

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

Dempsey Power, Pat Toledo  
and Andy Carrasco,

Petitioners,

vs.

AQCB Petition No. 2013-6

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

Respondents.

**PETITIONERS TOLEDO AND CARRASCO'S EXHIBIT AND WITNESS LIST FOR  
JULY 8, 2015 HEARING ON MERITS**

Petitioners, by and through undersigned counsel of record, hereby submit their Witness  
and Exhibit list for the July 8, 2015 hearing on the merits.

**WITNESSES**

1. **Pat Toledo** (c/o Domenici Law Firm, PC). Mr. Toledo is a named petitioner and is expected to testify on the basis of his personal knowledge as to the significant public interest of himself, ABQ citizens, and other petitioners in obtaining the Tramway public hearing. This testimony will include discussion regarding the facts and circumstances of the attached signatory/informal citizen petition for such a hearing (Exhibit 3), letter of Messrs. Toledo and Carrasco (Exhibit 2) to the original petition and rebuttal/impeachment of the Mary Lou Leonard correspondence (Exhibits 4 and 5). Mr. Toledo is also expected to testify as to his personal knowledge of e-mail correspondence made between the City and interested parties/neighborhood associations in addition to his personal knowledge/communication of any other witnesses listed and other parties in obtaining a public hearing at or about the time of the filing of the petition.

2. **Andrew Carrasco, III** (3420 Constitution Ave NE Unit A ABQ, NM 87106 (505) 688-2789) Mr. Carrasco is a named petitioner and is expected to testify on the basis of his personal knowledge and in substantially the same scope as listed under Mr. Toledo's expected testimony above. Mr. Carrasco's testimony is expected to support significant public interest in obtaining a public hearing.

RECEIVED  
ENVIRONMENTAL HEALTH  
15 JUN 10 PM 4:16

3. **Ed Barsis** (Four Hills Village N.A., Pres.) Mr. Barsis is expected to testify regarding his e-mail and other communications to Regan Eyerman, P.E. on or about March 8, 2013 and or other city officials regarding the proposed permit on the Tramway site. His testimony is expected to support significant public interest in a public hearing.

4. **Clay Terry** (ABQ citizen) (13604 Shaffer Ct. SE ABQ, NM 87123) is expected to testify regarding his personal knowledge of the facts and circumstances that led to his June, 2013 signing of the "Petition to appeal Smith's permit for increase throughput" attached to Petitioner's petition for hearing as Exhibit 2. His testimony is expected to support significant public interest in a public hearing.

5. **Larry Nicholson** (ABQ citizen) (210 High St. SE ABQ, NM 87102) is expected to testify regarding the facts and circumstances that led to his June, 2013 signing of the "Petition to appeal Smith's permit for increase throughput" attached to Petitioner's petition for hearing as Exhibit 2. His testimony is expected to support significant public interest in a public hearing.

6. **Emily Deweld** (ABQ citizen) (318 Kaylyn Dr. SE ABQ, NM 87123) is expected to testify regarding the facts and circumstances that led to her June, 2013 signing of the "Petition to appeal Smith's permit for increase throughput" attached to Petitioner's petition for hearing as Exhibit 2. His testimony is expected to support significant public interest in a public hearing.

7. **Don Stanoff** (ABQ citizen) (13150 Wenonah Ave SE ABQ, NM 87123) is expected to testify regarding the facts and circumstances that led to his June, 2013 signing of the "Petition to appeal Smith's permit for increase throughput" attached to Petitioner's petition for hearing as Exhibit 2. His testimony is expected to support significant public interest in a public hearing.

8. **Fred Atencio** (ABQ citizen) (13160 Central ave. SE ABQ, NM 87123) is expected to testify regarding the facts and circumstances that led to his June, 2013 signing of the "Petition to appeal Smith's permit for increase throughput" attached to Petitioner's petition for hearing as Exhibit 2. His testimony is expected to support significant public interest in a public hearing.

9. **Jeffrey Vancina** (ABQ citizen) (9000 Trumbull ave. SE ABQ, NM 87123) is expected to testify regarding the facts and circumstances that led to his June, 2013 signing of the "Petition to appeal Smith's permit for increase throughput" attached to Petitioner's petition for hearing as Exhibit 2. His testimony is expected to support significant public interest in a public hearing.

10. **Marie Ferenezy** (ABQ citizen) (327 Kaylyn Dr. SE ABQ, NM 87123) is expected to testify regarding the facts and circumstances that led to her June, 2013 signing of the “Petition to appeal Smith’s permit for increase throughput” attached to Petitioner’s petition for hearing as Exhibit 2. Her testimony is expected to support significant public interest in a public hearing.

11. **Bennie English** (ABQ citizen) (301 Lanier Dr. SE ABQ, NM 87123) is expected to testify regarding the facts and circumstances that led to his June 2013 signing of the “Petition to appeal Smith’s permit for increase throughput” attached to Petitioner’s petition for hearing as Exhibit 2. His testimony is expected to support significant public interest in a public hearing.

12. **Joey Meyer** (ABQ citizen) (318 Kaylyn Dr. SE ABQ, NM 87123) is expected to testify regarding the facts and circumstances that led to his June 2013 signing of the “Petition to appeal Smith’s permit for increase throughput” attached to Petitioner’s petition for hearing as Exhibit 2. His testimony is expected to support significant public interest in a public hearing.

13. **Dempsey Power** (ABQ citizen) (13649 Wenonah Ave. SE ABQ, NM 87123) is expected to testify regarding the facts and circumstances that led to his June, 2013 signing of the “Petition to appeal Smith’s permit for increase throughput” attached to Petitioner’s petition for hearing as Exhibit 2. His testimony is expected to support significant public interest in a public hearing.

14. **Brian Sanderoff** (President Research & Polling, Inc. Albuquerque, New Mexico). Mr. Sanderoff is expected to testify on the basis of his personal and expert knowledge that the notice as provided in this case was insufficient as a practical matter to provide “all interested persons” notice such that “significant public interest” had the best opportunity to materialize in the first place. The inquiry is thus directly related to the Court of Appeals’ remand regarding whether petitioner’s request for a hearing constitutes significant public interest which in turn is relevant to the statutory construction of NMAC provision 20.11.41.14. Mr. Sanderoff’s expert report and reliance documents were previously provided to all parties under N.O.I. and also is a part of the Tramway administrative record.

15. **Georgianna E. Peña-Kues**, (3412 Calle de Monte SE ABQ, NM 87106 (505) 265-0489) is a petitioner in the Carlisle petitions for hearing filed in 2012 (denial of modified air permit reversed by NM Ct. of App in 2014 and thereafter appealed to the NMSC on certiorari in 2015). The issues in that matter are substantially the same here. She is an ABQ citizen and may provide public comment at the hearing that supports significant public interest in the granting of increased through put air permits to Smith’s, of which the respondents were made aware before the filing of the Tramway petition and which is part of the administrative record thereof.

16. **James A. Nelson**, is a petitioner in the Carlisle petitions for hearing filed in 2012 (denial of modified air permit reversed by NM Ct. of App in 2014 and thereafter appealed to the NMSC on certiorari in 2015). The issues in that matter are substantially the same here. He is an ABQ citizen and may provide public comment at the hearing that supports significant public

interest in the granting of increased through put air permits to Smith's of which the respondents were made aware before the filing of the Tramway petition.

17. **Judy Jennings** (Summit Park Neighborhood Association) (PO Box 30893 ABQ, NM 87190) (505) 268- 4168)) is a petitioner in the Carlisle petitions for hearing filed in 2012, (denial of modified air permit reversed by NM Ct. of App in 2014 and thereafter appealed to the NMSC on certiorari in 2015). The issues in that matter are substantially the same here. She is an ABQ citizen and may provide public comment at the hearing that supports significant public interest in the granting of increased through put air permits to Smith's of which the respondents were made aware before the filing of the Tramway petition and which is part of the administrative record thereof.

18. **Annette Underhill** (President, Executive Hills HOA) (633 Executive Hills Ln SE ABQ, NM 87123. Ms. Underhill is expected to testify regarding e-mail and other communications to city officials regarding the proposed permit on the Tramway site. Her testimony is expected to support significant public interest in a public hearing.

Any witness called by Respondents or other parties

Any witness for authentication, verification, rebuttal or other purposes that cannot be determined at this time.

Petitioners reserve the right amend or supplement this witness list.

Petitioners reserve the right to make an offer of proof at hearing regarding any intended testimony denied by the Board or Hearing Officer/Board atty so that a sufficient record for appeal is made.

### **Reserved for public comment:**

#### **19. Juan Reynosa: Field Organizer, Southwest Organizing Project (SWOP)**

Mr. Reynosa is a field organizer who focuses on environmental justice and air quality issues. He is expected to testify as to his, SWOP's, and the constituency that Swop serves' significant interest in a public hearing being granted in this action. The testimony is expected to be made on the basis of his personal knowledge of the facts, and surrounding circumstances that regard the filing of the petition for hearing in June 2013 or other petitions challenging the Smith's permit actions city wide pending at that time.



20. **Margaret M. Freed**

6921 Montgomery Blvd. NE  
Albuquerque, New Mexico 87109  
505-884-1449

Ms. Freed is a petitioner of the Louisiana/Montgomery petition filed in 2014 , denied on summary judgment and thereafter appealed to the NM Ct of App. The issues in that matter are substantially the same here. She is an ABQ citizen and may provide public comment at the hearing that supports significant public interest in the granting of increased through put air permits to Smith's of which the respondents were aware since 2012.

21. **Mary Ann Roberts**

6940 Montgomery Blvd. NE  
Albuquerque, New Mexico 87109  
505-881-9399

Ms. Roberts is a petitioner of the Louisiana/Montgomery petition filed in 2014 , denied on summary judgment and thereafter appealed to the NM Ct. of App. The issues in that matter are substantially the same here. She is an ABQ citizen and may provide public comment at the hearing that supports significant public interest in the granting of increased through put air permits to Smith's of which the respondents were aware since 2012.

22. **Dr. Dana Rowangould** Ms. Rowangould was an intended technical witness in the Louisiana/Montgomery petition filed in 2014, denied on summary judgment and thereafter appealed to the NM Ct. of App. The issues in that matter are substantially the same here. She is an ABQ citizen and may provide public comment at the hearing that supports significant public interest in the granting of increased through put air permits to Smith's of which the respondents were aware since 2012.

23. **Arthur Gradi,**

6338 4<sup>th</sup> Street NW  
Los Ranchos, NM 87107  
505 350-5867

Mr. Gradi is a petitioner of the 4<sup>th</sup> street petition filed in 2014 , denied on summary judgment and thereafter appealed to the NM Ct of App. The issues in that matter are substantially the same here. Petitioner is an ABQ citizen and may provide public comment at the hearing that supports significant public interest in the granting of increased through put air permits to Smith's of which the respondents were aware since 2012.

24. **Ruth A. McGonagil**

505 Camino Espanol NW

ABQ, NM 87107  
505 340 9455

Ms. McGonagil is a petitioner of the 4<sup>th</sup> street petition filed in 2014 , denied on summary judgment and thereafter appealed to the NM Ct of App. The issues in that matter are substantially the same here. Petitioner is an ABQ citizen and may provide public comment at the hearing that supports significant public interest in the granting of increased through put air permits to Smith's of which the respondents were aware since 2012.

**25. Jerri Paul-Seaborn**

610 Camino Espanol NW  
ABQ, NM 87107  
505 344 8170

Mr. Paul-Seaborn is a petitioner of the 4<sup>th</sup> street petition filed in 2014 , denied on summary judgment and thereafter appealed to the NM Ct of App. The issues in that matter are substantially the same here. Petitioner is an ABQ citizen and may provide public comment at the hearing that supports significant public interest in the granting of increased through put air permits to Smith's of which the respondents were aware since 2012.

**26. Bernice Ledden**

427 Mullen Rd. NW  
Los Ranchos, NM 87107  
505 345 6686

Bernice Ledden is a petitioner of the 4<sup>th</sup> street petition filed in 2014 , denied on summary judgment and thereafter appealed to the NM Ct of App. The issues in that matter are substantially the same here. Petitioner is an ABQ citizen and may provide public comment at the hearing that supports significant public interest in the granting of increased through put air permits to Smith's of which the respondents were aware since 2012.

**27. Americo Chavez**

721 Camino Espanol NW  
ABQ, NM 87107  
505 345 1565

Americo Chavez is a petitioner of the 4<sup>th</sup> street petition filed in 2014 , denied on summary judgment and thereafter appealed to the NM Ct of App. The issues in that matter are substantially the same here. Petitioner is an ABQ citizen and may provide public comment at the

hearing that supports significant public interest in the granting of increased through put air permits to Smith's of which the respondents were aware since 2012.

**28. Susan Kelly**

713 Camino Espanol NW  
ABQ, NM 87107  
505 720 6651

Susan Kelly was a petitioner of the 4<sup>th</sup> street petition filed in 2014, denied on summary judgment and thereafter appealed to the NM Ct of App. The issues in that matter are substantially the same here. Petitioner is an ABQ citizen and may provide public comment at the hearing that supports significant public interest in the granting of increased through put air permits to Smith's of which the respondents were aware since 2012.

29. **Andy Burgess** (President, Summit Park Neighborhood Association) (PO Box 30893 ABQ, NM 87190). Mr Burgess is the current president of the NOA. He provides updates to his constituency on the Smith's Carlisle matter on appeal. The issues in that matter are substantially the same here. He is an ABQ citizen and may provide public comment at the hearing that supports significant public interest in the granting of increased through put air permits to Smith's.

30. **Delano Garcia**. Mr. Garcia is a ABQ resident, lives near the Smith's Carlisle station and provided public comment during the Louisiana Montgomery petition summary judgment hearing, October 22, 2014. The issues in that matter are substantially the same here as in the Carlisle matter on appeal. His comment is expected to support significant public interest in a Tramway public hearing particularly with respect to health impacts of air emissions and other Smith's operations on new born children as he is now a father.

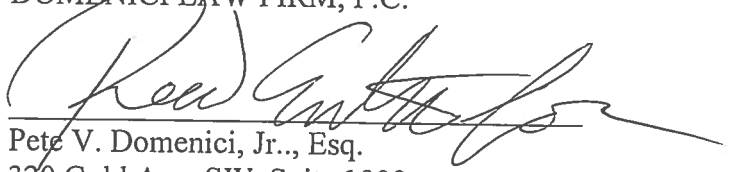
**EXHIBITS**

1. Petition for hearing filed June 2013 ("petition")
2. Authority to construct permit # 1677- M2 (exhibit 1 of petition)
3. Petition to appeal permit for increase[ed] throughput (exhibit 2 of petition)
4. 4/24/13 letter of Messrs. Toledo and Carrasco to Air Quality Division (exhibit 3 of petition)
5. Mary Lou Leonard 5/14/13 letter to Toledo (exhibit 4 of petition)
6. Mary Lou Leonard 5/14/13 letter to Carrasco (AR 156)
7. Mary Lou Leonard 5/29/13 letter to Toledo (exhibit 5 of petition)

8. List of interested persons (AR 26-27)
9. Petitioners' notice limiting issues on appeal (AR 53-54)
10. Notice of Intent to present Technical testimony w expert report of Brian Sanderoff (AR 134-149)
11. Supplement to NOI (AR 188-231)
12. Eyerman e-mail 3/8/13 to Osterloh, Mickelson, Meeker, Sena, Underhill, Valdez, Hartman, Barsis w/ public notice attachment (AR 381-383)
13. Contact Info for Associations/Coalitions (AR 384-387)
14. Eyerman to Barsis e-mail 3/8/13 (AR 388)
15. Executive Hills HOA e mail to City 3/13/13 (AR 393)
16. 5/23/13 City correspondence to Toledo re submitted comments (AR 405-407)
17. 5/23/13 City correspondence to Carrasco re submitted comments (AR 410-412)
18. 5/23/13 City correspondence to Four Hills re submitted comments (AR 415-416)
19. 5/23/13 City correspondence to Executive Hills re submitted comments (AR 417-419)
20. Published notice in ABQ Journal (AR 425)
21. NM Ct. of App. Tramway decision re: 1677-M2 , filed 11/26/14
22. 5/19/15 Order scheduling remand hearing
23. Petitioners reserve the right to rely on any exhibits entered on behalf of respondents or other parties
24. Exhibits needed for rebuttal that cannot be identified at this time
25. Petitioners reserve the right to supplement this list.

Respectfully Submitted,

DOMENICI LAW FIRM, P.C.

A handwritten signature in black ink, appearing to read "Pete V. Domenici, Jr.", written over a horizontal line.

Pete V. Domenici, Jr., Esq.  
320 Gold Ave. SW, Suite 1000  
Albuquerque, New Mexico 87102  
(505) 883-6250

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

AQCB Petition No. 2013-6

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

Dempsey Power, Pat Toledo  
and Andy Carrasco,

Petitioners,

vs.

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

Respondents.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing with exhibits was e-mailed to counsel for the City of Albuquerque and Smith's Food & Drug Centers, Inc. on the 10th day of June, 2015.

I further certify that a true and correct copy of the same was hand delivered to the Hearing Officer and that the original and requisite 9 hard copies of the same were hand delivered to the hearing clerk on June 10, 2015.

  
\_\_\_\_\_  
Pete V. Domenici, Jr., Esq.

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

13 JUN 2013

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

PETITION FOR HEARING

The Petitioners in this matter, Dempsey Powers, Andy Carrasco, and Pat Toledo, by and through undersigned counsel of record, pursuant to Section 74-2-7 NMSA 1978 and 20.11.81 NMAC, hereby petition the City of Albuquerque Environmental Health Department (EHD) and the Albuquerque-Bernalillo County Air Quality Control Board for a hearing as authorized by law with reference to Air Quality Permit No. 1677-M2 issued on April 30, 2013 to Smith's Food & Drug Centers, Inc. (Smith's), effective that date. A copy of Permit No. 1677-M2 is attached hereto as Exhibit 1. The permit modification authorized Smith's to increase the annual throughput to 5 million gallons per year at its fuel dispensing station located at 200 Tramway Blvd. SE, Albuquerque, New Mexico. In accordance with 20.11.81.14 NMAC, the Petitioners provide the following information.

- I. Names, addresses, telephone number, and other contact information with reference to the Petitioners in this matter.
- A. Dempsey Power  
13649 Wenonah SE  
Albuquerque, New Mexico 87123
  - B. Pat Toledo  
3404 Calle Del Ranchero NE  
Albuquerque, New Mexico 87106
  - C. Andy Carrasco  
6505 Cyprus Point Way NE  
Albuquerque, New Mexico 87106

**II. Petitioner's participation in permitting action and how Petitioners were adversely affected by permitting action**

Petitioner Dempsey Power lives in the neighborhood near the Smith's Tramway location. Because he lives in the vicinity of the Tramway location, the his quality of life would be adversely affected by the increased throughput of gasoline proposed by the requested permit modification. Mr. Power did not receive notice of the permitting action and was first made aware of it when he signed the attached "Petition to appeal Smith's permit for increase throughput." (Exhibit 2, attached). Mr. Power signed the Petition as a concerned citizen living in the neighborhood. If adequate notice had been provided and if a public information hearing had been held, Mr. Power would have participated and voiced his concerns about the proposed permit modification. Mr. Power was hindered in participating in the permitting process because of the City's failure to provide adequate notice of the permitting action. *Martinez v. Maggiore*, 2003-NMCA-043, ¶19, 133 N.M. 472.

On April 24, 2013, Petitioners Pat Toledo and Andy Carrasco participated in the permitting action by requesting, in writing, that a public information hearing be held regarding the Smith's Air Quality Permit No. 1677-M2 to the City of Albuquerque Environmental Health Department (EHD) Air Quality Division (AQD). (Exhibit 3, attached). The request was denied on May 14, 2013 by Mary Lou Leonard, Director of EHD. (Exhibit 4, attached). The revised permit was issued to Smith's on April 30, 2013, two weeks prior to the notice of denial of the request for a public information hearing. On May 23, 2013, Acting Deputy Director Danny Nevarez notified Mr. Toledo and Mr. Carrasco that the requested permit 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." (Exhibit 5, attached).

Mr. Toledo and Mr. Carrasco are adversely affected by the permitting action because they are members of the Albuquerque community who have an important interest in ensuring that the modifications to Smith's permit do not adversely affect the quality of life in Albuquerque. *Martinez v. Maggiore*, 2003-NMCA-043, ¶19, 133 N.M. 472. The Petitioners believe that the increased throughput at the Smith's Tramway location poses serious health, safety, and environmental hazards to any citizens who happen to be travelling near the facility. The various Smith's locations throughout the City of Albuquerque are managed through a common entity, the gasoline products are marketed jointly through the use of Smith's cards, and the impacts at this location are cumulative with the impacts from other locations.

**III. Specific permitting action appealed from, permitting action to which Petitioners object and factual and legal basis of Petitioners' objections to the permitting action**

The Petitioners are appealing the issuance of Permit 1677-M2, issued to Smith's on April 30, 2013, with notice provided to Petitioners Mr. Toledo and Mr. Carrasco on May 23, 2013. The Petitioners object to the issuance of the permit allowing for an increase in throughput from 3.9 million gallons a year to 5.0 million gallons at the Smith's location on Tramway and Central. The permit was issued without providing adequate notice and without allowing the public the opportunity to be heard at a public hearing prior to issuance of the modified permit. Permit No. 1677-M2 was issued pursuant to §20.11.41 NMAC, Authority to Construct. §20.11.41.14 requires public notice of the permitting action and requires a public hearing on permits involving a significant public interest.

Prior to reaching a final decision on the permit modification, the EHD did not take adequate measures to provide notice to individuals living in the vicinity of the Smith's Tramway facility, as evidenced by the Petition attached as Exhibit 2. The Petition states that "[t]he neighbors want a say in this decision as there was no public hearing and not adequate or proper notice." (Exhibit 2). Despite the fact that Mr. Toledo and Mr. Carrasco requested a public hearing, Mary Lou Leonard, the Director of the EHD refused to hold a hearing because she determined that "the Tramway GDF [gasoline dispensing facility] has not generated significant public interest." (Exhibit 4). Ms. Leonard states that she contacted "two neighborhood associations, three home owners' associations and one neighborhood coalition in the area surrounding the Tramway and Central SE gas station." (Exhibit 4). Because she only received "a few inquiries" from the associations, she determined that there was not significant public interest. (*Id.*).

There is no evidence that the EHD attempted to provide notice to individuals who live in the vicinity of the gas station. As shown by the Petition, there is in fact public interest in the matter. Because the EHD knew that there has been significant public interest in other similar permit modifications requested by Smith's at other Albuquerque locations, particularly in high volume, high impact retail gas stations, EHD should have taken additional measures to ensure that notice was provided to potentially interested persons. If such notice had been given, there would have been more public input, including requests for hearings and comments. Additionally, because the EHD was aware of the public interest generated by the proposals at other locations, the request for hearing made by Mr. Toledo and Mr. Carrasco should have been granted. However, because adequate notice was not provided and a hearing was not held, members of the public who are interested in proposed permit modification and who would have

participated in the process, were not provided the opportunity. *Martinez v. Maggiore*, 2003-NMCA-043, ¶19.

The purpose of regulatory provisions regarding public notice and hearings is to ensure that persons with an interest in the matter before the EHD be allowed to participate before a final decision is made. *Colonias Dev. Council v. Rhino Enviro. Services*, 2005-NMSC-024, 21, 138 N.M. 133. The New Mexico Supreme Court has recognized that "the public plays a vital role" in an administrative environmental permitting process and must be allowed a reasonable opportunity to be heard. *Id.* Administrative proceedings conducted subsequent to the failure to follow the requirements for public notice and hearing are invalid and cannot be upheld. *Martinez v. Maggiore*, 2003-NMCA-043, ¶13.

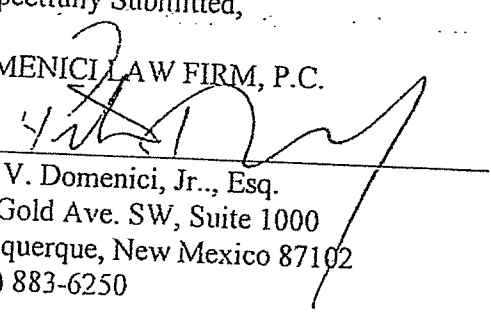
**IV. Remedies sought by Petitioners, legal basis therefor, and basis for jurisdiction of Board in this matter**

Based on *Martinez v. Maggiore*, 2003-NMCA-043, ¶13, and pursuant to 20.11.81 NMAC, the Petitioners request that the Permit 1677-M2, issued on April 30, 2013, be set aside and the matter remanded with directions to provide adequate notice and to hold a hearing pursuant to 20.11.41.14 NMAC.

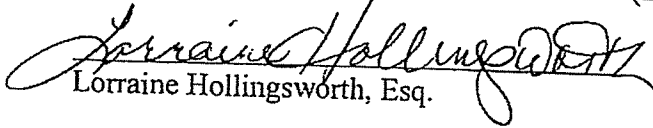
Alternatively, also pursuant to 20.11.81 NMAC, the Petitioners request that Board set aside Permit 1677-M2 and hold a hearing on the merits of the Smith's permit application.

Respectfully Submitted,

DOMENICI LAW FIRM, P.C.

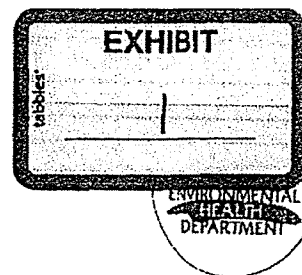
  
Pete V. Domenici, Jr., Esq.  
320 Gold Ave. SW, Suite 1000  
Albuquerque, New Mexico 87102  
(505) 883-6250

I hereby certify that a true and correct copy of the foregoing Petition for Hearing was served on the Albuquerque Environmental Health Department, Mary Lou Leonard, Director, on the 24<sup>th</sup> day of June, 2013, pursuant to 20.11.81.14.A(2).

  
Lorraine Hollingsworth, Esq.



