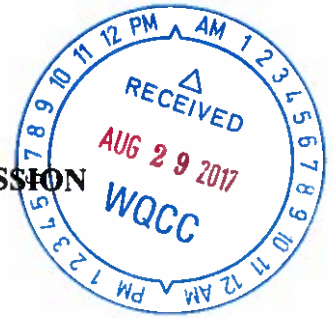


**STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION**



**IN THE MATTER OF PROPOSED
AMENDMENTS TO GROUND
AND SURFACE WATER PROTECTION
REGULATIONS, 20.6.2 NMAC**

No. WQCC 17-03 (R)

**AMIGOS BRAVOS'S AND GILA RESOURCES INFORMATION PROJECT'S
EXPEDITED MOTION TO STAY ALL FILING DEADLINES AND HEARING**

Amigos Bravos and the Gila Resources Information Project ("GRIP"), pursuant to 20.1.6.207.D NMAC, moves the Hearing Officer to stay all filing deadlines and the public hearing scheduled in this matter until discovery issues are resolved and discovery is completed. Pursuant to 20.1.6.207 NMAC, Amigos Bravos and GRIP sought concurrence from counsel for all parties in this matter. The motion was opposed by DPNM, DIGCE, City of Roswell, EMNRD, and NMED. LANS took no position on this motion. No response was provided by the following parties: Bill Olson, NMML EQA Section, AFLOA/JACE, and NMMA.

In support of this motion, Amigos Bravos and GRIP state the following:

1. The Procedural Order and Scheduling Order (collectively "Order") was put in place to allow time for interested parties to develop their respective positions; prepare testimony on the amendments proposed by the New Mexico Environment Department ("NMED") and on the amendments proposed by other parties, filed before July 27, 2017; file any dispositive motions on NMED's Petition; and to prepare for the Water Quality Control Commission ("WQCC") hearing scheduled for November 14, 2017.
2. The current deadlines in this matter are as follows:
 - a) Deadline for all parties to file notice of intent to present technical testimony, including the Direct Testimony of each technical witness on September 11, 2017;
 - b) Deadline for all parties to file dispositive motions;

- c) Final Telephonic Scheduling Conference on October 13, 2017;
 - d) Deadline for all parties to file Rebuttal technical testimonies on October 13, 2017;
 - e) Deadline for response to dispositive motions on October 16, 2017;
 - f) Deadline for reply to dispositive motions (if any) on October 26, 2017; and
 - g) Date of Hearing on November 14, 2017.
3. Amigos Bravos and GRIP note that necessary discovery pertaining to NMED's Petition to Amend 20.6.2 NMAC, particularly for NMED's proposed amendments regarding discharge permit amendments, variance petitions, alternative abatement standards, and toxic pollutants and numeric standards, has become far more extensive than initially anticipated when the hearing schedule was established. It is apparent that it has become overly burdensome for Amigos Bravos and GRIP to obtain vital discovery in this matter before the upcoming September 11th and September 29th filing deadlines. It is also apparent that it has become overly burdensome for NMED to provide the requested discovery before the upcoming September 11th and September 29th filing deadlines.
4. For example, NMED proposes to add a new agency action to 20.6.2 NMAC, that of "discharge permit amendment". NMED Petition to Amend 20.6.2 NMAC, page 2 (May 1, 2017). NMED provided in its Statement of Reasons for Proposed Amendments to 20.6.2 NMAC the following, in pertinent part:
- In the Definitions Section, the Department proposes to add a definition for 'discharge permit amendment' in order to *codify historical and current practice*, defining an amendment in relation to a discharge permit modification.
- NMED Statement of Reasons for Proposed Amendments to 20.6.2 NMAC, number 3 (May 1, 2017) (emphasis added).
5. Amigos Bravos and GRIP filed a number of Inspection of Public Records Act ("IPRA") requests with NMED to obtain discovery pertaining to NMED's "historical and current practice" for discharge permit amendments on July 25, 2017; August 7, 2017; and August 8, 2017. *See* attached Exhibits A, B1-3, and C. (Amigos Bravos and GRIP also requested

documents pertaining to variances, alternative abatement standards, toxic pollutants and numeric standards, as well as fees).

