

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF THE ENVIRONMENT

IN THE MATTER OF ORGAN MOUNTAIN VIEW
RV RESORT WWTF DISCHARGE PERMIT
APPLICATION FOR DP-1936, A WASTEWATER
TREATMENT FACILITY FOR A RV PARK

GWQB 23-39(P)

SCHEDULING ORDER

This matter comes before the Hearing Officer pursuant to the request for Hearing Determination filed on April 24, 2023, and the Appointment of Hearing Officer filed on April 26, 2023. Following the April 26, 2023, prehearing conference attended by all the parties and being otherwise fully advised in the premises:

IT IS HEREBY ORDERED:

1. The public hearing on this matter shall be held via the WebEx virtual platform and in a location to be selected by the Ground Water Quality Bureau. The hearing shall commence at 3:00 pm on July 25, 2023, and may continue as necessary.
2. Notice of intent (NOI): Any person or organization intending to present technical evidence at the hearing must prefile full written technical testimony accompanied by appropriately marked exhibit(s) with the Hearing Clerk on or before July 11, 2023, and serve an electronic copy of the foregoing on all other parties. 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; should 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; identify all exhibits that are part of the administrative record maintained by the Bureau and attach a copy of any exhibit not in the administrative record. Failure to file a timely and complete NOI will preclude a person from presenting technical evidence or testimony sought to be offered.

3. Non-technical comment: general comment may be submitted in writing while the evidentiary record is open through the N.M. Environment Department's Public Participation webpage, and/or verbally at the public hearing. Individuals intending to provide general comments at the hearing shall notify the WebEx host through the chat feature (or use the physical sign in sheet at the location) and will be sworn-in at various times throughout the hearing. Public comment shall be limited to five (5) minutes per individual.
4. Technical witness summary time limit: when called by a party, technical witnesses shall adopt their prefilled full-written technical testimony (and rebuttal testimony), making any corrections then known under oath and provide a summary for the public. Summaries shall be limited to 15 to 30 minutes, not including cross-examination.
5. Motions practice: All prehearing motions shall be filed on or before June 26, 2023.
6. Official record: the hearing shall be recorded via WebEx, and the link posted on the NM Environment's public website within 24 hours of the hearing and shall be the official record unless a verbatim transcript is filed by a court reporter. The verbatim transcript shall supersede the WebEx recording to become the official record. All post-hearing submissions must cite to the official record and be submitted in Word format.

7. Public notice: Pursuant to 20.1.4.200.C NMAC, the Bureau and the Hearing Clerk shall prepare and publish the necessary notice of hearing in English and in Spanish no later than 30 days prior to the hearing.
8. The Administrative Record shall be forwarded to the Hearing Clerk no later than the date of the hearing.

Gregory
Chakalian

Digitally signed by
Gregory Chakalian
Date: 2023.04.27
11:14:27 -06'00'

Gregory Chakalian,
Administrative Law Judge,
Office of Public Facilitation

Certificate of Service

I hereby certify that on April 26, 2023, a copy of the Scheduling Order was sent to the persons listed below:

Mason Walker
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