

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

RECEIVED
ENVIRONMENTAL HEALTH
25 JUN 24 PM 2:49

IN THE MATTER OF PETITION FOR
A HEARING ON THE MERITS REGARDING
AIR QUALITY PERMIT NO. 1677-M2

Andy Carrasco, Dempsey Power,
and Pat Toledo,

Petitioners,

v.

AQCB Petition No. 2013-6

The City of Albuquerque and Smith's Food
& Drug Centers, Inc.,

Respondents.

**THE CITY OF ALBUQUERQUE ENVIRONMENTAL HEALTH DEPARTMENT'S
WITNESS AND EXHIBIT LIST**

Pursuant to the Hearing Officer's Order Scheduling Remand Hearing dated May 19, 2015 ("Remand Hearing Order"), the City of Albuquerque Environmental Health Department files its Witness list and Exhibit list below.

WITNESSES

1. **Mary Lou Leonard, Director, Environmental Health Department, City of Albuquerque.**

Mary Lou Leonard ("Ms. Leonard") will testify that she is the Director of the City of Albuquerque Environmental Health Department ("EHD") and oversees all EHD activities which include the Air Quality, Consumer Health, Environmental Services, Strategic Support, and Urban Biology Programs. She will testify that she understands the purpose of the Air Board hearing to be an inquiry into whether the request from Pat Toledo ("Mr. Toledo") and Andy Carrasco ("Mr. Carrasco") and the emailed inquiries from the neighborhood association constituted significant public interest in an air quality permit modification for a Smith's gas

station at Tramway SE. She will testify that she understands that the Albuquerque-Bernalillo County Air Quality Control Board (“Air Board”) is reviewing her decision to deny a public hearing request submitted by Mr. Toledo and Mr. Carrasco because she determined that there was not significant public interest.

She will testify that at the time she decided to deny their public hearing request, their request was the only request for a public hearing that the Air Quality Program had received. She will testify that she understood at the time that two neighborhood associations had posed inquiries which her staff had answered and that no neighborhood association had requested a hearing.

She will testify that she knew that the Air Quality Program had been in direct contact with the designated representatives of those two associations and that she knew at that time that the two associations had not requested a hearing. She will testify that she did not understand the Association’s inquiries as indications that they desired further information beyond the answers to the questions they had posed.

She will testify that she knew that Mr. Toledo’s and Mr. Carrasco’s joint request for a public hearing had stated that they were “in alliance with the 4-hills neighborhood association.” She will testify that she gave the fact that the Associations had not requested a hearing on their own behalf more weight than Mr. Toledo’s and Mr. Carrasco’s statement of being “in alliance with” an association. As a result, she viewed Mr. Toledo’s and Mr. Carrasco’s request as coming from two individuals rather than from an association.

She will testify that she considers each request for a public hearing on a case by case basis. She will testify that, since December 2009 when she became EHD Director, this is the

only public hearing she has denied. She will testify that she understands that she must provide a requested public hearing if she determines that there is significant public interest.

She will testify that she denied Mr. Toledo's and Mr. Carrasco's public hearing request because it was a request by two individuals and she determined that a request from two individuals did not demonstrate "significant public interest."

She will testify that she is required to wisely manage the public resources entrusted to her. Because she found that there was not significant public interest, she considered the Program resources that would be used for a public hearing and she considered her responsibility to manage those resources wisely. She also considered that when a public hearing is denied, it does not preclude public participation. Because there was not significant public interest and Mr. Toledo and Mr. Carrasco could continue to participate in the public process, she decided to deny their request for a public hearing.

2. Isreal Tavaréz, Environmental Health Manager, Permitting Division, Air Quality Program, Environmental Health Department, City of Albuquerque.

Isreal Tavaréz ("Mr. Tavaréz") will testify that he is the Environmental Health Manager of the EHD Air Quality Program Permitting Division and that he oversees all Permitting Division activities which include reviewing air quality permit applications and making final decisions on air quality permit applications.

He will testify that he understands the purpose of the Air Board hearing to be an inquiry into whether the request from Mr. Toledo and Mr. Carrasco and the emailed inquiries from the neighborhood association constituted significant public interest in an air quality permit modification for a Smith's gas station at Tramway SE. He will testify that he understands that the Air Board is reviewing the EHD Director's decision to deny a public hearing request

submitted by Mr. Toledo and Mr. Carrasco. He will testify that he recommended to the EHD Director that she should deny the public hearing because there was not significant public interest.

