

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

**NEW MEXICO ENVIRONMENT DEPARTMENT,  
WATER PROTECTION DIVISION,  
SURFACE WATER QUALITY BUREAU,**

**Complainant,**

**v.**

**No. WQCC 20-16 (CO)**

**MATADOR PRODUCTION COMPANY  
and SAN MATEO MIDSTREAM, LLC,**

**Respondents.**

**JOINT MOTION TO CONTINUE HEARING  
PENDING APPROVAL OF SETTLEMENT**

Pursuant to 20.1.3.22(B) NMAC, The Water Protection Division (“Division”) of the New Mexico Environment Department (“NMED” or “Department”), and Matador Production Company and San Mateo Midstream LLC (together, “Respondents”) (collectively, the “Parties”) jointly move for an order continuing the hearing in this matter currently set for September 8, 2020, pending execution and Commission approval of a settlement agreement. In support of the motion, the parties state as follows.

1. The Department and Respondents have reached an agreement in principle on the terms of a settlement, and are in the process of finalizing and signing a Settlement Agreement memorializing their agreement.
2. Once finalized and signed by the Parties, the Settlement Agreement will resolve all issues relevant to the Administrative Compliance Order (“ACO”) issued on April 2, 2020, and as subsequently amended.

3. Rule 20.1.3.22(B) states that “[T]he Commission encourages settlement of a proceeding at any time if the settlement is consistent with the provisions and objectives of the [Water Quality] Act and the regulations.”

4. The terms of the agreement in principle are consistent with the terms of both the Water Quality Act and the Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC.

5. In lieu of the currently scheduled September 8, 2020 hearing on the ACO, the parties will be prepared to present the terms of the agreement in principle to the Commission at the Commission meeting scheduled for that date, and are diligently working to finalize and execute the Settlement Agreement in advance of the meeting.

6. If the Parties are able to finalize and execute the written Settlement Agreement in advance of the September 8, 2020 meeting, they will be prepared to present the written agreement and a proposed Stipulated Final Order to the Commission at that time, or at a time of the Commission’s choosing.

7. In the event the Parties are not able to finalize and execute the Settlement Agreement in advance of the September 8, 2020 meeting, they will work diligently to finalize the agreement in advance of the next regular meeting for Commission approval.

8. If the Commission approves the Stipulated Final Order, the hearing can be vacated, otherwise it can be rescheduled for an appropriate time.

WHEREFORE, the parties respectfully request that the hearing currently scheduled for September 8, 2020 be continued until after presentation of the Settlement Agreement to the Commission.

Respectfully Submitted,

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/s/

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/s/

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Joint Motion to Continue Hearing was served electronically on the following this 4<sup>th</sup> day of September, 2020:

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/s/

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