

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

RECEIVED
ENVIRONMENTAL HEALTH
14 DEC 19 PM 2:47

No. AQCB 2014-4

REVISED PREHEARING ORDER

The Hearing Officer, Counsel for Petitioners, City staff and Counsel, and Permittee and Counsel participated in a teleconference on December 18 following a Motion to Continue filed by Petitioners on December 11, 2014. All are agreed that the date for the hearing in this matter shall be moved from February to May 2015, to allow Petitioners additional time to locate expert testimony.

It is therefore ordered:

1. The hearing in this matter will begin 9 a.m. May 13, 2015 and continue through the day and potentially the evening on May 14, 2015 in the Albuquerque Convention Center in Albuquerque, New Mexico.
2. The order of presentation follows: Petitioners, with the burden of proof under Section 74-2-7.K, will present their evidence first. The City will present its evidence second. Permittee Honstein will present its evidence third. Rebuttal will occur in the same order as necessary.
3. Public comment of a non-technical nature: Public comment will be accepted starting at 5 p.m. May 13, 2015 regardless of the progress in the technical

case. The Hearing Officer will take public comment at other times throughout the hearing as necessary.

4. Motions, the number of copies required for any document filed with the Hearing Clerk, proper service and any other matter not specifically addressed in this Order are governed by the Board's Adjudicatory Procedures in Section 20.11.81 NMAC.
5. The City filed with the Hearing Clerk the Administrative Record in this matter, with an Index and list of interested parties, on September 16-17, 2014. The City filed an Answer to the Petition on November 4, 2014. The City shall publish and mail notice of the hearing by April 8, 2015. The City is encouraged to explore the possibility of making substantive materials in this matter available on the Internet.
6. Notices of Intent: Any Petitioner who intends to present technical evidence or testimony at the hearing must file a notice of intent to present technical testimony (NOI) by April 8, 2015. If the City or Permittee intend to present technical evidence or testimony, the NOI must be filed by April 29, 2015. Technical evidence or testimony means scientific, engineering, economic or other specialized evidence or testimony. It does not mean legal argument, general comments or statements of policy. NOIs must identify the person filing the statement; identify each witness, including name, affiliation, education and work background; include the testimony of each witness in full narrative fashion, particularly any opinion to be offered by each witness and an explanation of the basis for the opinion; include technical materials relied

upon by each witness in forming opinions; estimate the length of each witness' presentation; and identify all exhibits that are part of the administrative record maintained by the City and attach a copy of any exhibit not in the administrative record. Powerpoint and other slide presentations or displays which are demonstrative and based on technical evidence timely submitted may be shown at the hearing regardless of inclusion in the NOI. Copies no larger than 8 ½ by 11 inches shall replace large charts and maps in the record after the hearing. Failure to file a timely and complete NOI will preclude a person from presenting that technical evidence or testimony sought to be offered.

7. The deadline for entries of appearance is April 8, 2015.



Felicia L. Orth, Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that I have e-mailed a true and correct copy of the foregoing REVISED PREHEARING ORDER on this 19th day of December, 2014, 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

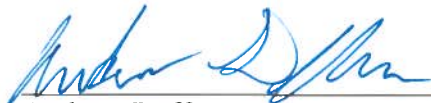
E-mailed

Shawn Boyle

sboyle@bradhallfuel.com

Counsel for Applicant

Respectfully submitted,



Andrew Daffern, AQCB Hearing Clerk