

STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION



_____)
IN THE MATTER OF THE PROPOSED)
AMENDMENTS TO STANDARDS FOR)
INTERSTATE AND INTRASTATE WATERS,)
20.6.4 NMAC)
_____)

WQCC No. 14-05(R)

**JOINT STIPULATION REGARDING
PROPOSED CHANGES TO 20.6.4.128 NMAC**

Amigos Bravos, the U.S. Department of Energy, Los Alamos National Security LLC, and the New Mexico Environment Department (“parties”), by and through undersigned counsel, hereby submit this joint stipulation regarding proposed changes to 20.6.4.128 NMAC. In support of this stipulation, the parties state as follows:

1. Water quality standards for ephemeral and intermittent portions of watercourses on lands managed by the U.S. Department of Energy within Los Alamos National Laboratory boundaries are set forth in 20.6.4.128 NMAC. These waters are referred to as “Segment 128 waters.”
2. Amigos Bravos proposed changes to 20.6.4.128 NMAC in its September 30, 2014 Proposed Changes and Statement of Basis, submitted to the Water Quality Control Commission as part of the Triennial Review (WQCC No. 14-05(R)).
3. Amigos Bravos, with this stipulation, and in exchange for the commitments made by the other parties in this stipulation, withdraws its proposed changes to 20.6.4.128 NMAC.
4. The U.S. Department of Energy and Los Alamos National Security LLC, with this stipulation, and in exchange for Amigos Bravos withdrawing its proposed changes to 20.6.4.128

NMAC pursuant to this stipulation, agree to share by December 2015, with all parties to this stipulation, any new information, maps, or data obtained or developed since completion of the August 2007 "Use Attainability Analysis for Waters Located on Los Alamos National Laboratory as described in Sections 20.6.4.126 and 20.6.4.128 NMAC New Mexico Water Quality Standards July 17, 2005" that would assist in the identification of: (a) which Segment 128 waters are ephemeral and which are intermittent; (b) the existing uses of the Segment 128 waters; (c) the presence of macroinvertebrates or shellfish in the Segment 128 waters; and (d) any significant change to the chemical, physical, or biological integrity of the Segment 128 waters. NMED will also share any new information that it has in accord with Inspection of Public Records Act.

5. The parties agree to meet and confer regarding the appropriate level of water quality protections afforded to Segment 128 waters through a series of meetings to take place between January and July of 2016. To inform this dialogue, the parties recognize that additional data collection and analysis may be helpful or necessary.

6. The parties will endeavor to reach agreement regarding the appropriate level of water quality protections afforded to Segment 128 by September 2016. If the parties reach agreement, NMED agrees to petition the Water Quality Control Commission to propose changes to 20.6.4.128 NMAC expeditiously but in any case, no later than the next triennial review. The determination of when to submit the changes will be made at the discretion of NMED, in consultation with the other parties. Amigos Bravos, the U.S. Department of Energy, or Los Alamos National Security LLC may however, at their discretion, independently choose to petition the Water Quality Control Commission to propose the agreed-upon changes to 20.6.4.128 NMAC.

7. In submitting this joint stipulation, the parties, while endeavoring to reach a consensus agreement regarding the appropriate level of water quality protections afforded to Segment 128, do not waive any rights to independently propose, support, or oppose proposed changes to 20.6.4.128 NMAC at any time, including in future triennial reviews, or to otherwise propose, support, or oppose proposed changes to the level of water quality protections afforded to Segment 128 through other means.

Respectfully submitted this 9th day of October 2015.

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading was serviced by regular mail and, where an email address is specified, by email, on October 9, 2015 to:

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