AIR QUALITY AUTHORITY TO CONSTRUCT PERMIT # 1677-M2  
FACILITY CDS # NM/001/00972  
Facility ID: FA0003035 Record ID: PR0005874



Richard J. Berry, Mayor

Mary Lou Leonard, Director

Issued to: Smith's Food & Drug Centers, Inc.  
Company Name

Certified Mail # 7010 3090 0001 4395 9906  
Return Receipt Requested

1550 South Redwood Road  
Mailing Address

Salt Lake City  
City

UT  
State

84104  
Zip

Responsible Official: Roger Gough, Construction Manager  
Authorized Representative

Pursuant to the New Mexico Air Quality Control Act, Chapter 74, Article 2 New Mexico Statutes Annotated 1978 (as amended); the Joint Air Quality Control Board Ordinance, 9-5-1 to 9-5-99 ROA 1994; the Bernalillo County Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5; the Albuquerque-Bernalillo County Air Quality Control Board (AQCB) regulation, Title 20, New Mexico Administrative Code (20 NMAC), Chapter 11, Part 40 (20.11.40 NMAC), Source Registration; and AQCB regulation, Title 20, NMAC, Chapter 11, Part 41 (20.11.41 NMAC), Authority to Construct.

Smith's Food & Drug Centers, Inc. ("permittee") is hereby issued this **AUTHORITY TO CONSTRUCT PERMIT** as a **MODIFIED STATIONARY SOURCE**.

This **AUTHORITY TO CONSTRUCT** permit number 1677-M2 has been issued based on the review of the application information received by the Albuquerque Environmental Health Department (Department), Air Quality Division (Division) on March 1, 2013, which was deemed complete on March 4, 2013, and on the National Ambient Air Quality Standards, New Mexico Ambient Air Quality Standards, and Air Quality Control Regulations for Albuquerque/Bernalillo County, as amended. This permit supersedes all portions of Air Quality Permit #1677-M1 issued on January 20, 2012. As these standards and regulations are updated or amended, the applicable changes will be incorporated into this Air Quality Permit Number 1677-M2 and will apply to the facility. This facility is authorized to construct and operate the following type of process at:

Facility Name & Address	UTM Coordinates	Process Description	SIC	NAICS
Smith's Food & Drug Centers, Inc. 200 Tramway Boulevard SE Albuquerque, NM 87123	363503 Easting 3881542 Northing	Gasoline Dispensing Facility (GDF) <sup>1</sup>	5541	447190

<sup>1</sup>Gasoline dispensing facility (GDF) means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline-fueled engines and equipment.

Issued on the 30th day of April, 2013

Print Name

Sign Name

Air Quality Protection Programs - Permitting Section  
Air Quality Division  
City of Albuquerque Environmental Health Department

1. **AUTHORITY TO CONSTRUCT PERMIT THRESHOLD [74-2-7.A.(1) NMSA]**. By regulation, the local board shall require a person intending to construct or modify any source, except as specifically provided by regulation, to obtain a construction permit from the local agency prior to such construction or modification. This permit recognizes the construction and operation of the following equipment.

Unit Number	Unit Description	Storage Capacity in gallons	Installation Date	Product Stored	Minimum Required Emissions Control
1	Underground Storage Tank	20,000	2003	Regular Unleaded Gasoline	Stage I Vapor Balanced, Submerged Filling
2	Underground Storage Tank	8,000	2003	Premium Unleaded Gasoline	Stage I Vapor Balanced, Submerged Filling

**GASOLINE HANDLING AND HOLDING AT RETAIL OR FLEET SERVICE STATIONS:** No person shall allow loading of gasoline into an underground storage tank with greater than 3,000 gallons capacity, unless it is equipped with an approved vapor loss control system, including a submerged fill pipe, in which the displaced vapors are either continuously contained or processed such that the emission of gasoline vapors to the atmosphere do not exceed 1.15 pounds of gasoline per 1,000 gallons loaded into said tank. Liquid gasoline dispensing from the underground storage tank as well as momentary opening of the system for gasoline gauging purposes shall not be considered as vapor loss in the requirement of this Section. [Albuquerque-Bernalillo Air Quality Control Board Regulation 20.11.65.15 NMAC, Volatile Organic Compounds.]

Permit #1677-M2

**POST IN A VISIBLE LOCATION**

Page 1 of 5

## 2. COMPLIANCE ASSURANCE.

- A. All air pollution emitting facilities within Bernalillo County are subject to all applicable Albuquerque/Bernalillo County Air Quality Control Regulations, whether listed in this permit or not.
- B. The issuance of an Authority to Construct permit does not relieve the Company from the responsibility of complying with the provisions of the state air quality control act, federal clean air act, or any applicable regulations of the board. (20.11.41.17 NMAC)
- C. Any term or condition imposed by the department in an Authority To Construct permit shall apply to the same extent as a regulation of the board. (20.11.41.18.C NMAC)
- D. Whenever two or more parts of the Air Quality Control Act, or the laws and regulations in force pursuant to the Act, limit, control or regulate the emissions of a particular air contaminant, the more restrictive or stringent shall govern. (20.11.41.18B NMAC)
- E. The department is authorized to issue a compliance order requiring compliance and assessing a civil penalty not to exceed Fifteen Thousand and no/100 Dollars (\$15,000) per day of noncompliance for each violation, commence a civil action in district court for appropriate relief, including a temporary and permanent injunction. (74-2-12 NMSA).

3. **SUBSTITUTION.** Substitution of equipment is authorized provided the equipment has the same or lower process capacity as the piece of equipment being substituted. The department shall be notified in writing within 15 days of equipment substitution. Equipment that is substituted shall comply with the requirements in the Section 4 Gasoline Unit Emission Limits table.

4. **GASOLINE UNIT EMISSION LIMITS.** Allowable monthly and annual gasoline throughput. Allowable ton per year (tpy) emissions.

Unit	Unit Description	Allowable Average Monthly Throughput of Gasoline (in gallons) <sup>1</sup>	Allowable Annual Throughput of Gasoline (in gallons) <sup>2</sup>	Allowable Annual Emissions of Volatile Organic Compounds (VOC's) <sup>2</sup> (in tons per year)
1	Underground Storage Tank	≥100,000	For Stage I Vapor Recovery 5,000,000	32.5 tons per year
2	Underground Storage Tank			

<sup>1</sup> Monthly throughput means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each Gasoline Dispensing Facility (GDF) during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.

<sup>2</sup> Based on the annual gasoline throughput requested in the permit application. There is no restriction on individual tank throughput.

5. **EMISSIONS INVENTORY REQUIREMENTS (20.11.47 NMAC).** Subsection 20.11.47.14A.(1) - Applicability - requires an emissions inventory of any stationary source in Bernalillo county that has an active permit issued pursuant to 20.11.41 NMAC Authority to Construct. Subsection 20.11.47.14B.(1) - Reporting Requirements - requires the submittal of an emissions inventory report annually. Therefore, an annual emissions inventory (in pounds per calendar year) shall be submitted to the department by March 15 each year by:

multiplying the actual, annual gallons of gasoline throughput for the previous calendar year (January 1<sup>st</sup> through December 31<sup>st</sup>) for Units 1 and 2 in the Section 4 Gasoline Unit Emission Limits table above, by 0.013 pounds/gallon if Stage I Vapor Recovery or 0.0031 pounds/gallon if Stage II Vapor Recovery. An electronic emission inventory form is available at [cabq.gov/airquality](http://cabq.gov/airquality), under Business Resources - Business Applications, Permits and Forms.

6. **MODIFICATION.** Any future physical changes or changes in the method of operation which result in an increase in the pre-controlled emission rate may constitute a modification. Change in the method of control of emissions or in the character of emissions shall not be made unless submitted to the department as a modification to this permit. 20.11.41.7H NMAC defines proposed changes to a facility that may constitute a permit modification. Compliance will be based on department inspections and the submittal of a new permit application for any modification. No modification shall begin prior to issuance of a permit and shall be processed in accordance with 20.11.41 NMAC.
7. **MONITORING and RECORDKEEPING [20.11.41.18.B(8)]** Monitor and Maintain a log of the total monthly gasoline throughput for the facility. These records must be retained for the most recent five-year period for the facility.

## 8. REPORTING.

A. The following reporting requirements, in accordance with 20.11.41.18, 20.11.41.20, 20.11.41.47 and 20.11.41.49 NMAC, to allow the department to determine compliance with the terms and conditions of the permit. Compliance will also be based on timely submittal of the reports. The permittee shall notify the department in writing of:

1. Any change in control or ownership, within 15 days of the change in control or ownership. In the event of any such change in control or ownership, the permittee shall notify the succeeding owner of the permit. The permit conditions apply in the event of any change in control or ownership of the facility. At minimum, an administrative permit modification is required to address any change in control or ownership of the facility;

2. Any substitution of equipment, within 15 days of equipment substitutions. Equipment may only be substituted if it has the same or lower process capacity as the piece of equipment being substituted, and there are no other federal, state, or local air quality permit requirements triggered by the introduction of the substituted piece of equipment. Substituted equipment shall comply with the Section 4 Gasoline Unit Emission Limits table;

3. The annual (January 1 through December 31 of previous year) throughput of gasoline and emission inventory, by March 15 of every year; and

4. Any breakdown of equipment or air pollution control devices or apparatus so as to cause emissions of air contaminants in excess of limits set by permit conditions. Any breakdown or abnormal operating conditions shall be reported to the department by submitting the following reports on forms provided by the department:

a) Initial Report: The permittee shall file an initial report, no later than the end of the next regular business day after the time of discovery of an excess emission pursuant to 20.11.49.15.A(1) NMAC;

b) Final Report: The permittee shall file a final report, no later than 10 days after the end of the excess emission. If the period of an excess emission extends beyond 10 days, the permittee shall submit the final report to the department within 72 hours of the date and time the excess emission ceased. This condition is pursuant to 20.11.49.15.A(2) NMAC and 20.11.49.15.C NMAC; and

c) Alternative Reporting: If the facility is subject to the federal reporting requirements of 40 CFR Parts, 60, 61, or 63 and the federal requirements duplicate the requirements of 20.11.49.15 NMAC, then the federal reporting requirements shall suffice. This condition is pursuant to 20.11.49.15.D NMAC

B. The emission of a regulated air pollutant in excess of the quantity, rate, opacity, or concentration specified in an air quality regulation or permit condition that results in an excess emission is a violation of the air quality regulation or permit condition and may be subject to an enforcement action. The owner or operator of a source having an excess emission shall, to the extent practicable, operate the source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. This condition is pursuant to 20.11.49.14 NMAC.

#### 9. INSPECTION (74-2-13 NMSA).

A. The department may conduct scheduled and unscheduled inspections, and, upon presentation of credentials:

1. Shall have a right of entry to, upon, or through any premises on which an emission source is located or on which any records required to be maintained by regulations of the board or by any permit condition are located; and

2. May, at reasonable times:

a) Have access to and copy any records required to be established and maintained by regulations of the board or any permit condition;

b) Inspect any monitoring equipment and method required by regulations of the board or by any permit condition; and

c) Sample any emissions that are required to be sampled pursuant to regulation of the board or any permit condition.

B. Any credible evidence may be used to establish whether the facility has violated or is in violation of any regulation of the board, or any other provision of law. Credible evidence and testing shall include, but is not limited to 20.11.41.26(A) and (B) NMAC as follows:

1. A monitoring method approved for the source pursuant to 20.11.42 NMAC, Operating Permits, and incorporated into an operating permit;

2. Compliance methods specified in the regulations, conditions in a permit issued to the facility, or other provision of law;

3. Federally enforceable monitoring or testing methods, including methods in 40 CFR parts 51, 60, 61, 63 and 75; and

4. Other testing, monitoring or information-gathering methods that produce information comparable to that produced by any CFR method and approved by the department and the USEPA.

C. Compliance will be based on department inspections of the facility, reviews of production records, submission of appropriate permit applications for modification, and timely notification to the department regarding equipment substitutions and relocations.

10. **FEDERAL RULEMAKING.** In addition to Albuquerque-Bernalillo Air Quality Control Board Regulation 20.11.65 NMAC, Volatile Organic Compounds; 40 CFR Part 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Dispensing Facilities apply to this facility. Based on the requested annual throughput for gasoline, this facility's monthly throughput would amount to 100,000 gallons or more of gasoline. Therefore, the permittee shall ensure the applicable requirements of 40 CFR Part 63, Subpart CCCCCC, §63.11116, §63.11117, and §63.11118 are met as well as the Subpart A – General Provisions of 40 CFR Part 63.

#### A. GENERAL APPLICABLE REQUIREMENTS (§63.11116).

1. You must not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time.

2. §63.11116(a) requires that measures to be taken include, but are not limited to, the following:

a) Minimize gasoline spills;

b) Clean up spills as expeditiously as practicable;

c) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use; [§63.11116(d) Portable gasoline containers that meet the requirements of 40 CFR Part 59, Subpart F, are considered acceptable for compliance with this requirement]; and

d) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

3. §63.11116(b) requires that records be made available within 24 hours of request by the department to document your gasoline throughput.

#### B. SUBMERGED FILLING OF GASOLINE STORAGE TANKS (§63.11117).

1. §63.11117(b) requires that except as specified in §63.11117(c), you must only load gasoline into storage tanks at your facility by utilizing submerged filling, as defined in §63.11132, and as specified in paragraph (b)(1) or paragraph (b)(2) of this section.

2. §63.11117(b)(1) requires submerged fill pipes installed on or before November 9, 2006, must be no more than 12 inches from the bottom of the storage tank. [A-BCAQCB regulation 20.11.65 NMAC requires submerged fill pipes to be no more than 6 inches from the bottom of the storage tank.]

3. §63.11117(b)(2) Submerged fill pipes installed after November 9, 2006, must be no more than 6 inches from the bottom of the storage tank.

#### 4. RESERVED

5. §63.11117(c) Gasoline storage tanks with a capacity of < 250 gallons are not required to comply with the submerged fill requirements in paragraph (b) of this section.

#### C. CONTROL REQUIREMENTS

1. §63.11118(b)(1) – meet each management practice in Table 1 of 40 CFR Part 63, Subpart CCCCCC that applies to your GDF by installing and operating a vapor balance system on your gasoline storage tanks that meets the following design criteria (item 1, as amended 6/25/08):

(a) All vapor connections and lines on the storage tank shall be equipped with closures that seal upon disconnect;

(b) The vapor line from the gasoline storage tank to the gasoline cargo tank shall be vapor-tight, as defined in § 63.11132;

(c) The vapor balance system shall be designed such that the pressure in the tank truck does not exceed 18 inches water pressure or 5.9 inches water vacuum during product transfer;

(d) The vapor recovery and product adaptors, and the method of connection with the delivery elbow, shall be designed so as to prevent the over-tightening or loosening of fittings during normal delivery operations;

(e) If a gauge well separate from the fill tube is used, it shall be provided with a submerged drop tube that extends the same distance from the bottom of the storage tank as specified in § 63.11117(b);

(f) Liquid fill connections for all systems shall be equipped with vapor-tight caps;

(g) Pressure-vacuum (PV) vent valves shall be installed on the storage tank vent pipes. The pressure specifications for PV vent valves shall be: a positive pressure setting of 2.5 to 6.0 inches of water and a negative pressure setting of 6.0 to 10.0 inches of water. The total leak rate of all PV vent valves at an affected facility, including connections, shall not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4 inches of water.

(h) The vapor balance system shall be capable of meeting the static pressure performance requirement of the following equation:

$$Pf = 2e^{0.0000077V}$$

Where:

Pf = Minimum allowable final pressure, inches of water.

V = Total ullage affected by the test, gallons

e = Dimensionless constant equal to approximately 2.718.

2 = The initial pressure, inches water, and

(i) if you own or operate a new or reconstructed GDF, or any storage tank(s) constructed after November 9, 2006, at an existing affected facility subject to § 63.11118, then you must equip your gasoline storage tanks with a dual-point vapor balance system (item 2, as amended 12/15/09), as defined in § 63.11132, and comply with the requirements of item 1 in Table 1.

2. The management practices specified in Table 1 of 40 CFR Part 63, Subpart CCCCCC are not applicable if you are complying with the requirements in § 63.11118(b)(2), except that if you are complying with the requirements in § 63.11118(b)(2)(i)(B), you must operate using management practices at least as stringent as those listed in Table 1 of 40 CFR Part 63, Subpart CCCCCC.

#### D. PERFORMANCE TEST REQUIREMENTS PERFORMANCE TEST REQUIREMENTS

Source Type	Initial Test Date	Additional Testing	Citation
Existing Source (commenced construction on or prior to 11/9/06) with a recorded monthly throughput <sup>1</sup> of $\geq 100,000$	By 01/10/11	Every three years §63.11120(a)	63.11113(b)

Monthly throughput means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each Gasoline Dispensing Facility (GDF) during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.

1. §63.11118(e) - You must comply with the applicable testing requirements contained in §63.11120.

2. §63.11120(a) - Each owner or operator, at the time of installation, as specified in §63.11113(c), of a vapor balance system required under §63.11118(b)(1), and every 3 years thereafter, must comply with the requirements in paragraphs (a)(1) and (2) as follows:

(a)(1) - You must demonstrate compliance with the leak rate and cracking pressure requirements, specified in item 1(g) of Table 1 of 40 CFR Part 63, Subpart CCCCCC, for pressure-vacuum vent valves installed on your gasoline storage tanks using the test methods identified in paragraph (a)(1)(i) or paragraph (a)(1)(ii) as follows:

(a)(1)(i) - California Air Resources Board Vapor Recovery Test Procedure TP-201.1F.—Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, adopted October 8, 2003 (incorporated by reference, see §63.14);

(a)(1)(ii) - Use alternative test methods and procedures in accordance with the alternative test method requirements in §63.7(f); and

(a)(2) - You must demonstrate compliance with the static pressure performance requirement, specified in item 1(h) of Table 1 of 40 CFR Part 63, Subpart CCCCCC, for your vapor balance system by conducting a static pressure test on your gasoline storage tanks using the test methods identified in paragraph (a)(2)(i) or paragraph (a)(2)(ii) as follows:

(a)(2)(i) - California Air Resources Board Vapor Recovery Test Procedure TP-201.3.—Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, adopted April 12, 1996, and amended March 17, 1999 (incorporated by reference, see §63.14); and

(a)(2)(ii) - Use alternative test methods and procedures in accordance with the alternative test method requirements in §63.7(f). §63.11120(b) - Each owner or operator choosing, under the provisions of §63.6(g), to use a vapor balance system other than that described in Table 1 of 40 CFR Part 63, Subpart CCCCCC must demonstrate to the Administrator or delegated authority under paragraph §63.11131(a) of this subpart, the equivalency of their vapor balance system to that described in Table 1 of 40 CFR Part 63, Subpart CCCCCC using the procedures specified in paragraphs (b)(1) through (3) as follows:

(b)(1) - You must demonstrate initial compliance by conducting an initial performance test on the vapor balance system to demonstrate that the vapor balance system achieves 95 percent reduction using the California Air Resources Board Vapor Recovery Test Procedure TP-201.1.—Volumetric Efficiency for Phase I Vapor Recovery Systems, adopted April 12, 1996, and amended February 1, 2001, and October 8, 2003, (incorporated by reference, see §63.14);

(b)(2) - You must, during the initial performance test required under paragraph (b)(1) of this section, determine and document alternative acceptable values for the leak rate and cracking pressure requirements specified in item 1(g) of Table 1 of 40 CFR Part 63, Subpart CCCCCC and for the static pressure performance requirement in item 1(h) of Table 1 of 40 CFR Part 63, Subpart CCCCCC; and

(b)(3) - You must comply with the testing requirements specified in paragraph §63.11120(a).

§63.11120(c) - Conduct of Performance Tests. Performance tests conducted for this subpart shall be conducted under such conditions as the Administrator specifies to the owner or operator based on representative performance (i.e., performance based on normal operating conditions) of the affected source. Upon request, the owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of performance tests.

§63.11126 - Each owner or operator subject to the management practices in §63.11118 shall report to the Administrator the results of all volumetric efficiency tests required under §63.11120(b). Reports submitted under this paragraph must be submitted within 180 days of the completion of the performance testing.

#### E. NOTIFICATIONS.

1. §63.11118(f) requires that you must submit the applicable notifications as required under §63.11124.

2. §63.11124(b) requires that each owner or operator subject to the control requirements in §63.11118 must comply with paragraphs (b)(1) through (5) of §63.11124 as follows:



(b)(1) You must submit an Initial Notification that you are subject to this subpart by May 9, 2008, or at the time you become subject to the control requirements in §63.11118. The notification must be submitted to the applicable EPA Regional Office and the delegated State authority as specified in §63.13. The Initial Notification must contain the information specified in paragraphs (b)(1)(i) through (iii) of this section as follows:

(i) the name and address of the owner and the operator;

(ii) the address (i.e., physical location) of the GDF; and

(iii) a statement that the notification is being submitted in response to this subpart and identifying the requirements in paragraphs (a) through (c) of §63.11118 that apply to you;

(b)(2) You must submit a Notification of Compliance Status to the applicable EPA Regional Office and the delegated State authority, as specified in §63.13, in accordance with the schedule specified in §63.9(h). The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy and must indicate whether the source has complied with the requirements of this subpart. If your facility is in compliance with the requirements of this subpart at the time the Initial Notification required under paragraph (b)(1) of this section is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required under paragraph (b)(1) of this section:

(b)(3) You are not required to submit an Initial Notification or a Notification of Compliance Status under paragraph (b)(1) or paragraph (b)(2) of this subsection if, prior to January 10, 2008, you satisfy the requirements in both paragraphs (b)(3)(i) and (ii) of this section as follows:

(i) You operate a vapor balance system at your gasoline dispensing facility that meets the requirements of either paragraphs (b)(3)(i)(A) or (b)(3)(i)(B) of this section as follows:

(b)(3)(i)(A) achieves emissions reduction of at least 90 percent; or

(b)(3)(i)(B) operates using management practices at least as stringent as those in Table 1 of 40 CFR Part 63, Subpart

CCCCC:

(ii) Your gasoline dispensing facility is in compliance with an enforceable State, local, or tribal rule or permit that contains requirements of either paragraphs (b)(3)(i)(A) or (b)(3)(i)(B) of this section:

(b)(4) You must submit a Notification of Performance Test, as specified in §63.9(c) [60 calendar days before the performance test is scheduled to allow the Administrator to review and approve the site-specific test plan required under §63.7(c), if requested by the Administrator, and to have an observer present during the test], prior to initiating testing required by §63.11120(a) and (b); and

(b)(5) You must submit additional notifications specified in §63.9, as applicable.

3. Sources in Bernalillo county that are in compliance with a 20.11.41 NMAC, Authority to Construct permit should be meeting the 20.11.65 NMAC, Volatile Organic Compounds requirements for submerged fill pipe and vapor loss control system for loading of fuel storage tanks and vapor recovery, and therefore should not have to submit an Initial Notification or a Notification of Compliance Status. Since all gasoline dispensing facilities permit through 20.11.41 NMAC, Initial Notifications and Notifications of Compliance Status are met through the permitting process and through the inspection program.

#### F. RECORDKEEPING.

1. §63.11118(g) - You must keep records and submit reports as specified in §§ 63.11125 and 63.11126.

2. §63.11125(a) - Each owner or operator subject to the management practices in §63.11118 must keep records of all tests performed under §63.11120(a) and (b).

3. §63.11125(b) - Records required under paragraph (a) of this section shall be kept for a period of 5 years and shall be made available for inspection by the Administrator's delegated representatives during the course of a site visit.

11. **FEES (20.11.2 NMAC).** Every owner or operator of a source that is required to obtain an Authority to Construct permit shall pay an annual emission fee pursuant to 20.11.2 NMAC. The annual emission fee for maintenance of this permit will be based on the greater of a base annual fee or a per ton fee rate based on the per ton allowable annual emissions of volatile organic compounds (VOC's) given in the Section 4 -- Gasoline Unit Emission Limits table.

12. **PERMIT CANCELLATION.** The department may cancel any permit if the construction or modification is not commenced within one (1) year from the date of issuance or if, during the construction or modification, work is suspended for a total of one (1) year. (20.11.41.19A and B NMAC)

13. **INFORMATION SUBMITTALS** [Air Quality Division contact numbers: (505) 768-1972 (voice); 1-800-659-8331 (NM Relay)]

- Completed forms can be hand delivered to 1 Civic Plaza -- Room 3047 (8:00am -- 4:30pm Mon. -- Fri. except city holidays) or can be mailed to:

Albuquerque Environmental Health Department  
Air Quality Division  
Permitting Section  
P.O. Box 1293  
Albuquerque, New Mexico 87103

- Test protocols and compliance test reports shall be submitted to:

Albuquerque Environmental Health Department  
Air Quality Division  
Attention Enforcement Supervisor  
P.O. Box 1293  
Albuquerque, New Mexico 87103

- All reports shall be submitted to:

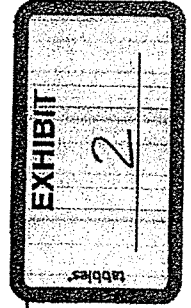
Albuquerque Environmental Health Department  
Air Quality Division  
Attention Compliance Officer  
P.O. Box 1293  
Albuquerque, New Mexico 87103

# Petition to appeal Smith's permit for increase throughput

Petition summary and background: If this throughput is granted, the Four Hills Neighborhood will be subject to approximately 30 tons of cancer causing VOC's. The neighbors want a say in this decision as there was no public hearing and not adequate or proper notice

Action petitioned for: We, the undersigned, are concerned citizens who urge our leaders to act now to stop this increase in gas volume.