6. NMED is still in the process of responding to Amigos Bravos's and GRIP's discovery requests. Documents have been provided, thus far, in a haphazard manner – some electronically, some in unlabeled boxes. Legal counsel for Amigos Bravos and GRIP spent nearly seven (7) hours over August 24th and 25th at NMED looking through unlabeled boxes for requested documents, marking documents to be copied. Tens of hours have been spent reviewing electronic documents provided, identifying NMED's failure to provide specific requested documents and the need for further discovery in this matter.
7. NMED recently stated on August 17, 2017 that, "Because of the age of some of the records, and the disparate locations in which the records are being located the bureau needs additional time to respond. Therefore, the bureau will have until September 5, 2017, to respond to your request." *See* attached Exhibit D. It is unclear whether NMED will provide responsive documents electronically or in unlabeled boxes for legal counsel to review on September 5th, or whether NMED will state that it needs even more time to comply with Amigos Bravos's and GRIP's IPRA requests.
8. Furthermore, responsive documents that have been provided electronically by NMED identify the need for further IPRA requests and discovery for NMED's "historical and current practice" of discharge permit amendments, as well as for NMED's proposed amendments to variances, alternative abatement standards, toxic pollutants and numeric standards.
9. Though it is unknown when all of Amigos Bravos's and GRIP's IPRA requests will be fulfilled by NMED, it is clear that Amigos Bravos and GRIP will not have the necessary

documents in time to meet the upcoming September 11th and September 29th deadlines for filing direct testimony and dispositive motions. Further time is necessary to allow NMED to satisfy these discovery requests so that Amigos Bravos and GRIP, as well as all other parties, may effectively respond to NMED's proposed amendments and for the WQCC to make an informed decision regarding NMED's proposed amendments.

10. Due to the impending deadlines in this case, the time required to resolve discovery matters, and the desire that additional future motions and orders not be required to extend deadlines, Amigos Bravos and GRIP request the Hearing Officer to stay all deadlines in this case indefinitely.
11. Amigos Bravos and GRIP will notify the Hearing Officer of the completion of discovery in this matter so that a new briefing schedule and hearing date can be set at a future time.
12. The parties and Petitioner will not be prejudiced by the granting of a stay of all deadlines so that discovery can be completed. The documents requested by Amigos Bravos and GRIP are those documents NMED are relying upon for its Petition to Amend 20.6.2 NMAC. Additional time is needed for all parties to adequately respond to discovery obtained by Amigos Bravos and GRIP and for other parties to make discovery requests of NMED.

For these reasons, Amigos Bravos and GRIP respectfully request that the Hearing Officer stay all filing deadlines and the public hearing scheduled in this matter until discovery is completed.

Dated: August 29, 2017

Respectfully submitted,

New Mexico Environmental Law Center

By:  _____

Jaimie Park
Douglas Meiklejohn
Eric Jantz
Jonathan Block
1405 Luisa St., Suite 5
Santa Fe, NM 87505
(505) 989-9022
Attorneys for Amigos Bravos & GRIP

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Stay All Filing Deadlines and Hearing was served on August 29, 2017 via electronic mail to the following:

Ms. Pam Castaneda, Administrator
Water Quality Control Commission
Room N-2168, Runnels Building
1190 St. Francis Dr.
Santa Fe, NM 87505
Pam.Castaneda@state.nm.us

New Mexico Environment
Department
Office of General Counsel
Lara Katz
John Verheul
Lara.Katz@state.nm.us
John.Verheul@state.nm.us

