

**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**

**PREHEARING ORDER**

Under 20.1.4.100(E)(2), the hearing officer has the authority to take all measures necessary for the "maintenance of order and for the efficient, fair and impartial adjudication of issues arising in proceedings."

1. Public Comment: The February 12, 2021 Scheduling Order addresses this issue in paragraph number three (3). To elaborate further, public comment will be received in sixty-minute sessions at 6:00 pm on May 17, and on subsequent days, at 12:00 pm and 6:00 pm. Members of the public will sign-up using the chat feature, and will be called on to speak in that order and limited to five (5) minutes per member.  
Members of the public may comment orally only once, regardless of which day. They may send written comment via email to [Madai.Corrall@state.nm.us](mailto:Madai.Corrall@state.nm.us) as often as they want. Once the 60-minute time frame has been filled, any members of the public who have not provided comment will be first in the next time-slot.
2. Order of Presentation of Arguments: 20.1.4.400(A)(2) NMAC and 20.4.1.901(F)(5)(a) NMAC address the order in which the parties will present their cases-in-chief: 1) Applicant or Petitioner, 2) technical witnesses in support of the Draft Permit, 3) technical witnesses in opposition to the Draft Permit, and 4) any rebuttal testimony.
3. Cross-Examination: Cross-examination will be conducted immediately after the witness has testified. Cross examination by members of the public will occur after parties.
4. Exhibits: 20.1.4.400(B)(3) outlines how Exhibits will be admitted into evidence. Any deviation to that rule will be addressed as a preliminary matter by the parties on the first day of the hearing.

**Gregory  
Chakalian**  Digitally signed by  
Gregory Chakalian  
Date: 2021.05.11  
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Gregory Chakalian,  
Administrative Law Judge, OPF

## Certificate of Service

I hereby certify that on May 11, 2021 a copy of the foregoing **Prehearing Order** was emailed to the persons listed below. A copy will be mailed first class upon request.

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/s/ Madai Corral

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