Printed name	Signature	Address	Comment	Date
PAT TORRES	<i>[Signature]</i>	3404 Calte del MUNICHO	NO MORE FUEL INCREASE!	6/19/13
ANDY CARPASCIO	<i>[Signature]</i>		d.Ho	6/19/13
Clay Terry	<i>[Signature]</i>	13204 Shaffer St	"	6/19/13
Larry Nicholson	<i>[Signature]</i>	210 High St SE 87102	"	6/19/13
Emily DelWald	<i>[Signature]</i>	318 Kayl Dr SE	"	6/19/13
Tom Sanders	<i>[Signature]</i>	1318 W. 1st St SE	"	6/19/13
Fred Atencio	<i>[Signature]</i>	18160 Central	"	6/19/13
Jeffery Vancot	<i>[Signature]</i>	9000 Trumbull SE #104	"	6-19-13
Marie Ferncy	<i>[Signature]</i>	327 Kaylun Dr SE	"	6/13/13
Bennie Enright	<i>[Signature]</i>	301 Larkin Dr SE		6/13/13
Gray Mayon	<i>[Signature]</i>	318 Kaylun Dr SE		6/13/13
Dempsey Power	<i>[Signature]</i>	13049 W. 1st St SE		6/13/13
Emily DelWald	<i>[Signature]</i>	318 Kaylun Dr SE		6/13/13



4/24/13

To AIR Quality Division

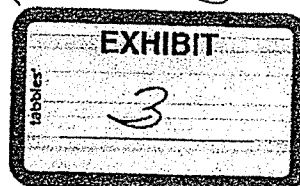
WE (PAT TOLEDO & ANDY CARRASCO, members of the Summit neighborhood association and in alliance with the 4-hills neighborhood association) request a public information hearing on the Smith's GAS STATION AT TRAMWAY & CENTRAL to increase there fuel & throughput to 5 million gallons. The permit # is 1677-M1. 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~~ ~~HILLIS~~

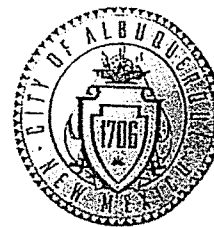
RECEIVED  
ENVIRONMENTAL HEALTH  
APR 24 11 08 AM '13

AB



# 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.

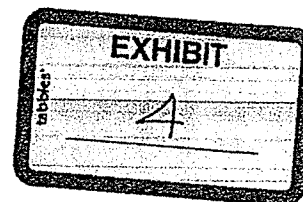
Albuquerque-Bernalillo County Air Quality Board regulation 20.11.41.14.B. NMAC is regarding the informal public information hearings (PIHs) that may be held before the Department makes a decision regarding a pending permit application. 20.11.41.14.B. NMAC states: "The Department shall hold a public hearing 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 1-06-2006

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

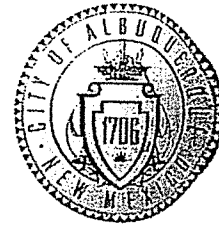
cc: Danny Nevarez, Acting Deputy Director, City of Albuquerque, Environmental Health Department  
Isreal L. Tavaraz, P. E., Environmental Manager, Air Quality Permitting & EI  
Dario Rocha, Supervisor, Air Quality Permitting & EI Section  
Matt Stebleton, Supervisor, Air Quality Compliance  
Damon Reyes,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

Albuquerque - Making History Since 1706

00156

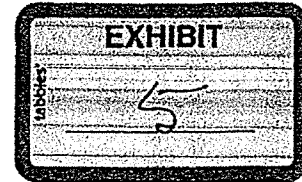
# CITY OF ALBUQUERQUE

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. Toledo  
May 29, 2013  
Page 2

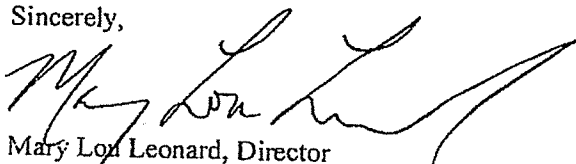
surround the Tramway and Central SE gas station. No individual residing in the area submitted public comment or requested a PIH. As you know, the only requests for a PIH regarding the Tramway and Central SE gas station application for modification came from: Andy Carrasco, who owns a commercial property 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.

→ Dive 22  
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

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

**Dempsey Power, Pat Toledo  
and Andy Carrasco,**

**Petitioners,**

**vs.**

**AQCB Petition No. 2013-6**

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

**Respondents.**

**LIST OF INTERESTED PERSONS**

Mr. Pat Toledo  
3404 Calle Del Ranchero NE  
Albuquerque, NM 87106

Mr. Andy Carrasco  
6505 Cypress Point Way NE  
Albuquerque, NM 87111

Mr. Edwin H. Barsis, President  
Four Hills Village N.A.  
1538 Catron Ave SE  
Albuquerque, NM 87123

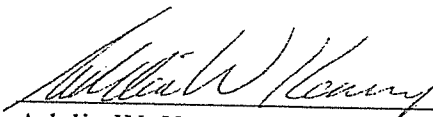
Ms. Annette Underhill, President  
Executive Hills H.O.A.  
633 Executive Hills Ln SE  
Albuquerque, NM 87123

**RECEIVED  
ENVIRONMENTAL HEALTH  
13 JUL -8 AM 11:55**



Respectfully submitted,

CITY OF ALBUQUERQUE  
David J. Tourek, City Attorney

  
Adelia W. Kearny, Deputy City Attorney  
Donna J. Griffin, Assistant City Attorney  
P.O. Box 2248  
Albuquerque, NM 87103  
(505) 768-4530

### CERTIFICATE OF SERVICE

I hereby certify that on July 2013, a true and correct copy of the foregoing was served on the following as indicated:

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.
3. One copy was hand delivered to the Hearing Clerk for delivery to the Air Board Attorney and one copy was sent by electronic mail to:

Bill Grantham  
c/o Elizabeth Jones, Hearing Clerk  
Control Strategies Section  
Environmental Health Department  
One Civic Plaza  
Room 3023  
Albuquerque, NM 87102  
[wggrantham@gmail.com](mailto:wggrantham@gmail.com)  
*Attorney for the 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

RECEIVED  
ENVIRONMENTAL HEALTH  
13 JUL 30 AM 11:15

Dempsey Power, Pat Toledo  
and Andy Carrasco,

Petitioners,

vs.

AQCB Petition No. 2013-6

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

Respondents.

**PETITIONERS' NOTICE LIMITING ISSUES ON APPEAL**

COME NOW the Petitioners in this matter, Dempsey Powers, Andy Carrasco, and Pat Toledo, by and through undersigned counsel of record, and hereby provide notice that the issues on appeal in this matter will be limited to the following:

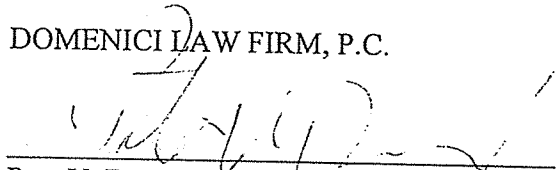
1. Any and all issues involving public notice, public participation, status of review and permit determination in relation to Smith's Air Quality Permit No. 1677-M2 permit application,
2. Any and all issues involving requests for public meeting, public hearing and determinations to deny such requests in relation to Smith's Air Quality Permit No. 1677-M2 permit application.
3. The Petitioners will not be providing technical testimony or challenging the issuance of Air Quality Permit No. 1677-M2 except as set forth above.
4. The Petitioners will contend that failure to provide proper and adequate notice and the failure to allow full and adequate public participation is grounds for denial of the permit application.

5. The Petitioners intend to provide notice of intent for one or two technical witnesses.

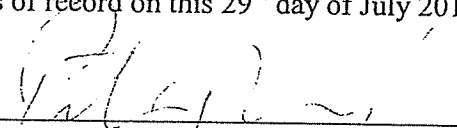
6. Based on this Notice, all of the deadlines set forth in the July 24, 2013 Prehearing Order remain appropriate, with the exception that the technical portion of the hearing may require less than two days.

Respectfully Submitted,

DOMENICI LAW FIRM, P.C.

  
Pete V. Domenici, Jr., Esq.  
320 Gold Ave. SW, Suite 1000  
Albuquerque, New Mexico 87102  
(505) 883-6250

I hereby certify that a true and correct copy of the foregoing Notice Limiting Issues on Appeal was mailed to all parties of record on this 29<sup>th</sup> day of July 2013.

  
Pete V. Domenici, Jr., Esq.

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

Dempsey Power, Pat Toledo  
and Andy Carrasco,

Petitioners,

vs.

AQCB Petition No. 2013-6

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

Respondents.

RECEIVED  
ENVIRONMENTAL HEALTH  
13 SEP -4 AM 11:05

NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY

COME NOW the Petitioners, by and through undersigned counsel of record, and hereby submit their Notice of Intent (NOI) to Present Technical Testimony.

(A) Name of persons filing the NOI.

Petitioners Pat Toledo, Andy Carrasco and Dempsey Power

(B) Statement clarifying whether the person filing the statement supports or opposes the petition at issue.

The Petitioners support the petition at issue.

(C) Name of each witness to present technical testimony, estimated length of direct testimony and summary of anticipated direct testimony:

1. Brian Sanderoff  
President Research & Polling, Inc.  
Albuquerque, New Mexico

The estimated length of Mr. Sanderoff's direct testimony is 30 minutes.

Mr. Sanderoff's resume and a summary of his anticipated direct testimony and exhibits are attached hereto.

(D) Additional witnesses to be called.

The Petitioners may call the following witnesses to offer non-technical testimony:

1. Andy Carrasco.
2. Pat Toledo.

Mr. Toledo and Mr. Carrasco are familiar with the permit proceedings for the permit modification at the Smith's fuel center located at 1313 Carlisle NE and will offer testimony about that proceeding. In addition, Mr. Toledo and Mr. Carrasco are familiar with Smith's overall fuel center operations in the City of Albuquerque and the permitting actions taken at additional locations within the City. They will discuss the fact that Smith's has an over-all, City-wide operation that includes the location of fuel dispensing operations at or near existing store locations. The fuel centers either re-furbish small, existing gas stations or are newly constructed fueling centers in locations where such operations did not formerly exist. Smith's cross-markets between the various fueling center locations. The creation of the fueling centers by Smith's has raised numerous issues regarding building permits, zoning codes, and traffic, as well as concerns for air quality and air quality permitting. These concerns are reflected in the exhibits which will be introduced by the Petitioners.

The Petitioners reserve the right to call additional non-technical witnesses, including any witnesses identified by Smith's and the City.

(E) List of exhibits, if any, to be offered into evidence at the hearing on the merits.

The Petitioners may offer the following as exhibits at the hearing on the merits:

1. All documents included in the Administrative Record for this matter, as filed by the City of Albuquerque on July 8, 2013 and Amended on August 20, 2013. A copy of the Index to the Administrative Record is attached hereto.
2. May 14, 2013 letters to Pat Toledo and Andy Carrasco from Mary Lou Leonard, Director, City of Albuquerque Environmental Health Department. Copies are attached hereto.
3. Documents included as part of the Administrative Record for the Application for modification of Air Quality Permit No. 2037. A copy of the Administrative Record is attached hereto. Smith's and the City have the documents in the Administrative Record for Permit No. 2037 and therefore copies are not included. Copies are available for review at the offices of the Domenici Law Firm.
4. Traffic study completed for the Smith's location at 1313 Carlisle. A copy is attached hereto.
5. Permit files for the following Smith's fuel service locations within the City of Albuquerque, including permit modification requests, correspondence and violations:
  - a. 5850 Eubank NE, Permit No. 1783 and modifications
  - b. 7525 Holly Ave., Permit No. 2134 and modifications
  - c. 410 Yale Ave. SE, Permit No. 2154 and modifications
  - d. 6301 Lomas NE, Permit No. 2028 and modifications
  - e. 4800 McMahon NE, Permit No. 1911 and modifications

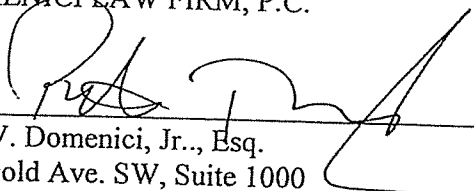
f. 111 Coors Blvd. NE, Permit No. 2029 and modifications

The City and Smith's have copies of these documents and therefore copies are not provided. Copies are available for review at the offices of the Domenici Law Firm.

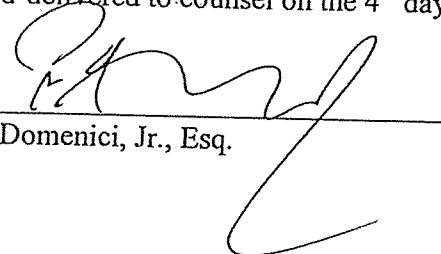
6. Any exhibits identified by Smith's and the City.

Respectfully Submitted,

DOMENICI LAW FIRM, P.C.

  
Pete V. Domenici, Jr., Esq.  
320 Gold Ave. SW, Suite 1000  
Albuquerque, New Mexico 87102  
(505) 883-6250

I hereby certify that a true and correct copy of the foregoing was e-mailed to counsel for the City of Albuquerque and Smith's Food & Drug Centers, Inc. on the 3rd day of September, 2013 and hand-delivered to counsel on the 4<sup>th</sup> day of September, 2013.

  
Pete V. Domenici, Jr., Esq.

## Expert Report

My name is Brian Sanderoff, I have been President of Research & Polling, Inc. for 27 years. Research & Polling, based in Albuquerque, specializes in market research, public opinion, and demographic analysis in New Mexico. One of our areas of focus is to advise businesses, organizations, and advertising agencies as to the best means to reach their target audience. Our clients include Intel, Presbyterian Healthcare Services, Sandia National Laboratories, Los Alamos National Laboratory, and PNM. I have served as the pollster/public policy analyst for the Albuquerque Journal for 27 years and for KOAT TV for over a decade. I have been qualified as an expert witness over 40 times since 1992 in both state and federal district court in areas of survey research, demographic analysis and redistricting. I received a BA in Political Science from the University of New Mexico and attended graduate school in the Political Science Department at UNM.

I have been hired by attorney Pete Domenici, Jr. to review and comment on the sufficiency of the City Environmental Health Department's Air Quality Division public notice to inform the general public regarding Smith's Food and Drug & Center's Air Quality Permit regarding a gasoline dispensing facility located at 200 Tramway Boulevard SE, Albuquerque, New Mexico. I have been asked to give my opinion as to whether the City's dissemination of information regarding the public notice is sufficient for the City to determine whether the permitting activity has generated sufficient public interest.

Albuquerque-Bernalillo County Air Quality Board regulation 20.11.41.14.A.(3) requires the Department to publish a public notice in a local newspaper of general circulation within 15 days



after the Department deems an application complete. The Department did publish a notice in the Albuquerque Journal's Legal Section on March 11, 2013.

Additionally, according to a May 23<sup>rd</sup>, 2013 letter from the Acting Deputy Director of the Air Quality Programs to Mr. Andy Carrasco, the Department sent copies of the public notice to surrounding neighborhood associations and communicated with, via email, "interested community members" of two neighborhood associations. However, there are large residential subdivisions immediately east of the Smith's property that are not affiliated with any neighborhood association (see exhibits 1 and 2). They are not within the boundaries of the neighborhood associations (Four Hills Village Homeowners Association, Four Hills Village Neighborhood Association, Executive Hills Homeowners Association, Winterwood Park Homeowners Association, and Singing Arrow Neighborhood Association) that received a notice from the City. These residential subdivisions in question have a population of 656 individuals (see exhibit 3). There are also a number of hotels immediately northwest of the Smith's gas station that are not located within any of the neighborhood associations contacted.

Albuquerque-Bernalillo County Air Quality Board regulation 20.11.41.14.A.(4) requires the Department to "allow **all interested persons** (emphasis added) at least forty-five but no more than sixty days from the date an application is deemed complete to submit written comments, evidence or to request a public hearing on the application."

Albuquerque-Bernalillo County Air Quality Board regulation 20.11.41.14.B. states that "The Department shall hold a public hearing if the director determines that there is significant

**public interest.** (emphasis added) Further, in this section it states, "At the hearing, **all interested persons** (emphasis added) shall be given a reasonable opportunity to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing."

In a letter dated May 14<sup>th</sup>, 2013, from the Director of the City Environmental Department to Mr. Pat Toledo, the Director stated that "**I have determined** (emphasis added) that the Tramway GDF permitting activity **has not generated sufficient public interest** (emphasis added). Therefore....your request for a PIH...has been denied."

One issue that I was asked to address is whether publishing a public notice in the Legal Section of the Albuquerque Journal is sufficient to reach the general public and potentially all interested persons in this application permit.

The Legal Section of the Albuquerque Journal typically contains numerous pages of densely packed columns with a very small font size that are designed to be read by specialized professions. For example, state and local governments are required to give notice in the Legal Section when they issue a Request for Proposal for interested vendors to bid on various types of commodities and professional services. As a result, each day potential bidders such as architect and engineering firms, construction companies and other specialized businesses read the Legal Section. These legal notices increase and improve the transparency of government by giving all potential bidders the opportunity to identify bids that are being issued by governmental entities. Since bidders are aware of how the notification system works, they are prepared to review the Legal Section in order to identify potential business with public entities.

In other instances the Legal Section is utilized by public entities and others to “go on record” and publish an item as a matter of record, as required by the law. However in the case of the Air Quality Permit requested by Smith’s the bar is being set much higher by the regulations. The Director is mandated to decide whether significant public interest exists in order to determine whether a public hearing should be conducted. In order to determine whether significant public interest exists and whether the sufficient public interest has been generated, it is necessary to ask whether the Legal Section alone is a good mass media tool to inform the general populace of the permit application.

In *Martinez v. Maggiore*, 64P.3d 499, 133 NM 472, 2003 NMCA 43 (NM App., 2002) the New Mexico Court of Appeals commented that, “**We think that the Legislature** (emphasis added), in enacting Subsection 74-9-22(C), **recognized that most members of the general public do not routinely read the legal or classified advertisement sections of the newspaper**, (emphasis added) *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 315, 70 S.Ct. 652, 94 L.Ed. 865 (1950) (noting that “[c]hance alone brings to the attention of even a local resident an advertisement in small type inserted in the back pages of a newspaper”), and that publication of a notice of application for a landfill permit **would reach more members of the general public, if**, (emphasis added) in addition to publication in the legal or classified advertisements, **the notice were to be published “at one other place in the newspaper calculated to give the general public the most effective notice** (emphasis added).” The Court of Appeals opinion further states that other broader statutes that require additional advertising for public notice, besides the Legal Section, clearly contemplated the “**small type in the back pages of the newspaper**” as a “**purely constructive form of notice**” (emphasis added).

I concur with the observation of the NM Court of Appeals that most members of the general public do not routinely read the legal section of a newspaper. Further, I believe that the very small font size of the Legal Section and the location of the Legal Section within the newspaper further discourages readership. Within the Albuquerque Journal, the Legal Section shifts from Section C, D and G, depending upon the day of the week, further creating reader confusion. Although publishing in the Legal Section satisfies the narrow legal requirement of the City, it does not, in my opinion, provide enough dissemination of information or public notice for the Department Director to determine whether **significant public interest** exists to determine whether or not to conduct a public hearing. How can the Director determine whether significant public interest exists if they relied primarily on a one day publication of the notice in the Legal Section of the Albuquerque Journal?

Additionally, the county regulations quoted above state that “**all interested persons** (emphasis added) should be given a reasonable opportunity to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing.” The question arises whether all interested persons were even aware of the permit application, given that the only mass media notice was a single day insertion in the Legal Section of the newspaper of general circulation.

Also, an industry wide trend has been negatively impacting circulation of newspapers throughout the nation. The Albuquerque Journal has not been immune to this phenomenon. Despite the population growth of Albuquerque Metro area, paid circulation for the Sunday Journal has declined by 31% since 2006 (See exhibits 4 and 5).

According to US Census data compiled by Research & Polling, the total adult population within the geographic boundaries of the East Gateway Coalition is estimated to be 45,805 (see exhibit 3). The entire statewide circulation of the Sunday Albuquerque Journal is 103,692 (see exhibit 5). Thus market penetration of the Albuquerque Journal is not comprehensive enough to rely on in order to identify "all interested persons" within the East Gateway area. And, if one wanted to rely on a single media source to inform a large segment of the affected area, it would have been necessary to place, for example, a quarter page advertisement in a more frequently read section of the newspaper, such as in Section A.

There are many inexpensive methods that the City could utilize to increase public awareness of Air Quality Permit applications in the neighboring areas that would be potentially impacted. These would include:

- 1) Posting notices in all city and county libraries, community centers and police substations within a certain radius of the applicant's location,
- 2) Mailing a postcard containing the public notice to all neighboring businesses and residential areas utilizing carrier route information available from the post office,
- 3) Asking Smith's to circulate flyers in their Tramway grocery store and gas station to all interested customers,
- 4) Inserting a second advertisement in the Albuquerque Journal outside of the Legal Section to supplement the initial posting, and
- 5) Renting a billboard or pony panel in the neighborhoods immediately adjacent to the Smith's property.

## **Summary Opinion**

Legal notices published in the Legal Section of the newspaper of general circulation serves various purposes. Primarily, they are utilized for government entities to “go on record” or to communicate with specialized groups of vendors. However, public notices published in the Legal Section should not be relied on by city officials to determine whether sufficient public interest exists to decide whether or not to call a public hearing. It is not possible to determine whether sufficient public interest exists by primarily relying on this approach. Significant public interest cannot be measured in this manner since the general public does not read the Legal Section, in my opinion and in the opinion of the Court of Appeals. In order for the city to be more transparent and to measure true public interest among the general public they should do more, especially in circumstances in which government officials then have the statutory responsibility to make determinations about whether to hold a public hearing based upon this inadequate dissemination of information.

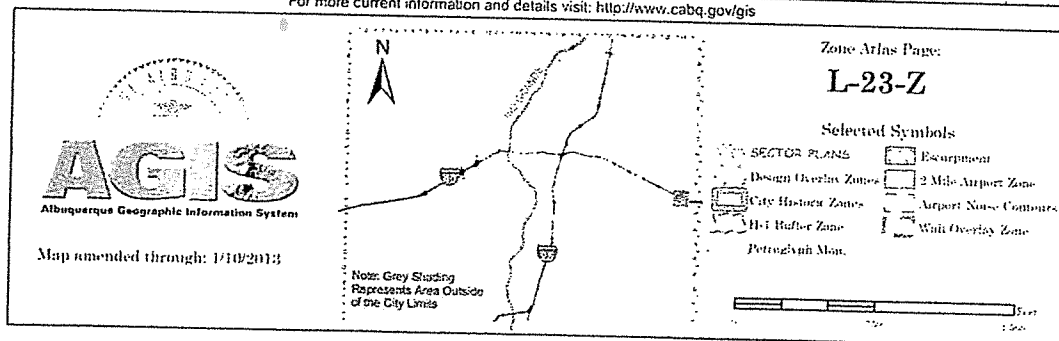
Exhibit 1



## Exhibit 2



For more current information and details visit: <http://www.cabq.gov/gis>





**Exhibit 3**

	<b><u>Total Population</u></b>	<b><u>Adult Population</u></b>
East Gateway Coalition	58,934	45,805
Neighborhoods east and southeast of Smith's (between I-40 and Tijeras Arroyo)	656	546

*Source: 2010 U.S. Census data aggregated by Research & Polling, Inc.*

# Exhibit 4

Rank	Newspaper	Daily	Sunday	Rank	Newspaper	Daily	Sunday
1	USA Today	2,272,815	N/A	51	Saint Paul Pioneer Press	191,136	251,585
2	The Wall Street Journal	2,049,786	N/A	52	The Virginian-Pilot--Norfolk, VA	189,199	225,731
3	The New York Times	1,142,464	1,683,856	53	Omaha World-Herald	188,886	231,115
4	Los Angeles Times	851,832	1,231,318	54	The Buffalo News	188,514	213,171
5	Washington Post	724,242	960,881	55	Las Vegas Review-Journal	187,831	219,220
6	The Daily News--New York, NY	708,477	795,153	56	Richmond Times-Dispatch	186,296	219,596
7	New York Post	673,379	413,763	57	The Press-Enterprise--Riverside, CA	185,053	185,099
8	Chicago Tribune	579,079	957,212	58	The Hartford Courant	184,254	212,918
9	Houston Chronicle	513,387	682,557	59	Austin American-Statesman	183,952	228,619
10	Dallas Morning News	480,414	649,709	60	The Palm Beach (Fl) Post	181,132	211,697
11	The Arizona Republic--Phoenix, AZ	438,722	566,465	61	Arkansas Democrat-Gazette--Little Rock, AR	180,661	215,991
12	Newsday--Melville, NY	427,771	488,825	62	The Record--Hackensack, NJ	179,634	205,084
13	The Star-Ledger--Newark, NJ	388,329	589,629	63	Contra Costa (CA) Times	178,911	190,613
14	San Francisco Chronicle	388,246	451,591	64	The News & Observer--Raleigh, NC	178,210	213,878
15	San Francisco Examiner	356,246	451,591	65	The Tennessean--Nashville, TN	172,835	236,563
16	The Boston Globe	397,288	604,068	66	The Fresno Bee	162,420	183,744
17	Chicago Sun-Times	388,062	324,074	67	The Commercial Appeal--Memphis, TN	161,955	216,705
18	The Atlanta Journal-Constitution	365,011	561,405	68	Democrat and Chronicle--Rochester, NY	160,290	219,600
19	Star Tribune--Minneapolis, MN	362,964	606,639	69	The Florida Times-Union	158,002	222,392
20	Philadelphia Inquirer	350,457	705,985	70	Daily News--Woodland Hills, CA	157,020	187,740
21	Detroit Free Press	346,661	669,315	71	The Providence Journal	153,150	218,260
22	The Plain Dealer--Cleveland, OH	343,163	450,875	72	The Des Moines Register	151,336	240,912
23	St. Petersburg Times	323,031	422,110	73	Daily Herald--Arlington Heights, IL	151,112	149,371
24	The Oregonian--Portland, OR	323,017	384,729	74	The Birmingham News	150,174	180,451
25	The San Diego Union-Tribune	317,217	408,392	75	Asbury Park Press--Neptune, NJ	149,289	199,723
26	The Orange County (CA) Register	299,824	354,632	76	The Honolulu Advertiser	143,020	159,021
27	The Miami Herald	294,172	390,171	77	Idaho World	138,267	189,789
28	The Sacramento Bee	284,189	330,993	78	Financial Times--US Edition	137,845	N/A
29	St. Louis Post-Dispatch	277,242	423,291	79	The Grand Rapids Press	134,426	182,810
30	The Kansas City Star	261,776	367,712	80	Seattle Post-Intelligencer	131,769	435,581
31	The Denver Post	256,452	704,806	81	The Salt Lake Tribune	131,711	151,422
32	Rocky Mountain News--Denver, CO	256,427	704,806	82	Journal News--Rockland County	130,000	147,000
33	The Indianapolis Star	255,277	347,217	83	The Blade--Toledo, OH	129,291	167,696
34	South Florida Sun-Sentinel--Ft. Lauderdale, FL	248,124	338,728	84	The Journal News--White Plains, NY	128,713	144,231
35	San Jose Mercury News	242,805	263,373	85	The Akron Beacon Journal	128,442	170,870
36	San Antonio Express-News	238,149	247,708	86	Dayton Daily News	128,192	168,645
37	Tampa Tribune	236,376	309,916	87	The News Tribune--Tacoma, WA	125,228	137,730
38	The Sun-Baltimore, MD	236,317	401,918	88	La Opinion--Los Angeles, CA	123,447	62,972
39	Milwaukee Journal-Sentinel	235,704	405,366	89	The Knoxville News-Sentinel	119,969	152,945
40	The Columbus Dispatch	231,881	352,510	90	Sarasota Herald-Tribune	119,249	130,675
41	The Orlando Sentinel	229,368	341,075	91	Philadelphia Daily News	118,590	N/A
42	Pittsburgh Post-Gazette	227,583	122,712	92	The News Journal--New Castle, DE	116,416	134,805
43	The Boston Herald	227,927	313,980	93	Post-Standard--Syracuse, NY	116,193	168,393
44	The Seattle Times	220,734	435,581	94	The Arizona Daily Star--Tucson, AZ	116,038	173,064
45	Fort Worth Star-Telegram	218,916	372,824	95	Lexington (Ky) Herald-Leader	114,135	141,019
46	The Charlotte Observer	218,009	274,125	96	The State--Columbia, SC	113,222	140,352
47	The Courier-Journal--Louisville, KY	217,814	271,920	97	Morning Call--Allentown, PA	110,720	150,936
48	The Oklahoman--Oklahoma City, OK	215,102	267,506	98	The Daytona Beach News-Journal	108,069	125,754
49	The Detroit News	214,934	669,315	99	Albuquerque Journal	107,565	149,455
50	The Cincinnati Enquirer	201,979	293,151	100	East Valley Tribune--Mesa, AZ	102,406	86,507

Burrelles-Luce reads all daily and Sunday newspapers in the U.S. The proof is in the clippings.

