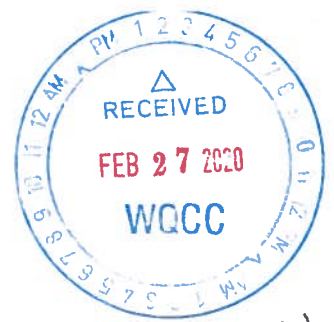


STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION



IN THE MATTER OF:
THE PETITION FOR
HEARING ON RENEWAL OF SEPTIC DISPOSAL
FACILITY DISCHARGE PERMIT, DP-465 FOR

NO: WQCC 20-14 (A)
GWB 19-28(P)

S&R SEPTIC (DP-465),

Petitioner.

PETITIONER'S MOTION TO STAY PROCEEDINGS

COMES NOW the Petitioner S&R Septic, by and through undersigned counsel of record, and hereby requests that the Water Quality Control Commission enter an Order staying the implementation of the Secretary's Order in this matter pending the Petitioner's Appeal. In support of this Motion, the Petitioner states as follows:

1. On February 19, 2020, NMED Secretary issued his Final Order denying the permit application for renewal of DP-465 for S&R Septic and ordered Petitioner to close the facility consistent with the provisions of discharge permit DP-465 and the provisions of the Groundwater Regulations.
2. Petitioner timely filed an appeal petition.
3. The NMED Hearing Officer filed a recommended Final Order that Petitioner's proposed discharge permit, with the conditions set out in Attachment 1, be issued because the Application record and hearing presentation showed that the applicant meets the requirements of the regulations and will not result in a hazard to public health or undue risk to property, in accordance with 20.6.2.3109(C) NMAC.
4. The WQCC is not bound by the Secretary's findings of fact or conclusions of law but shall consider recommendations by the hearing officer. Petitioner has a strong likelihood to

prevail on the appeal petition to grant the discharge permit, as recommended by the hearing officer.

5. The facility has operated for 33 years and had at least five permit applications and renewals approved by NMED. Closing the facility prior to a final decision by the WQCC will cause irreversible and irreparable harm to the Petitioner. Further, the Taos community, both residents and businesses, will suffer irreparable harm without the services of Petitioner to conduct the business of domestic-septage and sludge disposal.

6. S&R Septic has been in business for 32 years and provides for the disposal of domestic-septage and sludge in the Taos community.

WHEREFORE, the Petitioner requests that the WQCC enter an Order staying the implementation of the Secretary's Order during the pendency of the Petitioner's appeal.

Respectfully submitted,

DOMENICI LAW FIRM, P.C.

/s/ Pete Domenici

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I hereby certify that the foregoing was served on all parties on the 27th day of February, 2020.

/s/ Jeanne Cameron Washburn

Jeanne Cameron Washburn, Esq.

