

**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**

**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, 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 Bates-stamped exhibits with the Hearing Clerk on or before May 3, 2021, 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. 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.Corrall@state.nm.us](mailto:Madai.Corrall@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: 2021.02.12 15:03:55  
-07'00'

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Gregory Chakalian, Hearing Officer

## Certificate of Service

I hereby certify that on February 12, 2021 a copy of the foregoing **Scheduling Order** was emailed to the persons listed below. A copy will be mailed first class upon request.

Christal Weatherly  
Assistant General Counsel  
New Mexico Environment Department  
121 Tijeras Ave NE, Suite 1000  
Albuquerque, New Mexico 87102  
(505) 222-9524

Chris Vigil  
Assistant General Counsel  
New Mexico Environment Department  
121 Tijeras Ave. NE, Ste. 1000  
Albuquerque, NM 87102  
Phone: (505) 383-2060  
Fax: (505) 383-2064  
Email: [christopherj.vigil@state.nm.us](mailto:christopherj.vigil@state.nm.us)

Megan McLean  
Environmental Scientist/Specialist  
New Mexico Environment Department  
Hazardous Waste Bureau, WIPP Group  
2905 Rodeo Park Drive East, Bldg 1  
Santa Fe, New Mexico 87505  
(505) 476-6047  
[megan.mclean@state.nm.us](mailto:megan.mclean@state.nm.us)

Ricardo Maestas  
Hazardous Waste Bureau  
[Ricardo.Maestas@state.nm.us](mailto:Ricardo.Maestas@state.nm.us)

Michael L. Woodward  
Hance Scarborough LLP  
400 West 15th Street, Suite 950  
Austin, TX 78620  
[mwoodward@hslawmail.com](mailto:mwoodward@hslawmail.com)  
(512) 479-8888

J.D. Head  
Fritz, Byrne, Head & Gilstrap, PLLC  
221 W. 6th St., Suite 960  
Austin, TX 78701  
[jhead@fbhg.law](mailto:jhead@fbhg.law)  
(512) 476-2020  
Robert A. Stranahan, IV  
Law Office of Robert A. Stranahan, IV  
29 A Rancho Mañana  
Santa Fe, NM 87506  
(505) 577-0729  
[Rstranahan1@me.com](mailto:Rstranahan1@me.com)

Dennis N. Cook  
General Counsel  
Leslie Brett Babb  
Associate General Counsel  
Nuclear Waste Partnership LLC  
4021 National Parks Highway  
Carlsbad, NM 88220  
[dennis.cook@wipp.ws](mailto:dennis.cook@wipp.ws)  
[Brett.Babb@wipp.ws](mailto:Brett.Babb@wipp.ws)

George Anastas  
11021 BridgePointe Ct, NE  
Albuquerque, NM 87111  
(505) 7975452  
[GAnastas5@Comcast.Net](mailto:GAnastas5@Comcast.Net)

Scott Kovac  
Nuclear Watch NM  
903 W. Alameda #325  
Santa Fe, NM 87501  
[scott@nukewatch.org](mailto:scott@nukewatch.org)

Don Hancock  
Southwest Research and Information Center  
PO Box 4524  
Albuquerque, NM 87196-4524  
(505) 262-1862  
[sricdon@earthlink.net](mailto:sricdon@earthlink.net)

Deborah Read  
505-9869284  
[reade@nets.com](mailto:reade@nets.com)

Joni Arends  
Concerned Citizens for Nuclear Safety  
P. O. Box 31147  
Santa Fe, NM 87594-1147  
(505) 986-1973  
[jarends@nuclearactive.org](mailto:jarends@nuclearactive.org)

Steve Zappe  
3 Escopeta Ct  
Santa Fe, NM 87506  
(505) 660-0353  
[steve\\_zappe@mac.com](mailto:steve_zappe@mac.com)

James Angel  
Myles Hall  
Carlsbad Field Office  
U.S. Department of Energy  
P.O. Box 3090  
Carlsbad, NM 88221  
[James.Angel@emcbc.doe.gov](mailto:James.Angel@emcbc.doe.gov)  
[Myles.Hall@cbfo.doe.gov](mailto:Myles.Hall@cbfo.doe.gov)

Dave McCoy  
[dave@radfreenm.org](mailto:dave@radfreenm.org)

/s/ Madai Corral

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Madai Corral  
Hearing Clerk  
P.O. Box 5469  
Santa Fe, NM 87502  
Phone: (505) 490-5803  
Email: [Madai.corral@state.nm.us](mailto:Madai.corral@state.nm.us)