

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



**IN THE MATTER OF THE PETITION FOR
ALTERNATIVE ABATEMENT STANDARDS
FOR THE FORMER ST. ANTHONY MINE,
CIBOLA COUNTY, NEW MEXICO**

No. WQCC 16-05 (A)

UNITED NUCLEAR CORPORATION,

PETITIONER.

**NEW MEXICO ENVIRONMENT DEPARTMENT AND UNITED NUCLEAR
CORPORATION'S JOINT MOTION FOR CONTINUANCE**

Petitioner United Nuclear Corporation (“Petitioner”) and Respondent New Mexico Environment Department (“Respondent”) jointly move for a continuance of the hearing in this matter currently scheduled to begin on May 9, 2017 in Santa Fe, New Mexico. The subject of the hearing is Petitioner’s request for alternative abatement standards for the former St. Anthony Mine and surrounding land pursuant to 20.6.2.4103 NMAC.

The property containing the St. Anthony Mine is owned by the Cebolleta Land Grant and was leased to Petitioner for mining purposes. In May 2009, after Petitioner had submitted Stage 1 and Stage 2 Abatement Plans, Petitioner and Respondent initiated a Multiple Accounts Analysis (“MAA”) with all stakeholders in the mine closure process, including the Cebolleta Land Grant. The stakeholder group ultimately selected a preferred abatement option that included a partial pit backfill and geochemical stabilization of pit sediments, resulting in the need for a petition to the Commission for alternative abatement standards.

Although representatives from the Cebolleta Land Grant were involved in the MAA process from 2009 to 2011, their level of knowledge about the Petition filed in December 2016 remains unclear. The Cebolleta Land Grant board has been in a period of transition and has empty seats

pending a runoff election. It has come to Petitioner and Respondent's attention that the immediate past president of the board did not communicate news of the Petition to land grant members. Despite Petitioner and Respondent's best efforts, it has been impossible to verify how many land grant members are aware of the Petition and what level of support it has. Petitioner and Respondent find it necessary to engage in due diligence to ensure that the owners of the property for which the proposed Alternative Abatement Standards are requested are fully informed.

WHEREFORE, Petitioner and Respondent respectfully request that the Hearing Officer and/or the Commission continue the hearing set for May 9, 2017 to the Commission's July 2017 meeting or, if no meeting is held in July, to the next meeting date scheduled thereafter. A proposed Order is attached.

Respectfully Submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT

/s/ Annie Maxfield
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Joint Motion for Continuance was filed with the Administrator of Boards and Commissions and was served on the following parties of record on April 25, 2017:

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/s/ Annie Maxfield
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ORDER CONTINUING HEARING

Petitioner United Nuclear Corporation and Respondent New Mexico Environment Department filed a joint motion for continuance of the hearing in the matter on April 25, 2017. For the reasons stated in the motion, the motion here is hereby GRANTED.

It is hereby ORDERED that the hearing on this matter currently set for May 9, 2017 in Santa Fe, New Mexico is vacated. The hearing will now be scheduled for _____.

Erin O. Anderson, Administrative Law Judge
New Mexico Environment Department
Hearing Officer for WQCC 16-05 (A)