

STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION



IN THE MATTER OF PROPOSED
AMENDMENTS TO GROUND
AND SURFACE WATER
PROTECTION REGULATIONS,
20.6.2 NMAC

WQCC 17-03 (R)

PROCEDURAL ORDER

In conducting the hearing for Amendments to Ground and Surface Water Protection Regulations, 20.6.2 NMAC, the Hearing Officer shall follow the New Mexico Water Quality Control Commission's (Commission) Rulemaking Procedures at 20.1.6 NMAC. Pursuant to 20.1.6.100.B NMAC, the additional requirements described in this Procedural Order shall also apply. This Procedural Order should be read with the Scheduling Order published concurrently. There will be a final pre-hearing scheduling teleconference on Friday, October 13, 2017, at 10 A.M. to set the order of testimony, and to address any other scheduling issues that may arise prior to the hearing before the Commission, which will commence at 9:00 A.M. on November 14, 2017. An order setting the October 13, 2017 pre-hearing teleconference will be issued prior to that date.

I. Filing and Service of Documents

In lieu of the filing requirements of 20.1.6.104.B(1) NMAC, any person filing any document shall provide the Commission administrator with an original and 12 copies of the document; of these copies, two must be hard copies and ten may be submitted electronically.

II. Notice of Positions Taken by The Parties on Proposed Amendments

No later than July 17, 2017, non-petitioning parties shall file a statement indicating their support of, opposition to, or no position taken on the amendments proposed by the New Mexico Environment Department ("NMED") in its Petition filed May 1, 2017.

III. Proposed Amendments Not Contained in NMED's Petition

No later than July 17, 2017, non-petitioning parties shall file any proposed amendments to 20.6.2 NMAC not contained in NMED's Petition, but limited to logical outgrowths of NMED's proposed amendments. Such proposed amendments shall be accompanied by a statement of reasons for the proposed regulatory change.

IV. Technical Testimony

Full written direct and rebuttal technical testimony, consistent with the provisions of 20.1.6.202 NMAC, shall be submitted prior to the hearing. Written direct technical testimony shall be submitted by September 11, 2017. Written rebuttal technical testimony shall be submitted by October 13, 2017.

V. Exhibits

In lieu of the filing provisions of 20.1.6.302.A NMAC, any person offering an exhibit at the hearing other than a document filed and served before the hearing shall provide at least an original and 12 copies for the commission, and a sufficient number of copies for every other party

VI. Dispositive Motions

Any dispositive motions shall be filed no later than September 29, 2017, with Response due within 15 days, on October 16, 2017, and a Reply by the moving party, if any, due within 10 days after service of the Response, but no later than October 26, 2017.


Erin Anderson
Hearing Officer

Exhibit A
Scheduling Order. Subject to change by Hearing Officer.

Date	Event
05/09/17	Commission set hearing date
05/09/17	Order for Hearing and Appointment of Hearing Officer
05/26/17	Draft Procedural Order
06/01/17	Notice of Hearing to the New Mexico Register and to newspapers
07/17/17	Deadline for all parties to file statements of positions taken (support for, opposition to, or no position taken) on the amendments proposed in NMED's petition
07/17/17	Deadline for parties to file proposed amendments to 20.6.2 NMAC which are not contained in NMED's petition, but which are logical outgrowths of those amendments. A statement of reasons shall accompany any such proposed amendments
09/11/17	Deadline for all parties to file notice of intent to present technical testimony, including the Direct Testimony of each technical witness
09/29/17	Deadline for all parties to file dispositive motions
09/29/17	Deadline for all parties to file statements of positions taken (support for, opposition to, or no position taken) on the amendments proposed by parties other than NMED
10/13/17	Final Telephonic scheduling conference
10/13/17	Deadline for all parties to file Rebuttal technical testimonies
10/16/17	Deadline for response to dispositive motions
10/26/17	Deadline for reply to dispositive motions (if any)
11/14/17	Date of Hearing
30 days after transcript is available	Deadline for filing Post Hearing submittals, including closing argument, and proposed findings and conclusions
30 days after post-hearing submittal deadline	Hearing Officer files report and copies served on parties
30 days after service of Hearing Officer report	Deadline for filing Exceptions to Hearing Officer report
tbd	Commission deliberations

CERTIFICATE OF SERVICE

I hereby certify that a copy of the **Procedural Order** was sent to the following parties on May 31, 2017, Via email, and on June 1, 2017, Via mail:

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