

**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. 3131 ISSUED TO
HONSTEIN OIL & DISTRIBUTING, LLC.**

**SouthWest Organizing Project, by Juan Reynosa, Environmental Justice Organizer,
and Esther and Steven Abeyta as Individuals and Representative Members of
SWOP, Petitioners**

No. AQCB 2014-4

**RECEIVED
ENVIRONMENTAL HEALTH
15 MAY - 6 PM 2014**

PREHEARING ORDER REVISIONS

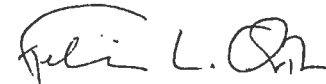
The Hearing Officer, Counsel for Petitioners, City staff and Counsel, and Permittee are agreed that the May 13 setting should be vacated, and that the dates for the hearing in this matter shall be August 12-14, 2015, to allow an opportunity for dispositive motion pleadings to be prepared and presented to the Board.

It is therefore ordered:

1. The hearing in this matter will begin 9 a.m. August 12, 2015 and continue as necessary through the days and potentially the evenings of August 13-14, 2015 in the Albuquerque Convention Center in Albuquerque, New Mexico.
2. Dispositive motions may be filed until close of business May 18, 2015. Responses to dispositive motions may be filed until close of business June 8, and replies are due by close of business June 22. The Board will hear arguments on the motions during a meeting on June 30, 2015.
3. The City indicated that in the event the dispositive motion or motions are not granted and the Board desires to hear demographic testimony and evidence from Petitioners, the City will seek allowance to supplement its Notice of

Intent to Present Technical Testimony in order to present its own testimony on those topics. Petitioners object unless the City submits a written motion to which Petitioners may respond or alternatively is given the same opportunity to supplement their NOI.

4. Because the supplementation would have to occur relatively quickly in order to provide the Board and other parties an opportunity for review between June 30 and August 12, there is insufficient time to build further written motions into the process.
5. If on June 30 the Board denies the dispositive motions or in some manner indicates that they will accept the demographic evidence presented by Petitioners at hearing, the Hearing Officer will invite the City to make an oral motion for supplementation, and hear responses and replies at that time, including Petitioners' request to supplement its own NOI.
6. Public comment of a non-technical nature: Public comment will be accepted starting at 5 p.m. August 12, 2015 regardless of the progress in the technical case. The Hearing Officer will take public comment at other times throughout the hearing as necessary.
7. The City shall timely publish and mail notice of the change in hearing date.
8. Provisions from earlier Prehearing Orders not revised above remain in effect.


Felicia L. Orth, Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that I have e-mailed a true and correct copy of the foregoing
PREHARING ORDER REVISIONS on this 6th day of May, 2015, to the following:

E-mailed

Felicia Orth

orthf@yahoo.com

Attorney for Air Quality Control Board

E-mailed

Jon Block

Eric Jantz

New Mexico Environmental Law Center

jblock@nmelc.org

ejantz@nmelc.org

Counsel for Petitioners

E-mailed

Carol M. Parker, Assistant City Attorney,
Air Quality Program

cparker@cabq.gov

Counsel for Respondent

E-mailed

Rod Honstein, Managing Member
Honstein Oil & Distributing, LLC

rod@honsteinoil.com

Applicant

E-mailed

Shawn Boyle

sboyle@bradhallfuel.com

Counsel for Applicant

Respectfully submitted,



Andrew Daffern, AQCB Hearing Clerk