

**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF PROPOSED AMENDMENTS
TO 20.6.4.7 AND 20.6.4.8 NMAC, STANDARDS FOR
INTERSTATE AND INTRASTATE SURFACE WATERS
(ANTIDegradation Policy Amendments)**

WQCC 06-11 (R)

New Mexico Environment Department

Petitioner

PREHEARING PROCEDURAL ORDER

The Water Quality Control Commission will hold a public hearing following its regular business meeting on Tuesday, April 10, 2006 at the State Capitol Building in Santa Fe, New Mexico. The Hearing Officer designated for the hearing will generally follow the Commission's Rulemaking Guidelines in conducting the hearing except as those Guidelines are modified below to assure an efficient and orderly hearing process.

1. Public comment of a non-technical nature: Public comment will be accepted at the end of the technical case and at other times throughout the hearing as necessary and requested.
2. Filing Submittals: Documents submitted for the Commission's review must be filed with the Commission Administrator Joyce Medina; no documents may be sent directly to the Commissioners. Ms. Medina's contact information is set out on the accompanying Certificate of Service, below.
3. Any document filed with the Commission Administrator must be filed as an original plus fourteen copies (one copy for the Hearing Officer, Commission Counsel and each of the twelve Board members). This includes motions,

exhibits, notices of intent to present technical testimony, non-technical written comment and all other documents submitted for consideration by the Commission.

4. Service: A person filing a document with the Administrator shall serve a copy on the Surface Water Bureau and its counsel and all other parties in hard copy unless another party has consented to another format. Courtesy copies may be sent to the Hearing Officer via mail or e-mail.
5. Entries of Appearance: Any person wishing to be treated as an interested participant and cross-examine witnesses at the hearing shall file and serve on all parties an entry of appearance. Parties known at this time include the New Mexico Environment Department, represented by Brent Moore of the NMED Office of General Counsel. Entries of appearance are not required for those who wish to make public comment. An entry of appearance must identify the person wishing to be treated as an interested participant, any individual who may appear on behalf of that person and the subjects they intend to address. Notices of Intent to present technical evidence or testimony will be considered entries of appearance.
6. Notices of Intent and Exhibits: Anyone who intends to present technical evidence or testimony at the hearing must file a notice of intent to present technical testimony (NOI) by March 21, 2007. Failure to file a timely and complete NOI will preclude a person from presenting that technical evidence or testimony sought to be offered. Technical evidence or testimony means scientific, engineering, economic or other specialized evidence or testimony.

It does not mean legal argument, general comments or statements of policy. NOIs must identify the person filing the statement; identify each witness, including name, affiliation, education and work background; include the testimony of each witness in full narrative fashion, particularly any opinion to be offered by each witness and an explanation of the basis for the opinion; include technical materials relied upon by each witness in forming opinions; estimate the length of each witness' presentation; and attach all exhibits. Exhibits should be clearly numbered or lettered consecutively, and must be entirely legible.

7. Powerpoint and other slide presentations or displays which are demonstrative and based on technical evidence timely submitted may be shown at the hearing regardless of inclusion in the NOI. Copies no larger than 8 ½ by 11 inches shall replace large charts and maps in the record after the hearing.
8. Administrative Record: The Department must file the Administrative Record in this matter with the Commission Administrator, along with an Index, by March 21, 2007.
9. Conduct of Hearing: Brief opening and closing statements may be made verbally by the parties. The Department bears the burden of proof and the burden of going forward in establishing the basis for the proposed changes. Following the Department's presentation will be the presentations of any other persons or entities timely filing NOIs. All testimony will be taken under oath and is subject to cross-examination.

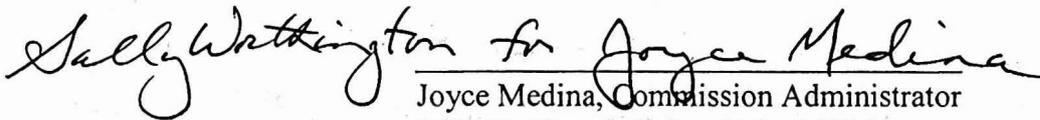
10. The hearing will be audiotaped by the Commission Administrator, and those tapes will constitute the official record of the hearing. Others present at the hearing may audiotape or videotape the hearing as they wish, so long as the taping process does not interfere with or disrupt an orderly hearing process.
11. The Commission may deliberate at the close of the evidentiary record and make a decision at that point. The Commission may alternatively decide to request the Hearing Officer to put a post-hearing process into place such that proposed findings and conclusions may be submitted prior to decision-making. In any event, its final order will be distributed in writing to all parties.



Felicia L. Orth, Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on Jan. 26, 2007 I hand-delivered this Prehearing Procedural Order to Brent Moore in the NMED Office of General Counsel.



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