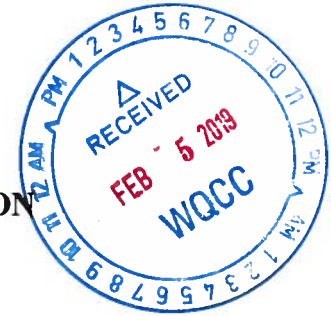


STATE OF NEW MEXICO
BEFORE THE
WATER QUALITY CONTROL COMMISSION



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)

WQCC No. 18-05(A)

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.
Attorney at law
3600 Cerrillos Road, Unit 1001A
Santa Fe, NM 87507
(505) 983-1800
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Co-Counsel for Petitioner Communities for Clean Water

CERTIFICATE OF SERVICE

I, Jonathan M. Block, hereby certify that on this 5h 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
Modrall Sperling Roehl Harris & Sisk, PA
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Ms. Susan L. McMichael
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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

Lindsay A. Lovejoy, Jr.
attorney-at-law

CCW
MOTION TO VACATE
AND REMAND
EXHIBIT A

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

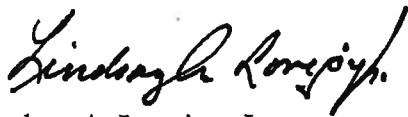
Re: NMED No. GWB 17-20(P), re DP-1132

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
Los Alamos, NM 87545-0001
smcmichael@lanl.gov
Attorney for Triad National Security, LLC

Silas R. DeRoma
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505-983-4508 fax • lindsay@lindsaylovejoy.com

Silas.DeRoma@nnsa.doe.gov
Attorney for the United States Department of Energy

Co-counsel, Jonathan M. Block
jblock@nmeic.org

**CCW MOTION
TO VACATE & REMAND
EXHIBIT B**

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
Site Counsel
U.S. Department of Energy
National Nuclear Security Administration
Los Alamos Site Office
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Los Alamos, NM 87544
E-mail: Silas.DeRoma@nnsa.doe.gov
Voice: 505.667.4668
BB: 505.553.1414
Fax: 505.665.4873

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:sbutzier@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 <sbutzier@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

Counsel:

Please see the attached.

Thank you,

--Lindsay Lovejoy