Timothy A. Dolan
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Michael Bowen
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William Brancard
Cheryl Bada
1220 South St. Francis Dr.
Bill.Brancard@state.nm.us
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Russell Church, President
NMML EQA Subsection
NM Municipal League
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Michael L. Casillo
1500 W. Perimeter Rd., Suite 1500
Joint Base Andrews, MD 20762
michael.l.casillo2.civ@mail.mil



**NEW MEXICO ENVIRONMENT DEPARTMENT
INSPECTION OF PUBLIC RECORD REQUEST FORM**

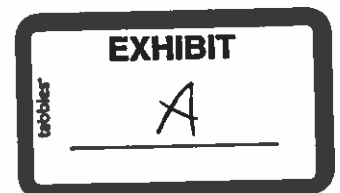
Please fill out the following information:

1. Date: July 25, 2017
2. Requestor's Name: Jaimie Park, New Mexico Environmental Law Center
3. Requestor's Address: 1405 Luisa Street, Suite 5, Santa Fe, NM 87505
4. Phone No.: (505) 989-9022
5. Email: jpark@nmelc.org
6. Company Being Represented: Amigos Bravos and Gila Resources Information Project ("GRIP")
7. Address: 1405 Luisa Street, Suite 5, Santa Fe, NM 87505
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:

I request that you inform me what documents are available within the scope of this request and when I can inspect those documents. I also request that you not make any copies without first informing me of the number of copies and the cost for the copying that are involved. Finally, I request that if you determine that any documents or portions of documents are exempt from disclosure you inform me of that and provide me with citations to the provisions in the Inspection of Public Records Act that indicate that the documents or portions of documents are exempt from disclosure, describe the type of document being withheld, and identify who sent the document being withheld and who received the document being withheld.

Records being requested:

1. The Environment Improvement Board's ("EIB") petition to adopt Regulation No. 5, Procedure for Requesting a Variance (date range 1967-1971) and EIB's associated direct and rebuttal testimony;
2. EIB's petition to adopt ground water regulations filed with the New Mexico Water Quality Control Commission ("WQCC") (date range 1974-1976), along with EIB's associated direct and rebuttal testimony;
3. Minutes of the WQCC meeting of December 14, 15, and 16, 1976 and minutes of the WQCC January 1977 meeting;



4. Any transcript or recording of the June 1976 four-day hearing held by the WQCC on EIB's proposed ground water regulations (this could be the "minutes of the WQCC meeting of December 14, 15, and 16, 1976 and one day in January 1977);
5. The WQCC's decision to adopt EIB's proposed ground water regulations (date range 1977);
6. EIB's petition to amend or adopt a new definition for "toxic pollutant", with associated direct and rebuttal testimony, and the WQCC's decision to adopt EIB's proposed definition in 1981;
7. EIB's petition to add eight organic chemicals to the ground water regulations Section 3103, with associated direct and rebuttal testimony, and the WQCC's decision to adopt EIB's proposed eight organic chemicals to the ground water regulations Section 3-103 in 1982;
8. EIB's petition to add twelve new numerical standards for organic chemicals to ground water standards, Section 3103, with associated direct and indirect testimony, and the WQCC's decision to adopt EIB's proposed twelve new numerical standards in 1986;
9. The New Mexico Environment Department's ("NMED")(or EIB's) petition to adopt discharge plan fees, with associated direct and rebuttal testimony, and the WQCC's decision to adopt discharge plan fees in 1991;
10. NMED's petition to adopt abatement regulations, Subpart IV of 20.6.2 NMAC, with associated direct and rebuttal testimony, and the WQCC's decision to adopt abatement regulations in 1995;
11. NMED's petition to add non-aqueous phase liquids to the list of ground water standards in Section 3103 of 20.6.2 NMAC, with associated direct and rebuttal testimony, and the WQCC's decision to add non-aqueous phase liquids to 3103;
12. NMED's petition to amend 20.6.2, Subpart III, to add the requirement for an "administrative record" as the basis for evaluation, and a new section 3110 and other procedural amendments, with direct and rebuttal testimony, and the WQCC's decision to adopt NMED's proposed amendments in 1996;
13. All NMED petitions to amend 20.6.2.7 NMAC with associated direct and rebuttal testimony, and subsequent WQCC decision on NMED's petition. Amendments were approved to this section by the WQCC in 2001, 2002, 2004, 2006 and 2014;
14. All EIB and NMED petitions to adopt or amend 20.6.2.1210 NMAC with associated direct and rebuttal testimony and subsequent WQCC decision. Adoption and amendments were approved to this section by the WQCC in 1968, 1970, 1972, 1981, 1996, and 2001;
15. All EIB and NMED petitions to adopt or amend 20.6.2.3103 NMAC with associated direct and rebuttal testimony and subsequent WQCC decision. Adoption and amendments were approved to this section by the WQCC in 1977, 1982, 1983, 1986, 1995, 2001, and 2004;
16. All EIB and NMED petitions to adopt or amend 20.6.2.3108 NMAC with associated direct and rebuttal testimony and subsequent WQCC decision. Adoption and amendments were approved to this section by the WQCC in 1977, 1987, 1995, 1996, 2001, 2002, and 2006;
17. All EIB and NMED petitions to adopt or amend 20.6.2.3114 NMAC with associated direct and rebuttal testimony and subsequent WQCC decision. Adoption and amendments were approved to this section by the WQCC in 1991, 1995, and 2001; and
18. All EIB and NMED petitions to adopt or amend 20.6.2.4103 NMAC with associated direct and rebuttal testimony and subsequent WQCC decision. Adoption and amendments were approved to this section by the WQCC in 1995, 1996, and 2001.

