

**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. 3131 ISSUED TO
HONSTEIN OIL & DISTRIBUTING, LLC.**

**SouthWest Organizing Project, by Juan Reynosa, Environmental Justice Organizer, and
Esther and Steven Abeyta as Individuals and Representative Members of SWOP,
Petitioners**

No. AQCB 2014-4

AFFIDAVIT

I, Andrew Daffern, Air Quality Control Board Hearing Clerk certify that on May 7, 2015, twenty (20) *Amended Notices of Hearing* were mailed and ten (10) *Amended Notices of 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" filed September 17, 2014, and the "List of email addresses" filed April 29, 2015, as a supplement to the Administrative Record. The *Amended Notice of Hearing* will be published in the *Albuquerque Journal* on Sunday, May 10, 2015.

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

RECEIVED
ENVIRONMENTAL HEALTH
15 MAY -8 PM 3: 34

CERTIFICATE OF SERVICE

I hereby certify that I have e-mailed a true and correct copy of the foregoing AFFIDAVIT on this 8th day of May, 2015, to the following:

E-mailed

Felicia Orth
orthf@yahoo.com
Attorney for Air Quality Control Board

E-mailed

Jon Block
Eric Jantz
New Mexico Environmental Law Center
jblock@nmelc.org
ejantz@nmelc.org
Counsel for Petitioners

E-mailed

Carol M. Parker, Assistant City Attorney,
Air Quality Program
cparker@cabq.gov
Counsel for Respondent

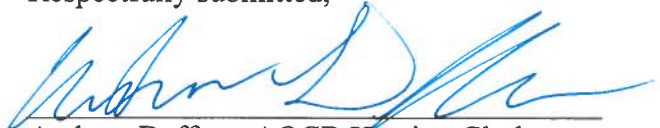
E-mailed

Rod Honstein, Managing Member
Honstein Oil & Distributing, LLC
rod@honsteinoil.com
Applicant

E-mailed

Shawn Boyle
sboyle@bradhallfuel.com
Counsel 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. 3131 ISSUED TO HONSTEIN OIL & DISTRIBUTING, LLC.; SOUTHWEST ORGANIZING PROJECT, BY JUAN REYNOSA, ENVIRONMENTAL JUSTICE ORGANIZER, AND ESTHER AND STEVEN ABEYTA AS INDIVIDUALS AND REPRESENTATIVE MEMBERS OF SWOP, PETITIONERS (AQCB PETITION NO. 2014-4)

A hearing before the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) regarding Air Permit No. 3131 issued to Honstein Oil & Distributing, LLC., previously scheduled for May 13th and 14th, 2015, is now scheduled to begin on **Wednesday, August 12, 2015** at 9:00 a.m. and continue as necessary through **August 14th**. The hearing will be held downtown at the Albuquerque Convention Center, Lower Level, West Complex, in the Acoma/Zuni/Tesuque conference room, 401 2nd Street NW, Albuquerque, NM 87102.

Honstein Oil & Distributing, LLC submitted an Authority-to-Construct permit application to the Air Quality Program (Program) of the City of Albuquerque Environmental Health Department for an existing bulk gasoline plant with an allowable annual gasoline throughput of 250,000 gallons per year, located at 101 Anderson Avenue SE, Albuquerque, NM 87102. Permit #3131 was issued by the Program on June 12, 2014.

An appeal of the issuance of Permit #3131 was filed by counsel for petitioners New Mexico Environmental Law Center on behalf of Juan Reynosa, Environmental Justice Organizer, SouthWest Organizing Project (SWOP), and Esther and Steven Abeyta as individuals and representative members of SWOP, petitioners (Petition No. AQCB 2014-4) on August 12, 2014. 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>

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 9-5-1-7 ROA 1994; Bernalillo County Ordinance Section 30-36; 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, August 12, 2015, 5:00 pm to 5:30 pm or longer as necessary to accept all public comment offered per 20.11.81.14.I.(2). Public comment will be accepted. The Hearing Officer may take public comment at other times throughout the hearing as necessary.

MOTION HEARING: In the event pre-hearing motions are timely filed, the Board will conduct a motion hearing on June 30, 2015, as part of a Board meeting that will begin at 5:30 p.m.

POST HEARING PROCESS AND BOARD DECISION: Upon conclusion of the evidentiary hearing, the hearing officer will announce the post hearing process. At a later date, the Board will deliberate and decide whether the permit appeal will be granted, either in whole or

in part, or be denied.

NOTICE TO 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 July 13, 2015, at (505) 768-2601, or adaffern@cabq.gov. TTY users may request special assistance by calling 1-800-659-8331.

