

**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**



**In the Matter of:
Petition to Amend 20.6.6 NMAC (Dairy Rule)
And Request for Hearing**

No. WQCC 12-09 (R)

PROCEDURAL ORDER

In conducting the hearing for this matter, the Commission Chair or Hearing Officer will follow the provisions of the Commission's Rulemaking Guidelines.

Notices of intent to present technical testimony, an original with 14 copies, shall be submitted to the Administrator by close of business November 19, 2012. The NOI submittals shall include the full direct testimony of all anticipated witnesses in narrative form, and shall include copies of all exhibits which will be offered.

The hearing shall proceed as follows:

1. the hearing shall begin with an opening statement from the Hearing Officer to identify the nature and subject matter of hearing and the procedures to be followed;
2. the Petitioner shall present its case first;
3. the Department will present its case next;
4. Any other Parties who have filed a notice of intent to present technical testimony will present their cases next;
5. The Parties shall be entitled to cross-examination in the same order as their presentation of cases-in-chief;
6. Members of the general public who wish to present testimony shall indicate their intent on a sign-in sheet and will be heard at the end of the technical case; and
7. at the close of the hearing, the Chair or Hearing Officer shall announce that the record is closed, unless the Commission desires the submittal of proposed statements of reasons and written closing argument by the Parties, and shall identify the deadline for filing the submittals if they are desired.

Any person who testifies at the hearing shall be subject to cross-examination on the subject matter of the direct testimony and any matter affecting the witness' credibility. The Hearing Officer may limit cross-examination to avoid harassment, intimidation, needless expenditure of time or undue repetition.

All exhibits shall be marked with a designation identifying the person offering the exhibit and shall be numbered sequentially. Exhibits consisting of large charts, diagrams, models or other bulky objects are discouraged, but persons may use such demonstrative aids and may submit smaller versions as exhibits for the record. If visual aids (e.g., overhead projections and power point presentations) are used, legible copies shall be submitted for the record.

The Petitioner shall make the necessary arrangements for a court reporter, pursuant to Section 20.1.3.18 NMAC.

The Administrator shall provide notice of the Commission's action to all persons requesting such notice. The Commission's action will be posted on the Department's web site.



Felicia Orth, Hearing Officer
Water Quality Control Commission
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-0339 (P)
(505) 827-0310 (F)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Docketing was was hand-delivered to Misty Braswell, Assistant General Counsel, Office of General Counsel, N.M. Environment Department, Harold Runnels Building, N-4050, Santa Fe, NM 87505; and sent via first-class mail to: Dalva L. Moellenberg, Esq., Gallagher & Kennedy, P.A., 1233 Paseo de Peralta, Santa Fe, NM 87501; Jonathan Block, New Mexico Environmental Law Center, 1405 Luisa St. #5, Santa Fe, NM 87505 and Sean Cunniff, Commission Counsel, Office of the Attorney General, P.O. Drawer 1508, Santa Fe, NM 87504-1508 this 1st day of October, 2012.



Pam Castaneda, Commission Administrator