9. NMED Bureau where Document/File can be found (if known): Surface Water Quality Bureau, Ground Water Quality Bureau; all of these documents should already be readily available by NMED for use in the upcoming November 14, 2017 public hearing on NMED's Petition to Amend 20.6.2 NMAC.

/s/ Jaimie Park
Signature

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 personal 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:

These documents will be used to prepare comments on a draft DP for the Copper Flat Copper Mine and in anticipation of requesting a public hearing on a draft DP in this matter.

I, Jaimie Park (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.

/s/ Jaimie Park
Signature

For NMED Use Only

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



NEW MEXICO ENVIRONMENT DEPARTMENT
INSPECTION OF PUBLIC RECORD REQUEST FORM

Please fill out the following information:

1. Date: August 7, 2017
2. Requestor's Name: Jaimie Park
3. Requestor's Address: 1405 Luisa Street, Ste. 5, Santa Fe, NM 87505
4. Phone No.: (505) 989-9022
5. Email: jpark@nmelc.org
6. Company Being Represented: New Mexico Environmental Law Center
7. Address: 1405 Luisa Street, Ste. 5, Santa Fe, NM 87505
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:

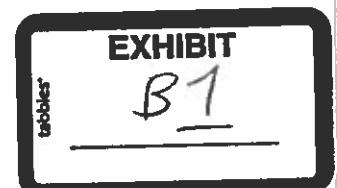
I request that you inform me what documents are available within the scope of this request and when I can inspect those documents. I also request that you not make any copies without first informing me of the number of copies and the cost for the copying that are involved. Finally, I request that if you determine that any documents or portions of documents are exempt from disclosure you inform me of that and provide me with citations to the provisions in the Inspection of Public Records Act that indicate that the documents or portions of documents are exempt from disclosure, describe the type of document being withheld, and identify who sent the document being withheld and who received the document being withheld.

The records that are requested are:

1. Chevron Environmental Management Company ("Chevron") April 27, 2016 letter requesting to amend Discharge Permit 1055 (DP-1055) and to revise the financial assurance;
2. DP-1055 and all amendments approved by NMED; and
3. Discharge permit modification applications submitted by Chevron for DP-1055.

For purposes of this request, the term "document" means any record in written, graphic, photographic, or other form kept or memorialized on paper, microfilm, microfiche, or electronic media; and includes each non-identical original or copy of a draft or final record, whether the original or copy is not identical because of notes on the original or copy or otherwise.

