

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



**IN THE MATTER OF THE NOTICE
OF DEFICIENCY: FINAL SITE INVESTIGATION
REPORT AND STAGE 2 ABATEMENT PLAN
FOR McCATHARN DAIRY, ALBUQUERQUE,
NEW MEXICO, DATED MARCH 9, 2018**

WQCC 18-02(A)

JOHN McCATHARN,

Petitioner.

**NEW MEXICO ENVIRONMENT DEPARTMENT'S
SECOND UNOPPOSED MOTION FOR STAY OF PROCEEDINGS**

The Ground Water Quality Bureau ("Bureau") of the New Mexico Environment Department ("Department") hereby requests an indefinite stay of the proceedings in the above-referenced matter. John McCatharn ("Petitioner") does not oppose this motion. As ground for this motion, the Bureau states as follows:

1. On March 9, 2018, the Bureau issued a Notice of Deficiency: Final Site Investigation Report and Stage 2 Abatement Plan proposal for McCatharn Dairy, Albuquerque, New Mexico ("NOD").
2. On April 9, 2018, Petitioner submitted his Appeal Petition and Request for 15-Day Extension of Time to Submit Substantive Information Regarding Objections to the NOD.
3. On May 3, 2018, the Department submitted its Unopposed Motion for Stay of Proceedings.
4. The Commission issued an Order Granting Stay of Proceedings in this matter until the July 2018 Commission meeting.
5. The parties continue to discuss resolution of the items raised in the NOD, but additional time is required for data collection and discussions.

6. In order to facilitate these discussions and reach final agreement, the Bureau proposes, and
Petitioner does not object to, an indefinite stay of the proceedings.

WHEREFORE, the Department hereby requests that the hearing officer enter an Order staying the
NOD proceedings until either party files a request for hearing.

Respectfully submitted,
NEW MEXICO ENVIRONMENT DEPARTMENT

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing New Mexico Environment Department's Second Unopposed Motion for Stay of Proceedings was delivered as described below to all parties on June 26, 2018.

Via email and First Class U.S. Mail

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