He will testify that at the time he recommended to the EHD Director to deny Mr. Toledo's and Mr. Carrasco's public hearing request, their request was the only request for a public hearing that the Air Quality Program had received. He will testify that he understood at the time that two neighborhood associations had posed inquiries which his staff had answered and that no neighborhood association had requested a hearing.

He will testify that he knew that Mr. Toledo's and Mr. Carrasco's joint request for a public hearing stated that they were "in alliance with the 4-hills neighborhood association." He will testify that his Deputy Director, Mr. Bill Westmoreland, had questioned him about this aspect because no association had signed their request. He will testify that he responded at the time that the Program had no evidence of such an alliance.

Mr. Tavaréz will testify that because he had no evidence of such an alliance and because he knew the Air Quality Program had been in direct contact with the designated representatives of neighborhood associations and that they had not requested a public hearing, he recommended to the EHD Director that she deny Mr. Toledo's and Mr. Carrasco's request for a public hearing.

He will testify that he always considers each request for a public hearing on the facts and circumstances of each situation when making a recommendation to the EHD Director. He will testify that public hearings take significant Program resources when they are held.

He will testify that, since Mary Lou Leonard has been EHD Director, there have been six requests for public hearings about pending permit applications and that he recommended granting requests in five of the six. His recommendation was followed in each case. He will

testify that each of the five requests which were granted demonstrated much broader interest than Mr. Toledo's and Mr. Carrasco's request.

He will testify that he recommended to the EHD Director to deny this public hearing request because it was a request by two individuals who were not authorized to represent anyone else. He recommended that a request by two individuals did not demonstrate "significant public interest."

He will testify that he understands that regardless of whether a public hearing is held, individuals may still participate in the air quality permitting process by commenting to the Program during the public comment period on the air quality permit application, by requesting information regarding the application or by discussing the permit application with the assigned Permitting staff. Additionally, after EHD makes a decision on a permit application, any individual who participated in the air quality permitting process for that application who is adversely affected can appeal EHD's decision to the Air Board. He will testify that denying a public hearing does not prevent these kinds of public participation.

EXHIBITS

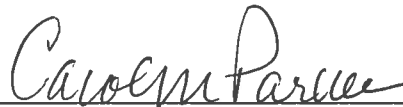
- A) Email trail between Ed Barsis and Regan Eyerman, City of Albuquerque, Air Quality Division copied to Isreal Tavarez re: Air Quality Authority-to-Construct Permit #1677-M2 (Mar. 8, 2013).
- B) Email trail between eh_owners_assn1@comcast.net and Regan Eyerman, City of Albuquerque, Air Quality Division copied to Isreal Tavarez re: Air Quality Authority-to-Construct Permit #1677-M2 (Mar. 8 – Mar. 13, 2013).
- C) Letter from Pat Toledo and Andy Carrasco to Air Quality Division (requesting a public information hearing) (Apr. 24, 2013).
- D) Letter from Mary Lou Leonard, EHD Director, to Mr. Pat Toledo re: Apr. 24, 2013 Request for a Public Hearing for Air Quality permit No. 1677-M2, Smith's Food & Drug Centers, Inc. (May 14, 2013).

- E) Letter from Mary Lou Leonard, EHD Director, to Mr. Andy Carrasco re: Apr. 24, 2013 Request for a Public Hearing for Air Quality Permit No. 1677-M2, Smith's Food & Drug Centers, Inc. (May 24, 2013).
- F) Letter from Mary Lou Leonard, EHD Director, to Mr. Andy Carrasco and Mr. Pat Toledo, re: "Appeal" of EHD Director's Decision not to Hold Public Information Hearing About Smith's Application to Modify (Increase) Gasoline Throughput at Tramway and Central SE Gas Station (May 29, 2013).

EHD reserves the right to rely on exhibits filed by any other party. EHD reserves the right to call any rebuttal witnesses that cannot be identified at this time.

