

**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**

**Southwest Organizing Project (SWOP)
By Juan Reynosa, Environmental Justice Organizer;
Esther and Steven Abeyta, Members of SWOP, Petitioners**

RECEIVED
FEB 23 2016

BY: 

AQCB Petition No. 2014-4

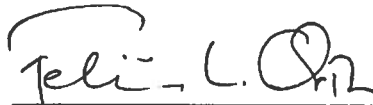
ORDER ON DISCOVERY SCHEDULE

This matter comes before the Hearing Officer on a request from the Environmental Health Department (EHD) for a teleconference following unsuccessful scheduling discussions with Petitioner Southwest Organizing Project (SWOP). Counsel for SWOP and EHD, the Hearing Officer and staff providing administrative support to the Board joined in a teleconference on February 19.

Based on the discussion and argument in that teleconference, the following is ordered:

1. The current hearing schedule is vacated based on the time necessary for discovery and an amended notice of intent to present technical testimony from EHD.
2. EHD served its discovery requests to SWOP on February 22, 2016. SWOP has thirty days, or until March 23, to answer that discovery.
3. Following receipt of the discovery responses, EHD has two weeks for review and issuance of a good faith letter. EHD's review period shall not begin to run before March 10, 2016, based on Counsel's availability.

4. In the event EHD concludes a good faith letter is unnecessary, all Parties shall confer again to try to develop a mutually agreeable schedule for hearing.
5. In the event EHD issues a good faith letter, service of the letter shall include the Board Administrator, and the Board Administrator is directed to set up a teleconference within three days for Counsel and the Hearing Officer to discuss further deadlines, including a deadline for SWOP's response and any motion to compel from EHD.



Felicia L. Orth, Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that I have e-mailed a true and correct copy of the foregoing ORDER ON DISCOVERY SCHEDULE on this 23rd day of February, 2016, to the following:

E-mailed

Felicia Orth

orthf@yahoo.com

Attorney for the Albuquerque-Bernalillo County Air Quality Control Board and Hearing Officer for AQCB Petition No. 2014-4

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@bradhalfuel.com

Counsel for Applicant

Respectfully submitted,



Andrew Daffern, AQCB Hearing Clerk