

STATE OF NEW MEXICO  
ALBUQUERQUE-BERNALILLO COUNTY  
AIR QUALITY CONTROL BOARD

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IN THE MATTER OF THE PETITION FOR  
A HEARING ON THE MERITS REGARDING  
AIR QUALITY PERMIT NO. 1655-M1-RV1,  
SMITH'S FOOD AND DRUG CENTERS, INC.

Pat Toledo, as an individual,  
Petitioner,

v.

AQCB Petition No. 2016-1

City of Albuquerque Environmental Health  
Department, Air Quality Program,  
Respondent.

AFFIDAVIT

I, Andrew Daffern, Air Quality Control Board Hearing Clerk certify that on March 28, 2016, eighteen (18) *Notices of Motion Hearing* were mailed and ten (10) *Notices of Motion Hearing* were emailed to members of the public that have expressed interest in the hearing in the above-captioned matter as reflected in the "List of Interested Persons" delivered to the Hearing Clerk on March 23, 2016, and attached to this pleading. The *Notice of Motion Hearing* was published in the *Albuquerque Journal* on Monday, March 28, 2016.

Respectfully submitted,



Andrew Daffern, Hearing Clerk  
Air Quality Program  
Environmental Health Department  
P.O. Box 1293  
One Civic Plaza NW, Room 3023  
Albuquerque, New Mexico 87102

**CERTIFICATE OF SERVICE**

I hereby certify that I have e-mailed a true and correct copy of the foregoing AFFIDAVIT on this 28<sup>th</sup> day of March, 2016, to the following:

**E-mailed**

Felicia Orth

[orthf@yahoo.com](mailto:orthf@yahoo.com)

*Counsel for Air Quality Control Board*

**E-mailed**

Pat Toledo

[pinkopatrick@gmail.com](mailto:pinkopatrick@gmail.com)

*Petitioner*

**E-mailed**

Carol M. Parker, Assistant City Attorney,

Air Quality Program

[cparker@cabq.gov](mailto:cparker@cabq.gov)

*Counsel for Respondent*

**E-mailed**

Frank Salazar

Lynn E. Mostoller

Sutin, Thayer & Browne, APC

[fcs@sutinfirm.com](mailto:fcs@sutinfirm.com)

[lem@sutinfirm.com](mailto:lem@sutinfirm.com)

*Counsel for Applicant*

Respectfully submitted,



Andrew Daffern, AQCB Hearing Clerk

Title	First Name	Last Name	Company Name	Address Line 1	City	State	ZIP Code	E-mail Address
Reverend	Mark	Denton	West Mesa Christian Church	8821 Golf Course Rd NW	Albuquerque	NM	87114	<a href="mailto:rev.Mark.Denton@gmail.com">rev.Mark.Denton@gmail.com</a>
Ms.	Monica	Cordero		9201 Drolet Dr NW	Albuquerque	NM	87114	
Ms.	Maud	Nelson		4720 Noisy Brook Rd NW	Albuquerque	NM	87114	
Mr.	Fredrick	Boato		4720 Noisy Brook Rd NW	Albuquerque	NM	87114	
Mr.	Phillip	Segura		9300 Drolet Dr NW	Albuquerque	NM	87114	
Ms.	Cindy	Segura		9300 Drolet Dr NW	Albuquerque	NM	87114	
Mr.	Isaac	Segura		9300 Drolet Dr NW	Albuquerque	NM	87114	
Mr.	Harold	Rarrick		9301 Drolet Dr NW	Albuquerque	NM	87114	
Mr.	Cipriano J.	Lujan		9309 Drolet Dr NW	Albuquerque	NM	87114	
Ms.	Vicki	Cederberg		9304 Drolet Dr NW	Albuquerque	NM	87114	
Mr.	Nathan	Wilkes	Edward Jones	8901 Golf Course Rd NW	Albuquerque	NM	87114	
Mr.	George	Chavez		4920 Marna Lynn Ave NW	Albuquerque	NM	87114	
Mr.	Frank	Spinden		4928 Marna Lynn Ave NW	Albuquerque	NM	87114	
Ms.	Joyce	Spinden		4928 Marna Lynn Ave NW	Albuquerque	NM	87114	
Mr.	Pat	Toledo		3404 Calle de Rancho NE	Albuquerque	NM	87106	<a href="mailto:pinkopatrick@gmail.com">pinkopatrick@gmail.com</a>
Mr.	Rudolph	Koranyi		9323 Drolet Dr NW	Albuquerque	NM	87114	
Ms.	Barabra	Herrera	Edward Jones	8901 Golf Course Rd NW	Albuquerque	NM	87114	
Mr.	Ray	Morgan	West Mesa Christian Church	8821 Golf Course Rd NW	Albuquerque	NM	87114	<a href="mailto:RAYMOND.MORGAN64@YAHOO.COM">RAYMOND.MORGAN64@YAHOO.COM</a>
Mr.	John	Mahoney						<a href="mailto:jmahoney8@comcast.net">jmahoney8@comcast.net</a>
Mr.	Tim	Atler	Info sent to Frank Salazar since Mr. Atler was no longer with the Sutin Firm					<a href="mailto:tja@atlerfirm.com">tja@atlerfirm.com</a>
Mr. Joel		Young						<a href="mailto:jmyoung@swcp.com">jmyoung@swcp.com</a>
Mr.	David Nielson							<a href="mailto:david.nielson@sfdc.com">david.nielson@sfdc.com</a>
Mr.	Frank	Salazar						<a href="mailto:FCS@sutinfirm.com">FCS@sutinfirm.com</a>
Mr.	Kirk	Randall						<a href="mailto:kirkr@awaeng.com">kirkr@awaeng.com</a>
Mr. Bret		Wahlen						<a href="mailto:bretw@awaeng.com">bretw@awaeng.com</a>

