

**BEFORE THE MARICOPA COUNTY
AIR POLLUTION HEARING BOARD**

In the matter of:)	
)	PRETRIAL ORDER #2
Phoenix Brick Yard)	
1814 S. 7 th Ave.)	Cause No. MCAPHB2011-01-PA
Phoenix, AZ 85007)	Permit No. 090298
)	
Appellant.)	
_____)	

BEFORE:

Kimberly W. MacEachern, chair, and Eric L. Hiser, presiding officer.

APPEARANCES:

Roger K. Ferland and Michelle De Blasi, Quarles & Brady LLP for appellant Phoenix Brick Yard. Kevin S. Costello and Dan Brenden, Maricopa County Attorney’s Office for appellee Maricopa County Air Quality Department (MCAQD).

PROCEDURAL HISTORY:

Appellee MCAQD issued a Non-Title V Air Quality Permit (the “permit”) to Appellant Phoenix Brick Yard on April 22, 2011. On May 23, 2011, Appellant filed an appeal challenging the lawfulness of Condition 52(a) of the permit. Pursuant to Pretrial Order #1, Appellant subsequently filed a statement of grounds for its appeal. Appellant and Appellee now jointly move for a 45 day continuance.

FINDINGS AND CONCLUSIONS:

The chair finds that it is appropriate to appoint a presiding officer to hear prehearing motions in this matter until such time as this matter goes to hearing, as contemplated in Standing Order No. 1.

The chair and the presiding officer find that the motion for continuance is timely filed pursuant to the Manual of Procedures and that a grant of additional time for settlement is in the best interest of the parties and the public.

IT IS THEREFORE ORDERED:

1. That Board Counsel Eric L. Hiser is appointed presiding officer to hear prehearing motions in this matter until such time as it comes to hearing before the Board.

2. That a continuance of this matter is granted until August 15, 2011.
3. On or before August 15, 2011, the parties shall file a notice of settlement or a stipulated schedule for hearing in this matter, in accordance with Pretrial Order #1 and the Manual of Procedures.

So ordered this 21st day of June, 2011.

For the Board:



Eric L. Hiser, Board Counsel & Presiding Officer
For Kimberly W. MacEachern, Board Chair

COPIES of the foregoing mailed this ___ day of June, 2011 to:

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