



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

January 23, 2023

TRANSMITTED VIA E-MAIL

Mr. Louis W. Rose and Ms. Kari E. Olson
Montgomery & Andrews, P.A.
Post Office Box 2307
Santa Fe, NM 87504-2307
lrose@montand.com
kolson@montand.com

Mr. Joshua Rubin
Rio Rancho Acting City Attorney
3200 Civic Center Circle NE
Rio Rancho, NM 87144
jrubin@rrnm.gov

Re: Unopposed Motion for Extension of Time to File an Answer
In the Matter of City of Rio Rancho
Docket No. CWA-06-2023-1704

Dear Messrs. Rose and Rubin and Ms. Olson:

Enclosed is a copy of the Environmental Protection Agency, Region 6's Unopposed Motion for Extension of Time to File an Answer that was filed with the Regional Hearing Clerk on January 23, 2023. Please confirm receipt of this letter and copy of the enclosed Unopposed Motion for Extension of Time to File an Answer by sending a reply e-mail. If you have any questions, please contact me at (214) 665-8356 or talbot.kristine@epa.gov.

Sincerely,

KRISTINE TALBOT
Digitally signed by KRISTINE TALBOT
DN: c=US, o=U.S. Government,
ou=Environmental Protection
Agency, cn=KRISTINE TALBOT,
09.2342.19.200300100.11+8800100
3615871
Date: 2023.01.23 12:25:59 -0600

Kristine Talbot
Assistant Regional Counsel
Office of Regional Counsel

cc: Ms. Shelly Lemon
Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 5469
Santa Fe, NM 87502
shelly.lemon@env.nm.gov

FILED

ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

23 JAN 23 PM 1:04

REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of:)	
)	
City of Rio Rancho)	
)	Docket No. CWA-06-2023-1704
A New Mexico municipality,)	
)	
Respondent)	
)	
NPDES Permit No. NM0027987)	

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE AN ANSWER

COMES NOW COMPLAINANT, the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, Region 6 (“EPA”), by and through its attorney, respectfully requests that the Regional Judicial Officer grant an extension of time until April 7, 2023, for the City of Rio Rancho (“Respondent”) to file its answer and request a hearing in the above-captioned matter. Respondent filed an unopposed motion for an extension of time to file its answer on December 7, 2022, to continue discussions with EPA on the matter and the Regional Judicial Officer granted this motion for an extension until February 6, 2022, on December 7, 2022. Complainant respectfully requests this extension for the following reasons:

1. The Parties held a settlement meeting on January 20, 2023 and have reached an agreement in principle to resolve this matter.
2. Respondent plans to draft and submit supplemental environmental project (“SEP”) proposals to EPA for consideration as part of the proposed settlement. The Parties need additional time to complete their review of the SEPs and to draft and finalize a Consent Agreement and Final Order (“CAFO”). It is the expectation of Complainant

that the CAFO will be finalized and filed with the Regional Hearing Clerk before April 7, 2023.

3. The previous extension given in this matter has proved extremely beneficial, resulting in an agreement in principle and preventing costly and resource intensive litigation.
4. The requested extension is not sought for the purpose of delay, but rather for the purpose of seeking and finalizing settlement to avoid the expense and time associated with administrative litigation.
5. Complainant has consulted with Respondent in the preparation of this motion and Respondent is not opposed to it.

THEREFORE, Complainant respectfully requests an extension of time until April 7, 2023, for Respondent to file its answer to the Administrative Complaint.

Respectfully submitted,

KRISTINE
TALBOT

Digitally signed by KRISTINE TALBOT
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=KRISTINE TALBOT,
9.2342.19200300.100.1.1+68001003655831
Date: 2023.01.23 12:19:05 -0600

Kristine Talbot
Assistant Regional Counsel (ORCEW)
U.S. EPA Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102
talbot.kristine@epa.gov
(214) 665-8356

CERTIFICATE OF SERVICE

I certify that the foregoing UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE AN ANSWER was delivered to the Regional Hearing Clerk, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270-2102 via email at vaughn.lorena@epa.gov, and that a true and correct copy was sent this day in the following manner to the addresses:

Copy by email: Mr. Louis W. Rose and Ms. Kari E. Olson
Montgomery & Andrews, P.A.
Post Office Box 2307
Santa Fe, NM 87504-2307
lrose@montand.com
kolson@montand.com

Mr. Joshua Rubin
Rio Rancho Acting City Attorney
3200 Civic Center Circle NE
Rio Rancho, NM 87144
jrubin@rrnm.gov

Ms. Shelly Lemon
Bureau Chief
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 5469
Santa Fe, NM 87502
shelly.lemon@env.nm.gov

Dated: January 23, 2023

**KRISTINE
TALBOT**

Digitally signed by KRISTINE TALBOT
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=KRISTINE TALBOT,
0.9.2342.19200300.100.1.1=68001003655
831
Date: 2023.01.23 12:22:10 -06'00'