BEFORE THE ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD

GREATER GARDNER NEIGHBORHOOD ASSOCIATION, NORTH VALLEY COALITION OF NEIGHBORHOOD ASSOCIATIONS, AND KYLE SILFER, DAVID WOOD, AND MARCIA FINICAL AS INDIVIDUALS,	)	**Authority to Construct Permit Modification Permit No. 0902-M3**
Appellants	)	
vs.	)	
CITY OF ALBUQUERQUE AIR QUALITY DIVISION	)	
Appellee.	)	

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MOTION TO INTERVENE

Permittee American Cement Corporation, a New Mexico Corporation ("Permittee"), acting by and through its attorneys Brownstein Hyatt Farber Schreck, LLP, hereby moves the Albuquerque-Bernalillo County Air Quality Control Board (the "Board") for an order permitting the intervention of Permittee as Appellee in the above-captioned proceeding, and in support thereof states as follows:

1. On November 2, 2009, the Greater Gardner Neighborhood Association and the North Valley Coalition of Neighborhood Associations, and Kyle Silfer, David Wood and Marcia Finical as Individuals (collectively, the "Appellants"), filed an Appeal and Petition for Hearing concerning the City of Albuquerque Air Quality Division's issuance of Permittee's modified Authority-to-Construct Permit No. 0902-M3 on September 15, 2009.

2. Permittee is the holder of the permit challenged in this appeal, and is the owner and operator of the facility for which the permit was issued.

3. As holder of the permit and as owner and operator of the facility, Permittee has a significant interest in this appeal proceeding.

4. Pursuant to the New Mexico Air Quality Control Act, NMSA §§ 74-2-1 to 74-2-17, Permittee is properly a party to this proceeding and is entitled to notice and an opportunity to participate in all proceedings related to Appellants' request for a hearing before the Board.

WHEREFORE, Permittee respectfully requests the Board to order the intervention of Permittee as an Appellee in the above-captioned proceeding.

Respectfully submitted this 16th day of November, 2009.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By:_____

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ATTORNEY FOR AMERICAN CEMENT CORPORATION

STATE OF NEW MEXICO
ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD
IN THE MATTER OF THE PETITION FOR A HEARING ON THE MERITS REGARDING AIR QUALITY PERMIT NO. 0902-M3

GREATER GARDNER NEIGHBORHOOD ASSOCIATION, NORTH VALLEY COALITION OF NEIGHBORHOOD ASSOCIATIONS, AND KYLE SILFER, DAVID WOOD, AND MARCIA FINICAL AS INDIVIDUALS, PETITIONERS.

Certificate of Service

I certify that one original and nine copies of the foregoing **Motion to Intervene** were filed with the hearing clerk on the 16th day of November, 2009, and by same date submitted by certified mail, return receipt requested, to the following:

Kyle Silfer, Petitioner
4465 Jupiter NW
Albuquerque, NM 87107

and by same date submitted by hand delivery to Janice Wright for the following:

Jens Deichman, Hearing Officer and Board Chair
Albuquerque-Bernalillo County Air Quality Control Board
c/o Janice Wright, Hearing Clerk
Environmental Health Department
1 Civic Plaza NW
City & County Building
3rd Floor, Room 3023
Albuquerque, NM 87102

Bill Grantham, Esq., AQCB Legal Counsel
c/o Janice Wright, Hearing Clerk
Environmental Health Department
1 Civic Plaza NW
City & County Building
3rd Floor, Room 3023
Albuquerque, NM 87102

Timothy R. Van Valen

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