Burrelles-Luce 800.671.1780

4100 Burrelles-Luce Court  
Westborough, MA 01581

This list of U.S. publications with paid circulations was researched by eNR Services, Inc. and compiled by Burrelles-Luce from circulation figures filed with the Audit Bureau of Circulations (where available) for the six months ending on March 31, 2006. In some cases, Sunday newspapers have different names. \*Saturday and Sunday newspapers are combined: Detroit News and Detroit Free Press; Denver Post and Rocky Mountain News; Seattle Times and Seattle Post-Intelligencer. Copyright 2006, Burrelles-Luce.

## Exhibit 5

### US NEWSPAPER - SEARCH RESULTS

**Search Type:** United States

**State:** New Mexico

**Selection:** No city submitted (Contains)

**Sort By:** Total Circulation - Descending

**Results Found:** 17

Circulation averages for the six  
months ended:  
3/31/2013

Preliminary figures subject to audit as filed with the Alliance for Audited Media.

\* Total Circulation = Total Average Paid Circulation

Publication Name	Frequency	Circulation Type	Total Circulation*	Filing Status
JOURNAL, ALBUQUERQUE	SUN	DLY	103,692	
JOURNAL, ALBUQUERQUE	SAT M	DLY	87,547	
JOURNAL, ALBUQUERQUE	AVG M (M-F)	DLY	84,506	

**Filing Status:** N/F - Publisher's Statement not filed by press time

T/S - Under Voluntary Temporary Suspension of Service

BC - Publisher's Statement not included due to AAM Board Censure

W - Withheld from Snapshot pending Publisher's Materials

G - Not included due to extenuating circumstances - Hurricane

OC - Withheld pending completion of six month audit

NA - Not approved for release

Copyright © 3/31/2013 by Alliance for Audited Media. All rights reserved except that permission is hereby granted to reproduce excerpts if following credit line is included:

Source: Alliance for Audited Media

Snapshot Report - 3/31/2013

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

Dempsey Power, Pat Toledo  
and Andy Carrasco,

Petitioners,

vs.

AQCB Petition No. 2013-6

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

Respondents.

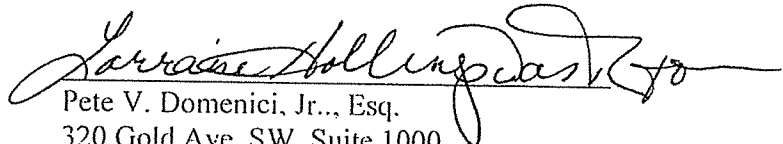
PETITIONER'S SUPPLEMENT TO NOTICE OF INTENT TO  
PRESENT TECHNICAL TESTIMONY

COME NOW the Petitioners, by and through undersigned counsel of record, and for  
their Supplement to Notice of Intent to Present Technical Testimony add the following:

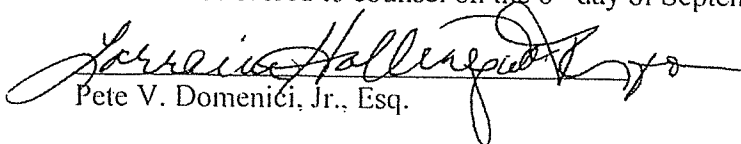
- (A) Brian Sanderoff's Curriculum Vitae.

Respectfully Submitted,

DOMENICI LAW FIRM, P.C.

  
Pete V. Domenici, Jr., Esq.  
320 Gold Ave. SW, Suite 1000  
Albuquerque, New Mexico 87102  
(505) 883-6250

I hereby certify that a true and correct copy of the foregoing was e-mailed to counsel for the City  
of Albuquerque and Smith's Food & Drug Centers, Inc. on the 6<sup>th</sup> day of September, 2013  
and hand-delivered to counsel on the 6<sup>th</sup> day of September, 2013.

  
Pete V. Domenici, Jr., Esq.

RECEIVED  
ENVIRONMENTAL HEALTH  
13 SEP - 6 PM 3:42

Brian Sanderoff  
*Curriculum Vitae*

<b>Address</b>	Office: 5140 San Francisco Road, NE Albuquerque, NM 87109 505-821-5454 sanderoff@rpinc.com	Home: 1827 Calle Barbarita NW Albuquerque, NM 87107
<b>Education</b>	University of New Mexico, B.A. Political Science  University of New Mexico, Attended Graduate School, Political Science Department  Guest Lecturer Taught an undergraduate 300 level course in Political Science Department of the University of New Mexico called <i>Campaign Management</i> (1985)	
<b>Educational Award</b>	Most Distinguished Student Award, University of New Mexico, Senior year	
<b>Professional Experience</b>		
<i>April 1986 To Present</i>	President of Research & Polling, Inc. The largest market research, demographic analysis and public opinion polling corporation in New Mexico. Research & Polling has 15 full-time employees and 30 professional interviewers. Research & Polling specializes in public policy polling and litigation support including change of venue surveys. Brian Sanderoff has supervised the administration of over 1,500 survey research studies. Brian Sanderoff's major clients include New Mexico Administrative Office of the Courts, New Mexico State Legislature, Intel Corporation, Presbyterian Healthcare Services, PNM, and the Albuquerque Journal. Research & Polling has provided redistricting services on more than 100 occasions for various local and state government entities. Research & Polling maintains a database which includes the names and addresses of New Mexico's adult population and registered voter population. Research & Polling also operates a census related geographic information system which contains New Mexico's 137,000 census blocks.	
<i>January 1983 To March 1986</i>	President of Sanderoff and Associates A market research, demographic analysis and public opinion polling company in Albuquerque, New Mexico. Sanderoff and Associates specialized in serving government agencies at the city, county and state level.	

**Expert Witness Experience, 1992-2013** *(continued)*

**Professional Experience** *(continued)*

November 1978  
To December 1982

State Government service as a public policy director.  
Positions held include:

Director, Management Analysis Division, Department of Finance Administration.

Responsible for administering this division of state government. The Management Analysis Division identified troubled areas in state government and recommended means to improve the management and operations of the agencies.

Director, Governor's Office of Community Affairs.

Responsible for improving the management and administration of this agency which delivered services throughout the State of New Mexico.

Director, Human Rights Commission.

Responsible for improving the management and administration of this agency which ruled on discrimination cases.

Chairman, Commission of Children and Youth.

Was the first chairman of the Governor's Commission on Children and Youth. The purpose of this commission was to establish a coordinating body within the executive branch to deal with children's issues that were inter-departmental in nature. As chairman of this commission, Sanderoff worked closely with many cabinet departments and division directors to implement pilot programs and to more efficiently administer children's programs which were interdisciplinary in nature.

Aide to the Governor, Governor's Office

**Expert Witness Experience, 1992-2013**

Brian Sanderoff has qualified as an expert witness in both state and federal district courts for survey research, demographic analysis and redistricting on over 40 occasions in the past twenty years.

Brian F. Egolf Jr., et al. v. Diana J. Duran et al. Remand by the New Mexico State Supreme Court to the District Court for New Mexico State House of Representatives Redistricting, 1<sup>st</sup> Judicial District Court, County of Santa Fe, State of New Mexico, 2012. Appointed by the New Mexico District Court as a 706 Expert to aid the District Court in addressing New Mexico Supreme Court issues. #D-101-CV-2011-02942

Brian F. Egolf Jr., et al. v. Diana J. Duran et al. New Mexico State House of Representatives Redistricting, 1<sup>st</sup> Judicial District Court, County of Santa Fe, State of New Mexico, 2011-2012 #D-101-CV-2011-02942

Brian F. Egolf Jr., et al. v. Diana J. Duran et al. New Mexico State Senate Redistricting, 1<sup>st</sup> Judicial District Court, County of Santa Fe, State of New Mexico, 2011-2012 #D-101-CV-2011-02942

Expert Witness Experience, 1992-2013 (continued)

Brian F. Egolf Jr., et al. v. Diana J. Duran et al. New Mexico State Public Regulation Commission Redistricting, 1<sup>st</sup> Judicial District Court, County of Santa Fe, State of New Mexico, 2011-2012 #D-101-CV-2011-02942

Michael Archuleta (ACLU) et al. v City of Albuquerque et al. 2<sup>nd</sup> Judicial District Court, County of Bernalillo, State of New Mexico, 2011 #CV 2011-5792 (city council redistricting)

Ray and Cathy Collins et al v. America West Airlines Inc. d/b/a US Airways, Ever-Ready Oil Co., Inc d/b/a Chevron Redi-Mart, et al. 4<sup>th</sup> Judicial District Court, County of San Miguel, State of New Mexico, Change of Venue Hearing, June 2011 #D-412-CV-2006-00627

John Ivan Sutter, MD, PA, individually and on behalf of all others similarly situated v. Horizon Blue Cross Blue Shield of New Jersey, Superior Court of New Jersey, Essex County, State of New Jersey, Settlement Value Survey, #ESX-L-3685-02, February 2010

Ray and Cathy Collins et al v. America West Airlines Inc. d/b/a US Airways, et al. 4<sup>th</sup> Judicial District Court, County of San Miguel, State of New Mexico, Change of Venue Survey (Affidavit Only) #D-412-CV-2006-00627

State of New Mexico v. Jessica Livingston, 4<sup>th</sup> Judicial District Court, County of San Miguel, State of New Mexico, Change of Venue Hearing #CR02007 00250, January 2009

U.S. v. Larry Lujan, Federal District Court, State of New Mexico, Southern Division, Comparison of Demographic Profile of Jury Wheel and Jury Pool Population vs. Adult Population (Census Data) USDC NM 05-CR-00924, September 2008.

State of New Mexico v. Jerry Fuller, 9<sup>th</sup> Judicial District Court, County of Roosevelt, State of New Mexico, Change of Venue Hearing #CR2005 00047, April 2006.

USA v. Cisneros, Federal District Court, State of Arizona, Comparison of Demographic Profile of Jury Wheel Population vs. Adult Population (Census Data) #CR 03-0730-PHX-SRB (Docket 1141), November 2005.

State of New Mexico v. Zachariah Craig, 13<sup>th</sup> Judicial District Court, County of Sandoval, State of New Mexico, Change of Venue Hearing #D-1333-CR-200100155, June 2005.

Johnny Bierner, et al. v. Cortez Gas Co., et al., 7<sup>th</sup> Judicial District Court, County of Sierra, State of New Mexico, Change of Venue Hearing # D-0721-CV-2001-0076, January 2005.

Robert Harshbarger as the Personal Representative of the Estate of Shawn H. Harshbarger v. The Regents of the University of California, Johnson Controls Northern New Mexico, L.L.C., and Johnson Controls World Services, Inc., 1<sup>st</sup> Judicial District Court, County of Rio Arriba, State of New Mexico, Change of Venue Hearing # D-0117-CV-2002-02073, September 2003.

Gilbert Armijo and Maria Casaus v. Wal-Mart Stores, Inc., a Delaware corporation, Sam's Club, an operating segment of Wal-Mart Stores, Inc., First Judicial District, County of Rio Arriba, State of New Mexico, Survey Research (Face-to-Face Interviews), Hearing # D-0117-CV-200002211, May 2003.

Frankie Pasquale v. Omkar Tiku, M.D., Second Judicial District Court, County of Bernalillo, State of New Mexico, Hearing # CV 2001-07418, April 2003.

Expert Witness Experience, 1992-2013 (continued)

State of New Mexico and State of New Mexico ex rel Patricia Madrid v. General Electric, et al., Federal District Court, Change of Venue Hearing # CV 99-1254 BSJ/DJS & # CV 99-1118 BSJ/LFG, October 2002 (Affidavit Only).

State of New Mexico v. Ruben Flores, 5<sup>th</sup> Judicial District Court, County of Lea, State of New Mexico, Change of Venue Hearing # CR 99-028, July 2002.

Michael Jepsen, et al. v. Rebecca Vigil-Giron, in her official capacity as New Mexico Secretary of State, et al., 1<sup>st</sup> Judicial District Court, County of Santa Fe, State of New Mexico, # D0101 CV 2001 02177 (Consolidated), Redistricting of United States Congress, Redistricting of New Mexico State House of Representatives, December 2001.

Martha Chapman, et al. v. El Paso Energy Corporation, a Foreign Corporation, El Paso Natural Gas Company, a Foreign Corporation, and John Cole, 5<sup>th</sup> Judicial District Court, County of Eddy, State of New Mexico, Change of Venue Hearing # CV 2001-62, September 2001.

Delfina Archuleta & Rio Grande Café, Inc., v. Beneficial Standard Life Insurance, Company, Franklin Life Insurance Company, Usg Annuity & Life Company, American Life and Casualty Insurance Company, A/k/a Conseco Annuity Assurance Company, Joe A. Casados, Ronald J. Casados, Elsie A. Casados, and Camille Koehler, 1<sup>st</sup> Judicial District Court, County of Rio Arriba, State of New Mexico, Change of Venue Hearing # D-0117-CV0200000651, August 2001.

State of New Mexico v. Paul Payne, 5<sup>th</sup> Judicial District Court, County of Lea, State of New Mexico, Change of Venue Hearing, Case # CR99-0319G, March 2001.

Levi Garcia and Roger Rodriguez v. University of California, Los Alamos National Laboratories, Louis Schulte, and John and Jane Does I-X, 1<sup>st</sup> Judicial District Court, State of New Mexico, Change of Venue Survey, Case # D-D-0117-CV-9900563, February 2001.  
State of New Mexico v. John Price, 5<sup>th</sup> Judicial District Court, County of Lea, State of New Mexico, Change of Venue Hearing # 99-318 C, December 2000.

State of New Mexico v. Jeffrey Taylor, 13<sup>th</sup> Judicial District Court, County of Sandoval, State of New Mexico, Change of Venue Hearing, February 2000.

Citadel v. Trumper, et al., District of New Mexico, #99-CV00922, August 1999.

James E. Schwiner v. Regents of the University of California DBA Los Alamos National Laboratory, 1<sup>st</sup> Judicial District Court, County of Rio Arriba, State of New Mexico, Change of Venue Hearing RA # 97-2120C, November 1998.

David Luhan and Pablo Lopez v. Albuquerque Metropolitan Arroyo Flood Control Authority District et al., USDC, CIV # 98-704 LH/RLP, August 1998.

State of New Mexico v. Shawn Popeleski, 7<sup>th</sup> Judicial District Court, County of Torrance, State of New Mexico, Change of Venue Hearing CR # 97-100 TOR, September 1998.

State of New Mexico v. Shawn Popeleski, 7<sup>th</sup> Judicial District Court, County of Torrance, State of New Mexico, Change of Venue Hearing CR # 97-100 TOR, June 1998.

Saberhagen v. Random House, et al., District of New Mexico, Trademark/Brand Confusion Survey, #98-CV01183, September 1998.



**Expert Witness Experience, 1992-2013 (continued)**

Cheesecake Factory v. Cheesecake Factory, District of New Mexico, Trademark/Brand Confusion Survey, #97-CV00187, February 1997.

State of New Mexico v. Roy Buchner, 7<sup>th</sup> Judicial District Court, County of Torrance, State of New Mexico, Change of Venue Hearing CR # 96-066 TOR, September 1997.

State of New Mexico v. Shaun Wilkins, 7<sup>th</sup> Judicial District Court, County of Torrance, State of New Mexico, Change of Venue Hearing CR # 96-92 TOR, May 1997.

United States v. Jason De La Torre, USDC, Criminal Case # 95-538 MV, May 1997, Demographic analysis, Survey Research, Voter File analysis (statewide).

United States v. Jason De La Torre, USDC, Criminal Case # 95-538 MV, February 1997, Demographic analysis, Survey Research, Voter File analysis (statewide).

Aragon v. University of California Los Alamos National Laboratory, 1<sup>st</sup> Judicial District Court, County of Rio Arriba, State of New Mexico/# RA-95-2387, October 1996, Change of Venue Survey (Los Alamos, Taos, Rio Arriba, Santa Fe, San Miguel, Bernalillo, Chaves, DoZa Ana Counties).

State of New Mexico v. Gordon House, July 1994, First Retrial, Change of Venue Survey, (Taos, DoZa Ana Counties).

State of New Mexico v. Gordon House, March 1995, Second Retrial, Change of Venue Survey, (Taos, DoZa Ana Counties), Media Analysis.

Docket # 93-218-T.C. Before the New Mexico State Corporation Commission. Expansion of the US West Albuquerque Metro calling area. October 1993, Market Research Study (Bernalillo County, Belen, PeZa Blanca, Acoma, Laguna and Estancia).

Revo v. the New Mexico Disciplinary Board, et al. USDC CIV # 92-764 JB/RWM, December 1992, Federal District Court, Public Opinion Poll regarding Lawyer Direct Mail Advertising.

United States v. Cibola County, et al. USDC CIV # 93-1134 SC/LFG, Public Opinion Poll (Cibola County).

**Selected Publications/Reports (2001 to 2013)**

*CHRISTUS St. Vincent – Business/Community Leaders*  
(Research & Polling, Inc., 2013)

*CHRISTUS St. Vincent –Community Perception Survey*  
(Research & Polling, Inc., 2013)

*The Garrity Group – Community Perception Survey*  
(Research & Polling, Inc., 2013)

*Healthy Kids New Mexico – Assessing eating habits and physical activity levels among children*  
(Research & Polling, Inc., 2013)

**Selected Publications/Reports (2001 to 2013) (*continued*)**

*LANL Foundation – Scholarship Survey*  
(Research & Polling, Inc., 2013)

*LANL – Public Opinion Survey – April 2013*  
(Research & Polling, Inc., 2013)

*NM Drug Policy – Survey*  
(Research & Polling, Inc., 2013)

*NM Rural Electric Cooperative Association – Attitude Survey*  
(Research & Polling, Inc., 2013)

*Northern New Mexico – Participant Survey*  
(Research & Polling, Inc., 2013)

*PNM – Community Solar Survey*  
(Research & Polling, Inc., 2013)

*Presbyterian Health Plan – After-Hours Messaging System Study*  
(Research & Polling, Inc., 2013)

*Presbyterian Behavioral Health System – Patient Access Survey*  
(Research & Polling, Inc., 2013)

*Presbyterian Healthcare Services – Brand Preference Study 33*  
(Research & Polling, Inc., 2013)

*Rio Rancho Survey*  
(Research & Polling, Inc., 2013)

*Route 66 Casino – Intercept Survey*  
(Research & Polling, Inc., 2013)

*San Juan Regional Medical Center – Safety No Greater Value Presentation Evaluation*  
(Research & Polling, Inc., 2013)

*Sandia National Laboratories – Entrepreneurial Separation to Transfer Technology (ESTT) Program*  
(Research & Polling, Inc., 2013)

*St. Joseph's Community Health – NM Issues Survey*  
(Research & Polling, Inc., 2013)

*Trap Free New Mexico – NM Trapping Survey*  
(Research & Polling, Inc., 2013)

*Tierra Contenta – Residential Experience Survey*  
(Research & Polling, Inc., 2013)

*University of New Mexico – Community Needs Assessment Survey*  
(Research & Polling, Inc., 2013)

**Selected Publications/Reports (2001 to 2013) (continued)**

*University of New Mexico Hospital – Citizens Awareness of Proposed 96 Bed Hospital*  
(Research & Polling, Inc., 2013)

*Albuquerque Bernalillo County Water Utility Authority - Customer Opinion Survey*  
(Research & Polling, Inc., 2012)

*Albuquerque Public Schools – Voter Support for an APS General Obligation Bond*  
(Research & Polling, Inc., 2012)

*Compassion & Choices – Attitudes and Opinions related to end of life issues*  
(Research & Polling, Inc., 2012)

*The Garrity Group – Community Perception Survey*  
(Research & Polling, Inc., 2012)

*Gunnison Valley Health Senior Care Center – Gross Receipts Tax/Capital Campaign Voter Survey*  
(Research & Polling, Inc., 2012)

*Healthy Kids New Mexico – Assessing eating habits and physical activity levels among children*  
(Research & Polling, Inc., 2012)

*La Vida Llena – Market Research*  
(Research & Polling, Inc., 2012)

*LANL – Community Leaders*  
(Research & Polling, Inc., 2012)

*LANL – Employee Giving Campaign*  
(Research & Polling, Inc., 2012)

*Los Alamos County – Community Broadband Network*  
(Research & Polling, Inc., 2012)

*Minimum Wage Survey*  
(Research & Polling, Inc., 2012)

*NM Department of Health – Youth Tobacco – Ad Awareness IV*  
(Research & Polling, Inc., 2012)

*NM Educators Federal Credit Union – Market Research*  
(Research & Polling, Inc., 2012)

*NM Small Business Assistance Program*  
(Research & Polling, Inc., 2012)

*NM State University - Community Survey – Business/Elected Leaders in NM*  
(Research & Polling, Inc., 2012)

*NM State University - Community Survey – Residents in NM*  
(Research & Polling, Inc., 2012)

*Northern New Mexico Connect – Participant Survey*

**Selected Publications/Reports (2001 to 2013) (continued)**

(Research & Polling, Inc., 2012)

*Paseo del Norte/I-25 Interchange – Public Opinion Poll*

*PNM – Community Survey*

(Research & Polling, Inc., 2012)

*Presbyterian Health Plan – Practitioner Services/Patient Access - Quarterly*  
(Research & Polling, Inc., 2012)

*Presbyterian Health Plan– After-Hours Messaging System Study Presbyterian Behavioral Health System  
– Patient Access Survey*  
(Research & Polling, Inc., 2012)

*Presbyterian Healthcare Services – Brand Preference Study 31*  
(Research & Polling, Inc., 2012)

*Presbyterian Healthcare Services – Brand Preference Study 32*  
(Research & Polling, Inc., 2012)

*Presbyterian Healthcare Services – Brand Preference Study – Selected Questions – NM Adult Residents*  
(Research & Polling, Inc., 2012)

*Presbyterian Espanola Hospital – Hospital Preference & Mil Levy Survey*  
(Research & Polling, Inc., 2012)

*Presbyterian Health Plan – Albuquerque City Employee Survey*  
(Research & Polling, Inc., 2012)

*Quality New Mexico – Member Survey*  
(Research & Polling, Inc., 2012)

*Rio Rancho Senior Center – Community Perception Survey*  
(Research & Polling, Inc., 2012)

*Rio Rancho Survey*  
(Research & Polling, Inc., 2012)

*San Juan Health Partners – Public Opinion Survey*  
(Research & Polling, Inc., 2012)

*San Juan Regional Medical Center – Community Perception Survey*  
(Research & Polling, Inc., 2012)

*Sandia National Laboratories – Community Survey*  
(Research & Polling, Inc., 2012)

*Sandia Preparatory School – Market Research – Students Accepted to Sandia Prep but Declined  
Admission*  
(Research & Polling, Inc., 2012)*Sandia Preparatory School – Market Research Survey*

*Socorro General Hospital – Mil Levy –*

**Selected Publications/Reports (2001 to 2013) (continued)**

(Research & Polling, Inc., 2012)

*The Economics of Law Practice in NM – Lawyer Compensation*  
(Research & Polling, Inc., 2012)

*TriCore Reference Labs – Client Needs Survey*  
(Research & Polling, Inc., 2012)

*Waste Management – Bernalillo County – Customer Satisfaction Survey*  
(Research & Polling, Inc., 2012)

*Waste Management – Farmington, NM*  
(Research & Polling, Inc., 2012)

*Albuquerque BioPark – Visitors Satisfaction Survey*  
(Research & Polling, Inc., 2011)

*Albuquerque Chamber of Commerce*  
(Research & Polling, Inc., 2011)

*City of Albuquerque – 2011 Citizens' Perception Survey*  
(Research & Polling, Inc., 2011)

*DW Turner – New Mexico Copper Corporation*  
(Research & Polling, Inc., 2011)

*The Garrity Group – Community Perception Survey*  
(Research & Polling, Inc., 2011)

*Intel and UNM – Community Perception Survey*  
(Research & Polling, Inc., 2011)