Respectfully submitted,

CITY OF ALBUQUERQUE
Jessica M. Hernandez, City Attorney



Carol M. Parker, Assistant City Attorney
P.O. Box 2248
Albuquerque, New Mexico 87103
Telephone: (505) 768-4500
Facsimile: (505) 768-4525
cparker@cabq.gov

CERTIFICATE OF SERVICE

24th I hereby certify that I served a true and correct copy of the above document on this day of June, 2015, to the following:

- 1) The City's original document was filed with the Hearing Clerk in the above-captioned matter and nine copies were hand delivered to the Hearing Clerk.
- 2) One additional copy was hand-delivered to the Hearing Clerk for delivery to the Hearing Officer/Air Board Attorney and one copy was sent by electronic mail to:

Felicia Orth
c/o Andrew Daffern, Hearing Clerk
Control Strategies Section
Environmental Health Department
One Civic Plaza, Room 3023
Albuquerque, NM 87102
orthf@yahoo.com
*Attorney for the Albuquerque-Bernalillo County Air Quality Control Board
and Hearing Officer for AQCB Petition No. 2013-6*

- 3) One hard copy was mailed by first class mail and a copy was sent by electronic mail to:

Tim Atler and Frank Salazar
Sutin, Thayer & Brown
P.O. Box 1945
Albuquerque, NM 87103-1945
tja@sutinfirm.com
fcs@sutinfirm.com
Attorneys for Smith's Food & Drug Centers, Inc.

Pete V. Domenici, Jr. and Reed Easterwood
Domenici Law Firm, PC
320 Gold Avenue SW, Suite 1000
Albuquerque, NM 87102
pdomenici@domicilaw.com
reasterwood@domicilaw.com
Attorney for Appellants-Petitioners Andy Carrasco and Pat Toledo and also Dempsey Power

By: 
Carol M. Parker, Assistant City Attorney

Eyerman, Regan V.

AR 6

From: Eyerman, Regan V.
Sent: Friday, March 08, 2013 5:37 PM
To: 'Ed Barsis'
Cc: Tavaréz, Isreal L.
Subject: RE: Air Quality Authority-To-Construct Permit #1677-M2

Mr. Barsis,

Certainly. I am glad to answer any of your questions.

I can tell you what the Smith's is "permitted" for, which is greater than what they will actually emit. Their permitted emissions limit for volatile organic carbon (VOC) will increase from 25.4 to 32.5 tons per year.

There is a Valero and a Giant station at Eubank and Central. The Valero recently modified its permit to increase its gasoline throughput to 3,000,000 gallons per year and is now permitted to emit 20 tons of VOC per year. The Giant is permitted for 2,400,000 gallons per year throughput and is permitted to emit 15.6 tons of VOC per year.

Please let me know the name of the gas station across the street from the Smith's and I will look up information on that one as well.

Thank you.

Regan Eyerman, PE
City of Albuquerque, Air Quality Division
Environmental Health Scientist
505-767-5625

From: Ed Barsis [<mailto:ebarsis@bmv.com>]
Sent: Friday, March 08, 2013 3:27 PM
To: Eyerman, Regan V.
Subject: RE: Air Quality Authority-To-Construct Permit #1677-M2

Mr. Eyerman,

Would you please answer a few questions:

1. How does the pollution compare before and after the change of approx 1 million gallons?
2. How does the pollution (either before or after the change) compare with the pollution from the gas station across the street and with the Chevron on Eubank and Central?

Thank you.

Ed Barsis

Edwin H. Barsis
1538 Catron Ave SE
Albuquerque, NM 87123
Ph: 505-293-5347
ebarsis@bmv.com

EHD
Exhibit A

Eyerman, Regan V.

AR 9

From: eh_owners_assn1 <eh_owners_assn1@comcast.net>
Sent: Wednesday, March 13, 2013 5:33 PM
To: Eyerman, Regan V.
Subject: RE: Air Quality Authority-To-Construct Permit #1677-M2

Got it. Thanks for the answer Regan. I'll let my neighbors know. Have a good weekend.

From: Eyerman, Regan V. [<mailto:reyerman@cabq.gov>]
Sent: Monday, March 11, 2013 9:24 AM
To: eh_owners_assn1
Cc: Tavarez, Isreal L.
Subject: RE: Air Quality Authority-To-Construct Permit #1677-M2

Good morning. I am glad to answer any of your questions.

Smith's is not adding any more equipment (tanks and pumps) at their facility. What they are doing is applying to increase their gasoline throughput. Their permitted emissions limit for volatile organic carbon (VOC) will increase from 25.4 to 32.5 tons per year. The permitted limit is what they are allowed to emit in their permit (what they cannot exceed), which is greater than what they will actually emit.

Thank you.

Regan Eyerman, PE
City of Albuquerque, Air Quality Division
Environmental Health Scientist
505-767-5625

From: eh_owners_assn1 [mailto:eh_owners_assn1@comcast.net]
Sent: Saturday, March 09, 2013 5:14 PM
To: Eyerman, Regan V.
Subject: RE: Air Quality Authority-To-Construct Permit #1677-M2

Thank-you for the information. Is Smith's planning on enlarging their gasoline facility? We are concerned about a negative impact on our air quality, is that a valid concern?

