

BEFORE THE SECRETARY OF ENVIRONMENT

**IN THE MATTER OF
NEW MEXICO ENVIRONMENT DEPARTMENT
WATER PROTECTION DIVISION
DRINKING WATER BUREAU,**

Complainant,

v.

No. DWB 24-13

CAMINO REAL REGIONAL UTILITY AUTHORITY

Respondent.

**JOINT MOTION TO CONTINUE JUNE 17, 2025 PUBLIC HEARING AND FOR
EXTENSION OF CERTAIN CASE MANAGEMENT DEADLINES**

COME NOW, Complainant New Mexico Environment Department, Water Protection Division, Drinking Water Bureau (“NMED”) and Respondent Camino Real Regional Utility Authority (“CRRUA”) (collectively, “Parties”), by and through their respective counsel of record, and pursuant to 20.1.5.100.G(2) NMAC, hereby present their Joint Motion for Continuance of June 17, 2025 Public Hearing and for Extension of Certain Case Management Deadlines. In support of their Joint Motion, the Parties state:

1. On January 10, 2025, the Parties submitted their Jointly Proposed Schedule for Expeditious Hearing and Listing and Description of Interim Measures to Protect Public Health While Settlement Negotiations were Ongoing.
2. On January 22, 2025, the Hearing Officer entered a Scheduling Order setting the public hearing on the merits to be conducted on May 7, 2025 if no dispositive motions were filed and, alternatively, on June 17, 2025 if dispositive motions were filed.

3. On April 7, 2025, the Parties received the Notice of Hearing indicating that a public hearing on the merits of the Amended Administrative Compliance Order would be held on May 7, 2025.
4. On April 23, 2025, the Parties submitted an executed Stipulated Partial Final Order describing a partial settlement of the Amended Administrative Compliance Order, identifying resolution of all issues except the assessment of civil penalties in this matter.
5. On May 1, 2025, the Parties submitted their Joint Motion to Continue May 7, 2025 Public Hearing, requesting a continuance to further pursue settlement negotiations for resolution of the outstanding issue concerning the assessment of civil penalties in this matter.
6. On May 2, 2025, the Order Granting Joint Motion for Continuance of May 7, 2025 Public Hearing was entered.
7. On May 6, 2025, the Parties received the Amended Notice of Hearing, scheduling the public hearing to resolve the outstanding issue concerning the penalty assessment in this matter to occur on June 17, 2025.
8. Thereafter, upon receipt of new information, NMED recalculated the civil penalty assessment in this matter.
9. To reflect the recalculation of the civil penalty assessment in this matter, NMED filed a Second Amended Administrative Compliance Order on May 23, 2025 setting forth what CRRUA asserts are new allegations against CRRUA in paragraphs 23 through 34. The Parties agree that CRRUA has the right to respond in full, with admissions or denials and affirmative defenses, to the Second Amended Administrative Compliance Order, including paragraphs 23 through 34.

10. Upon filing, the Second Amended Administrative Compliance Order superseded and supplanted the First Amended Administrative Compliance Order such that the Amended Administrative Compliance Order became a legal nullity. *See Klasner v. Klasner*, 1918-NMSC-021, ¶ 5, 23 N.M. 627; *see also Estate of Griego ex rel. Griego v. Reliance Standard Life Ins. Co.*, 2000-NMCA-022, ¶ 15, 128 N.M. 676; *see also State ex rel. McGill v. Bassett*, 2023-NMCA-033, ¶ 17.
11. On May 28, 2025 CRRUA filed its Opposed Motion to Vacate Administrative Hearing, asking the Hearing Examiner to vacate the June 17, 2025 hearing.
12. The deadline for NMED to respond to the Opposed Motion to Vacate Administrative Hearing was June 12, 2025; however, NMED was not afforded the opportunity to respond prior to the entry of the Order described below.
13. On June 4, 2025 CRRUA served CRRUA's Opposed Motion to Strike NMED's Witness and Exhibit Lists, which was filed on June 5, 2025.
14. The deadline for NMED to respond to the Opposed Motion to Strike NMED's Witness and Exhibit Lists was June 19, 2025; however, NMED again was not afforded the opportunity to respond prior to the entry of the Order described below.
15. On June 6, 2025, the Order Denying Respondent [CRRUA's] Motion to Vacate June 17, 2025 Public Hearing and Granting, in Part, Respondent's Motion to Strike [NMED's] Witness and Exhibit Lists (hereinafter "the Order") was entered.
16. The Order indicated that CRRUA should be afforded the opportunity to respond to the new allegations set forth in the Second Amended Administrative Compliance Order.

17. Pursuant to the terms of the Second Amended Administrative Compliance Order, CRRUA must file its answer, including any admissions or denials and affirmative defenses, within thirty (30) days after the date of filing or, in this case, on or before June 23, 2025.
18. During an emergency status conference requested by NMED and held on June 9, 2025, at which NMED sought clarification about the Order, CRRUA stated that it be afforded the right to seek discovery regarding the Second Amended Administrative Compliance Order, as well as the right to file dispositive motions.
19. In order to afford CRRUA the opportunity to respond to the Second Amended Administrative Compliance Order and allow orderly hearing procedures in accordance with 20.1.5 NMAC, the Parties stipulate and agree that continuing the June 17, 2025 public hearing, along with the extension of certain case management deadlines, is in the best interest of NMED, CRRUA, and the public.
20. Accordingly, the Parties jointly request, pursuant to 20.1.5.100.G(2) NMAC, the June 17, 2025 hearing on the merits be continued to occur at the Hearing Officer's earliest convenience during the week of September 1, 2025.
21. The Parties jointly request, pursuant to 20.1.5.100.G(2) NMAC, the following case management deadlines be adopted:
 - a. The deadline to complete discovery be extended to July 21, 2025;
 - b. The deadline to file dispositive motions be extended to August 1, 2025;
 - c. The deadline to file a response to dispositive motions be extended to August 15, 2025;
 - d. The deadline to file a reply, if any, in support of a dispositive motion be extended to August 25, 2025;

- e. The deadline to file revised witness and exhibit lists, in accordance with the Pre-Hearing Order Concerning Scope of Proceeding and Hearing Procedures, entered on May 1, 2025, which may include witnesses and exhibits not previously identified, be extended to August 25, 2025.

WHEREFORE, for the foregoing reasons, Complainant New Mexico Environment Department, Water Protection Division, Drinking Water Bureau and Respondent Camino Real Regional Utility Authority respectfully request that the hearing on the merits in this matter be continued from June 17, 2025 and that certain case management deadlines be extended as provided herein.

Respectfully Submitted,
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I hereby certify that the foregoing was
filed and electronically served on this
11th day of June 2025 to the following:

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