

STATE OF NEW MEXICO  
WATER QUALITY CONTROL COMMISSION



**IN THE MATTER OF A PETITION APPEALING  
THE SECRETARY OF THE ENVIRONMENT'S  
DENIAL OF A HEARING ON DP-1793**

**WQCC 15-07 (A)**

**Communities for Clean Water,  
Petitioner.**

**PERMIT REVIEW SCHEDULING ORDER**

On October 30, 2015, the Chair of the Water Quality Control Commission ("Commission") appointed Jeffrey N. Holappa, Administrative Law Judge for the New Mexico Environment Department, to serve as Hearing Officer in the permit review before the Commission pursuant to 20.1.3.10 NMAC. Accordingly, the Hearing Officer hereby issues the following Permit Review Scheduling Order pursuant to 20.1.3.16(B)(2) NMAC.

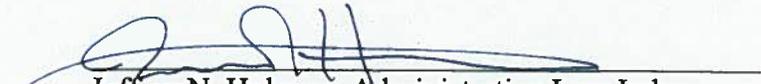
1. The permit review will be held during the Commission's scheduled meeting on Tuesday, December 8, 2015 at 9:00 a.m. in Room 307 of the State Capitol Building, 490 Old Santa Fe Trail, Santa Fe, New Mexico 87501.<sup>1</sup>
2. The permit review will be conducted in accordance with the Water Quality Act, NMSA 1978, Section 74-6-5, the Water Quality Control Commission Adjudicatory Procedures found in 20.1.3 NMAC, and all other applicable law.
3. The permit review will begin with an opening statement from the Hearing Officer followed by oral argument from the parties beginning with the Petitioner. No new evidence will be admitted during oral argument in accordance with 20.1.3.16(F)(1) NMAC.
4. The parties fully briefed the issues in advance of the permit review. Therefore, in order to adjudicate the issues in an efficient, fair and impartial manner, the Petitioner will be granted 15 minutes for oral argument and an additional 5 minutes for rebuttal argument. The New Mexico Environment Department will be granted 15 minutes for oral argument. The United States Department of Energy and Los Alamos National Security together will be granted a total of 15 minutes for oral argument in light of their aligned positions as set forth in their joint answer brief.

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<sup>1</sup> Petitioner agreed to schedule the matter beyond the 90-day deadline during the Commission's meeting held on October 13, 2015.

5. The Commission Administrator will audio record the oral argument before the Commission. Any party may, at its own expense, have the oral argument stenographically recorded by a certified court reporter. Any party may, at its own expense, have the audio recording or stenographic recording transcribed by a certified court reporter. 20.1.3.16(F)(2) NMAC. Any party may contact the Commission Administrator, Pam Castaneda, at 505-827-2425 or pam.castaneda@state.nm.us, to schedule the appearance of a certified court reporter.
6. The Commission will consider and weigh only the evidence contained in the record before the department and the recommended decision of the Hearing Officer, if any, and shall not be bound by the factual findings or legal conclusions of the department. The Commission will sustain, modify or reverse the action of the department based on a review of the evidence, the arguments of the parties and recommendations of the Hearing Officer. The Commission will set forth in the final order the reasons for its actions. 20.1.3.16(F)(3) NMAC.

Dated this 5<sup>th</sup> Day of November 2015.

  
Jeffrey N. Holappa, Administrative Law Judge  
Hearing Officer for WQCC 15-07 (A)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Permit Review Scheduling Order was sent via the stated methods below to the following parties on November 5, 2015:

*Via hand delivery and email:*

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*Counsel for the New Mexico Environment Department*

*Via First Class U.S. Mail and email:*

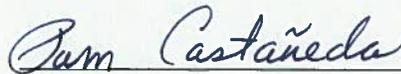
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