STATE OF NEW MEXICO
ALBUQUERQUE BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

IN THE MATTER OF THE PETITION FOR A HEARING ON THE MERITS REGARDING AMERICAN CEMENT CORPORATION AIR QUALITY PERMIT No. 0902-M3

Greater Gardner Neighborhood Assoc., North Valley Coalition of Neighborhood Assoc., Kyle Silfer, David Wood, Marcia Finical, as individuals,

Petitioner /Appellants,

v.

City of Albuquerque Environmental Health Department, Air Quality Division

Respondent/Appellee,

American Cement Corporation, Intervenor

AQCB Petition No. 2009-7

THIRD AMENDED SCHEDULING ORDER

Following a teleconference among Counsel, staff and the Hearing Officer on February 12, it is agreed and ordered as follows:

1. The deadline for pre-hearing motions has passed; the only outstanding pre-hearing motion to be decided is Intervenor's Motion in Limine.
2. Responses to Intervenor's Motion in Limine are due Thursday, February 18, 2010.
3. Counsel and the Hearing Officer will participate in another teleconference to address the Motion and Responses on Friday, February 19, 2010, at 10 a.m.
4. Service of the Responses, future correspondence and any other pleadings with the exception of the Notices of Intent and exhibits shall be made electronically on each party and the Hearing Officer, with a courtesy electronic copy to the Hearing Clerk.

The original document and a sufficient number of hard copies for distribution to the Board must still be sent to the Hearing Clerk, who will stamp them with the date they were sent electronically.

5. Entries of appearance from others who are not yet parties may be filed until close of business February 26, 2010, pursuant to 20.11.81 NMAC.
6. Notices of intent to present technical testimony are due by close of business March 1, 2010, and must include, among other things, copies of exhibits that are not in the Administrative Record, and a summary of all direct testimony expected from technical and non-technical witnesses that a party will present. This requirement does not extend to public comment.
7. The parties will engage in settlement negotiations beginning February 23, 2010. Because any settlement reached must be presented to the Board, if a settlement is reached before hearing, the hearing dates of March 9 and 10 will be kept open, and the Board's regularly scheduled meeting on March 10 will be considered open, until a specific time is identified to present any agreement for approval by a quorum of the Board.

Felicia L. Orth, Hearing Officer