ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

RESOLUTION 2010-2

DECISION ON WHETHER TO DIRECT THE HEARING OFFICER TO ISSUE A RECOMMENDED DECISION WITHIN A PERIOD ESTABLISHED BY THE BOARD REGARDING AQCB PETITION NO. 2009-7

Whereas, AQCB Petition No. 2009-7, Petition for a Hearing Regarding American Cement Corporation Air Quality Permit #0902-M3 was timely filed on Nov. 2, 2009 with the Air Quality Control Board ("Air Board") Hearing Clerk; and

Whereas, Subsection C of 20.11.81.18 NMAC, *Adjudicatory Procedures—Air Quality Control Board* allows the Air Board discretion to direct the Hearing Officer to issue a recommended decision on the hearing on the merits upon the conclusion of the hearing and within a period established by the board;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD THAT:

The Hearing Officer for the hearing regarding American Cement Corporation Air Quality Permit #0902-M3 is hereby directed to issue a recommended decision on the hearing on the merits upon the conclusion of the hearing and no later than 30 days from the deadline for the parties' proposed finding of fact and conclusions of law. The recommended decision shall contain the hearing officer's finding of fact, conclusions regarding all material issues of law or discretion, reasons for the recommended decision, and a proposed final order.

[WITH THE FOLLOWING CHANGES:]

PASSED AND ADOPTED THIS 10th DAY OF FEBRUARY, 2010
BY A VOTE OF 5 FOR AND ___ AGAINST.
Absent: 1

Jens Deichmann Chair
Albuquerque-Bernalillo County
Air Quality Control Board

Attest:

Margaret Nieto, Board Secretary