

**RECEIVED**

By Environmental Improvement Board at 11:02 am, Jun 22, 2020

**STATE OF NEW MEXICO  
ENVIROMENTAL IMPROVEMENT BOARD**

IN THE MATTER OF THE APPEAL  
OF THE AIR QUALITY PERMIT  
NO. 7482-M1 ISSUED TO 3 BEAR  
DELAWARE OPERATING – NM LLC.

EIB No. 20-21(A)

WildEarth Guardians,  
*Petitioner.*

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**PROCEDURAL ORDER**

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In conducting the above-referenced hearing, the Hearing Officer shall follow the Environmental Improvement Board's adjudicatory procedures at 20.1.2 NMAC. Pursuant to 20.1.2.109.A NMAC, the additional requirements described in this Procedural Order shall also apply. This Procedural Order should be read with the Scheduling Order published concurrently.

**I. Filing and Service of Documents**

In lieu of the filing requirements of 20.1.2.112 NMAC, the Board administrator shall accept the filing of any document by electronic means. In accordance with 20.1.2.112 NMAC, the Hearing Officer, Board legal counsel, Petitioner WildEarth Guardians, Respondent New Mexico Environment Department, and Applicant 3 Bear Delaware Operating – NM LLC have agreed to accept service of any document by electronic means.

**II. Technical Testimony**

Full written direct and rebuttal technical testimony, consistent with the provisions of 20.1.2.206 NMAC, shall be submitted prior to the hearing. All parties shall submit their statement of intent to present technical testimony, any written direct technical testimony, and all supporting technical exhibits by July 24, 2020. All parties shall submit any written rebuttal

technical testimony and rebuttal exhibits by August 25, 2020. Participation by interested non-party participants shall be governed by 20.1.2.207 NMAC.

**III. Limitations on Scope of Testimony**

The Petition “objects to issuing the entire Permit” and the Parties have agreed that the specific emission limits, emission limit calculations, and permit conditions of NSR Permit Number 7482-M1 are not at issue in this appeal. Therefore, testimony will not be accepted challenging the specific emission limits, emission limit calculations, and permit conditions for the emission units identified in NSR Permit Number 7482-M1.

**IV. Exhibits**

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 8 copies for the board, and a sufficient number of copies for every other party. Hard copies need not be provided for any exhibits filed and served prior to the hearing in accordance with Sections I and II above.

So ordered,

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On behalf of Chair John Volkerding  
Hearing Officer

**Exhibit A**  
**Scheduling Order (Subject to change by Hearing Officer)**

<b>Date</b>	<b>Event</b>
July 24, 2020	Deadline for all parties to file Statement of Intent to Present Technical Testimony, including written direct testimony, and supporting exhibits
August 25, 2020	Deadline for all parties to file written rebuttal technical testimony, and supporting exhibits
August 26, 2020	Publish/mail Notice of Hearing pursuant to 20.1.2.204 NMAC
September 11, 2020	Telephonic Pre-Hearing Conference
September 24, 2020	Date of Hearing; 9 AM
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 submittals	If the Board so elects per 20.1.2.402 NMAC, Hearing Officer files recommended decision and serves copies on all parties
TBD	Board deliberations

## Certificate of Service

Pursuant to 20.1.2.112 NMAC, I hereby certify that a copy of the above

**PROCEDURAL ORDER** was filed and served via electronic mail delivery to the persons listed below on June \_\_, 2020.

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Cody Barnes

*Administrator for the Environmental Improvement Board*