



ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD



Chair, Ms. Jane Cudney-Black, City
Jens Deichmann, Ph.D., County
Josephine Lopez, Ph.D., County
Mr. Matthew Wylie, City

Vice Chair, Ms. Michelle Miano, County
Mr. Ben Everson, City
Mr. Dale H. Mack, City
Non-voting members: BCPC Liaison - VACANT,
COA/EPC Liaison – Mr. Jim Peck,
Secretary to the Board – Mr. Dario Rocha

Date: June 14, 2017 (Wednesday)
Time: 5:30 p.m.

Location:
Vincent E. Griego Chambers
Albuquerque-Bernalillo County
Government Center
One Civic Plaza NW
Albuquerque, NM 87102

General inquiries regarding this agenda may be directed to Andrew Daffern (505) 768-2601 (adaffern@cabq.gov).

For documents related to each agenda item, please go to:

<http://www.cabq.gov/airquality/air-quality-control-board/events/june-14-2017-air-quality-control-board-meeting>

Regular Monthly Meeting Draft Agenda

CALL TO ORDER

Item #1 Approval of Agenda (Chair)

Item #2 Approval of April 12, 2017 Meeting Minutes (Chair)

AIR PROGRAM REPORT

PUBLIC COMMENT

REPORTS

Item #3 The Albuquerque-Bernalillo County Air Quality Control Board's Adjudicatory and Rulemaking Functions – Felicia Orth, Air Board Attorney

HEARING

As part of this hearing, public comment will be taken under oath and transcribed.

Smith's Food and Drug Centers, Inc.'s Motion for Summary Judgment in the Matter of AQC Board Petition No. 2104-2, Petition for a Hearing on the Merits Regarding Air Quality Permit No. 3135 Issued to Smith's Food and Drug Centers, Inc. (Smith's Montgomery Remand to AQC Board).

Petitioners: Pete Domenici, Jr. on behalf of Pat Toledo; Margaret M. Freed, *pro se*; and Mary Ann Roberts, *pro se*;

Respondents: for City of Albuquerque, Carol Parker, Assistant City Attorney and Danny Nevarez, Air Quality Program, Deputy Director, Environmental Health Department;

Permittees: Frank Salazar, Lynn Mostoller, Sutin Law Firm on behalf of Smith's Food and Drug Centers, Inc.

ACTION ITEMS

Item #4 Decision on the Matter of Smith's Food and Drug Centers, Inc.'s Motion for Summary Judgment in the Matter of AQCB Petition No. 2104-2, Petition for a Hearing on the Merits Regarding Air Quality Permit No. 3135 Issued to Smith's Food and Drug Centers, Inc. (Smith's Montgomery Remand to AQCB).
Petitioners: Pete Domenici, Jr. on behalf of Pat Toledo; Margaret M. Freed, *pro se*; and Mary Ann Roberts, *pro se*;
Respondents: for City of Albuquerque, Carol Parker, Assistant City Attorney and Danny Nevarez, Air Quality Program, Deputy Director, Environmental Health Department;
Permittees: Frank Salazar, Lynn Mostoller, Sutin Law Firm on behalf of Smith's Food and Drug Centers, Inc.

HEARING

As part of this hearing, public comment will be taken under oath and transcribed.

Smith's Food and Drug, Inc.'s Motion to Dismiss Petitioner Pat Toledo for Lack of Standing in the Matter of AQCB Petition No. 2104-2, Petition for a Hearing on the Merits Regarding Air Quality Permit No. 3135 Issued to Smith's Food and Drug Centers, Inc. (Smith's Montgomery Remand to AQCB).
Petitioners: Pete Domenici, Jr. on behalf of Pat Toledo; Margaret M. Freed, *pro se*; and Mary Ann Roberts, *pro se*;
Respondents: for City of Albuquerque, Carol Parker, Assistant City Attorney and Danny Nevarez, Air Quality Program, Deputy Director, Environmental Health Department;
Permittees: Frank Salazar, Lynn Mostoller, Sutin Law Firm on behalf of Smith's Food and Drug Centers, Inc.

ACTION ITEMS con't.

Item #5 Decision on the Matter of Smith's Food and Drug, Inc.'s Motion to Dismiss Petitioner Pat Toledo for Lack of Standing in the Matter of AQCB Petition No. 2104-2, Petition for a Hearing on the Merits Regarding Air Quality Permit No. 3135 Issued to Smith's Food and Drug Centers, Inc. (Smith's Montgomery Remand to AQCB).
Petitioners: Pete Domenici, Jr. on behalf of Pat Toledo; Margaret M. Freed, *pro se*; and Mary Ann Roberts, *pro se*;
Respondents: for City of Albuquerque, Carol Parker, Assistant City Attorney and Danny Nevarez, Air Quality Program, Deputy Director, Environmental Health Department;
Permittees: Frank Salazar, Lynn Mostoller, Sutin Law Firm on behalf of Smith's Food and Drug Centers, Inc.

Item #6 Decision on whether the Board should pursue intervention as a party in New Mexico Court of Appeals No. 36,398, SouthWest Organizing Project, Esther Abeyta, and Steven Abeyta, Plaintiff-Appellants, v. Albuquerque-Bernalillo County Air Quality Control Board, Defendant-Appellee. – Felicia Orth, Air Board Attorney.

The Board may choose to close this discussion and go into Closed Session pursuant to NMSA 1978, Section 10-15-1.H(7), insofar as it is pending litigation in which the Board may become a participant.

OTHER BUSINESS

ADJOURNMENT

NEXT SCHEDULED BOARD MEETING: July 12, 2017

Members of the public who wish to address the Board may do so by signing up with the Board Clerk and indicating the agenda item they intend to address or their intention to make a general public comment. Sign-up must occur prior to the Board's consideration of each item. Each person will be given up to two minutes to speak.

NOTICE TO PERSONS WITH DISABILITIES OR SPECIAL NEEDS: If you have a disability or require special assistance to participate in this meeting, including interpretation, please contact the Albuquerque-Bernalillo County Air Quality Control Board Liaison as soon as possible before the meeting date at 505-768-2601. Those in need of hearing assistance may call 711.

The City of Albuquerque does not discriminate on the bases of race, color, national origin, sex, age or disability. If you believe you have been discriminated against, you may submit a complaint at www.cabq.gov/humanrights/filing-a-complaint. You may also contact Gabe Campos at ODHR@cabq.gov or 505-768-4589.