ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

RESOLUTION 2010-1

DECISION ON APPOINTING AN ALTERNATIVE HEARING OFFICER FOR 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, on Dec. 9, 2009, the Air Board, during their regularly scheduled monthly meeting, voted unanimously to appoint Mr. Bill Grantham as Hearing Officer to preside over the hearing on the merits regarding American Cement Air Quality Permit #0902-M3; and

Whereas, on Feb. 3, 2010, a *Motion to Suspend Hearing and Waiver of Deadlines During Settlement Negotiations* was jointly filed by Intervener American Cement Corporation and Petitioner/ Appellants, Greater Gardner Neighborhood Association, North Valley Coalition of Neighborhood Association, Kyle Silfer, David Wood, Marcia Finical, as individuals, which was unopposed by the Respondent, the City of Albuquerque, in order to suspend the hearing in this matter, waive applicable deadlines, and reschedule the hearing for March 16 and 17, 2010 in order to allow for negotiation between the parties; and

Whereas, conference with parties has revealed irreconcilable scheduling conflicts among the parties and the Hearing Officer with respect to the schedule proposed by the moving parties; and

Whereas, the parties have agreed to a different hearing date of March 9 and 10, 2010, if an alternative Hearing Officer is available; and

Whereas, an alternative Hearing Officer is available on March 9 and 10, 2010 and has agreed to serve with the Board's approval; and

Whereas, Hearing Officer Bill Grantham on February 5, 2010 issued an *Order Suspending Hearing and Waiving Deadlines* granting the *Motion to Suspend Hearing and Waiver of Deadlines During Settlement Negotiations*, and staying the rescheduling of the hearing and re-establishing the motion practice schedule pending a decision by the Board on the appointment of an alternative Hearing Officer;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD THAT:

AQD staff is hereby directed to secure the services of an alternative Hearing Officer for the hearing regarding American Cement Corporation Air Quality Permit #0902-M3.

[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
Margaret Nieto, Board Secretary