

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

In the Matter of:

**NEW MEXICO ENVIRONMENT DEPARTMENT
WATER PROTECTION DIVISION,**

WQCC 18-04 (CO)

Complainant,

v.

**SOUTHWEST CAPITAL BANK,
LAND DEVELOPMENT 2, LLC,
CLUB RIO RANCHO**

Respondents.

**JOINT MOTION TO WAIVE 90-DAY HEARING REQUIREMENT
AND REQUEST FOR HEARING DATE**

Pursuant to NMSA 1978, § 74-6-10(G) (1993) and the Water Quality Control Commission's ("Commission") adjudicatory procedures at 20.1.3.19.B(1) NMAC, the New Mexico Environment Department ("Department") and the Respondent Land Development 2, LLC ("LD2") jointly request that the requirement to hold a public hearing in this matter within 90 days of receiving the request for a hearing be waived, and a hearing in this matter be scheduled for the Commission's December meeting on December 11, 2018.

The Department issued an Administrative Compliance Order ("ACO") to Respondents on August 2, 2018, alleging violations of the Water Quality Act, NMSA 1978, §§ 74-6-1 to -17, and the regulations at 20.6.2 NMAC. Respondent LD2 filed a Response to the ACO, including a request for hearing, on September 4, 2018. Pursuant to 74-6-10(G), a hearing would have to be held in this matter on or before December 3, 2018. The parties are presently engaged in settlement negotiations and do not wish to truncate such negotiations early in order to prepare for a hearing on or before that date, and so request that the requirement to hold a public hearing in



this matter within 90 days of receiving the request for a hearing be waived, and a hearing in this matter be scheduled for the Commission's December meeting on December 11, 2018.

CONCLUSION

For the foregoing reasons, the Parties request that the requirement to hold a public hearing in this matter within 90 days of receiving the request for a hearing be waived, and a hearing in this matter be scheduled for the Commission's December meeting on December 11, 2018.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT OFFICE OF GENERAL COUNSEL



John Verheul
Assistant General Counsel
New Mexico Environment Department
121 Tijeras Avenue NE, Suite 1000
Albuquerque, New Mexico 87102
Phone: (505) 383-2063
Fax: (505) 383-2064
Email: John.Verheul@state.nm.us

Counsel for New Mexico Environment Department

LAND DEVELOPMENT 2, LLC

Approved via email on 9-13-18

Becky A. Torres
661 Quantum Rd NE, Suite 9
Rio Rancho, NM 87124
Phone: (505) 221-6709
Email: BT@torreslawnm.com

Counsel for LD2

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed with the WQCC Administrator and was served on the following via electronic mail on September 13, 2018:

Gideon Elliot
Office of the Attorney General
P.O. Box 1508
Santa Fe, New Mexico 87504-1508
gelliot@nmag.gov
Counsel for the Water Quality Control Commission



John Verheul