From: Eyerman, Regan V. [<mailto:reyerman@cabq.gov>]
Sent: Friday, March 08, 2013 1:40 PM
To: Cassandra.osterloh@yahoo.com; fhvharoger@aol.com; genmeek100@msn.com; roserealtor89@yahoo.com; eh_owners_assn1@comcast.net; vavaldez@comcast.net; nmpops@gmail.com; ebarsis@bmv.com
Cc: Tavarez, Isreal L.; Rocha, Dario W.
Subject: Air Quality Authority-To-Construct Permit #1677-M2

Dear Ms. Osterloh, Mr. Mickelson, Ms. Meeker, Ms. Sena, Ms. Underhill, Mr. Valdez, Mr. Hartman and Mr. Barsis:

The City of Albuquerque, Environmental Health Department, Air Quality Division (Division) is responsible for the review and issuance of Air Quality Permits for any source of air contaminants within Bernalillo County. The Division performs a technical review of each application submitted and rules it either complete or incomplete. Once an application is deemed complete, the Division is required to provide at least 45 (but no more than 60) days for public comment on each application. If sufficient comment is received regarding the completed application, the Division may elect to hold a public hearing.

EHD
Exhibit B

4/24/13

To AIR Quality Division

AR 10

WE (PAT TOLEDO & ANDY CARRASCO, members of the Summit neighborhood association and in alliance with the 4-hills neighborhood association) request a public information hearing on the Smith's GAS STATION AT TRAMWAY & CENTRAL to increase there fuel throughput to 5 million gallons. The permit # is 1677-M1. We completely oppose this request by Smith's to increase there throughput to protect the public and abate air pollution. Also the size of the station is way to small and congested already and will only lead to completely unsafe and dangerous conditions for the public. There are also current problems with record keeping and there recent modification in 2012.

Pat Toledo 4/24/13 8:45 AM

ANDY CARRASCO

RECEIVED
ENVIRONMENTAL HEALTH

EHD
Exhibit C

0038

CITY OF ALBUQUERQUE

Albuquerque Environmental Health Department

Mary Lou Leonard, Director



Mr. Pat Toledo
Member, Summit Park N.A
3404 Calle Del Ranchero NE
Albuquerque, NM 87106

May 14, 2013
Certified Mail No. 7010 3090 0001 4486 5473
Return Receipt Requested

**Re: April 24, 2013 Request for Public Hearing for Air Quality Permit No. 1677-M2,
Smith's Food & Drug Centers, Inc.**

Dear Mr. Toledo:

This letter is in response to the April 24, 2013 document that you submitted to the City of Albuquerque Environmental Health Department (Department) Air Quality Division requesting a public hearing regarding the application for modification of Air Quality Permit No. 1677-M1 that was issued to Smith's Food & Drug Centers, Inc. in 2012. The application is regarding the gasoline dispensing facility (GDF) that is located at 200 Tramway Blvd SE in Albuquerque, NM. The Tramway GDF application is identified for tracking purposes as Air Quality Permit No. 1677-M2.

Albuquerque-Bernalillo County Air Quality Board regulation 20.11.41.14.B. NMAC is regarding the informal public information hearings (PIHs) that may be held before the Department makes a decision regarding a pending permit application. 20.11.41.14.B. NMAC states: "The Department shall hold a public hearing if the director determines that there is significant public interest." The Four Hills Village Neighborhood Association and the Four Hills Village Homeowners Association are located south of the Tramway GDF. No officer or member of either association – or any other entity or individual from the vicinity of the Tramway GDF – contacted the Department by the April 24, 2013 deadline to ask for a PIH. You and Mr. Carrasco state in your April 24 request that you are members of the Summit Park Neighborhood Association (Summit Park NA), which is located north of Lomas and west of Carlisle NE. Other than you and Mr. Carrasco, no officer or member of the Summit Park NA has contacted the Department asking for a PIH. No one in addition to you and Mr. Carrasco has requested a PIH.

As the Director of the Department, I have determined that the Tramway GDF permitting activity has not generated significant public interest. Therefore, this letter is to inform you that your request for a PIH regarding the Tramway GDF application for modification has been denied.

If you have any questions regarding this permit application or require any additional information, please feel free to contact Danny Nevarez at (505) 768-2639.

