

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

In the matter of:)	
)	PRETRIAL ORDER #3
Phoenix Brick Yard)	
1814 S. 7 th Ave.)	Cause No. MCAPHB2011-01-PA
Phoenix, AZ 85007)	Permit No. 090298
)	
Appellant.)	
_____)	

BEFORE:

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. In Pretrial Order #2, the presiding officer granted a 45 day continuance. Appellant and appellee now request a brief further continuance to finalize a settlement that has been reached in principle.

FINDINGS AND CONCLUSIONS:

The presiding officer finds that the motion for continuance is timely filed pursuant to the Manual of Procedures and that a grant of additional time to allow finalization of an agreement to settle in principle is in the best interest of the parties and the public.

IT IS THEREFORE ORDERED:

1. That a continuance of this matter is granted until August 29, 2011.
2. On or before August 29, 2011, the parties shall file a notice of settlement or a stipulated schedule for hearing in this matter, in accordance with Pretrial Orders #1 through 3 and the Manual of Procedures.

So ordered this 12th day of August, 2011.

For the Board:



Eric L. Hiser, Board Counsel & Presiding Officer

COPIES of the foregoing mailed this 12th day of August, 2011 to:

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