*Los Alamos County Broadband Network Survey-Residents*  
(Research & Polling, Inc., 2011)

*Los Alamos County Broadband Network Survey-Business*  
(Research & Polling, Inc., 2011)

*Los Alamos National Laboratory – Community Leaders Survey*  
(Research & Polling, Inc., 2011)

*Los Alamos National Laboratory – Technology Commercialization Economic Impact Study*  
(Research & Polling, Inc., 2011)

*New Mexico Gas Company*  
(Research & Polling, Inc., 2011)

*New Mexico Office of Healthcare Reform-Uninsured Adult Household Survey*  
(Research & Polling, Inc., 2011)

*New Mexico Small Business Assistance Program Survey*

**Selected Publications/Reports (2001 to 2013) (continued)**

(Research & Polling, Inc., 2011)

*New Mexico Issues Survey*

(Research & Polling, Inc., 2011)

*Northern New Mexico Connect- Participant Survey*

(Research & Polling, Inc., 2011)

*Presbyterian Healthcare – Logo Survey*

(Research & Polling, Inc., 2011)

*PNM – Refrigerator Recycling Survey Intercept Study*

(Research & Polling, Inc., 2011)

*Route 66 Casino – Intercept Study*

(Research & Polling, Inc., 2011)

*Santa Fe County – Median Household Income (MHI) Survey of Sombrillo and Arroyo Seco*

(Research & Polling, Inc., 2011)

*South Central Colfax County Special Hospital District – Public Opinion Survey Health Care*

(Research & Polling, Inc., 2011)

*St. Joseph Community Health – Early Childhood Survey*

(Research & Polling, Inc., 2011)

*State Bar of New Mexico – 2011 Membership Survey*

(Research & Polling, Inc., 2011)

*University of NM – Follow Up Survey – Shared Governance and Communications Issues Faculty & Staff*

(Research & Polling, Inc., 2011)

*UNM Hospital – Public Perception Survey (Bernalillo County)*

(Research & Polling, Inc., 2011)

*ABQ Ride – Market Research*

(Research & Polling, Inc., 2010)

*Albuquerque/Bernalillo County Water Utility Authority – Customer Opinion Survey*

(Research & Polling, Inc., 2010)

*Albuquerque Public Schools (APS) – Community Survey*

(Research & Polling, Inc., 2010)

*BHP Billiton Survey*

(Research & Polling, Inc., 2010)

*Carondelet Health Network-Brand Preference Survey*

(Research & Polling, Inc., 2010)

*Catalyst Rx/Sandia National Laboratories – Member Satisfaction Survey*

**Selected Publications/Reports (2001 to 2013) (continued)**

(Research & Polling, Inc., 2010)

*Central New Mexico Community College – Bond Issue*

(Research & Polling, Inc., 2010)

*Central New Mexico Community College – Needs Assessment Study for CTE Instructors*

(Research & Polling, Inc., 2010)

*Central New Mexico Community College – Retention Survey*

(Research & Polling, Inc., 2010)

*Eastern New Mexico University – Ruidoso Campus – Annexation Survey*

(Research & Polling, Inc., 2010)

*French Funeral and Cremation Services*

(Research & Polling, Inc., 2010)

*Higher Education General Obligation Bond Survey*

(Research & Polling, Inc., 2010)

*Interagency Benefits Advisory Committee (IBAC) – Health Plan Member Satisfaction Survey*

(Research & Polling, Inc., 2010)

*Intel Corporation –Corporate Image Survey*

(Research & Polling, Inc., 2010)

*La Cienega-Land Use Survey*

(Research & Polling, Inc., 2010)

*Lincoln County - Ruidoso Downs Survey*

(Research & Polling, Inc., 2010)

*Los Alamos National Bank-Santa Fe County Survey*

(Research & Polling, Inc., 2010)

*Los Alamos National Laboratory-Community Leaders Study*

(Research & Polling, Inc., 2010)

*Los Alamos National Laboratory-Education Impact Study*

(Research & Polling, Inc., 2010)

*Mid-Region Council of Governments of New Mexico - Public Opinion Survey - Los Lunas River Crossing*

(Research & Polling, Inc., 2010)

*New Mexico Department of Game & Fish-Angler Satisfaction Survey*

(Research & Polling, Inc., 2010)

*New Mexico Department of Health – Youth Tobacco Ad Awareness Survey*

(Research & Polling, Inc., 2010)

*New Mexico Department of Transportation-Transportation Issues Report*

**Selected Publications/Reports (2001 to 2013) (*continued*)**

- (Research & Polling, Inc., 2010)
- New Mexico Educational Retirement Board (ERB)*  
(Research & Polling, Inc., 2010)
- New Mexico Early Childhood Development Partnership*  
(Research & Polling, Inc., 2010)
- New Mexico Human Services Department-Medical Assistance Division Health Information Technology (HIT) Environmental Scan*  
(Research & Polling, Inc., 2010)
- New Mexico Motor Vehicle Division-Customer Satisfaction*  
(Research & Polling, Inc., 2010)
- New Mexico Railrunner Survey*  
(Research & Polling, Inc., 2010)
- New Mexico Small Business- Assistance Program Survey*  
(Research & Polling, Inc., 2010)
- Northern New Mexico Connect-Participant Survey*  
(Research & Polling, Inc., 2010)
- PNM Community Leader Opinion Survey*  
(Research & Polling, Inc., 2010)
- PNM Resources, Inc. – Community Survey*  
(Research & Polling, Inc., 2010)
- San Juan Regional Medical Center-Community Perception Survey*  
(Research & Polling, Inc., 2010)
- San Juan Regional Medical Center-Full Engagement Training (FET) Program Evaluation*  
(Research & Polling, Inc., 2010)
- Sandia Preparatory School-Market Research Survey*  
(Research & Polling, Inc., 2010)
- Santa Fe County Priorities Survey*  
(Research & Polling, Inc., 2010)
- Trust for Public Land – Statewide Survey*  
(Research & Polling, Inc., 2010)
- Tobacco Use Prevention and Control (TUPAC) – Statewide Tobacco Control*  
(Research & Polling, Inc., 2010)
- University of New Mexico-Benchmark Survey-Shared Governance and Communication Issues*  
(Research & Polling, Inc., 2010)



**Selected Publications/Reports (2001 to 2013) (continued)**

*Administrative Office of the Courts, Judicial Performance Evaluation Commission, Evaluation Study, Judge Survey*  
(Research & Polling, Inc., 2009)

*BNSF Railway Company – Community Perception Study*  
(Research & Polling, Inc., 2009)

*Children's Hospital and Research Center*  
(Research & Polling, Inc., 2009)

*Comcast Corporation-Recently Disconnected Customer Survey*  
(Research & Polling, Inc., 2009)

*Catalyst Rx/Sandia National Laboratories, Member Satisfaction Survey*  
(Research & Polling, Inc., 2009)

*DW Turner/SunCal, Voters Attitudes & Opinions of TIDD Financing*  
(Research & Polling, Inc., 2009)

*El Camino Surgery Center, Patient Satisfaction Survey*  
(Research & Polling, Inc., 2009)

*El Paso Natural Gas – Perception Survey*  
(Research & Polling, Inc., 2009)

*HealthSpring, Inc. – Senior Survey*  
(Research & Polling, Inc., 2009)

*Los Alamos National Laboratory-Community Leaders Study*  
(Research & Polling, Inc., 2009)

*Mission Health System, 15-County Assessment Survey*  
(Research & Polling, Inc., 2009)

*NEA New Mexico – Public Education Survey*  
(Research & Polling, Inc., 2009)

*New Mexico Chile Association – Consumer Opinion Survey*  
(Research & Polling, Inc., 2009)

*New Mexicans Concerned About Tobacco Survey*  
(Research & Polling, Inc., 2009)

*New Mexico Connect, Participant Survey*  
(Research & Polling, Inc., 2009)

*New Mexico Department of Game & Fish, Angler Satisfaction Survey*  
(Research & Polling, Inc., 2009)

*New Mexico Department of Health, Community Perception Survey, Teen Pregnancy in Estancia*  
(Research & Polling, Inc., 2009)

**Selected Publications/Reports (2001 to 2013) (continued)**

*New Mexico Department of Health, Community Perception Survey, Teen Pregnancy in Roswell*  
(Research & Polling, Inc., 2009)

*New Mexico Association for Home & Hospice Care, Member Satisfaction Survey*  
(Research & Polling, Inc., 2009)

*New Mexico Coalition to Repeal the Death Penalty, Voters' Attitudes & Opinions*  
(Research & Polling, Inc., 2009)

*New Mexico Educators Federal Credit Union, Closed Dividend Checking Accounts*  
(Research & Polling, Inc., 2009)

*New Mexico Medical Review Association (NMMRA), Family Planning Waiver Medicaid Physician Survey*  
(Research & Polling, Inc., 2009)

*New Mexico Small Business, Assistance Program Survey*  
(Research & Polling, Inc., 2009)

*New Mexico State Bar Association – Diversity Study*  
(Research & Polling, Inc., 2009)

*New Mexico Student Loans – Customer Satisfaction/Market Research Survey*  
(Research & Polling, Inc., 2009)

*New Mexico Chile Association – Consumer Opinion Survey*  
(Research & Polling, Inc., 2009)

*REDW – The Rogoff Firm, Market Research Study*  
(Research & Polling, Inc., 2009)

*PHP Federal Employees Disenrollees Survey*  
(Research & Polling, Inc., 2009)

*PNM Appliance Saturation Survey*  
(Research & Polling, Inc., 2009)

*PNM Sky Blue Program Survey*  
(Research & Polling, Inc., 2009)

*Quality New Mexico – Member Satisfaction*  
(Research & Polling, Inc., 2009)

*Route 66 Casino, Intercept Survey – Ultimate Rewards Player's Club Members*  
(Research & Polling, Inc., 2009)

*Sandoval County Healthcare Needs Assessment*  
(Research & Polling, Inc., 2009)

*Santa Fe Community College – Bond Issue*  
(Research & Polling, Inc., 2009)

**Selected Publications/Reports (2001 to 2013) (*continued*)**

- Santa Fe Community College – Needs Assessment*  
(Research & Polling, Inc., 2009)
- Santa Fe County – Public Opinion Survey – Aamodt Settlement*  
(Research & Polling, Inc., 2009)
- Tanoan Community East Association Homeowners Association Study*  
(Research & Polling, Inc., 2009)
- Texas Gas Service, Advertising Awareness Research, Tracking Study*  
(Research & Polling, Inc., 2009)
- Value Options New Mexico, Patient Access Survey*  
(Research & Polling, Inc., 2009)
- Waste Management – Customer Satisfaction Survey – Belen*  
(Research & Polling, Inc., 2009)
- Waste Management – Customer Satisfaction Survey – Taos*  
(Research & Polling, Inc., 2009)
- Waste Management – Customer Satisfaction Survey – Village of Los Ranchos de Albuquerque*  
(Research & Polling, Inc., 2009)
- Albuquerque Bernalillo County Water Utility Authority, Customer Opinion Survey*  
(Research & Polling, Inc., 2008)
- AML Foundation, Adoption Perception Survey New Mexico*  
(Research & Polling, Inc., 2008)
- Association of Counties, Voter Support for Constitutional Amendment for Mid-Term Pay Raise for County Commissions*  
(Research & Polling, Inc., 2008)
- BP A+ for Energy, Training Conference Evaluation Survey*  
(Research & Polling, Inc., 2008)
- Catalyst Rx/New Mexico Schools Public Insurance Authority (NMPSIA), Member Satisfaction Survey*  
(Research & Polling, Inc., 2008)
- Central Restaurant Products, Market Research Survey*  
(Research & Polling, Inc., 2008)
- Central New Mexico Community College (CNM), Annexation Survey*  
(Research & Polling, Inc., 2008)
- Central New Mexico Community College (CNM), Graduation Survey, Graduating and Non Graduating Students*  
(Research & Polling, Inc., 2008)
- City of Albuquerque, USBC Open Championships, Bowlers Perception*  
(Research & Polling, Inc., 2008)

**Selected Publications/Reports (2001 to 2013) (continued)**

- City of Albuquerque, USBC Open Championships, Impact on Local Businesses*  
(Research & Polling, Inc., 2008)
- Deming Public Schools, Bond Election Survey*  
(Research & Polling, Inc., 2008)
- IBAC, Interagency Benefits Advisory Committee, Member Satisfaction Survey*  
(Research & Polling, Inc., 2008)
- New Mexico Department of Health, Tobacco Use, Prevention and Control, Awareness Ad Survey VIII*  
(Research & Polling, Inc., 2008)
- New Mexico Department of Game and Fish, Angler Satisfaction Survey*  
(Research & Polling, Inc., 2008)
- New Mexico Department of Homeland Security and Emergency Management/TKO Advertising, Disaster Preparedness Survey*  
(Research & Polling, Inc., 2008)
- New Mexico Department of Homeland Security and Emergency Management, Follow up Survey  
Emergency Preparedness in New Mexico*  
(Research & Polling, Inc., 2008)
- New Mexico Mutual, Customer Satisfaction Survey*  
(Research & Polling, Inc., 2008)
- New Mexico Small Business Assistance Program*  
(Research & Polling, Inc., 2008)
- New Mexico Medical Review Association (NMMRA), Family Planning Waiver Medicaid Physician Survey*  
(Research & Polling, Inc., 2008)
- Northern New Mexico College, Retention Survey, Graduation/Program Completion*  
(Research & Polling, Inc., 2008)
- Northern New Mexico College, Retention Survey, Non-Returning Students*  
(Research & Polling, Inc., 2008)
- PNM, Attitude and Image Study*  
(Research & Polling, Inc., 2008)
- PNM, Metro Walk-In, Needs Assessment*  
(Research & Polling, Inc., 2008)
- Presbyterian Health Plan and Presbyterian Insurance Company, Inc., Practitioner Services/Patient Access for 1<sup>st</sup> Quarter, 2<sup>nd</sup> Quarter, 3<sup>rd</sup> Quarter and 4<sup>th</sup> Quarter*  
(Research & Polling, Inc., 2008)
- Presbyterian Healthcare Services, Rio Rancho Medical Facility Naming Survey*  
(Research & Polling, Inc., 2008)

**Selected Publications/Reports (2001 to 2013) (continued)**

*Presbyterian Health Plan and Presbyterian Insurance Company, Inc., After-Hours Messaging System Study*

(Research & Polling, Inc., 2008)

*Presbyterian Healthcare Services, Brand Preference Study XXIV*

(Research & Polling, Inc., 2008)

*Presbyterian Healthcare Services, Brand Preference Study XXV*

(Research & Polling, Inc., 2008)

*Presbyterian Healthcare Services, Brand Preference Study XXVI*

(Research & Polling, Inc., 2008)

*Presbyterian Behavioral Health System, Patient Access Survey*

(Research & Polling, Inc., 2008)

*Presbyterian Healthcare Services, Española Hospital, Public Image Survey*

(Research & Polling, Inc., 2008)

*Presbyterian Healthcare Services, Internal Communications Survey*

(Research & Polling, Inc., 2008)

*Route 66 Casino, Intercept Survey – Untracked Visitors*

(Research & Polling, Inc., 2008)

*San Juan Regional Medical Center (SJRMC), Community Perception Survey*

(Research & Polling, Inc., 2008)

*Santa Fe Galisteo Basin, Public Opinion Survey*

(Research & Polling, Inc., 2008)

*St. Vincent Regional Medical Center, Public Image Survey*

(Research & Polling, Inc., 2008)

*United Way of Central New Mexico, Needs Assessment, Market Research, UWCNM Major Donors*

(Research & Polling, Inc., 2008)

*United Way of Central New Mexico, Needs Assessment, Market Research, Public Donors – Bernalillo County*

(Research & Polling, Inc., 2008)

*United Way of Central New Mexico, Needs Assessment, Market Research, Public Donors – Sandoval County*

(Research & Polling, Inc., 2008)

*United Way of Central New Mexico, Needs Assessment, Market Research, Public Donors – Torrance County*

(Research & Polling, Inc., 2008)

*United Way of Central New Mexico, Needs Assessment, Market Research, Public Donors – Valencia County*

(Research & Polling, Inc., 2008)

**Selected Publications/Reports (2001 to 2013) (continued)**

*University of New Mexico Hospital, Public Opinion Survey*  
(Research & Polling, Inc., 2008)

*University of New Mexico (UNM)- Valencia Campus, Community Needs Assessment Survey, Western Los Lunas*  
(Research & Polling, Inc., 2008)

*Value Options, Consumer Access Survey*  
(Research & Polling, Inc., 2008)

*Waste Management, Bernalillo County, Customer Satisfaction Survey*  
(Research & Polling, Inc., 2008)

*Western New Mexico University, Public Opinion Survey, Grant County*  
(Research & Polling, Inc., 2008)

*New Mexico Gray Wolf Recovery Program, Voter Attitudes and Opinions, Arizona and New Mexico*  
(Research & Polling, Inc., 2008)

*Albuquerque Public School (APS) Board of Education, Public Opinion Superintendent Search Survey*  
(Research & Polling, Inc., 2007)

*Albuquerque Small Business Development Center (SBDC), Needs Assessment Survey*  
(Research & Polling, Inc., 2007)

*Blue Cross and Blue Shield, Public Perception Survey*  
(Research & Polling, Inc., 2007)

*Branson Law Firm, Trucking Case Survey*  
(Research & Polling, Inc., 2007)

*Catalyst Rx, Member Satisfaction Survey*  
(Research & Polling, Inc., 2007)

*City of Albuquerque, Citizens' Perceptions*  
(Research & Polling, Inc., 2007)

*Central New Mexico Community College (CNM), Public Opinion Poll, Annexation of Zip Code 87144 in Rio Rancho*  
(Research & Polling, Inc., 2007)

*DW Turner, Inc./MyBank, Market Research Survey*  
(Research & Polling, Inc., 2007)

*DW Turner, Inc./Molycorp, Inc., Public Opinion Poll*  
(Research & Polling, Inc., 2007)

*DW Turner, Inc., Public Opinion Poll (Wal-Mart Supercenter)*  
(Research & Polling, Inc., 2007)

*Eagle County, Quality of Place Survey*  
(Research & Polling, Inc., 2007)

**Selected Publications/Reports (2001 to 2013) (continued)**

*Executive Medicine, Market Research Survey*  
(Research & Polling, Inc., 2007)

*Garfield Traub Development, LLC, Arena Survey, Voters Opinions*  
(Research & Polling, Inc., 2007)

*KRWG, Public Opinion Poll*  
(Research & Polling, Inc., 2007)

*Lincoln County Medical Center, Mil Levy Election Survey*  
(Research & Polling, Inc., 2007)

*Las Cruces Convention and Visitors Bureau, Tourism Intercepts Study*  
(Research & Polling, Inc., 2007)

*Los Alamos National Bank, Los Alamos County Survey*  
(Research & Polling, Inc., 2007)

*Los Alamos National Bank, Santa Fe County Survey*  
(Research & Polling, Inc., 2007)

*Los Alamos National Laboratory Community Leaders Study*  
(Research & Polling, Inc., 2007)

*MDS America, Inc., Market Research Surveys, Albuquerque Metro Area (Residential and Business)*  
(Research & Polling, Inc., 2007)

*Mesa del Sol, Market Research Survey*  
(Research & Polling, Inc., 2007)

*New Mexico Student Loans, Customer Satisfaction/Market Research Survey*  
(Research & Polling, Inc., 2007)

*New Mexico JPEC Survey*  
(Research & Polling, Inc., 2007)

*Meadowlark Senior Center, Community Perception Survey*  
(Research & Polling, Inc., 2007)

*Foolloose Montana, Trapping Survey*  
(Research & Polling, Inc., 2007)

*New Mexicans Concerned About Tobacco (NMCAT), Tobacco Policy Survey*  
(Research & Polling, Inc., 2007)

*New Mexico Global Warming Survey*  
(Research & Polling, Inc., 2007)

*New Mexico Mutual, Customer Satisfaction Survey*  
(Research & Polling, Inc., 2007)

**Selected Publications/Reports (2001 to 2013) (continued)**

- New Mexico Department of Game and Fish, Angler Satisfaction Survey*  
(Research & Polling, Inc., 2007)
- New Mexico Department of Health, Bankruptcy Survey*  
(Research & Polling, Inc., 2007)
- New Mexico Department of Health, Statewide Tobacco Control, Awareness Ad Survey VII*  
(Research & Polling, Inc., 2007)
- New Mexico Health Information Collaborative, Opinion Survey*  
(Research & Polling, Inc., 2007)
- New Mexico Military Institute, Public Image Poll*  
(Research & Polling, Inc., 2007)
- New Mexico Student Loans, Customer Satisfaction/Market Research Survey*  
(Research & Polling, Inc., 2007)
- Northern New Mexico College, Community Image Study*  
(Research & Polling, Inc., 2007)
- Northern New Mexico College, Needs Assessment Survey, Major Employers*  
(Research & Polling, Inc., 2007)
- Presbyterian Behavioral Health System, Patient Access Survey*  
(Research & Polling, Inc., 2007)
- Presbyterian Health Plan, Call Center Phone System Study (Day Time)*  
(Research & Polling, Inc., 2007)
- Presbyterian Health Plan and Presbyterian Insurance Company, Inc., After-Hours Messaging System Study*  
(Research & Polling, Inc., 2007)
- Presbyterian Healthcare Services, Brand Preference Study XXII*  
(Research & Polling, Inc., 2007)
- Presbyterian Health Plan and Presbyterian Insurance Company, Inc., Practitioner Services/Patient Access for 1<sup>st</sup> Quarter, 2<sup>nd</sup> Quarter, 3<sup>rd</sup> Quarter and 4<sup>th</sup> Quarter*  
(Research & Polling, Inc., 2007)
- Regional Transportation Study*  
(Research & Polling, Inc., 2007)
- Saint Vincent Regional Medical Center, Public Image Survey*  
(Research & Polling, Inc., 2007)
- San Juan Regional Medical Center (SJRMC), Full Engagement Training (F.E.T.), Program Evaluation*  
(Research & Polling, Inc., 2007)
- Sandia National Laboratory, Community Survey*  
(Research & Polling, Inc., 2007)



**Selected Publications/Reports (2001 to 2013) (continued)**

*Sandia National Laboratory, Small Business Assistance Program Survey*  
(Research & Polling, Inc., 2007)

*Sandia Prep, Market Research*  
(Research & Polling, Inc., 2007)

*Santa Fe Parks, General Obligation Bond Survey*  
(Research & Polling, Inc., 2007)

*Santa Fe Community College (SFCC) Bond Issue, Public Opinion Survey*  
(Research & Polling, Inc., 2007)

*Santa Fe Community College (SFCC) Needs Assessment and Public Opinion Survey*  
(Research & Polling, Inc., 2007)

*Shea Homes, Summer Lake (Oakley, CA), Market Research Survey*  
(Research & Polling, Inc., 2007)

*State of New Mexico, State Personnel Office (SPO), Customer Service Survey*  
(Research & Polling, Inc., 2007)

*Texas Gas Services, Advertising Awareness Research*  
(Research & Polling, Inc., 2007)

*Tobacco Use Prevention and Control (TUPAC), Awareness Ad Survey VII*  
(Research & Polling, Inc., 2007)

*University of New Mexico/Central New Mexico Community College, Needs Assessment-Rio Rancho*  
(Research & Polling, Inc., 2007)

*Albuquerque Bernalillo County Water Utility Authority, Residential and Commercial Customer Opinion Survey*  
(Research & Polling, Inc., 2006)

*American Home, Market Research Survey, Tucson*  
(Research & Polling, Inc., 2006)

*American Home, Market Research Survey, Phoenix*  
(Research & Polling, Inc., 2006)

*Albuquerque Public Schools, Community Survey*  
(Research & Polling, Inc., 2006)

*Albuquerque Publishing Company, Journal Readership Survey*  
(Research & Polling, Inc., 2006)

*Albuquerque Tricentennial Committee, Albuquerque Values Survey*  
(Research & Polling, Inc., 2006)

*Albuquerque Tricentennial Committee, Festival of Illumination Survey*  
(Research & Polling, Inc., 2006)

**Selected Publications/Reports (2001 to 2013) (continued)**

*Arizona Public Service, Four Corners Power Plant Study, Community Leaders*  
(Research & Polling, Inc., 2006)

*Arizona Public Service, Four Corners Power Plant Study, San Juan County Residents*  
(Research & Polling, Inc., 2006)

*Blue Cross and Blue Shield of New Mexico, Market Perception Survey*  
(Research & Polling, Inc., 2006)

*City of Hobbs, City Ordinance Poll*  
(Research & Polling, Inc., 2006)

*City of Rio Rancho, Keep Rio Rancho Beautiful, Public Opinion Survey*  
(Research & Polling, Inc., 2006)

*CNM/TVI, Rio Rancho Tax Assessment District Extension Survey*  
(Research & Polling, Inc., 2006)

*Dion's, Intercepts Survey*  
(Research & Polling, Inc., 2006)

*Excel Staffing Companies, Customer Image and Satisfaction Study*  
(Research & Polling, Inc., 2006)

*Expo New Mexico, New Mexico State Fair Task Force Study*  
(Research & Polling, Inc., 2006)

*Excel Staffing Companies, Customer Image and Satisfaction Study*  
(Research & Polling, Inc., 2006)

*Expo New Mexico, New Mexico State Fair Task Force Study*  
(Research & Polling, Inc., 2006)

*(The) Greater Albuquerque Medical Association (GAMA), Physicians Survey, Evaluation of  
MCOs/Other Insurance Payers Serving the Albuquerque Metro Area*  
(Research & Polling, Inc., 2006)

*(The) Greater Albuquerque Medical Association (GAMA), Physician Office Staff Survey, Evaluation of  
MCOs/Other Insurance Payers Serving the Albuquerque Metro Area*  
(Research & Polling, Inc., 2006)

*Innovasic Semiconductor, Market Research Study*  
(Research & Polling, Inc., 2006)

*Intel Corporation, Growth-Government Officials Study*  
(Research & Polling, Inc., 2006)

*Intel Corporation, Growth-Sandoval County Study*  
(Research & Polling, Inc., 2006)

*Interagency Benefits Advisory Committee, Health Plan Member Satisfaction Survey*  
(Research & Polling, Inc., 2006)