## **PUBLIC NOTICE – MOTION HEARING**

### **ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD IN THE MATTER OF THE PETITION FOR A HEARING ON THE MERITS REGARDING AIR QUALITY PERMIT NO. 1655-M1-RV1 ISSUED TO SMITH'S FOOD AND DRUG CENTERS, INC.; PAT TOLEDO, AS AN INDIVIDUAL, PETITIONER (AQCB PETITION NO. 2016-1)**

The Air Quality Control Board (Air Board) will conduct a motion hearing in the matter of AQCB Petition No. 2016-1 on April 13, 2016. The hearing will begin at 5:30 p.m. in the Vincent E. Griego Chambers, Albuquerque-Bernalillo County Government Center, One Civic Plaza NW Albuquerque, NM 87102. The Air Board will hear the Environmental Health Department Air Quality Program's Motion to Reverse and Remand the Permit; as well as any responses to that motion that may have been filed by that date.

Parties and representatives are as follows – Petitioner: Pat Toledo, as an individual; Respondent: Carol Parker, Assistant City Attorney and Danny Nevarez, Deputy Director, Environmental Health Department, on behalf of City of Albuquerque Environmental Health Department, Air Quality Program; Permittee: Frank Salazar and Lynn Mostoller, Sutin, Thayer & Browne, APC., on behalf of Smith's Food and Drug Centers, Inc.

Hearings and meetings of the Air Board are open to the public. The motion hearing will be conducted in accordance with the City of Albuquerque Joint Air Quality Control Board Ordinance Section 9-5-1-7 ROA 1994; Bernalillo County Ordinances Sec. 30-36; and 20.11.81 NMAC *Adjudicatory Procedures – Air Quality Control Board*.

**NOTICE FOR PERSONS WITH DISABILITIES OR SPECIAL NEEDS:** If you have a disability or require special assistance to participate, including translation/interpretation service, or review of any agendas, minutes, or other public meeting documents, please contact Andrew Daffern, Air Quality Control Board liaison, by April 6, 2016, at (505) 768-2601, or [adaffern@cabq.gov](mailto:adaffern@cabq.gov). TTY users may request special assistance by calling 1-800-659-8331.

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ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

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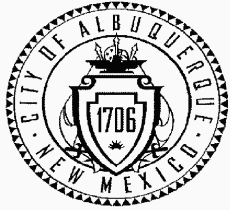
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CITY OF ALB-ENVIRONMENTAL HEAL



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MOTION HEARING**

**ALBUQUERQUE-BERNALILLO  
COUNTY AIR QUALITY  
CONTROL BOARD**

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Journal: March 28, 2016