For purposes of this request, the term "pertaining to" means addressing, concerning, focusing on, mentioning, relating to, or relevant to in any manner.



9. NMED Bureau where Document/File can be found (if known): Ground Water Quality Bureau.

Signature

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 A

ATTACHMENT B

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

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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.

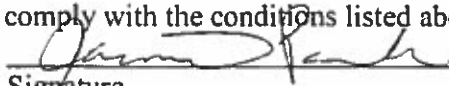
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Except as authorized by law or rule of the State Commission of Public Records, any person who reveals to any unauthorized person information contained in a computer database or who uses or permits the unauthorized use or access to any computer database 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:

For use in NMED's Petition to Amend 20.6.2 NMAC public hearing scheduled in November 2017.

I, Jaimie Park, 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

For NMED Use Only

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



**NEW MEXICO ENVIRONMENT DEPARTMENT
INSPECTION OF PUBLIC RECORD REQUEST FORM**

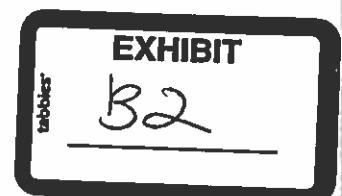
Please fill out the following information:

1. Date: August 7, 2017
2. Requestor's Name: Jaimie Park
3. Requestor's Address: 1405 Luisa Street. Ste. 5, Santa Fe. NM 87505
4. Phone No.: (505) 989-9022
5. Email: jpark@nmelc.org
6. Company Being Represented: New Mexico Environmental Law Center
7. Address: 1405 Luisa Street. Ste. 5, Santa Fe. NM 87505
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:

I request that you inform me what documents are available within the scope of this request and when I can inspect those documents. I also request that you not make any copies without first informing me of the number of copies and the cost for the copying that are involved. Finally, I request that if you determine that any documents or portions of documents are exempt from disclosure you inform me of that and provide me with citations to the provisions in the Inspection of Public Records Act that indicate that the documents or portions of documents are exempt from disclosure, describe the type of document being withheld, and identify who sent the document being withheld and who received the document being withheld.

The records that are requested are:

1. All discharge permit amendment requests and associated NMED approval or denial for the past ten (10) years (January 1, 2007 through date of this IPRA request) for the following Dairy Industry discharge permits:
 - a. DP-791
 - b. DP-1799
 - c. DP-423
 - d. DP-671
 - e. DP-833
 - f. DP-1323
 - g. DP-340
 - h. DP-1844
 - i. DP-1320
 - j. DP-227

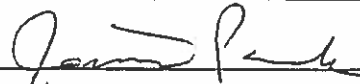


k. DP-941
l. DP-718
m. DP-1277
n. DP-606
o. DP-1111
p. DP-738
q. DP-1008
r. DP-1136
s. DP-765
t. DP-1332
u. DP-163
v. DP-1131
w. DP-706
x. DP-878
y. DP-1803
z. DP-934
aa. DP-1508
bb. DP-1003
cc. DP-921
dd. DP-707
ee. DP-1004
ff. DP-1810

For purposes of this request, the term "document" means any record in written, graphic, photographic, or other form kept or memorialized on paper, microfilm, microfiche, or electronic media; and includes each non-identical original or copy of a draft or final record, whether the original or copy is not identical because of notes on the original or copy or otherwise.

For purposes of this request, the term "pertaining to" means addressing, concerning, focusing on, mentioning, relating to, or relevant to in any manner.

9. NMED Bureau where Document/File can be found (if known): Ground Water Quality Bureau.



Signature

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 A

ATTACHMENT B

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

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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:

For use in NMED's Petition to Amend 20.6.2 NMAC public hearing scheduled in November 2017.