**Selected Publications/Reports (2001 to 2013) (continued)**

*Los Alamos National Bank, Los Alamos County Survey*  
(Research & Polling, Inc., 2006)

*Los Alamos National Bank, Santa Fe County Survey*  
(Research & Polling, Inc., 2006)

*Los Alamos National Laboratory, Community Leaders Study*  
(Research & Polling, Inc., 2006)

*Las Cruces Convention and Visitors Bureau, Las Cruces Print Conversion*  
(Research & Polling, Inc., 2006)

*McKinley County, Community Perception Survey*  
(Research & Polling, Inc., 2006)

*National Atomic Museum, Public Opinion Study*  
(Research & Polling, Inc., 2006)

*New Cycle Foundation, New Mexico Environmental/Nuclear Survey*  
(Research & Polling, Inc., 2006)

*New Mexicans Concerned About Tobacco, Smoke-Free Opinion Poll, Businesses--Roswell*  
(Research & Polling, Inc., 2006)

*New Mexico Department of Game & Fish, New Mexico Angler Satisfaction Survey*  
(Research & Polling, Inc., 2006)

*New Mexico Department of Health, Obesity Study*  
(Research & Polling, Inc., 2006)

*New Mexico Department of Health, Smoke Free Opinion Poll, Alamogordo*  
(Research & Polling, Inc., 2006)

*New Mexico Department of Health, Smoke Free Opinion Poll, Clovis*  
(Research & Polling, Inc., 2006)

*New Mexico Department of Health, Smoke Free Opinion Poll, Grants*  
(Research & Polling, Inc., 2006)

*New Mexico Department of Health, Teen Attitudes, Trends and Lifestyles Survey*  
(Research & Polling, Inc., 2006)

*New Mexico Department of Health, Youth Tobacco, Ad Awareness Survey II*  
(Research & Polling, Inc., 2006)

*New Mexico National Forest, Roadless Survey*  
(Research & Polling, Inc., 2006)

*New Mexico Mutual Group, Customer Satisfaction Survey*  
(Research & Polling, Inc., 2006)

**Selected Publications/Reports (2001 to 2013) (continued)**

*New Mexico Medical Review Association and New Mexico Human Services Department, Behavioral Health Provider Satisfaction Survey*

(Research & Polling, Inc., 2006)

*New Mexico State University, Sporting Events Season Ticket Holders Survey*

(Research & Polling, Inc., 2006)

*New Mexico Student Loans, Customer Satisfaction/ Market Research Survey*

(Research & Polling, Inc., 2006)

*North Domingo Baca Multigenerational Center, Public Opinion Poll*

(Research & Polling, Inc., 2006)

*Presbyterian Health Plan & Presbyterian Insurance Company, Inc., After-Hours Phone System Access Study*

(Research & Polling, Inc., 2006)

*Presbyterian Health Plan & Presbyterian Insurance Company, Inc., Practitioner Services/Patient Access*

(Research & Polling, Inc., 2006)

*Presbyterian Healthcare Services, Behavioral Health Specialists*

(Research & Polling, Inc., 2006)

*Presbyterian Healthcare Services, Brand Preference Study XXI*

(Research & Polling, Inc., 2006)

*Presbyterian Healthcare Services, Image Study*

(Research & Polling, Inc., 2006)

*Presbyterian Healthcare Services, Internal Communication Survey*

(Research & Polling, Inc., 2006)

*Presbyterian Healthcare Services, Prospective Customer Survey*

(Research & Polling, Inc., 2006)

*Robert Vigil, Public Awareness and Perception Survey (Litigation Support for Criminal Trial)*

(Research & Polling, Inc., 2006)

*Ruidoso Municipal Election II Survey*

(Research & Polling, Inc., 2006)

*San Juan Regional Medical Center, Community Perception Survey*

(Research & Polling, Inc., 2006)

*Sandia National Laboratories, Small Business Assistance Program Survey*

(Research & Polling, Inc., 2006)

*Santa Fe County, Public Opinion Poll*

(Research & Polling, Inc., 2006)

*St. Vincent Regional Medical Center, Community Perception Survey*

(Research & Polling, Inc., 2006)

**Selected Publications/Reports (2001 to 2013) (continued)**

*University of New Mexico, Image and Perceptions Survey*  
(Research & Polling, Inc., 2006)

*University of New Mexico Hospital, Public Opinion Survey*  
(Research & Polling, Inc., 2006)

*University of New Mexico-Westside Campus, Market Research Survey*  
(Research & Polling, Inc., 2006)

*University of New Mexico-Westside Campus, Public Opinion Survey*  
(Research & Polling, Inc., 2006)

*University of New Mexico-Westside Campus, Rio Rancho Area Business and Community Leaders, Public Opinion Survey*  
(Research & Polling, Inc., 2006)

*Uranium Resources Inc., Public Image Survey*  
(Research & Polling, Inc., 2006)

*Value Options, Consumer Access Survey*  
(Research & Polling, Inc., 2006)

*Village of Los Ranchos and the Trust for Public Land, Los Ranchos Open Space, Public Opinion Survey*  
(Research & Polling, Inc., 2006)

*Waste Management, Customer Satisfaction Survey, Farmington, New Mexico*  
(Research & Polling, Inc., 2006)

*Waste Management, Rio Rancho Customer Satisfaction Survey*  
(Research & Polling, Inc., 2006)

*Youth Survey*  
(Research & Polling, Inc., 2006)

*Albuquerque Downtown Action Team, Albuquerque Downtown Perception Study*  
(Research & Polling, Inc., 2005)

*Albuquerque Technical Vocational Institute (TVI), Bond Issue Study*  
(Research & Polling, Inc., 2005)

*Albuquerque Technical Vocational Institute (TVI), Rio Rancho Tax Assessment District Extension Survey*  
(Research & Polling, Inc., 2005)

*Albuquerque Technical Vocational Institute (TVI), Retention Study for Fall 2004 Students*  
(Research & Polling, Inc., 2005)

*All Faiths Receiving Home, Public Perception Survey, Former Donors*  
(Research & Polling, Inc., 2005)

*All Faiths Receiving Home, Community Perception Survey, Random Component*  
(Research & Polling, Inc., 2005)

**Selected Publications/Reports (2001 to 2013) (continued)**

*Animal Humane Association of New Mexico, Community Perception Survey*  
(Research & Polling, Inc., 2005)

*Blue Cross and Blue Shield of New Mexico, Market Perception Survey*  
(Research & Polling, Inc., 2005)

*Centex Homes, Lone Pine Ranch Study, Edgewood Area Residents*  
(Research & Polling, Inc., 2005)

*City of Albuquerque, Citizens' Perceptions of, Community Conditions*  
(Research & Polling, Inc., 2005)

*City of Albuquerque, City Council District 1 Survey*  
(Research & Polling, Inc., 2005)

*City of Albuquerque International Sunport, Food and Beverage Services Survey*  
(Research & Polling, Inc., 2005)

*City of Rio Rancho, Cable Communications, Cable Services Survey*  
(Research & Polling, Inc., 2005)

*Court Consolidation Study Committee, Doña Ana County Courts Study Mail Survey*  
(Research & Polling, Inc., 2005)

*(The) Economics of Law Practice in New Mexico, Lawyer Compensation, Summary of Results*  
(Research & Polling, Inc., 2005)

*Forest City Enterprises, Inc., Business Decision Makers Market Research Survey*  
(Research & Polling, Inc., 2005)

*Forest City Enterprises, Inc., Site Selection Consultants Market Research Survey*  
(Research & Polling, Inc., 2005)

*Health First Health Plans, Senior Citizens and Medicare Beneficiaries Health Plan Survey*  
(Research & Polling, Inc., 2005)

*Interagency Benefits Advisory Committee (IBAC), Member Healthcare Satisfaction Survey*  
(Research & Polling, Inc., 2005)

*Intel Corporation, Folsom, CA, Corporate Image Survey*  
(Research & Polling, Inc., 2005)

*KPMG, Market Demand Study, Premium Seating at the Proposed Arena in Baltimore, MD*  
(Research & Polling, Inc., 2005)

*Las Cruces Convention/Event/Civic Center, Public Opinion Survey\*  
(Research & Polling, Inc., 2005)

*Las Cruces Convention and Visitors Bureau, Las Cruces Tourism Intercept Studies, Leisure Travelers,  
EMS Conventioneers and Methodist Conventioneers*  
(Research & Polling, Inc., 2005)

**Selected Publications/Reports (2001 to 2013) (*continued*)**

*Los Alamos National Bank, Los Alamos County Survey*  
(Research & Polling, Inc., 2005)

*Los Alamos National Bank, Santa Fe County Survey*  
(Research & Polling, Inc., 2005)

*McKee Wallwork, New Mexico Department of Health, Smoke Free Opinion Poll, Española*  
(Research & Polling, Inc., 2005)

*McKee Wallwork, New Mexico Department of Health, Smoke-Free Opinion Poll, Farmington*  
(Research & Polling, Inc., 2005)

*McKee Wallwork, New Mexico Department of Health, Statewide Tobacco Control, Awareness Ad Survey*  
(Research & Polling, Inc., 2005)

*McKee Wallwork, New Mexico Department of Health, Youth Tobacco, Ad Awareness Survey I*  
(Research & Polling, Inc., 2005)

*Mid-Region Council of Governments of New Mexico (MR-COG), Valencia and Southern Sandoval County Transportation Study*  
(Research & Polling, Inc., 2005)

*Moriarty Municipal School District Performing Arts Theater Study*  
(Research & Polling, Inc., 2005)

*National Association of Industrial and Office Properties (NAIOP), Image Study*  
(Research & Polling, Inc., 2005)

*National Association of YWCA Executives (NAYE), YWCA Executives' Salaries and Benefits Study*  
(Research & Polling, Inc., 2005)

*New Mexico Department of Game & Fish, Angler Satisfaction Survey*  
(Research & Polling, Inc., 2005)

*New Mexico Department of Game and Fish, Turkey Hunters Survey*  
(Research & Polling, Inc., 2005)

*New Mexico Educators Federal Credit Union, Market Research Survey*  
(Research & Polling, Inc., 2005)

*New Mexico Environmental Survey, Green & Associates, Summary of Results*  
(Research & Polling, Inc., 2005)

*New Mexico Human Services Department, Barriers To Obtaining Health Insurance Among Native Americans In New Mexico (Qualitative Report)*  
(Research & Polling, Inc., 2005)

*New Mexico Public Accountancy Board, Sarbanes-Oxley Act Survey, Research Among Business Professionals and CPAs, (Quantitative Report)*  
(Research & Polling, Inc., 2005)

**Selected Publications/Reports (2001 to 2013) (continued)**

*New Mexico Public Accountancy Board, Sarbanes-Oxley Act (Qualitative Report)*  
(Research & Polling, Inc., 2005)

*New Mexico Student Loans, Customer Satisfaction Survey*  
(Research & Polling, Inc., 2005)

*Outcomes, Inc., Workplace Issues Survey, Current Clients*  
(Research & Polling, Inc., 2005)

*Outcomes, Inc., Workplace Issues Survey, Prospective Clients*  
(Research & Polling, Inc., 2005)

*Presbyterian Health Plan & Presbyterian Insurance Company, Inc., After-Hours Phone System Access Study*  
(Research & Polling, Inc., 2005)

*Presbyterian Health Plan & Presbyterian Insurance Company, Inc., Practitioner Services/Patient Access*  
(Research & Polling, Inc., 2005)

*Presbyterian Healthcare Services, Brand Preference Study XX*  
(Research & Polling, Inc., 2005)

*Presbyterian Healthcare Services, Brand Preference Study XIX*  
(Research & Polling, Inc., 2005)

*Presbyterian Healthcare Services, Behavioral Health Specialists*  
(Research & Polling, Inc., 2005)

*Presbyterian Healthcare Services, Santa Fe, Community Perception Survey*  
(Research & Polling, Inc., 2005)

*Ruidoso Municipal Election Study*  
(Research & Polling, Inc., 2005)

*San Juan Regional Medical Center, Community Perception Survey*  
(Research & Polling, Inc., 2005)

*San Juan Regional Medical Center, Riddle of the Sphinx Employee Focus Group Analysis Report*  
(Research & Polling, Inc., 2005)

*Sandia National Laboratories, Community Perception Survey*  
(Research & Polling, Inc., 2005)

*Sandia National Laboratories, Small Business Assistance Program Survey*  
(Research & Polling, Inc., 2005)

*Sierra Club, New Mexico Trapping Survey*  
(Research & Polling, Inc., 2005)

*Sites Southwest, City of Albuquerque Tree Survey*  
(Research & Polling, Inc., 2005)



**Selected Publications/Reports (2001 to 2013) (*continued*)**

*Sites Southwest, Las Cruces Housing Survey*  
(Research & Polling, Inc., 2005)

*State of New Mexico, Office of the Lieutenant Governor, Pre-Kindergarten Survey*  
(Research & Polling, Inc., 2005)

*St. Vincent Regional Medical Center, Community Perception Survey*  
(Research & Polling, Inc., 2005)

*United Way of Santa Fe County, Market Research Survey*  
(Research & Polling, Inc., 2005)

*University of New Mexico, Westside Campus, College Interest Survey*  
(Research & Polling, Inc., 2005)

*Waste Management, Bosque Farms, New Mexico, Customer Satisfaction Survey*  
(Research & Polling, Inc., 2005)

*AARP, Mortgage Lending Survey*  
(Research & Polling, Inc., 2004)

*Albuquerque Public Schools, Community Survey*  
(Research & Polling, Inc., 2004)

*Barnabas Institute, Santa Fe Survey-Religious Activity*  
(Research & Polling, Inc., 2004)

*Bernalillo County Commission District 4, Republican Primary*  
(Research & Polling, Inc., 2004)

*City of Rio Rancho District 6, Learning Center Needs Assessment Survey*  
(Research & Polling, Inc., 2004)

*College of Santa Fe, Market Research Study, Albuquerque Campus*  
(Research & Polling, Inc., 2004)

*DW Turner, Inc., Credit-Based Insurance Scoring Survey*  
(Research & Polling, Inc., 2004)

*DW Turner, Inc./Molycorp, Inc., Public Opinion Survey*  
(Research & Polling, Inc., 2004)

*DW Turner, Inc./New Mexico Education Retirement Act, Retirement Benefits Survey*  
(Research & Polling, Inc., 2004)

*EXPO New Mexico/New Mexico State Fair, Market Research Study*  
(Research & Polling, Inc., 2004)

*GCC-Dacotah, Employee Satisfaction Survey*  
(Research & Polling, Inc., 2004)

**Selected Publications/Reports (2001 to 2013) (continued)**

*Hayduk-King Advertising, Inc./Laguna Development Corporation/Dancing Eagle Casino, Market Research*

(Research & Polling, Inc., 2004)

*Intel Corporation, Rio Rancho Corporate Image Survey*

(Research & Polling, Inc., 2004)

*Intel Corporation, Santa Clara, California, Corporate Image*

(Research & Polling, Inc., 2004)

*Laguna Development Corporation/Dancing Eagle Gallup/Grants Casino Market Research*

(Research & Polling, Inc., 2004)

*Laguna Development Corporation/MJM Company, Albuquerque Casino Market Research*

(Research & Polling, Inc., 2004)

*Los Alamos County, Parks & Recreational Needs*

(Research & Polling, Inc., 2004)

*Los Alamos National Bank, Los Alamos County Survey*

(Research & Polling, Inc., 2004)

*Los Alamos National Bank, Santa Fe County Survey*

(Research & Polling, Inc., 2004)

*Los Alamos National Laboratory, Community Leaders Study*

(Research & Polling, Inc., 2004)

*Meadowlark Senior Center, Rio Rancho Mail Survey*

(Research & Polling, Inc., 2004)

*McKee Wallwork, New Mexico Department of Health, Smoke-Free Opinion Poll, Gallup*

(Research & Polling, Inc., 2004)

*McKee Wallwork, New Mexico Department of Health, Smoke-Free Opinion Poll, Santa Fe*

(Research & Polling, Inc., 2004)

*McKee Wallwork, New Mexico Department of Health, Smoke-Free Opinion Poll, Taos County*

(Research & Polling, Inc., 2004)

*McKee Wallwork, New Mexico Department of Health, Statewide Tobacco Control, Awareness Ad Survey III*

(Research & Polling, Inc., 2004)

*Moreno Valley Healthcare Clinic, Community Survey*

(Research & Polling, Inc., 2004)

*National Atomic Museum, Redstone Rocket Display*

(Research & Polling, Inc., 2004)

*New Mexicans Concerned About Tobacco, Smoke-Free Opinion Poll, Businesses*

(Research & Polling, Inc., 2004)

**Selected Publications/Reports (2001 to 2013) (continued)**

*New Mexicans Concerned About Tobacco, Tobacco Legislation Survey—New Mexico*  
(Research & Polling, Inc., 2004)

*New Mexico Department of Health in conjunction with Families & Youth, Inc., Smoke-Free Opinion Poll, Las Cruces*  
(Research & Polling, Inc., 2004)

*New Mexico Educators Federal Credit Union, Market Research Survey*  
(Research & Polling, Inc., 2004)

*New Mexico Mutual Casualty Company, Customer Satisfaction Survey*  
(Research & Polling, Inc., 2004)

*New Mexico Public Policy Study*  
(Research & Polling, Inc., 2004)

*New Mexico State Senate District 1, Summary of Results*  
(Research & Polling, Inc., 2004)

*Oklahoma Statewide Gambling, The Creek Nation, the Oklahoma Indian Gaming Association, the Osage Nation, and the Seneca Cayuga Nation*  
(Research & Polling, Inc., 2004)

*Otero Mesa Public Opinion Survey*  
(Research & Polling, Inc., 2004)

*Paseo Del Norte, Public Opinion Poll*  
(Research & Polling, Inc., 2004)

*Presbyterian Health Plan, Practitioner Services/Patient Access*  
(Research & Polling, Inc., 2004)

*Presbyterian Healthcare Services, Behavioral Health Specialists*  
(Research & Polling, Inc., 2004)

*Presbyterian Healthcare Services, Brand Preference Study XVIII*  
(Research & Polling, Inc., 2004)

*Presbyterian Healthcare Services, Brand Preference Study XVII*  
(Research & Polling, Inc., 2004)

*Presbyterian Healthcare Services, Health Care Preference Study, Rio Rancho*  
(Research & Polling, Inc., 2004)

*Presbyterian Healthcare Services, Physician Survey – Regional Hospitals*  
(Research & Polling, Inc., 2004)

*Presbyterian Healthcare Services, Senior Citizens & Medicare Beneficiaries*  
(Research & Polling, Inc., 2004)

*Plains Regional Medical Center, Community Survey*  
(Research & Polling, Inc., 2004)

**Selected Publications/Reports (2001 to 2013) (continued)**

*Rio Transit Services/, Paratransit Survey, Rio Rancho*  
(Research & Polling, Inc., 2004)

*San Juan Regional Medical Center, Community Perceptions*  
(Research & Polling, Inc., 2004)

*San Juan Regional Medical Center, Physician Retention*  
(Research & Polling, Inc., 2004)

*Sandia National Laboratories, Small Business Assistance Program Survey*  
(Research & Polling, Inc., 2004)

*Santa Fe County, Public Opinion Poll*  
(Research & Polling, Inc., 2004)

*Sites Southwest, City of Rio Rancho Recreation Survey*  
(Research & Polling, Inc., 2004)

*State Bar of New Mexico, 2004 Membership Survey*  
(Research & Polling, Inc., 2004)

*State of New Mexico, Health Policy Commission, Uninsured Employer Survey*  
(Research & Polling, Inc., 2004)

*State of New Mexico, Health Policy Commission, Uninsured Household Survey*  
(Research & Polling, Inc., 2004)

*TVI, Employee Satisfaction Survey, Phase II*  
(Research & Polling, Inc., 2004)

*TVI, Rio Rancho, Image Survey*  
(Research & Polling, Inc., 2004)

*TVI Learning Center, Rio Rancho Residents*  
(Research & Polling, Inc., 2004)

*United Blood Services of Arizona, Donor Study*  
(Research & Polling, Inc., 2004)

*Youth Development, Inc., Public Image Survey, Affluent Population in Albuquerque Metro Area*  
(Research & Polling, Inc., 2004)

*Albuquerque/Bernalillo County, Resident Survey Regarding Public Libraries*  
(Research & Polling, Inc., 2003)

*Albuquerque Public Schools, Public Opinion Poll*  
(Research & Polling, Inc., 2003)

*Albuquerque Technical Vocational Institute, Westside Campus*  
(Research & Polling, Inc., 2003)

**Selected Publications/Reports (2001 to 2013) (continued)**

*Albuquerque Technical Vocational Institute, Public Image Study*  
(Research & Polling, Inc., 2003)

*American Home Furnishings, Market Research (Tucson, Arizona)*  
(Research & Polling, Inc., 2003)

*Avanti Ltd., Wal-Mart Stores, Rio Rancho Public Image Study*  
(Research & Polling, Inc., 2003)

*City of Albuquerque, Citizens' Perceptions of Community Conditions*  
(Research & Polling, Inc., 2003)

*First National Bank of Santa Fe*  
(Research & Polling, Inc., 2003)

*Griffin & Associates, Anti-Litter Campaign Awareness*  
(Research & Polling, Inc., 2003)

*Grubb & Ellis, Median Sales Analysis*  
(Research & Polling, Inc., 2003)

*Intel Corporation, Image Study (Folsom, California)*  
(Research & Polling, Inc., 2003)

*Intel Corporation, Image Study (Santa Clara, California)*  
(Research & Polling, Inc., 2003)

*Intel Corporation, Image Study (Rio Rancho, New Mexico)*  
(Research & Polling, Inc., 2003)

*Interagency Benefits Advisory Committee (IBAC), Member Satisfaction Survey Research*  
(Research & Polling, Inc., 2003)

*Kirtland Federal Credit Union*  
(Research & Polling, Inc., 2003)

*Las Cruces Convention & Visitors Bureau, Las Cruces Print Conversion*  
(Research & Polling, Inc., 2003)

*Lea County Electric Cooperative*  
(Research & Polling, Inc., 2003)

*Los Alamos County, Community Perceptions Study*  
(Research & Polling, Inc., 2003)

*Los Alamos County, White Rock Residential Survey Regarding Inoperable Vehicles*  
(Research & Polling, Inc., 2003)

*Los Alamos National Bank, Image Study (Los Alamos County)*  
(Research & Polling, Inc., 2003)

**Selected Publications/Reports (2001 to 2013) (continued)**

*Los Alamos National Bank, Image Study (Santa Fe Area)*  
(Research & Polling, Inc., 2003)

*Los Alamos National Laboratory, Community Leaders*  
(Research & Polling, Inc., 2003)

*MJM Company, Albuquerque Casino Market Research*  
(Research & Polling, Inc., 2003)

*Moratorium Campaign/New Mexico Coalition to Repeal the Death Penalty, New Mexico Death Penalty Poll*  
(Research & Polling, Inc., 2003)

*New Mexico Children's Cabinet, Public Opinion Survey on Children's Issues*  
(Research & Polling, Inc., 2003)

*New Mexicans Concerned About Tobacco, Tobacco & Alcohol Survey (City of Albuquerque)*  
(Research & Polling, Inc., 2003)

*New Mexicans Concerned About Tobacco, Tobacco & Alcohol Survey (Statewide)*  
(Research & Polling, Inc., 2003)

*New Mexico Department of Health, Attitudes Toward Smoking in Public Places (San Juan)*  
(Research & Polling, Inc., 2003)

*New Mexico Department of Health, Secondhand Smoke (Roswell)*  
(Research & Polling, Inc., 2003)

*New Mexico Department of Health, Statewide Tobacco Control Ad II*  
(Research & Polling, Inc., 2003)

*New Mexico Department of Tourism, Broadcast Conversion*  
(Research & Polling, Inc., 2003)

*New Mexico Educational Assistance Foundation/New Mexico Student Loan Guarantee Corporation, Branding & Market Research Study*  
(Research & Polling, Inc., 2003)

*New Mexico Office of the Attorney General, Telemarketing Study*  
(Research & Polling, Inc., 2003)

*Nye County, Nevada, Consensus Planning, Pahrump Regional Planning District Master Plan Update*  
(Research & Polling, Inc., 2003)

*Parsons Brinckerhoff/City of Albuquerque Transit Department, Commuter Transportation Study*  
(Research & Polling, Inc., 2003)

*Presbyterian Health Plan, New Member Welcome Call Follow-Up*  
(Research & Polling, Inc., 2003)

*Presbyterian Healthcare Services, Behavioral Health*  
(Research & Polling, Inc., 2003)

**Selected Publications/Reports (2001 to 2013) (continued)**

*Presbyterian Healthcare Services, Brand Preference XIV*  
(Research & Polling, Inc., 2003)

*Presbyterian Healthcare Services, Brand Preference XV*  
(Research & Polling, Inc., 2003)

*Presbyterian Healthcare Services, Las Cruces Community Survey*  
(Research & Polling, Inc., 2003)

*Presbyterian Healthcare Services, Mystery Shop (3<sup>rd</sup> Quarter)*  
(Research & Polling, Inc., 2003)

*Presbyterian Healthcare Services, Physician Mail Study*  
(Research & Polling, Inc., 2003)

*Presbyterian Healthcare Services, Senior Citizens & Medicare Beneficiaries*  
(Research & Polling, Inc., 2003)

*Presbyterian Healthcare Services, Valencia County*  
(Research & Polling, Inc., 2003)

*Rio Grande Portland Cement/GCC-Rio Grande, Employee Study*  
(Research & Polling, Inc., 2003)

*San Juan Regional Medical Center*  
(Research & Polling, Inc., 2003)

*Sandia National Laboratories, New Mexico Small Business Assistance Program*  
(Research & Polling, Inc., 2003)

*Santa Fe Quality of Life Committee, Santa Fe Public Opinion Poll*  
(Research & Polling, Inc., 2003)

*St. Vincent Hospital*  
(Research & Polling, Inc., 2003)

*TriCore Reference Laboratories, Pre-Testing Image Study*  
(Research & Polling, Inc., 2003)

