

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

**IN THE MATTER OF
HEARING DETERMINATION REQUEST
CLASS 3 "EXCAVATION OF A NEW SHAFT
AND ASSOCIATED CONNECTING DRIFTS"
PERMIT MODIFICATION TO THE WIPP
HAZARDOUS WASTE FACILITY PERMIT**

Docket No. HWB 21-02

FIRST AMENDED SCHEDULING ORDER

WHEREAS, the N.M. Environment Department Hazardous Waste Bureau issued a draft Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant, and the U.S. Department of Energy and Nuclear Waste Partnership LLC submitted a proposed Class 3 Permit Modification Request, and the Secretary's appointment of the undersigned hearing officer with the duties and powers outlined in 20.4.1.901, 20.1.4.100 NMAC, and following the February 11, 2021 teleconference attended by all the parties, and being fully advised in the Governor's Executive Orders and applicable public health orders, and finding the *Unopposed Motion to Amend Scheduling Order* well taken,

it is hereby directed that:

1. The hearing in this matter shall be held via Zoom virtual platform to commence May 17, 2021 at 12:00 pm - 4:00 pm, and then 6:00pm - 9:00pm. The hearing will continue on subsequent days under the same schedule until it is complete.
2. Notices of Intent (NOI): Any person, party, or organization that intends to present technical evidence or testimony at the hearing must pre-file full written testimony accompanied with marked exhibits with the Hearing Clerk

on or before May 3, 2021, and serve an electronic copy of the foregoing on all other parties.

Exhibits will be marked at the bottom of each and every page with the name of the party offering the exhibit and sequentially numbered. Rebuttal exhibits will be similarly marked but will include the word "Rebuttal".

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. Any NOI 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's presentation; identify all exhibits that are part of the administrative record maintained by the Hazardous Waste Bureau, and attach a copy of any exhibit not already filed in the administrative record. Failure to file a timely and complete NOI will preclude a person from presenting technical evidence or testimony at the hearing.

3. Public comment: The Hearing Officer will accept non-technical public comment at various and convenient times throughout the hearing. Non-technical public commenters are strongly encouraged to submit their comments in writing to the Hearing Clerk at Madai.Corral@state.nm.us, either before the hearing or during the hearing. Depending on how many members of the public offer oral comment, the time for each commenter may

be limited to as little as 3 minutes. Public Commenters may offer verbal comment once; written comment is unlimited.

4. Notice: The Bureau shall prepare and send the necessary public notice for the hearing in English and in Spanish no later than sixty (60) days prior to the public hearing (notice must be published no later than 45-days prior to the hearing. The parties understand and agree that this time frame is above and beyond the public notice as laid out in 20.1.4.200 NMAC.
5. The hearing will be governed by 20.4.1.901 NMAC and 20.1.4 NMAC permitting procedures.
6. Accommodations: The Bureau shall provide a reasonable method for those who speak Spanish and/or are hearing-impaired to fully participate in the hearing.
7. 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: 2021.03.25 17:31:53 -06'00'

Gregory Chakalian, Hearing Officer