary or Groundwater Quality Bureau since <sup>2010 PVD</sup> 2005 through present.
4. any guidance, policy or internal emails within NMED defining, applying or commenting on NMSA § 74-6-5.E.(4)(b) or (e) *from Michelle Hunter and her section*
5. ~~Access to review Groundwater Discharge Permit files in which permits were extended pending a renewal application that was filed after permit expiration.~~ *withdrawn PVD* *chiefs PVD 4/3/20*
6. All penalties or penalty assessments or compliance orders or NOV's issued to any discharge permit holder from <sup>2015 PVD</sup> ~~2010~~ through present.
7. Any pre-filed testimony in a groundwater discharge permit or permit renewal hearing recommending permit denial or permit renewal denial due to compliance issues, history, or violations and/or due to application of NMSA § 74-6-5.E.(4)(b) or (4)(e). *from 2015 to present PVD*

ATTACHMENT B

**New Mexico Environment Department  
Release of Public Information in Electronic Format**

In accordance with the Public Records Act, NMSA 1978, Section 14-3-15.1(C), any person requesting of a public record from the New Mexico Environment Department in any electronic medium (e.g., spreadsheets, GIS layers, database extracts) or database agrees:

1. not to make unauthorized copies;
2. not to use the electronic information for any political or commercial purpose unless the purpose and use is approved in writing by the New Mexico Environment Department;
3. not to use the electronic information for solicitation or advertisement when it contains the name, address or telephone number of any person, unless such use is otherwise specifically authorized by law;
4. not to allow access to the electronic information by any other person unless the use is approved in writing by the New Mexico Environment Department; and
5. to pay a royalty or other consideration to the state of New Mexico as may be agreed upon by the New Mexico Environment Department.

If information contained in the electronic format is searched, manipulated, or retrieved or if an electronic copy is made for any private or nonpublic use, a fee shall be charged by the New Mexico Environment Department. NMSA 1978, §14-3-15.1.F.

Except as authorized by law or rule of the State Commission of Public Records, any person who reveals to any unauthorized person information contained in a computer database or who uses or permits the unauthorized use or access to any computer database is guilty of a misdemeanor, and upon conviction the court shall sentence that person to jail for a definite term not to exceed one year or to payment of a fine not to exceed five thousand dollars (\$5,000) or both. That person shall not be employed by the state for a period of five years after the date of conviction. NMSA 1978, § 14-3-15.1(G).

In order to determine whether the information requested will be used for solicitation, advertisement, political or commercial purpose, please indicate how the information will be used:

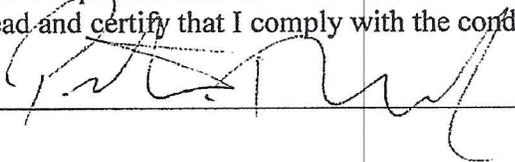
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I, Pete Domenici Jr. (print name), have requested information in electronic format from the New Mexico Environment Department, and have read and certify that I comply with the conditions listed above.

\_\_\_\_\_  
Signature



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**For NMED Use Only**

Electronic Information Requested: \_\_\_\_\_  
Format (e.g. database, spreadsheet, map, other) \_\_\_\_\_  
Bureau: \_\_\_\_\_ Date: \_\_\_\_\_  
Name of Individual Releasing electronic Information: \_\_\_\_\_



**Michelle Lujan Grisham**  
Governor

**Howie C. Morales**  
Lt. Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

Harold Runnels Building  
1190 Saint Francis Drive, PO Box 5469  
Santa Fe, NM 87502-5469  
Telephone (505) 827-2855

[www.env.nm.gov](http://www.env.nm.gov)



**James C. Kenney**  
Cabinet Secretary

**Jennifer J. Pruett**  
Deputy Secretary

March 30, 2020

VIA E-MAIL

Pete Domenici, Jr.  
[pdomenic@domicilawfirm.com](mailto:pdomenic@domicilawfirm.com)

Re: Request to Inspect Public Records

Dear Mr. Domenici:

On March 30, 2020, this office received your request for public information. You request information pertaining to: a current list of all sited in abatement and a list of the names of all discharge permits approved or denied by Secretary Kenney along with attachment of numerous other requested items. (See attached request).

I forwarded your request to the bureaus on March 30, 2020. The bureaus will respond by April 13, 2020.

Should you have any questions, please contact the Office of General Counsel at (505) 827-2855 or the Ground Water Quality Bureau at (505) 827-2919.

Sincerely,

Melissa Y. Mascareñas  
New Mexico Environment Department  
Department Public Records Custodian

Cc: Owen Johnson, Assistant General Counsel  
Cody Barnes, Office of Public Facilitation  
Michelle Hunter, Chief, Ground Water Quality Bureau

*Exhibit 2*

Addressee  
Date  
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