STATE OF NEW MEXICO 
BEFORE THE 
WATER QUALITY CONTROL COMMISSION

PETITION FOR REVIEW OF THE NEW MEXICO SECRETARY OF THE ENVIRONMENT’S DECISION GRANTING GROUNDWATER DISCHARGE PERMIT DP-1132 IN PROCEEDING GWB 17-20(P)

COMMUNITIES FOR CLEAN WATER EXHIBITS A AND B 
MOTION TO VACATE AGENCY DECISION AND REMAND THE PETITION FOR REVIEW OF DP-1132

Petitioner, Communities for Clean Water (“CCW”), by its counsel Lindsay A. Lovejoy, Jr., and Jonathan M. Block, New Mexico Environmental Law Center, hereny file the Exhibits to the Motion to Vacate Agency Decision and Remand filed 2/4/2019.

Respectfully submitted,

BY:  

Lindsay A. Lovejoy, Jr. 
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Co-Counsel for Petitioner Communities for Clean Water
CERTIFICATE OF SERVICE

I, Jonathan M. Block, hereby certify that on this 5th day of February, 2019, I caused the foregoing *Exhibits A and B to Communities For Clean Water Motion To Vacate Agency Decision And Remand The Petition For Review Of Dp-1132* to be served on the parties listed below by email and mailing it to them, U.S. Mail First Class postage pre-paid, and filing it with the Administrator of Boards and Commissions as an original and twelve copies.

Jonathan M. Block

Mr. Stuart R. Butzier and Ms. Christina C. Sheehan  
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*Triad National Security, LLC, and U.S. Department of Energy/NNSA*

Mr. John Verheul, Assistant General Counsel,  
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*Counsel for the New Mexico Environment Department*
15 January 2019

Stuart R. Butzier and Christina C. Sheehan  
Modrall, Sperling, Roehl, Harris & Sisk, P.A.  
P.O. Box 9318  
Santa Fe, New Mexico 87504-9318

By email to: stuart.butzier@modrall.com; christina.sheehan@modrall.com

Re: NMED No. GWB 17-20(P), re DP-1132

Dear Counsel:

   It has come to our attention that the Hearing Officer in the NMED proceeding about DP-1132, Ms. Erin Anderson, is now employed by the U.S. Department of Energy, National Nuclear Security Administration, at Los Alamos National Laboratory. We have been told that she began work sometime around the end of November 2018. Please advise us of the date on which the process of obtaining employment with the DOE-NNSA at LANL commenced.

   Thank you for your cooperation in this matter.

Very truly yours,

Lindsay A. Lovejoy, Jr.  
Counsel for Communities for Clean Water

cc (by email):

Susan L. McMichael  
Office of Laboratory Counsel  
Los Alamos National Laboratory  
PO Box 1663/MS A187  
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Silas R. DeRoma  
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Los Alamos, NM 87544  
3600 Cerrillos Road, # 1001A • Santa Fe, NM 87507 • 505-983-1800  
505-983-4508 fax • lindsay@lindsaylovejoy.com
From: DeRoma, Silas [mailto:silas.deroma@nnsa.doe.gov]
Sent: Tuesday, January 22, 2019 5:20 PM
To: Lindsay Lovejoy
Cc: 'Jon Block'
Subject: RE: [EXTERNAL] FW: DP-1132 Hearing Officer

Lindsay,
I am sorry for the delay in getting back to you. While I was waiting for clearance from NNSA HR on responding to your inquiry about our hiring action, I had to address a medical emergency in a family member. Below are the facts I can share with regard to Ms. Anderson:

Date of initial position announcement: June 15, 2018 (the application window for the position in the announcement closed on July 26, 2018)

Date of offer of employment: September 18, 2019

Date employment: November 25, 2018

Again, my apologies for the delay.

V/r Silas

Silas R. DeRoma
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From: Lindsay Lovejoy [mailto:lindsay@lindsaylovejoy.com]
Sent: Tuesday, January 22, 2019 1:25 PM
To: DeRoma, Silas <silas.deroma@nnsa.doe.gov>
Cc: 'Jon Block' <jblock@nmelc.org>
Subject: [EXTERNAL] FW: DP-1132 Hearing Officer

Dear Silas,
I understand that you will be responding concerning the facts surrounding Ms. Anderson's employment process. (see below) If this is not correct, please advise me. Please understand that we wish to obtain this information promptly.
Thank you,
--Lindsay

From: Stuart R. Butzier [mailto:sbutzer@modrall.com]
Sent: Thursday, January 17, 2019 10:09 AM
To: 'Lindsay Lovejoy'
Cc: 'Jon Block'; Christina C. Sheehan
Subject: RE: DP-1132 Hearing Officer

Lindsay:

In terms of responding to your January 15 inquiry, DOE and NNSA are looking into this and will get back to you about it directly.

Thanks,

Stuart

From: Lindsay Lovejoy <lindsay@lindsaylovejoy.com>
Sent: Tuesday, January 15, 2019 1:04 PM
To: Stuart R. Butzier <sbutzer@modrall.com>; Christina C. Sheehan <ccs@modrall.com>; smcmichael@lanl.gov; silas.deroma@nnsa.doe.gov; 'Jon Block' <jblock@nmelc.org>
Subject: DP-1132 Hearing Officer

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Counsel:
Please see the attached.

Thank you,

--Lindsay Lovejoy