Sincerely,

Mary Lou Leonard, Director
City of Albuquerque Environmental Health Department

cc: Danny Nevarez, Acting Deputy Director, City of Albuquerque, Environmental Health Department
Isreal L. Tavarez, P. E., Environmental Manager, Air Quality Permitting & EI
Dario Rocha, Supervisor, Air Quality Permitting & EI Section
Matt Stebleton, Supervisor, Air Quality Compliance
Damon Reyes, Supervisor, Air Quality Enforcement Section
Adelia Kearny, Deputy City Attorney, City of Albuquerque, Legal Department

Albuquerque - Making History 1706-2006

EHD
Exhibit D

Environmental Health Dept.
Air Quality Division

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE

Albuquerque Environmental Health Department
Mary Lou Leonard, Director



Mr. Andy Carrasco
Member, Summit Park N.A.
6505 Cypress Point Way NE
Albuquerque, NM 87111

May 14, 2013
Certified Mail No. 7010 3090 0001 4486 5466
Return Receipt Requested

**Re: April 24, 2013 Request for Public Hearing for Air Quality Permit No. 1677-M2,
Smith's Food & Drug Centers, Inc.**

Dear Mr. Carrasco:

This letter is in response to the April 24, 2013 document that you submitted to the City of Albuquerque Environmental Health Department (Department) Air Quality Division requesting a public hearing regarding the application for modification of Air Quality Permit No. 1677-M1 that was issued to Smith's Food & Drug Centers, Inc. in 2012. The application is regarding the gasoline dispensing facility (GDF) that is located at 200 Tramway Blvd SE in Albuquerque, NM. The Tramway GDF application is identified for tracking purposes as Air Quality Permit No. 1677-M2.

Environmental Health Dept.
Air Quality Division

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Albuquerque-Bernalillo County Air Quality Board regulation 20.11.41.14.B. NMAC is regarding the informal public information hearings (PIHs) that may be held before the Department makes a decision regarding a pending permit application. 20.11.41.14.B. NMAC states: "The Department shall hold a public hearing if the director determines that there is significant public interest." The Four Hills Village Neighborhood Association and the Four Hills Village Homeowners Association are located south of the Tramway GDF. No officer or member of either association – or any other entity or individual from the vicinity of the Tramway GDF – contacted the Department by the April 24, 2013 deadline to ask for a PIH. You and Mr. Toledo state in your April 24 request that you are members of the Summit Park Neighborhood Association (Summit Park NA), which is located north of Lomas and west of Carlisle NE. Other than you and Mr. Toledo, no officer or member of the Summit Park NA has contacted the Department asking for a PIH. No one in addition to you and Mr. Toledo has requested a PIH.

As the Director of the Department, I have determined that the Tramway GDF permitting activity has not generated significant public interest. Therefore, this letter is to inform you that your request for a PIH regarding the Tramway GDF application for modification has been denied.

If you have any questions regarding this permit application or require any additional information, please feel free to contact Danny Nevarez at (505) 768-2639.

Sincerely,


Mary Lou Leonard, Director
City of Albuquerque Environmental Health Department

cc: Danny Nevarez, Acting Deputy Director, City of Albuquerque, Environmental Health Department
Isreal L. Tavarez, P. E., Environmental Manager, Air Quality Permitting & EI
Dario Rocha, Supervisor, Air Quality Permitting & EI Section
Matt Stebleton, Supervisor, Air Quality Compliance
Damon Reyes, Supervisor, Air Quality Enforcement Section
Adelia Kearny, Deputy City Attorney, City of Albuquerque, Legal Department

Albuquerque - Making History 1706-2006

EHD
Exhibit E

CITY OF ALBUQUERQUE



May 29, 2013

7003 1680 0001 4880 0879
Mr. Andy Carrasco
6505 Cyprus Point Way, NE
Albuquerque, NM 87111

7003 1680 0001 4880 0886
Mr. Pat Toledo
Member Summit Park N.A.
3404 Calle del Ranchero NE
Albuquerque, NM 87106

Re: "Appeal" of EHD Director's Decision Not to Hold Public Information Hearing About Smith's Application to Modify (Increase) Gasoline Throughput at Tramway and Central SE Gas Station

Gentlemen:

This letter is in response to your letter to me that is dated May 23, 2013, in which you stated you "are appealing the decision not to initiate a public hearing on the Smith's gas station request at Tramway and Central to increase there *[sic]* throughput from 3.9 million gallons a year to 5.0 million gallons..." As has been discussed with you several times, and as was stated by the hearing officer when you both attended the public information hearing (PIH) regarding Smith's Food & Drug Centers, Inc. (Smith's) application for an increase in gasoline throughput at the separate Smith's gas station at Carlisle and Constitution NE: a PIH is not a formal hearing on the merits. No findings or recommendations are made at the end of the PIH. The assigned City of Albuquerque (City) Environmental Health Department (Department) permit writer does not make a decision at the end of a PIH. The decision regarding whether a PIH is warranted under the circumstances is in the sole discretion of the Department Director.