*University of New Mexico Championship Golf Course*  
(Research & Polling, Inc., 2003)

*University of New Mexico, Image & Perceptions Study*  
(Research & Polling, Inc., 2003)

*U.S. New Mexico Federal Credit Union*  
(Research & Polling, Inc., 2003)

*Wal-Mart Stores/Avanti Ltd., Rio Rancho, New Mexico Public Image Study*  
(Research & Polling, Inc., 2003)

**Selected Publications/Reports (2001 to 2013) (continued)**

*Waste Management of New Mexico, Lea County Business & Residential Customers*  
(Research & Polling, Inc., 2003)

*1,000 Friends of New Mexico, Environmental Issues I & II*  
(Research & Polling, Inc., 2002)

*Alamogordo Public Library*  
(Research & Polling, Inc., 2002)

*Albuquerque Hispano Chamber of Commerce, Membership Study*  
(Research & Polling, Inc., 2002)

*Charter Bank, Mystery Shops*  
(Research & Polling, Inc., 2002)

*Children, Youth & Families Department, Employee Survey*  
(Research & Polling, Inc., 2002)

*Council of University Presidents, Employer Perceptions of New Mexico Universities*  
(Research & Polling, Inc., 2002)

*First National Bank of Durango*  
(Research & Polling, Inc., 2002)

*Giant Industries, Conoco Market Research Study (Albuquerque)*  
(Research & Polling, Inc., 2002)

*Giant Industries, Mustang Market Research Study (Gallup & Farmington)*  
(Research & Polling, Inc., 2002)

*Greater Albuquerque Chamber of Commerce, Metro Area Business Study*  
(Research & Polling, Inc., 2002)

*Human Needs Coordinating Council, Income Support*  
(Research & Polling, Inc., 2002)

*Intel Corporation, Annual Image Study*  
(Research & Polling, Inc., 2002)

*Interagency Benefits Advisory Committee (IBAC), Member Healthcare Satisfaction (Statewide)*  
(Research & Polling, Inc., 2002)

*Los Alamos County, Community Perception*  
(Research & Polling, Inc., 2002)

*Los Alamos National Bank, Market Research Study (Los Alamos County)*  
(Research & Polling, Inc., 2002)

*Los Alamos National Laboratory, Community Perception*  
(Research & Polling, Inc., 2002)



**Selected Publications/Reports (2001 to 2013) (*continued*)**

*New Mexicans Concerned About Tobacco, Secondhand Smoke (Albuquerque)*  
(Research & Polling, Inc., 2002)

*New Mexico Department of Health, Statewide Tobacco Control Ad Awareness*  
(Research & Polling, Inc., 2002)

*New Mexico Department of Health, Attitudes Toward Smoking in Public Places*  
(Alamogordo/Espanola/Roswell/Socorro)  
(Research & Polling, Inc., 2002)

*New Mexico Department of Tourism, Broadcast Conversion*  
(Research & Polling, Inc., 2002)

*New Mexico Department of Tourism, Print Conversion*  
(Research & Polling, Inc., 2002)

*New Mexico Medical Review Association, Smoking Cessation Telephone Help Line*  
(Research & Polling, Inc., 2002)

*New Mexico Office of Cultural Affairs*  
(Research & Polling, Inc., 2002)

*Presbyterian Healthcare Services, Brand Preference XIII*  
(Research & Polling, Inc., 2002)

*Presbyterian Healthcare Services, Disenrollers*  
(Research & Polling, Inc., 2002)

*Rapid City Regional Hospital System, Employer Survey Regarding Commercial Risk Products*  
(Research & Polling, Inc., 2002)

*Sandia National Laboratories, New Mexico Small Business Assistance Program*  
(Research & Polling, Inc., 2002)

*Santa Fe County, Attitudes Toward Gross Receipts Tax Increase*  
(Research & Polling, Inc., 2002)

*Soltari LLC, New Mexico Drug Policy Project*  
(Research & Polling, Inc., 2002)

*Sun Healthcare, Newsletter*  
(Research & Polling, Inc., 2002)

*Think New Mexico, Attitudes Toward Eliminating Gross Receipts Tax on Food*  
(Research & Polling, Inc., 2002)

*University of New Mexico, Ad Campaign Recall*  
(Research & Polling, Inc., 2002)

*Waste Isolation Pilot Plant, Westinghouse*  
(Research & Polling, Inc., 2002)

**Selected Publications/Reports (2001 to 2013) (continued)**

*City of Albuquerque, Citizens' Perceptions of Community Conditions*  
(Research & Polling, Inc., 2001)

*Albuquerque Public Schools, Support for Mil Levy & Government Obligation Bonds*  
(Research & Polling, Inc., 2001)

*Animal Protection of New Mexico, Cockfighting Study*  
(Research & Polling, Inc., 2001)

*Children Youth & Families Department, Employee Survey*  
(Research & Polling, Inc., 2001)

*Cimarron Health Plan, Commercial NCQA HEDIS*  
(Research & Polling, Inc., 2001)

*Cimarron Health Plan, Management of Menopause NCQA HEDIS*  
(Research & Polling, Inc., 2001)

*Cimarron Health Plan, Medicaid NCQA HEDIS*  
(Research & Polling, Inc., 2001)

*Cimarron Health Plan, QualMed NCQA HEDIS*  
(Research & Polling, Inc., 2001)

*Department of Health, Smoking Ad Campaign*  
(Research & Polling, Inc., 2001)

*Giant Industries, Travel Centers*  
(Research & Polling, Inc., 2001)

*Greater Albuquerque Chamber of Commerce, Metro Area Business Study*  
(Research & Polling, Inc., 2001)

*Intel Corporation, Annual Image*  
(Research & Polling, Inc., 2001)

*Lea County, Death Penalty (New Mexico Public Defender's Office)*  
(Research & Polling, Inc., 2001)

*Lea County, Horse Racing Track*  
(Research & Polling, Inc., 2001)

*Lincoln County Medical Center*  
(Research & Polling, Inc., 2001)

*The Lindesmith Center - Drug Policy Foundation, New Mexico Drug Reform*  
(Research & Polling, Inc., 2001)

*Los Alamos County, Defensible Space Program*  
(Research & Polling, Inc., 2001)

**Selected Publications/Reports (2001 to 2013) (continued)**

*Los Alamos County, Fire Survivors*  
(Research & Polling, Inc., 2001)

*Los Alamos County, Fire Survivors - Landlords*  
(Research & Polling, Inc., 2001)

*Los Alamos National Bank, Market Research Study - Santa Fe County*  
(Research & Polling, Inc., 2001)

*New Mexico Department of Game & Fish, Angler Satisfaction*  
(Research & Polling, Inc., 2001)

*New Mexico Indian Gaming Association, Indian Gaming*  
(Research & Polling, Inc., 2001)

*New Mexico Medical Society, Medical Care Access*  
(Research & Polling, Inc., 2001)

*Presbyterian Heart Group, Patient Satisfaction*  
(Research & Polling, Inc., 2001)

*Presbyterian Health Plan, Image Study*  
(Research & Polling, Inc., 2001)

*Presbyterian Healthcare Services, Brand Preference XI*  
(Research & Polling, Inc., 2001)

*Presbyterian Healthcare Services, Lincoln County Medical Center*  
(Research & Polling, Inc., 2001)

*Presbyterian Healthcare Services, Physician - Delivery System*  
(Research & Polling, Inc., 2001)

*Presbyterian Health Plan, Salud Member Satisfaction*  
(Research & Polling, Inc., 2001)

*Presbyterian Healthcare Services, Senior Study*  
(Research & Polling, Inc., 2001)

*Presbyterian Health Plan, Westside Study*  
(Research & Polling, Inc., 2001)

*Rio Rancho Public Library, Esther Bone Memorial Library Facility - Public Opinion Poll*  
(Research & Polling, Inc., 2001)

*Town of Taos, Public Opinion Poll, Gross Receipts Tax*  
(Research & Polling, Inc., 2001)

*University of New Mexico, Quantum Magazine*  
(Research & Polling, Inc., 2001)

**Selected Publications/Reports (2001 to 2013) (continued)**

*Albuquerque, City of, Arena/Stadium Public Opinion Poll*  
(Research & Polling, Inc., 2000)

*Albuquerque, City of, Career Executives*  
(Research & Polling, Inc., 2000)

*Albuquerque, City of/Bernalillo County, Unification Study*  
(Research & Polling, Inc., 2000)

*Albuquerque, City of/Department of Family & Community Services, Public Housing*  
(Research & Polling, Inc., 2000)

*Albuquerque International Sunport, Employee Study*  
(Research & Polling, Inc., 2000)

*Albuquerque International Sunport, FBO Study*  
(Research & Polling, Inc., 2000)

*Albuquerque International Sunport, Merchant/Food Service/Ground Transportation Study*  
(Research & Polling, Inc., 2000)

*Albuquerque International Sunport, Passenger Study*  
(Research & Polling, Inc., 2000)

*American Society of Radiologic Technologists, Purchasing Decisions*  
(Research & Polling, Inc., 2000)

*Anchor Gaming, Gaming Study*  
(Research & Polling, Inc., 2000)

*ARCA/InterCare, Employee Satisfaction*  
(Research & Polling, Inc., 2000)

*Charter Bank & Mortgage, MFA Customer Service*  
(Research & Polling, Inc., 2000)

*Children, Youth & Families Department, Employee Study*  
(Research & Polling, Inc., 2000)

*Cimarron Health Plan, Management of Menopause*  
(Research & Polling, Inc., 2000)

*Cimarron Health Plan/Cimarron Salud, NCQA HEDIS*  
(Research & Polling, Inc., 2000)

*Cornell Companies, Santa Fe Penitentiary*  
(Research & Polling, Inc., 2000)

*Eye Associates of New Mexico, Laser Vision Correction*  
(Research & Polling, Inc., 2000)

**Selected Publications/Reports (2001 to 2013) (continued)**

*Eye Associates of New Mexico, Patient Satisfaction*  
(Research & Polling, Inc., 2000)

*Greater Albuquerque Chamber of Commerce, Metro Area Business Survey*  
(Research & Polling, Inc., 2000)

*Heritage Forests Campaign, Public Opinion Poll*  
(Research & Polling, Inc., 2000)

*Intel Corporation, Annual Image Study*  
(Research & Polling, Inc., 2000)

*KENW, Members/Viewers Study*  
(Research & Polling, Inc., 2000)

*Kmart Corporation, Consumer Study*  
(Research & Polling, Inc., 2000)

*KNME, Members/Viewers Study*  
(Research & Polling, Inc., 2000)

*KRWG, Members/Viewers Study*  
(Research & Polling, Inc., 2000)

*Los Alamos County, Citizen Satisfaction*  
(Research & Polling, Inc., 2000)

*Los Alamos Meeting & Visitor Bureau, Hotel Guests*  
(Research & Polling, Inc., 2000)

*Los Alamos Meeting & Visitor Bureau, Tourism Conversion*  
(Research & Polling, Inc., 2000)

*Los Alamos National Bank, Market Research Study*  
(Research & Polling, Inc., 2000)

*Los Alamos National Laboratory, Community Leaders*  
(Research & Polling, Inc., 2000)

*Los Alamos National Laboratory, Work Environment Study*  
(Research & Polling, Inc., 2000)

*Manzano Day School, Self-Administered Survey*  
(Research & Polling, Inc., 2000)

*Nevada Division of Wildlife, Mule Deer*  
(Research & Polling, Inc., 2000)

*New Mexicans Concerned About Tobacco/American Cancer Society, Tobacco Legislative Issues*  
(Research & Polling, Inc., 2000)

*New Mexico Child Care Association, Child Care Center Needs*

**Selected Publications/Reports (2001 to 2013) (continued)**

(Research & Polling, Inc., 2000)

*New Mexico Conservation Voters Alliance, New Mexico Conservation Education Fund*  
(Research & Polling, Inc., 2000)

*New Mexico Department of Game & Fish, Angler Satisfaction*  
(Research & Polling, Inc., 2000)

*New Mexico Department of Game & Fish, Mule Deer*  
(Research & Polling, Inc., 2000)

*New Mexico Department of Tourism/Albuquerque Convention & Visitors Bureau, Broadcast Conversion*  
(Research & Polling, Inc., 2000)

*New Mexico Department of Tourism, Broadcast Conversion*  
(Research & Polling, Inc., 2000)

*New Mexico Department of Tourism, New Mexico Central Region*  
(Research & Polling, Inc., 2000)

*New Mexico Department of Tourism, Print Conversion*  
(Research & Polling, Inc., 2000)

*New Mexico Medical Society, Physician Needs*  
(Research & Polling, Inc., 2000)

*New Mexico Teen Pregnancy Coalition, Attitudes Toward Sex Education*  
(Research & Polling, Inc., 2000)

*Pantex/Lockheed Martin, Amarillo Area Community*  
(Research & Polling, Inc., 2000)

*Presbyterian Health Plan, Salud Member Satisfaction*  
(Research & Polling, Inc., 2000)

*Presbyterian Health Plan, Senior Health Plan*  
(Research & Polling, Inc., 2000)

*Presbyterian Healthcare Services, Brand Preference Study X*  
(Research & Polling, Inc., 2000)

*Presbyterian Healthcare Services, Presbyterian Healthplex Member Satisfaction*  
(Research & Polling, Inc., 2000)

*Presbyterian Healthcare Services/Presbyterian Health Plan, NCQA HEDIS 2000*  
(Research & Polling, Inc., 2000)

*Santa Fe, City of, Public Opinion Poll - Housing Issues & City Services*  
(Research & Polling, Inc., 2000)

*University of New Mexico, Donor/Non-Donor Study*  
(Research & Polling, Inc., 2000)

...continued  
00230

**Selected Publications/Reports (2001 to 2013) (*continued*)**

*University Hospital, Mil Levy Election*  
(Research & Polling, Inc., 2000)

**Eyerman, Regan V.**

---

**AR 5**

**From:** Eyerman, Regan V.  
**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'; 'valdez@comcast.net'; 'nmpops@gmail.com'; 'ebarsis@bmv.com'  
**Cc:** Tavaréz, Isreal L.; Rocha, Dario W.  
**Subject:** Air Quality Authority-To-Construct Permit #1677-M2  
**Attachments:** public\_notice-1677-M2.doc

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.

The Division received an Air Quality Permit application from **Smith's Food & Drug Centers, Inc.** to modify their permit for their gasoline dispensing facility located at 200 Tramway Blvd SE in Albuquerque, New Mexico. The Division performed an initial technical review of the application. The Division on March 4, 2013 conducted an evaluation and has ruled the application complete and has assigned this application permit #1677-M2.

A copy of the public notice for permit #1677-M2 to be issued in a locally circulated newspaper is attached to this e-mail. The public notice period will run Sunday, March 10, 2013 through Wednesday, April 24, 2013. If a hearing is judged appropriate, then the Division may take up to 180 days to issue the permit following the date upon which such application is deemed complete. If a public hearing is not scheduled, then the Division has 90 days to issue or deny a permit following the date upon which the application is deemed complete.

If you have any questions regarding this permit or require any additional information, please feel free to contact me at [reyerman@cabq.gov](mailto:reyerman@cabq.gov) or at (505) 767-5625.





Thank you.

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

## PUBLIC NOTICE

### Application for Air Quality Authority-to-Construct Permit For Smith's Food & Drug Centers, Inc.

Smith's Food & Drug Centers, Inc. has submitted an authority-to-construct air quality permit application to the Air Quality Division (Division) of the City of Albuquerque Environmental Health Department to modify the air quality permit for their fuel dispensing station located at 200 Tramway Blvd SE in Albuquerque, New Mexico. Smith's Food & Drug Centers, Inc. is requesting to increase gasoline throughput in the permit from 3,900,000 gallons to 5,000,000 gallons per year. This application file has been assigned Permit #1677-M2. The owner of this fuel dispensing station is Smith's Food & Drug Centers, Inc., 1550 South Redwood Rd., Salt Lake City, Utah, 84116.

The air pollution emissions to the atmosphere from this facility have been estimated to be:

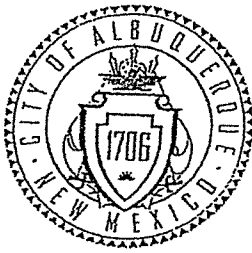
POLLUTANT	pounds per hour (lbs/hr)	tons per year (tpy)
Volatile Organic Compounds (VOCs)	14.8	32.5

The Division expects to initiate formal action on this permit application by April 29, 2013. However, the final writing of the permit will be reserved pending receipt and analysis of any additional details or information developed during the public comment. Interested persons may submit written comments or request a public hearing on Permit #1677-M2 to the Air Quality Division, Air Quality Services, P.O. Box 1293, Albuquerque, NM 87103. Comments will be accepted and considered if postmarked by April 24, 2013.

A copy of the permit application is available for inspection by the public at the Division offices, which are located at One Civic Plaza, Room 3047. For more information call Regan Eyerman, Permitting Scientist at (505) 767-5625.

**NOTICE FOR PERSON WITH DISABILITIES:** If you have a disability and/or require special assistance, please call (505) 768-2600 (Voice) and special assistance will be made available to you to review the above referenced application. TTY users call the New Mexico Relay at 1-800-659-8331 and special assistance will be made available to you to review the above referenced application.

Albuquerque Journal



Listed below is our monthly Associations/Coalitions List for **March 5, 2013**. The Office of Neighborhood Coordination (ONC), a division of the Planning Department, publishes this Associations/Coalitions List monthly – usually by the 5<sup>th</sup> of each month.

Please notify **Dalaina Carmona** at **505-924-3906**, e-mail: [dlcarmona@cabq.gov](mailto:dlcarmona@cabq.gov) of any inaccuracies, omissions or changes of information of which you are aware of and we will contact the Associations/Coalitions for confirmation of the change and will be updated on the following month's List.

**CONTACT INFORMATION FOR THE  
ASSOCIATIONS/COALITIONS ON OUR LIST CHANGES  
ALMOST ON A DAILY BASIS.**

**PLEASE NOTE:** This Associations/Coalitions List is valid for a one (1) month period. If you haven't utilized this Associations/Coalitions List within the month listed above, you will need to submit an updated request to our office to obtain a current copy.

**LEGEND**

- "R" Recognized Neighborhood Association under O-92.  
( ) Acronym (three letters) for Neighborhood Associations Used on AGIS Maps  
\* **Indicates Neighborhood Association President for Neighborhood Association or Group.**  
\*\*\* Indicates New Neighborhood and/or Homeowner Association.  
H.O.A. Home Owners Association.  
\*\* **Indicates an Association in the process of achieving Recognized Status.**  
NC Name Change of Neighborhood Association.  
FH Foothills APD Substation.  
NE Northeast APD Substation (John Carrillo).  
NW Northwest APD Substation.  
SE Southeast APD Substation (Phil Chacon).  
SW Southwest APD Substation (Shawn McWethy).  
VA Valley APD Substation (Gerald Cline).

**INTEROFFICE MAIL**  
Environmental Health Dept.  
Air Quality Division  
Isreal Tavarez

<u>TOTAL ON LIST</u>	<u>TOTAL N.A.</u>	<u>NOT RECOGNIZED</u>	<u>RECOGNIZED NEIGH. ASSOC.</u>	<u>COUNTY N.A.</u>	<u>TOTAL COALITIONS</u>
<b>246</b>	<b>235</b>	<b>70</b>	<b>165</b>	<b>16</b>	<b>11</b>

**THE ENCLAVE AT OXBOW H.O.A. (EOX)**

**\*Jill Greene**

*e-mail:* albdog@aol.com

3915 Fox Sparrow Trail NW/87120 410-3250 (h)  
Forrest Uppendahl

*e-mail:* uppsge@comcast.net

3900 Rock Dove Trail NW/87120 836-1758 (h)

*Council District:* 1  
*County District:* 1  
*Police Beat:* 632/NW  
*Zone Map:* G-11

**THE ESTATES AT TANOAN H.O.A. (ETH)**

**\*Darrell Spreen**

10412 City Lights Dr. NE/87111 797-0740 (h)  
Gerry Sussman

10424 City Lights Dr. NE/87111 797-8107 (h)

**NA E-mail:** EstatesatTanoan@aol.com

*Council District:* 8  
*County District:* 4  
*Police Beat:* 534/FH  
*Zone Map #:* D-E-21

**EXECUTIVE HILLS H.O.A. (EXH)**

**\*Annette Underhill**

*e-mail:* eh\_owners\_assn1@comcast.net

633 Executive Hills Ln. SE/87123 263-4286 (h) 559-2200 (c)  
Roxanne Holloway

13429 Executive Hills Way SE/87123

*Council District:* 9  
*County District:* 5  
*Police Beat:* 523/FH  
*Zone Map #:* L-M-22-23

**FAIR HEIGHTS N.A. (FHS) "R"**

**\*Elvira Lopez**

*e-mail:* elviralopez04@gmail.com

1504 Cardenas NE/87110 266-3509 (h)

Suzanne Ziglar

*e-mail:* suzenaz@swcp.com

5520 Mountain Rd. NE/87110 255-4074 (h)

**Website:** www.fairheights.org

**NA e-mail:** fhna90@aol.com

*Council District:* 7  
*County District:* 3  
*Police Beat:* 332/SE  
*Zone Map #:* J-K-17-18

**FAIR WEST N.A. (FWS) "R"**

**\*Tim Newell**

*e-mail:* tcnewell@yahoo.com

623 Valencia NE/87108 853-5651 (w)

Leah Steimel

*e-mail:* leahsteimel@yahoo.com

332 Cardenas Dr. NE/87108-1712 268-9358 (h)

**Website:** www.abqfairwest.com

*Council District:* 6  
*County District:* 3  
*Police Beat:* 333/SE  
*Zone Map #:* J-K-17-18

**FOUR HILLS VILLAGE H.O.A. (FHV) "R"**

**\*Roger Hartman**

*e-mail:* nmpops@gmail.com

1308 Wagon Train Dr. SE/87123 296-7924 (h)

Cassandra Osterloh

*e-mail:* cassandra.osterloh@yahoo.com

1424 Catron Ave. SE/87123

**Website:** www.fhvha.weebly.com

**NA E-mail:** fhvha.info@gmail.com

*Council District:* 9  
*County District:* 5  
*Police Beat:* 522/FH  
*Zone Map #:* M-N-22-23

**FOUR HILLS VILLAGE N.A. (FHN) "R"**

**\*Edwin Barsis**

*e-mail:* ebarsis@bmv.com

1538 Catron Ave. SE/87123 293-5347 (h)

Cathy Loveday

*e-mail:* mathewloveday@q.com

1600 Speakman Dr. SE/87123 298-4801 (h)

**Website:** www.fhvna.org

**NA E-mail:** info@fhvna.org

*Council District:* 9  
*County District:* 5  
*Police Beat:* 522/FH  
*Zone Map #:* M-N-22-23

**GAVILAN ADDITION N.A. (GVA)**

**\*Jacob Vigil**

*e-mail:* jacobmvigil@yahoo.com

5934 Pauline Ave. NW/87107 977-0268 (c)

Carol Pierce

*e-mail:* cpinabq@gmail.com

5929 Pauline Ave.. NW/87107 344-6361 (h)

*Council District:* 2  
*County District:* 1  
*Police Beat:* 239/VA  
*Zone Map #:* F-14

**SANDIA VISTA N.A. (SAN) "R"**

**\*Brenda Gebler**

*e-mail:* happygranny8@q.com

P.O. Box 50219/87181 293-5543 (h) 440-9450 (c)

Lucia Munoz *e-mail:* lmunoz@unmmg.org

316 Dorothy NE/87123 620-7164 (h)

*Council District:* 9

*County District:* 3

*Police Beat:* 521/FH

*Zone Map #:* K-21

**SANTA BARBARA H.O.A. (SBB)**

Deborah Garcia

7210 Whippoorwill NE/87109 401-0761 (h)

*Council District:* 4

*County District:* 4

*Police Beat:* 433/NE

*Zone Map:* D-19

**Website:** www.sbhoa.net

**NA E-mail:** sbhoa@qwestoffice.net

**SANTA BARBARA-MARTINEZTOWN ASSOC. (SBM) "R"**

**\*Carol Carrillo Pimentel**

*e-mail:* carrillocarol@ymail.com

340 Prospect Ave. NE/87102 604-8420 (c)

Christina Chavez *e-mail:* mom2301br@aol.com

517 Marble NE/87102 459-4521 (c)

*Council District:* 2

*County District:* 1

*Police Beat:* 234/VA

*Zone Map #:* H-J-14-15

**SANTA FE VILLAGE N.A. (SFV) "R"**

**\*Donna Rigano**

*e-mail:* djriganoswcp.com

5132 Bogart St. NW/87120 899-0910 (h)

Craig Kelley *e-mail:* candelkelley@gmail.com

6909 Sweetbrier Ave. NW/87120 206-4142 (c)

**Website:** www.sfvna.org

*Council District:* 1

*County District:* 1

*Police Beat:* 624/NW

*Zone Map #:* E-F-10

**SAWMILL AREA N.A. (SMA) "R"**

**\*Betsy Najjar**

*e-mail:* betnajjar@aol.com

916 19<sup>th</sup> St. NW/87104 242-4646 (h)

*Council District:* 2

*County District:* 1

*Police Beat:* 232/VA

*Zone Map #:* H-J-13

**SAWMILL COMMUNITY LAND TRUST (SCL)**

Connie Chavez

*e-mail:* cchavez@sawmillclt.org

P.O. Box 25181/87125 764-0359 (w)

Wendy Statkus *e-mail:* wstatkus@aol.com

P.O. Box 25181/87125

**Website:** www.sawmillclt.org

*Council District:* 2

*County District:* 1

*Police Beat:* 232/VA

*Zone Map #:* H-J-13

**SIESTA HILLS N.A. (SAH) "R"**

**\*Francie Straw**

*e-mail:* fwstraw@astraw.com

6311 Lovelace Rd. SE/87108 256-9536 (h) 620-1912 (c)

Don Daigle *e-mail:* lidaigle584076@comcast.net

6412 Mitchell SE/87108 515-9407 (h)

*Council District:* 6

*County District:* 3

*Police Beat:* 334/SE

*Zone Map #:* L-M-18

**SILVER HILL N.A. (SHL) "R"**

**\*Gordon Reiselt**

*e-mail:* greiselt@gmail.com

1515 Silver SE/87106 242-3345 (h)

Elizabeth Doak *e-mail:* doakec@cdm.com

1606 Silver SE/87106

**Website:** silverhillnet.org

*Council District:* 2

*County District:* 3

*Police Beat:* 322/SE

*Zone Map #:* K-L-15

**NA E-mail:** president@silverhillnet.org

**SINGING ARROW N.A. (SAW) "R"**

**\*Rose Sena**

*e-mail:* roserealtor89@yahoo.com

P.O. Box 5191/87185 385-3565 (c)

