

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. 3135 ISSUED TO
SMITH'S FOOD AND DRUG CENTERS, INC.

Margaret M. Freed, Mary Ann Roberts, and Pat Toledo, Petitioners

No. AQCB 2014-2

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AFFIDAVIT

I, Andrew Daffern, Air Quality Control Board Hearing Clerk certify that on August 28, 2014, seventy (70) *Amended Notices of Hearing* were mailed, and sixteen *Amended Notices of Hearing* were emailed to the parties and interested participants regarding the hearing in the above-captioned matter. The *Amended Notice of Hearing* will be published in the *Albuquerque Journal* on Sunday, August 31, 2014.

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 87103

CERTIFICATE OF SERVICE

I hereby certify that I have e-mailed a true and correct copy of the foregoing AFFIDAVIT on this 28th day of August, 2014, to the following:

E-mailed

Felicia Orth

Attorney and Hearing Officer for Air Quality Control Board

orthf@yahoo.com

E-mailed

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cparker@cabq.gov

Attorney for City of Albuquerque,

Air Quality Program

E-mailed

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Lorraine Hollingsworth, Esq.

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Tim Adler, Esq.

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TJA@sutinfirm.com

FCS@sutinfirm.com

Attorneys for Applicant

Respectfully submitted,



Andrew Daffern, AQCB Hearing Clerk

AMENDED PUBLIC NOTICE

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD IN THE MATTER OF THE PETITION FOR A HEARING ON THE MERITS REGARDING AIR QUALITY PERMIT NO. 3135 ISSUED TO SMITH'S FOOD AND DRUG CENTERS, INC., MARGARET M. FREED, MARY ANN ROBERTS, AND PAT TOLEDO, PETITIONERS (PETITION NO. AQCB 2014-2) CHANGE IN DATE AND LOCATION OF HEARING

Smith's Food & Drug Centers, Inc. submitted an Authority-to-Construct application to the Air Quality Program (Program) of the City of Albuquerque Environmental Health Department for a proposed gasoline dispensing facility with an annual gasoline throughput of 7,000,000 gallons per year, to be located at 6941 Montgomery Blvd. NE, Albuquerque, NM 87109. Permit #3135 was issued by the Program on April 30, 2014. The application may be reviewed in the Program's office, located in Suite #3047 on the third floor of the City-County Government Building, 400 Marquette Ave. NW, Albuquerque, NM 87102. The permit and the Petition for Hearing may be viewed on the Program's website at the following link: <http://www.cabq.gov/airquality/air-quality-control-board/petitions/related-documents>.

An appeal of the issuance of Permit #3135 was filed by petitioners Margaret M. Freed, Mary Ann Roberts, and Pat Toledo (Petition No. AQCB 2014-2). A hearing before the Albuquerque-Bernalillo County Air Quality Control Board (Air Board), previously scheduled for September 10th and 11th, 2014, is now scheduled to begin on **Wednesday, November 5, 2014** at 9:00 a.m. and continue as necessary through **November 6th**. The hearing will be held at the Holiday Park Community Center, Meeting Room 1 and 2, 11710 Comanche Road NE, Albuquerque, NM 87111.

Hearings and meetings of the Air Board are open to the public and all interested persons are encouraged to participate. All persons who wish to testify regarding the subject of the hearing will be given a reasonable opportunity to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the City of Albuquerque Joint Air Quality Control Board Ordinance Section 9-5-1-6 ROA 1994; Bernalillo County Ordinance 94-5, Section 6; and 20.11.81 NMAC *Adjudicatory Procedures – Air Quality Control Board* and orders of the Hearing Officer.

PUBLIC COMMENT of a non-technical nature: Wednesday, November 5, 2014, 5:00 pm to 5:30 pm or longer as necessary to accept all public comment offered (per 20.11.81.14.I.(2)). The Hearing Officer may take public comment at other times throughout the hearing as necessary.

TECHNICAL TESTIMONY: The deadline for the City of Albuquerque, Permittee and others supporting the issuance of the permit who intend to present technical evidence or testimony to file an NOI has been adjusted to October 24, 2014.

MOTION HEARING: In the event pre-hearing motions are timely filed, the Board will conduct a motion hearing on October 8, as part of a Board meeting that will begin at 5:30 p.m.

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this process, please call 311 (Voice) and special assistance will be made available to you to receive any public meeting documents, including agendas and minutes. TTY users may request special assistance by calling 1-800-659-8331.

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Ad Order Number
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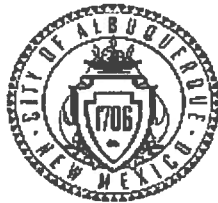
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AMENDED PUBLIC NOTICE
ALBUQUERQUE-BERNALILLO
COUNTY AIR QUALITY CON-
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 the City of Albuquerque Joint Air
 Quality Control Board Ordinance
 Section 9-5-1-6 RQA 1994;
 Bernalillo County Ordinance 94-5,
 Section 5; and 20.11.51 NMAC
 Adjudicatory Procedures - Air
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 of the Hearing Officer.

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Ad Proof / Order Confirmation

Account Number

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Ad Order Number

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Journal: August 31, 2014