

**STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD**

IN THE MATTER OF:)
PROPOSED AMENDMENTS TO 20.4.2 NMAC,)
HAZARDOUS WASTE PERMIT AND)
CORRECTIVE ACTION FEES, AND 20.4.3)
NMAC, ANNUAL HAZARDOUS WASTE)
FEES,)
NEW MEXICO ENVIRONMENT)
DEPARTMENT,)
Petitioner.)

Docket No. EIB 19-35 (R)



UNOPPOSED MOTION FOR LEAVE TO FILE OUT OF TIME

Pursuant to the New Mexico Environment Improvement Board Rulemaking Procedures, 20.1.1.307 NMAC, the New Mexico Environmental Law Center, on behalf of Nuclear Watch New Mexico, respectfully moves the Hearing Officer for an order allowing the filing of an entry of appearance one day late. In support of this Motion, the undersigned counsel states the following:

1. Nuclear Watch New Mexico wishes to participate as a party in the above-captioned rulemaking proceeding to revise the Hazardous Waste Fee Regulations, §§ 20.4.2 and 20.4.3 NMAC, which govern the fees that the Hazardous Waste Bureau of the New Mexico Environment Department collects from the owners and operators of permitted facilities and facilities conducting corrective action. However, Nuclear Watch New Mexico will not be presenting technical testimony in the rulemaking proceeding.

2. A hearing on this proposed rulemaking is scheduled for December 2, 2019. Under the Board's Rulemaking Procedures, an entry of appearance must be filed twenty days before the

hearing. 20.1.1.303 NMAC. Because that date, November 30, fell on a Saturday, the filing deadline was the following Monday, December 2, 2019. 20.1.1.110.A NMAC.

3. Due to the recent holidays, and due to pressing work commitments, the undersigned counsel missed the December 2 deadline.

4. Granting this motion will not cause any prejudice to the other parties. *See* 20.1.1.110.B NMAC.

5. The undersigned counsel has inquired with counsel for the other parties, the New Mexico Environment Department and the United States Department of Defense, and these parties concur with this Motion. A proposed order is submitted herewith for the Hearing Officer's review. 20.1.1.307.B.

6. Therefore, the undersigned counsel respectfully requests that the Hearing Officer grant this Motion by signing the proposed order.

Respectfully submitted,

December 3, 2019



CHARLES de SAILLAN
Staff Attorney
New Mexico Environmental Law Center
1405 Luisa Street
Suite 5
Santa Fe, New Mexico 87505-4074
(505) 989-9022
cdesaillan@nmelc.org

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of December 2019, a copy of the foregoing Unopposed Motion for Leave to File Out of Time was sent by first class mail, postage prepaid, and electronic mail to:

Christal Weatherly
Andrew Knight
New Mexico Environment Department
121 Tijeras Avenue, NE #1000
Albuquerque, New Mexico 87102
505-222-9524
christal.weatherly@state.nm.us
Counsel for the New Mexico Environment Department

Jodi M. Velasco
Regional Counsel
AFLOA/JACE-ER
1492 First Street, Suite 212
Dobbins Air Reserve Base, Georgia 30069
(678) 655-9534
jodi.velasco@us.af.mil
Counsel for the United States Department of Defense

Marah deMeule
New Mexico Office of the Attorney General
Post Office Box 1508
Santa Fe, New Mexico 87504
(505) 303-1793
mdemeule@nmag.gov
Counsel for the Environmental Improvement Board


Charles de Saillan