I, Jaimie Park, 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

For NMED Use Only

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



NEW MEXICO ENVIRONMENT DEPARTMENT
INSPECTION OF PUBLIC RECORD REQUEST FORM

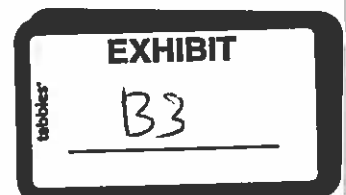
Please fill out the following information:

1. Date: August 7, 2017
2. Requestor's Name: Jaimie Park
3. Requestor's Address: 1405 Luisa Street, Ste. 5, Santa Fe, NM 87505
4. Phone No.: (505) 989-9022
5. Email: jpark@nmelc.org
6. Company Being Represented: New Mexico Environmental Law Center
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The records that are requested are:

1. All discharge permit amendment requests and associated NMED approval or denial for the past ten (10) years (January 1, 2007 through date of this IPRA request) for the following Mining Industry discharge permits:
 - a. DP-1399
 - b. DP-1568
 - c. DP-591
 - d. DP-526
 - e. DP-459
 - f. DP-493
 - g. DP-213
 - h. DP-376
 - i. DP-214
 - j. DP-1340




k. DP-484
l. DP-166
m. DP-383
n. DP-670
o. DP-363
p. DP-396
q. DP-496
r. DP-435
s. DP-1341
t. DP-455
u. DP-896
v. DP-1236
w. DP-286
x. DP-1403
y. DP-1056
z. DP-181
aa. DP-615
bb. DP-71
cc. DP-169
dd. DP-67
ee. DP-362
ff. DP-55
gg. DP-1055
hh. DP-1539
ii. DP-933
jj. DP-314
kk. DP-200
ll. DP-61
mm. DP-148
nn. DP-1234
oo. DP-1681
pp. DP-1651
qq. DP-1717
rr. DP-1754

For purposes of this request, the term "document" means any record in written, graphic, photographic, or other form kept or memorialized on paper, microfilm, microfiche, or electronic media; and includes each non-identical original or copy of a draft or final record, whether the original or copy is not identical because of notes on the original or copy or otherwise.

For purposes of this request, the term "pertaining to" means addressing, concerning, focusing on, mentioning, relating to, or relevant to in any manner.

9. NMED Bureau where Document/File can be found (if known): Ground Water Quality Bureau.



Signature

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.mascareñas@state.nm.us

ATTACHMENT A

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:

For use in NMED's Petition to Amend 20.6.2 NMAC public hearing scheduled in November 2017.

I, Jaimie Park, 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



NEW MEXICO ENVIRONMENT DEPARTMENT
INSPECTION OF PUBLIC RECORD REQUEST FORM

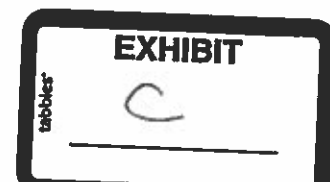
Please fill out the following information:

1. Date: August 8, 2017
2. Requestor's Name: Jaimie Park
3. Requestor's Address: 1405 Luisa Street, Ste. 5, Santa Fe, NM 87505
4. Phone No.: (505) 989-9022
5. Email: jpark@nmele.org
6. Company Being Represented: New Mexico Environmental Law Center
7. Address: 1405 Luisa Street, Ste. 5, Santa Fe, NM 87505
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:

I request that you inform me what documents are available within the scope of this request and when I can inspect those documents. I also request that you not make any copies without first informing me of the number of copies and the cost for the copying that are involved. Finally, I request that if you determine that any documents or portions of documents are exempt from disclosure you inform me of that and provide me with citations to the provisions in the Inspection of Public Records Act that indicate that the documents or portions of documents are exempt from disclosure, describe the type of document being withheld, and identify who sent the document being withheld and who received the document being withheld.