Albuquerque Publishing Company
7777 Jefferson N.E. Albuquerque, New Mexico 87109
P.O. Drawer J-T Albuquerque, New Mexico 87103
(505) 823-7777

Account Number
1007580

Ad Order Number
0001219045

Ad Proof / Order Confirmation

CITY OF ALB-ENVIRONMENTAL HEAL
P O BOX 1293
ALBUQUERQUE NM 87103

Ordered By ANDREW DAFFERN Customer Phone 505-768-2600 Pickup #
Customer EMail PO Number 701374 Joint Ad #
Ad Cost \$91.98 Sales Rep dnoel
Tax Amount \$6.44 Order Taken by: dnoel
Total Amount \$98.42 Payment Method
Amount Due \$98.42 Payment Amount \$0.00

Product Albuquerque Journal Placement Legal Notices
Ad Number 0001219045-01 Classification Government-0000
Ad Type APC-Legals Sort Text PERMIT #3131
Ad Size : 1.0 X 146 Li
Color <NONE>
Run Dates 5/10/2015

Affidavits
0

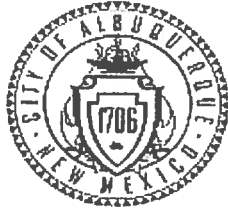


AMENDED PUBLIC NOTICE
ALBUQUERQUE-BERNALILLO
COUNTY AIR QUALITY
CONTROL BOARD
IN THE MATTER OF THE
PETITION FOR A HEARING ON
THE MERITS REGARDING AIR
QUALITY PERMIT NO. 3131
ISSUED TO HONSTEIN OIL &
DISTRIBUTING, L.L.C.;
SOUTHWEST ORGANIZING
PROJECT, BY JUAN REYNOSA,
ENVIRONMENTAL JUSTICE
ORGANIZER, AND ESTHER AND
STEVEN ABEYTA AS
INDIVIDUALS AND
REPRESENTATIVE MEMBERS
OF SWOP, PETITIONERS
(AQCB PETITION NO. 2014-4)

A hearing before the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) regarding Air Permit No. 3131 issued to Honstein Oil & Distributing, L.L.C., previously scheduled for May 13th and 14th, 2015, is now scheduled to begin on Wednesday, August 12, 2015 at 9:00 a.m. and continue



Albuquerque Publishing Company
7777 Jefferson N.E. Albuquerque, New Mexico 87109
P.O. Drawer J-T Albuquerque, New Mexico 87103
(505) 823-7777



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. 3131
ISSUED TO HONSTEIN OIL &
DISTRIBUTING, LLC.;
SOUTHWEST ORGANIZING
PROJECT, BY JUAN REYNOSA,
ENVIRONMENTAL JUSTICE
ORGANIZER, AND ESTHER AND
STEVEN ABEYTA AS
INDIVIDUALS AND
REPRESENTATIVE MEMBERS
OF SWOP, PETITIONERS
(AQCB PETITION NO. 2014-4)**

A hearing before the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) regarding Air Permit No. 3131 issued to Honstein Oil & Distributing, LLC., previously scheduled for May 13th and 14th, 2015, is now scheduled to begin on Wednesday, August 12, 2015 at 9:00 a.m. and continue as necessary through August 14th. The hearing will be held downtown at the Albuquerque Convention Center, Lower Level, West Complex, in the Acosta/Zuni/Texasque conference room, 401 2nd Street NW, Albuquerque, NM 87102.

Honstein Oil & Distributing, LLC submitted an Authority-to-Construct permit application to the Air Quality Program (Program) of the City of Albuquerque Environmental Health Department for an existing bulk gasoline plant with an allowable annual gasoline throughput of 250,000 gallons per year, located at 101 Anderson Avenue SE, Albuquerque, NM 87102. Permit #3131 was issued by the Program on June 12, 2014.

An appeal of the issuance of Permit #3131 was filed by counsel for petitioners New Mexico Environmental Law Center on behalf of Juan Reynosa, Environmental Justice Organizer, Southwest Organizing Project (SWOP), and Esther and Steven Abeyta as individuals and representative members of SWOP, petitioners (Petition No. AQCB 2014-4) on August 12, 2014. 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>

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 9-5-1-7, ROA 1994;

Ad Proof / Order Confirmation

Account Number

1007580

Ad Order Number

0001219045

CITY OF ALB-ENVIRONMENTAL HEAL

ben 30-36, and 20.11.21 NMAC Adjudicatory Procedures - Air Quality Control Board and orders of the Hearing Officer.

PUBLIC COMMENT of a non-technical nature: Wednesday, August 12, 2015, 5:00 pm to 5:30 pm or longer as necessary to accept all public comment offered per 20.11.81.14.1(2). Public comment will be accepted. The Hearing Officer may take public comment at other times throughout the hearing as necessary.

MOTION HEARING: In the event pre-hearing motions are timely filed, the Board will conduct a motion hearing on June 30, 2015, as part of a Board meeting that will begin at 5:30 p.m.

POST HEARING PROCESS AND BOARD DECISION: Upon conclusion of the evidentiary hearing, the hearing officer will announce the post hearing process. At a later date, the Board will deliberate and decide whether the permit appeal will be granted, either in whole or in part, or be denied.

NOTICE TO 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 July 13, 2015, at (505) 768-2601, or adaffern@cabq.gov. TTY users may request special assistance by calling 1-800-659-8331.
Journal: May 10, 2015