JUN 2016
Received
Environmental Improvement Board

STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED REVISIONS TO: **No. EIB 16-03 (R)**
New Mexico's State Implementation Plan

PROCEDURAL ORDER

In conducting the hearing for this matter, the Environmental Improvement Board ("Board") Chair or Hearing Officer will follow the rulemaking provisions of 20.1.1 NMAC except as provided below. Though Petitioner proposed no regulatory change, the process is similar enough to provide adequate notice and facilitate a fair and impartial proceeding, assure that the facts are fully elicited, and avoid delay.

Generally.

The provisions of 20.1.1 NMAC shall be read in terms of the proposed State Implementation Plan ("SIP") revision rather than proposed rule change.

Notice of Hearings.

In lieu of 20.1.1.301 NMAC, notice of the hearing shall be provided in the following manner:

A. The Board shall give public notice of the hearing at least thirty (30) days prior to the hearing. Public notice shall include publication in at least one newspaper of general circulation in the state and such other means of providing notice as required by law.

B. The Board shall make reasonable efforts to give notice to persons who have made a written request to the board for advance notice of regulatory change hearings.

C. The Department shall send notice of the proposed Plan revision to the public who have requested notice of such revisions on the Department's listserv and shall post notice of the hearing on the Department's website.

D. Public notice of the hearing shall state:

1. the subject, including a description of the proposed SIP revision, time, and place of the hearing;
2. the statutes, regulations, and procedural rules governing the conduct of the hearing;
3. the manner in which persons may present their views or evidence to the Board;
4. the location where persons may secure copies of the proposed regulatory change; and
5. that the Board may make a decision on the proposed regulatory change at the conclusion of the hearing.

Order of Testimony.

The Petitioner shall present its case first. Those parties submitting notices of intent to present technical testimony in support of the proposed SIP revision shall present their cases second. Those parties submitting notice of intent to present technical testimony in opposition to the proposed SIP revision shall present their cases last. The Board Chair or Hearing Officer may direct the timing and scheduling of statements from members of the public who have not submitted notices of intent at the hearing.

IT IS SO ORDERED.

6/10/16
DATE

John Volkerding, Chair
Environmental Improvement Board
Harold Runnels Building, Rm. S2100
1190 St. Francis Drive
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(505) 827-2425
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the **Procedural Order** was sent via the stated methods below to the following parties on June 17, 2016:

Via hand delivery:

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Via First Class U.S. Mail:

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