

FILED

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY 23 JUL -6 PM 12:21
REGION 6
DALLAS, TEXAS REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:)
)
Albuquerque Bernalillo County) Docket No. CWA-06-2023-1727
Water Utility Authority)
)
Respondent) ORDER
)

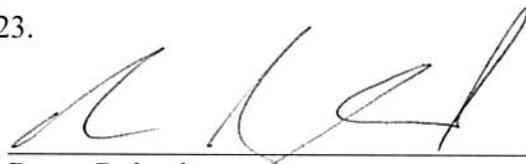
Granting Extension of Time in which Parties may file a Response to Pueblo Isleta’s Motion for Leave to Intervene

WHEREAS, on May 30, 2023, Complainant, Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 6, filed a Class II Administrative Complaint against Respondent, Albuquerque Bernalillo County Water Utility Authority, under section 309(g)(2)(B) of the Clean Water Act, 33 U.S.C. § 1319(g)(2)(B). This matter is governed by procedures set forth at 40 Code of Federal Regulations (C.F.R.) Part 22 -- *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*. See 40 C.F.R. § 22.1(6). On June 29, 2023, Respondent filed its Answer to the Complaint. On June 27, 2023, prior to the filing of the Respondent’s Answer to the Complaint, Pueblo of Isleta filed a Motion for Leave to Intervene in this matter pursuant to 40 C.F.R. § 22.11(a). 40 C.F.R. § 22.16(c) provides that the Regional Judicial Officer shall rule on all motions filed or made before an answer to the complaint is filed.

Pursuant to 40 C.F.R. § 22.16(b), the parties’ responses to the Pueblo of Isleta’s Motion for Leave to Intervene is required to be filed within 15 days of service of the Motion. Section 22.16(b) also provides that the Presiding Officer, in this case the Regional Judicial Officer, may set a shorter or longer time for response. On July 5, 2023, Complainant filed a request for a 45-day extension of the deadline in which to file Complainants’ response, from July 12, 2023, until August 28, 2023.

In accordance with 40 C.F.R. §§ 22.16(b) and (c), it is hereby ORDERED that the parties in the above-captioned matter have until August 28, 2023, to file a response to the Motion for Leave to Intervene filed in this matter by Pueblo of Isleta on June 27, 2023.

Dated this 6th day of July, 2023.



Renea Ryland
Regional Judicial Officer

CERTIFICATE OF SERVICE

I, Lorena S. Vaughn, the Regional Hearing Clerk for the Region 6 office of the Environmental Protection Agency, hereby certify that a TRUE AND CORRECT copy of CWA-06-2023-1727, was served upon the parties on the date and in the manner set forth below:

Chris Melendrez
General Counsel
Albuquerque Bernalillo County
Water Utility Authority
P.O.Box 568
Albuquerque, NM 87103

U.S. FIRST CLASS MAIL -
RETURN RECEIPT REQUESTED and
By Email

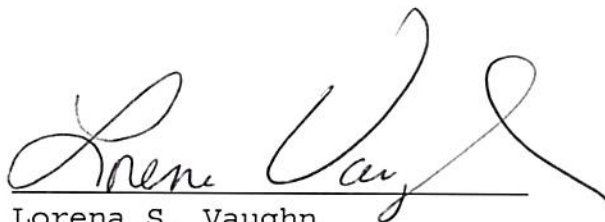
Emily Soli
General Counsel
Pueblo of Isleta
P.O. Box 1290
Isleta, NM 87022

Ellen Chang
Kristine Talbot
Environmental Protection Agency
1201 Elm Street
Suite 500
Dallas, Texas 75270

By Email and Interoffice Mail

DATE:

7/6/2023



Lorena S. Vaughn
Regional Hearing Clerk