

STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD



**IN THE MATTER OF PROPOSED
REPEAL AND REPLACEMENT OF
20.7.11 NMAC**

No. EIB No. 19-42 (R)

**Environmental Health Bureau,
Environmental Protection Division of the
New Mexico Environment Department,**

Petitioner.

SCHEDULING ORDER

The Environmental Improvement Board (“EIB”) designated Dr. Benjamin D. Duval to serve as Hearing Officer for EIB No. 19-42(R) on October 25, 2019. The public hearing shall be conducted in accordance with EIB Rulemaking procedures found in 20.1.1 NMAC (Rulemaking Procedures), the Environmental Improvement Act, NMSCA 1978, Sections 74-1-9, and the State Rules Act, NMSA 1978 Sections 14-4-1 et seq.

1. The Hearing Officer shall conduct a hearing on the merits of the above-referenced Petition at the Board’s regularly scheduled meeting as follows:

Date: Friday, February 28, 2020
Time: 10:00 a.m.
Location: Senator Fabian Chavez, Jr. Board Room
Public Employees Retirement Association
33 Plaza La Prensa
Santa Fe, NM 87507

2. Any person who wishes to be treated as a party shall file an Entry of Appearance with the Board Administrator not later than February 7, 2020. In the event of

multiple entries by those affiliated with one interest group, the Hearing Officer may consolidate the entries, or divide the service list to avoid waste of resources.

20.1.1.202 NMAC (Entry of Appearance).

3. Any person, including the Petitioner, who wishes to present technical testimony or evidence at the hearing shall file a Statement of Intent to Present Technical Testimony with the Board Administrator no later than February 7, 2020. The requirements and contents of any Statement of Intent to Present Technical Testimony shall be governed by the provisions of 20.1.1.302 NMAC (Technical Testimony).
4. Any Statement of Intent to Present Technical Testimony filed by the Petitioner shall include, as exhibits, proof of public notice as required by the State Rules Act, NMSA 1978 Section 14-4-2(E).
5. Any person offering an exhibit at hearing, other than a document filed and served before the hearing, shall provide at least an original and nine copies for the board, and a sufficient number of copies for every other party. 20.1.1.402 NMAC (Exhibits).
6. Members of the public are welcome to attend the hearing and participate by providing non-technical testimony and the submission of non-technical exhibits in connection with their testimony, so long as the exhibit is not unduly repetitious of the testimony. 20.1.1204(A) NMAC (Participation by the General Public).
7. Members of the public are also welcome to submit written statements prior to the hearing or at the hearing. Written comments shall be mailed or delivered to the

Board Administrator. Comments may also be submitted electronically on the Board webpage. 20.1.1204(A) NMAC (Participation by the General Public).

8. Any person requiring assistance, an interpreter or auxiliary aid to participate in the hearing should contact EIB Administrator Cody Barnes by February 14, 2020 telephonically at (505) 827-2428, via email at cody.barnes@state.nm.us, or via New Mexico Relay network, 1-800-659-1779 (voice) or 1-800-659-8331 (TTY users).
9. Any pleadings or other filings shall be filed with the Board Administrator at the following address. All filings shall reference the docket number EIB 19-42(R).

Cody Barnes, Board Administrator
Office of the Environmental Improvement Board
Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502

DATED this 29th day of November, 2019.

/s/ Benjamin D. Duval, PhD

Benjamin D. Duval, PhD, Hearing Officer
On Behalf of the Board
C/O Environmental Improvement Board
Harold Runnels Bldg., Rm. N-2150
1190 St. Francis Drive
Santa Fe, New Mexico 87505
(505) 827-2425
(505) 827-0310 FAX

*electronic signature approved via email
dated 11/29/2019*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the **Notice of Hearing Determination and Hearing Officer Appointment** was sent via the stated methods below on December 4th, 2019:


Board Administrator

Via email:

Chris Vigil
Assistant General Counsel
New Mexico Environment Department
121 Tijeras Avenue, Suite 1000
Albuquerque, NM 87102
(505) 383-2060
christopherj.vigil@state.nm.us
Counsel for the New Mexico Environment Department

Via First Class U.S. mail and email:

Marah deMeule
Assistant Attorney General
New Mexico Attorney General's Office
P.O. Drawer 1508
Santa Fe, NM 87504
(505) 303-1793
MDeMeule@nmag.gov

Karla Soloria
Assistant Attorney General
New Mexico Attorney General's Office
P.O. Drawer 1508
Santa Fe, NM 87504
(505) 490-4054
KSoloria@nmag.gov
Counsel for the Environmental Improvement Board