The records that are requested are:

1. WQCC No. 16-06(A) Petition for Alternative Abatement Standards for the former St. Anthony Mine, as well as any recommendation supporting the petition filed by NMED, and associated WQCC final decision and order;
2. WQCC No. 12-12(V) Petition for Variance, as well as any recommendation supporting the petition filed by NMED, and associated WQCC final decision and order;
3. WQCC No. 12-13(V) Petition for Variance, as well as any recommendation supporting the petition filed by NMED, and associated WQCC final decision and order;
4. WQCC No. 13-01(V) Petition for Variance, as well as any recommendation supporting the petition filed by NMED, and associated WQCC final decision and order;
5. WQCC No. 13-02(V) Petition for Variance, as well as any recommendation supporting the petition filed by NMED, and associated WQCC final decision and order;
6. WQCC No. 12-04(V) Petition for Variance, as well as any recommendation supporting the petition filed by NMED, and associated WQCC final decision and order;




7. WQCC No. 12-05(V) Petition for Variance, as well as any recommendation supporting the petition filed by NMED, and associated WQCC final decision and order;
8. WQCC No. 12-08(V) Petition for Variance, as well as any recommendation supporting the petition filed by NMED, and associated WQCC final decision and order;
9. WQCC No. 12-11(V) Petition for Variance, as well as any recommendation supporting the petition filed by NMED, and associated WQCC final decision and order;
10. WQCC No. 11-03(V) Petition for Variance, as well as any recommendation supporting the petition filed by NMED, and associated WQCC final decision and order;
11. WQCC No. 02-24(A) Petition for Alternative Abatement of Standards for L-Bar Uranium Mill Tailings Site, as well as any recommendation supporting the petition filed by NMED, and associated WQCC final decision and order;
12. Petition for Alternative Abatement of Standards for Cunningham Hill Mine, filed in 2001, as well as any recommendation supporting the petition filed by NMED, and associated WQCC final decision and order;
13. Petition for Alternative Abatement of Standards for LAC Minerals, Inc., filed in 1999, as well as any recommendation supporting the petition filed by NMED, and associated WQCC final decision and order, and NMED's recommendation supporting LAC's petition filed on September 13, 1999; and
14. WQCC No. 99-02(A) Petition for Alternative Abatement of Standards for Cunningham Hill Mine Reclamation Project and associated WQCC final decision and order, as well as any recommendation supporting the petition filed by NMED (this may be the same as Item # 12).

For purposes of this request, the term "document" means any record in written, graphic, photographic, or other form kept or memorialized on paper, microfilm, microfiche, or electronic media; and includes each non-identical original or copy of a draft or final record, whether the original or copy is not identical because of notes on the original or copy or otherwise.

For purposes of this request, the term "pertaining to" means addressing, concerning, focusing on, mentioning, relating to, or relevant to in any manner.

9. NMED Bureau where Document/File can be found (if known): The Water Quality Control Commission, Ground Water Quality Bureau.



Signature

Melissa Y. Mascareñas
Inspection of Public Records Officer
1190 St. Francis Drive, Ste. N-4050
Santa Fe, New Mexico 87505
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For use in NMED's Petition to Amend 20.6.2 NMAC public hearing scheduled in November 2017.

I, Jaimie Park, 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

For NMED Use Only

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



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

State of New Mexico
ENVIRONMENT DEPARTMENT

Office of the Secretary

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855 Fax (505) 827-2836
www.env.nm.gov



BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

August 17, 2017

VIA E-MAIL

Jaimie Park
jpark@nmelec.org

Re: Request to Inspect Public Records

Dear Ms. Park:

On August 7, 2017, this office received your request for public information. You requested information pertaining to: Petition to Amend 20.6.2 NMAC.

I forwarded your request to the bureau within the Department that may have the documents responsive to your request on August 7, 2017. Because of the age of some of the records, and the disparate locations in which the records are being located the bureau needs additional time to respond. Therefore, the bureau will have until September 5, 2017, to respond to your request.

Should you have any questions, please contact me at (505) 827-2855.

Sincerely,

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

cc: John Verheul, Assistant General Counsel
Michelle Hunter, Chief, Ground Water Quality Bureau