The New Mexico Air Quality Control Act (Air Act), the City Joint Air Quality Control Board (Air Board) Ordinance (City Ordinance) and the applicable minor stationary source Air Board permitting regulation do not require a hearing or meeting before the permit writer makes a final decision regarding the pending application. The permitting regulation does require an application that is administratively complete, public notice published in the *Albuquerque Journal* and opportunity for public comment. The public notice must include specific information regarding the proposed permit or permit modification and must identify the manner in which comments or evidence on the application may be submitted to the Department. All legal requirements were met. The Department also included additional information in the public notice, such as the availability of the application for inspection and the deadline for public comment and requesting a public information hearing.

As you know from the May 14, 2013 letter that I sent to you, Air Board regulation 20.11.41.14.B NMAC states: "The department shall hold a public hearing if the director determines that there is significant public interest." Although the Department was not required to do so by the permitting regulation, the Department sent an email with an attached 8 1/2" x 11" copy of the public notice to two neighborhood associations, three home owners' associations and one neighborhood coalition in the area surrounding the Tramway and Central SE gas station. As a result of the public notice and emails, the Department received a few inquiries from an officer with the Executive Hills Home Owners' Association and the President of the Four Hills Village Neighborhood Association. The Department responded to the inquiries and heard nothing more from any of the organizations that

Mr. Carrasco
May 29, 2013
Page 2

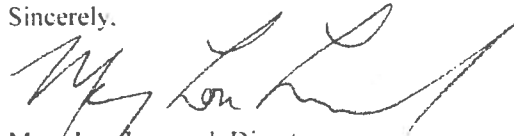
surround the Tramway and Central SE gas station. No individual residing in the area submitted public comment or requested a PIH. As you know, the only requests for a PIH regarding the Tramway and Central SE gas station application for modification came from: Andy Carrasco, who owns a commercial property near the Smith's Carlisle and Constitution NE gas station, and Pat Toledo, who is a resident of the Summit Park NA in the area of the Carlisle and Constitution NE gas station.

Regarding your request for a PIH re the Tramway and Central SE gas station, and as I stated in the May 14 letter, I determined that the Tramway and Central SE application for modification did not generate "significant public interest". My decision in this matter is discretionary. No formal appeal process applies to the Department Director's decision not to hold a PIH. As you also know from the May 23, 2013 participant notification letter to you that was signed by Acting Deputy Director Danny Nevarez, the requested modification was issued because the application was complete, the public notice requirements were met, the Department conducted its review as required and there was no legal basis for the Department to deny the modification.

In Mr. Carrasco's challenge to the Carlisle and Constitution NE Smith's gas station application for modification, Mr. Carrasco was represented by attorney Pete V. Domenici, Jr. Mr. Domenici also submitted an extensive Inspection of Public Records Act request to the Department regarding all of the Smith's gas stations in Bernalillo County. We have received no notice that Mr. Domenici has withdrawn as Mr. Carrasco's attorney in the Carlisle and Constitution NE matter. We are sending Mr. Domenici a copy of this response letter so you can consult with him regarding the Smith's Tramway and Central SE matter, if appropriate.

Thank you.

Sincerely,



Mary Lou Leonard, Director
City of Albuquerque Environmental Health Department

cc: Pete V Domenici, Jr., Esq.
Danny Nevarez, Acting Deputy Director, Air Programs, Env. Health Dept., City of Albuquerque
Isreal L. Tavarez, P.E., Environmental Manager, Air Quality Permitting
Regan V. Eyerman, P.E., Environmental Scientist & Permitting Specialist, Air Quality Permitting
Dario Rocha, Supervisor, Air Quality Permitting
Matt Stebleton, Supervisor, Air Quality Compliance
Damon Reyes, Supervisor, Air Quality Enforcement
Adelia Kearny, Deputy City Attorney, Legal Department, City of Albuquerque