

**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. 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

**ORDER UPHOLDING DIVISION'S DETERMINATION  
OF NO SIGNIFICANT PUBLIC INTEREST**

This matter comes before the Board on a Mandate from the New Mexico Court of Appeals following the issuance of its November 26, 2014 Memorandum Opinion remanding the matter to the Board to consider the question of "whether Petitioners Toledo and Carrasco's request for a public hearing, together with the emailed questions received by EHD from the local neighborhood associations, constituted 'significant public interest' to necessitate a public hearing."

At its regularly scheduled meeting on July 8, 2015, the Board heard evidence and oral argument presented by Counsel for Smith's, the City's Air Quality Program, and Petitioners.

Having considered the evidence and arguments presented along with the written submittals and the administrative record, the Board upheld the Air Quality Program's determination of 'no significant public interest' on a vote of 5-0.

RECEIVED  
ENVIRONMENTAL HEALTH  
15 JUL 31 PM 2:50

The Board's Dismissal of this appeal is now final.

 , Vice Chair  
\_\_\_\_\_  
For the Board

**CERTIFICATE OF SERVICE**

I hereby certify that I have e-mailed a true and correct copy of the foregoing ORDER UPHOLDING DIVISION'S DETERMINATION OF NO SIGNIFICANT PUBLIC INTEREST on this 31<sup>st</sup> day of July, 2015, to the following:

**E-mailed**

Felicia Orth  
Attorney and Hearing Officer for Air Quality Control Board  
[orthf@yahoo.com](mailto:orthf@yahoo.com)

**E-mailed**

Carol M. Parker, Assistant City Attorney  
[cparker@cabq.gov](mailto:cparker@cabq.gov)  
Attorney for City of Albuquerque,  
Air Quality Program

**E-mailed**

Pete V. Domenici, Jr., Esq.  
Lorraine Hollingsworth, Esq.  
Reed Easterwood  
Domenici Law Firm, P.C.  
[pdomenici@domenicilaw.com](mailto:pdomenici@domenicilaw.com)  
[lhollingsworth@domenicilaw.com](mailto:lhollingsworth@domenicilaw.com)  
[REasterwood@domenicilaw.com](mailto:REasterwood@domenicilaw.com)  
Attorneys for Petitioners

**E-mailed**

Frank Salazar, Esq.  
Tim Adler, Esq.  
Sutin, Thayer & Browne, APC  
[TJA@sutinfirm.com](mailto:TJA@sutinfirm.com)  
[FCS@sutinfirm.com](mailto:FCS@sutinfirm.com)  
Attorneys for Applicant

Respectfully submitted,

  
Andrew Daffern, AQCB Hearing Clerk