Mark Burton *e-mail:* principles@integrity.com

12500 Charla Ct. SE/87123 294-7609 (h)

**Website:** www.abqsana.org

*Council District:* 9

*County District:* 5

*Police Beat:* 523/FH

*Zone Map #:* L-21-23

**WINDMILL MANOR PLACE SUBDIVISION H.O.A. (WMM)**

**\*Lisa Woods** e-mail: woods7444@msn.  
5304 Tierra Amada St. NW/87120 897-7444 (h)  
Kathleen Ingley e-mail: pkingduckley@yahoo.com  
5228 Tierra Amada St. NW/87120

*Council District: 1*  
*County District: 1*  
*Police Beat: 628/NW*  
*Zone Map #: E-11*

**WINROCK SOUTH N.A. (WRS) "R"**

**\*Richard Peterson**  
7110 Constitution Ave. NE/87110-7122 321-5432 (message #)  
Virginia Kinney  
7110 Constitution Ave. NE/87110-7122 321-5432 (message #)

*Council District: 7*  
*County District: 3*  
*Police Beat: 332/SE*  
*Zone Map: J-18-19*

**WINTERWOOD PARK H.O.A. (WWP) "R"**

**\*Victor Valdez** e-mail: vavaldez@comcast.net  
13735 Winterwood Way SE/87123 263-2920 (c)  
Patty Jafari e-mail: pmjafari@aol.com  
13819 Winterwood Way SE/87123 292-0800 (c)

*Council District: 9*  
*County District: 5*  
*Police Beat: 523/FH*  
*Zone Map: L-M-23*

**YALE VILLAGE N.A. (YLV) "R"**

**\*Donald Love** e-mail: donaldlove08@comcast.net  
2125 Stanford SE/87106 480-7175 (h)  
Robin Berry  
2123 Cornell Dr. SE/87106 247-2780 (h)

*Council District: 6*  
*County District: 3*  
*Police Beat: 321/SE*  
*Zone Map: L-M-15-16*

**NEIGHBORHOOD COALITIONS**

**DISTRICT 4 COALITION OF N.A.'S**

**\*Peter Nicholls**, 8519 Palomar Ave. NE/87109 353-1996 (h) e-mail: pdnicholls@yahoo.com  
Erica Vasquez, P.O. Box 92315/87199 681-7286 (h)  
**Coalition E-mail:** sect.dist4@gmail.com

**DISTRICT 6 COALITION OF N.A.'S**

**\*Nancy Bearce**, 600 San Pablo St. NE/87108 254-7841 (h) e-mail: nmbcb4@gmail.com  
Marian Jordan, 816 Arizona SE/87108 268-5190 (h) e-mail: marianjor@aol.com

**DISTRICT 7 COALITION OF N.A.'S**

**\*Bill Hoch**, 813 Calle Del Corte NE/87110 265-0606 (h) 841-7114 (w)  
e-mail: wwhoch@aol.com -or- bhoch@da2nd.state.nm.us  
Lynne Martin, 1531 Espejo NE/87112 294-0435 (h) e-mail: lmartin900@aol.com

**DISTRICT 8 COALITION OF N.A.'S**

**\*Don Couchman**, 6441 Concordia NE/87111 821-2421 (h) 269-8335 (c) e-mail: dhc@zianet.com  
Janet Butts, 9200 Galaxia Way NE/87111 821-3698 (h) e-mail: janet\_42277@msn.com

**DOWNTOWN ACTION TEAM**

Debbie Stover, 100 Gold St. SW, Ste. 204/87102 243-2230 (w) e-mail: dstover@downtownabq.com  
Rick Rennie, 100 Gold St. SW, Ste. 204/87102 450-2182 (w) e-mail: rickrennie@comcast.net  
**Website:** www.DowntownABQ.com

**EAST GATEWAY COALITION**

**\*Roger Mickelson**, 1432 Catron Ave. SE/87123 332-9273 (h) e-mail: fhvharoger@aol.com  
Geneva Meeker, 1423 Wagontrain Dr. SE/87123 323-6868(h) e-mail: genmeek100@centurylink.net  
**Website:** www.eastgatewaycoalition.org

**THE FEDERATION OF UNIVERSITY NEIGHBORHOODS**

Mardon Gardella, 411 Maple St. NE/87106 843-6154 (h) e-mail: mg411@q.com  
Laurel Schillke, 1217 Coal Ave. SE/87106 243-8368 (h) e-mail: lschillke@juno.com

**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](mailto:ebarsis@bmv.com)

**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.



# CITY OF 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 23, 2013  
Certified Mail No. 7010 3090 0001 4395 8787  
Return Receipt Requested

AR 14

**RE: Air Quality Permit No. 1677-M2 ~ Smith's Food & Drug Centers, Inc.  
(Smith's) - Permit Modification**

Dear Mr. Toledo:

You submitted to the Air Quality Division (Air Division) of the City of Albuquerque (City) Environmental Health Department (Department) written comment regarding Smith's application for modification of Authority-to-Construct Permit No. 1677-M1 on Wednesday, April 24, 2013. The application requested a permit modification that would authorize Smith's to increase the annual throughput of gasoline from 3,900,000 gallons per year to 5,000,000 gallons per year for the fuel dispensing (gas) station located at 200 Tramway Blvd SE (Facility).

An air quality stationary source permit can address only air pollution issues and only to the extent authorized by the federal Clean Air Act (CAA), the New Mexico Air Quality Control Act (NM Air Act), the City Joint Air Quality Control Board Ordinance (Ordinance), and applicable Albuquerque - Bernalillo County Air Quality Control Board (Air Board) regulations. An air quality stationary source permit cannot address congestion and public safety issues included in your written request.

The primary regulated air pollutants emitted at gas stations are volatile organic compounds (VOCs). The Clean Air Act and 40 CFR 50 do not establish ambient concentration standards for VOCs. VOCs are not controlled in the same manner as pollutants that are subject to the national ambient air quality standards (NAAQS). Therefore, a VOC emission standard cannot be "exceeded" in the same manner as a NAAQS standard. Air dispersion modeling is not required by the federal Environmental Protection Agency (EPA) when an application for a gas station air quality Authority-to-Construct Permit or modification is submitted to the Air Division. Unlike NAAQS, there are no enforceable ambient VOC emission standards that can be the basis for denying a VOC permit or an application for modification of an existing gas station VOC permit. For purposes of air quality gas station permits issued by the Department, VOC emissions from gas stations are controlled by using federally-required "performance based" standards, which are found at 40 CFR 63, Subpart CCCCCC and locally-required 20.11.65 NMAC and 20.11.64 NMAC. Performance based standards for a gas station like the Smith's station on Tramway include fuel throughput maximums, vapor recovery systems, and work practice standards. The

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Albuquerque

00405  
0049

VOC tons-per-year numbers in gas station air quality permits are used for calculating annual emission fees. The VOC tons-per-year numbers in the permits are not emission maximums. Again, federally and locally-required controls for VOCs emitted by gas stations like Smith's are "performance based" requirements.

The decision of the Department regarding Smith's application for a permit modification is based on the requirements of the CAA, the NM Air Act, the Ordinance, and applicable Air Board regulations, including 20.11.41 NMAC, which is the Air Board "Authority to Construct" permit regulation, also known as "Part 41".

Before the Department made a decision regarding the application, the Department considered whether the application complied with the technical requirements of the CAA, of the NM Air Act, the Ordinance and applicable Air Board regulations.

As a part of the application review process, the Air Division established an "administrative record" regarding the permit modification application. The administrative record includes the application, evidence submitted by the applicant and all written comments and evidence received by the Air Division.

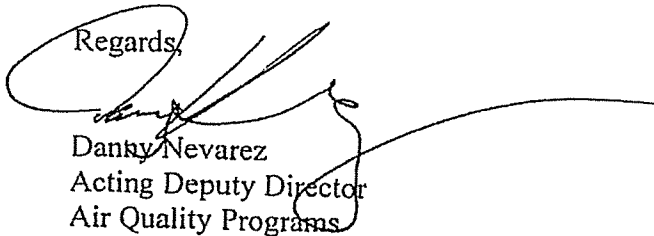
Before the Department made a decision, Air Division staff reviewed the administrative record. Additionally, the Air Division communicated with interested community members representing the Four Hills Village Neighborhood Association and the Executive Hills Home Owners Association via emails.

The Air Division published notice of the proposed modification in the Albuquerque Journal and sent copies of the public notice to surrounding neighborhood associations.

After the public comment period closed, the Air Division determined the permit application met all requirements of the CAA, the NM Air Act, the Ordinance and applicable Air Board regulations. In addition, the Air Division determined that, if the Facility is operated as required by Permit 1677-M2, there is no legal basis for the Department to deny the permit application. The reasons the Department can deny the permit modification are listed in NMSA 1978 § 74-2-7(C)(1) and 20.11.41.16 NMAC, "Basis for Permit Denial".

The Department issued Air Quality Permit No. 1677-M2 effective April 30, 2013. If you have any questions concerning this permit issuance, or the permitting process, please contact Regan Eyerman at (505)767-5625 or at [reyerman@cabq.gov](mailto:reyerman@cabq.gov). As provided by the New Mexico Air Quality Control Act, NMSA 1978, 74-2-7.H, as a participant in the permitting action, you may file a petition for a hearing on the merits before the Air Board as required by Air Board regulation 20.11.81 NMAC, "Adjudicatory Procedures-AQCB". The petition must be submitted in writing to the Air Board in care of Mary Lou Leonard, Director of the Environmental Health Department, to the address as shown on page 1 of this letter, within thirty (30) days from the date you receive this letter. Subsection C of 20.11.2.22 NMAC, "Board hearing filing fees", establishes: "Every person who requests a hearing before the board shall pay a filing fee of \$125.00, which shall be delivered to the board hearing clerk with the petition or other document that requests a hearing before the board."

Regards,

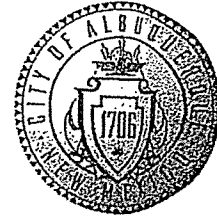
A handwritten signature in black ink, appearing to read 'Danky Nevarez', is written over the typed name and extends with a long horizontal stroke to the right.

Danky Nevarez  
Acting Deputy Director  
Air Quality Programs  
City of Albuquerque Environmental Health Department

cc: File

# CITY OF ALBUQUERQUE

Environmental Health Department  
Mary Lou Leonard, Director



AR 15

Mr. Andy Carrasco  
6505 Cypress Point Way NE  
Albuquerque, NM 87111

May 23, 2013  
Certified Mail No. 7010 3090 0001 4395 9913  
Return Receipt Requested

**RE: Air Quality Permit No. 1677-M2 ~ Smith's Food & Drug Centers, Inc.  
(Smith's) - Permit Modification**

Dear Mr. Carrasco:

You submitted to the Air Quality Division (Air Division) of the City of Albuquerque (City) Environmental Health Department (Department) written comment regarding Smith's application for modification of Authority-to-Construct Permit No. 1677-M1 on Wednesday, April 24, 2013. The application requested a permit modification that would authorize Smith's to increase the annual throughput of gasoline from 3,900,000 gallons per year to 5,000,000 gallons per year for the fuel dispensing (gas) station located at 200 Tramway Blvd SE (Facility).

An air quality stationary source permit can address only air pollution issues and only to the extent authorized by the federal Clean Air Act (CAA), the New Mexico Air Quality Control Act (NM Air Act), the City Joint Air Quality Control Board Ordinance (Ordinance), and applicable Albuquerque - Bernalillo County Air Quality Control Board (Air Board) regulations. An air quality stationary source permit cannot address congestion and public safety issues included in your written request.

The primary regulated air pollutants emitted at gas stations are volatile organic compounds (VOCs). The Clean Air Act and 40 CFR 50 do not establish ambient concentration standards for VOCs. VOCs are not controlled in the same manner as pollutants that are subject to the national ambient air quality standards (NAAQS). Therefore, a VOC emission standard cannot be "exceeded" in the same manner as a NAAQS standard. Air dispersion modeling is not required by the federal Environmental Protection Agency (EPA) when an application for a gas station air quality Authority-to-Construct Permit or modification is submitted to the Air Division. Unlike NAAQS, there are no enforceable ambient VOC emission standards that can be the basis for denying a VOC permit or an application for modification of an existing gas station VOC permit. For purposes of air quality gas station permits issued by the Department, VOC emissions from gas stations are controlled by using federally-required "performance based" standards, which are found at 40 CFR 63, Subpart CCCCCC and locally-required 20.11.65 NMAC and 20.11.64 NMAC. Performance based standards for a gas station like the Smith's station on Tramway include fuel throughput maximums, vapor recovery systems, and work practice standards. The VOC tons-per-year numbers in gas station air quality permits are used for calculating

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Albuquerque -

00410  
0054

annual emission fees. The VOC tons-per-year numbers in the permits are not emission maximums. Again, federally and locally-required controls for VOCs emitted by gas stations like Smith's are "performance based" requirements.

The decision of the Department regarding Smith's application for a permit modification is based on the requirements of the CAA, the NM Air Act, the Ordinance, and applicable Air Board regulations, including 20.11.41 NMAC, which is the Air Board "Authority to Construct" permit regulation, also known as "Part 41".

Before the Department made a decision regarding the application, the Department considered whether the application complied with the technical requirements of the CAA, of the NM Air Act, the Ordinance and applicable Air Board regulations.

As a part of the application review process, the Air Division established an "administrative record" regarding the permit modification application. The administrative record includes the application, evidence submitted by the applicant and all written comments and evidence received by the Air Division.

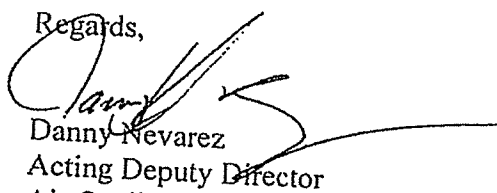
Before the Department made a decision, Air Division staff reviewed the administrative record. Additionally, the Air Division communicated with interested community members representing the Four Hills Village Neighborhood Association and the Executive Hills Home Owners Association via emails.

The Air Division published notice of the proposed modification in the Albuquerque Journal and sent copies of the public notice to surrounding neighborhood associations.

After the public comment period closed, the Air Division determined the permit application met all requirements of the CAA, the NM Air Act, the Ordinance and applicable Air Board regulations. In addition, the Air Division determined that, if the Facility is operated as required by Permit 1677-M2, there is no legal basis for the Department to deny the permit application. The reasons the Department can deny the permit modification are listed in NMSA 1978 § 74-2-7(C)(1) and 20.11.41.16 NMAC, "Basis for Permit Denial".

The Department issued Air Quality Permit No. 1677-M2 effective April 30, 2013. If you have any questions concerning this permit issuance, or the permitting process, please contact Regan Eyerman at (505)767-5625 or at [reyerman@cabq.gov](mailto:reyerman@cabq.gov). As provided by the New Mexico Air Quality Control Act, NMSA 1978, 74-2-7.H, as a participant in the permitting action, you may file a petition for a hearing on the merits before the Air Board as required by Air Board regulation 20.11.81 NMAC, "Adjudicatory Procedures-AQCB". The petition must be submitted in writing to the Air Board in care of Mary Lou Leonard, Director of the Environmental Health Department, to the address as shown on page 1 of this letter, within thirty (30) days from the date you receive this letter. Subsection C of 20.11.2.22 NMAC, "Board hearing filing fees", establishes: "Every person who requests a hearing before the board shall pay a filing fee of \$125.00, which shall be delivered to the board hearing clerk with the petition or other document that requests a hearing before the board."

Regards,



Danny Nevarez

Acting Deputy Director

Air Quality Programs

City of Albuquerque Environmental Health Department

cc: File

# CITY OF ALBUQUERQUE

Environmental Health Department  
Mary Lou Leonard, Director



May 23, 2013

Mr. Edwin H. Barsis  
President, Four Hills Village N.A.  
1538 Catron Ave. SE  
Albuquerque, NM 87123

AR 16

**RE: Air Quality Permit No. 1677-M2 ~ Smith's Food & Drug Centers, Inc.  
(Smith's) - Permit Modification**

Dear Mr. Barsis:

You submitted to the Air Quality Division (Air Division) of the City of Albuquerque (City) Environmental Health Department (Department) written questions regarding Smith's application for modification of Authority-to-Construct Permit No. 1677-M1 on Wednesday, April 24, 2013. The application requested a permit modification that would authorize Smith's to increase the annual throughput of gasoline from 3,900,000 gallons per year to 5,000,000 gallons per year for the fuel dispensing (gas) station located at 200 Tramway Blvd SE (Facility).

The primary regulated air pollutants emitted at gas stations are volatile organic compounds (VOCs). The Clean Air Act and 40 CFR 50 do not establish ambient concentration standards for VOCs. VOCs are not controlled in the same manner as pollutants that are subject to the national ambient air quality standards (NAAQS). Therefore, a VOC emission standard cannot be "exceeded" in the same manner as a NAAQS standard. Air dispersion modeling is not required by the federal Environmental Protection Agency (EPA) when an application for a gas station air quality Authority-to-Construct Permit or modification is submitted to the Air Division. Unlike NAAQS, there are no enforceable ambient VOC emission standards that can be the basis for denying a VOC permit or an application for modification of an existing gas station VOC permit. For purposes of air quality gas station permits issued by the Department, VOC emissions from gas stations are controlled by using federally-required "performance based" standards, which are found at 40 CFR 63, Subpart CCCCCC and locally-required 20.11.65 NMAC and 20.11.64 NMAC. Performance based standards for a gas station like the Smith's station on Tramway include fuel throughput maximums, vapor recovery systems, and work practice standards. The VOC tons-per-year numbers in gas station air quality permits are used for calculating annual emission fees. The VOC tons-per-year numbers in the permits are not emission maximums. Again, federally and locally-required controls for VOCs emitted by gas stations like Smith's are "performance based" requirements.

The decision of the Department regarding Smith's application for a permit modification is based on the requirements of the CAA, the NM Air Act, the Ordinance, and applicable Air Board regulations, including 20.11.41 NMAC, which is the Air Board "Authority to Construct" permit regulation, also known as "Part 41".

Albuquerque - Alak

00415

0059

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Before the Department made a decision regarding the application, the Department considered whether the application complied with the technical requirements of the CAA, of the NM Air Act, the Ordinance and applicable Air Board regulations.

As a part of the application review process, the Air Division established an "administrative record" regarding the permit modification application. The administrative record includes the application, evidence submitted by the applicant and all written comments and evidence received by the Air Division.:

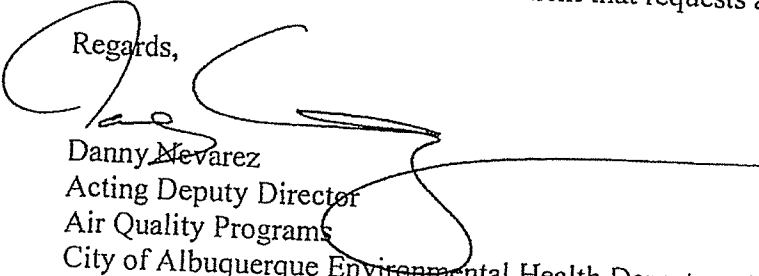
Before the Department made a decision, Air Division staff reviewed the administrative record. Additionally, the Air Division communicated with interested community members representing the Four Hills Village Neighborhood Association and the Executive Hills Home Owners Association via emails.

The Air Division published notice of the proposed modification in the Albuquerque Journal and sent copies of the public notice to surrounding neighborhood associations.

After the public comment period closed, the Air Division determined the permit application met all requirements of the CAA, the NM Air Act, the Ordinance and applicable Air Board regulations. In addition, the Air Division determined that, if the Facility is operated as required by Permit 1677-M2, there is no legal basis for the Department to deny the permit application. The reasons the Department can deny the permit modification are listed in NMSA 1978 § 74-2-7(C)(1) and 20.11.41.16 NMAC, "Basis for Permit Denial".

The Department issued Air Quality Permit No. 1677-M2 effective April 30, 2013. If you have any questions concerning this permit issuance, or the permitting process, please contact Regan Eyerman at (505)767-5625 or at [reyerman@cabq.gov](mailto:reyerman@cabq.gov). As provided by the New Mexico Air Quality Control Act, NMSA 1978, 74-2-7.H, as a participant in the permitting action, you may file a petition for a hearing on the merits before the Air Board as required by Air Board regulation 20.11.81 NMAC, "Adjudicatory Procedures-AQCB". The petition must be submitted in writing to the Air Board in care of Mary Lou Leonard, Director of the Environmental Health Department, to the address as shown on page 1 of this letter, within thirty (30) days from the date you receive this letter. Subsection C of 20.11.2.22 NMAC, "Board hearing filing fees", establishes: "Every person who requests a hearing before the board shall pay a filing fee of \$125.00, which shall be delivered to the board hearing clerk with the petition or other document that requests a hearing before the board."

Regards,



Danny Nevarez  
Acting Deputy Director  
Air Quality Programs  
City of Albuquerque Environmental Health Department

cc: File



# CITY OF ALBUQUERQUE

*Environmental Health Department*  
Mary Lou Leonard, Director



May 23, 2013

AR 17

Ms. Annette Underhill  
President, Executive Hills H.O.A.  
633 Executive Hills Ln. SE  
Albuquerque, NM 87123

**RE: Air Quality Permit No. 1677-M2 ~ Smith's Food & Drug Centers, Inc.  
(Smith's) - Permit Modification**

Dear Ms. Underhill:

An officer of the Executive Hills H.O.A. submitted to the Air Quality Division (Air Division) of the City of Albuquerque (City) Environmental Health Department (Department) written questions regarding Smith's application for modification of Authority-to-Construct Permit No. 1677-M1 on Wednesday, April 24, 2013. The application requested a permit modification that would authorize Smith's to increase the annual throughput of gasoline from 3,900,000 gallons per year to 5,000,000 gallons per year for the fuel dispensing (gas) station located at 200 Tramway Blvd SE (Facility).

The primary regulated air pollutants emitted at gas stations are volatile organic compounds (VOCs). The Clean Air Act and 40 CFR 50 do not establish ambient concentration standards for VOCs. VOCs are not controlled in the same manner as pollutants that are subject to the national ambient air quality standards (NAAQS). Therefore, a VOC emission standard cannot be "exceeded" in the same manner as a NAAQS standard. Air dispersion modeling is not required by the federal Environmental Protection Agency (EPA) when an application for a gas station air quality Authority-to-Construct Permit or modification is submitted to the Air Division. Unlike NAAQS, there are no enforceable ambient VOC emission standards that can be the basis for denying a VOC permit or an application for modification of an existing gas station VOC permit. For purposes of air quality gas station permits issued by the Department, VOC emissions from gas stations are controlled by using federally-required "performance based" standards, which are found at 40 CFR 63, Subpart CCCCCC and locally-required 20.11.65 NMAC and 20.11.64 NMAC. Performance based standards for a gas station like the Smith's station on Tramway include fuel throughput maximums, vapor recovery systems, and work practice standards. The VOC tons-per-year numbers in gas station air quality permits are used for calculating annual emission fees. The VOC tons-per-year numbers in the permits are not emission maximums. Again, federally and locally-required controls for VOCs emitted by gas stations like Smith's are "performance based" requirements.

PO Box 1293

Albuquerque

NM 87103

[www.cabq.gov](http://www.cabq.gov)

The decision of the Department regarding Smith's application for a permit modification is based on the requirements of the CAA, the NM Air Act, the Ordinance, and applicable Air Board regulations, including 20.11.41 NMAC, which is the Air Board "Authority to Construct" permit regulation, also known as "Part 41".

Before the Department made a decision regarding the application, the Department considered whether the application complied with the technical requirements of the CAA, of the NM Air Act, the Ordinance and applicable Air Board regulations.

As a part of the application review process, the Air Division established an "administrative record" regarding the permit modification application. The administrative record includes the application, evidence submitted by the applicant and all written comments and evidence received by the Air Division.

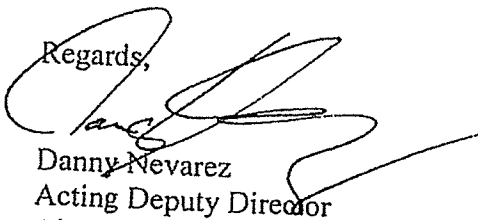
Before the Department made a decision, Air Division staff reviewed the administrative record. Additionally, the Air Division communicated with interested community members representing the Four Hills Village Neighborhood Association and the Executive Hills Home Owners Association via emails.

The Air Division published notice of the proposed modification in the Albuquerque Journal and sent copies of the public notice to surrounding neighborhood associations.

After the public comment period closed, the Air Division determined the permit application met all requirements of the CAA, the NM Air Act, the Ordinance and applicable Air Board regulations. In addition, the Air Division determined that, if the Facility is operated as required by Permit 1677-M2, there is no legal basis for the Department to deny the permit application. The reasons the Department can deny the permit modification are listed in NMSA 1978 § 74-2-7(C)(1) and 20.11.41.16 NMAC, "Basis for Permit Denial".

The Department issued Air Quality Permit No. 1677-M2 effective April 30, 2013. If you have any questions concerning this permit issuance, or the permitting process, please contact Regan Eyerman at (505)767-5625 or at [reyerman@cabq.gov](mailto:reyerman@cabq.gov). As provided by the New Mexico Air Quality Control Act, NMSA 1978, 74-2-7.H, as a participant in the permitting action, you may file a petition for a hearing on the merits before the Air Board as required by Air Board regulation 20.11.81 NMAC, "Adjudicatory Procedures-AQCB". The petition must be submitted in writing to the Air Board in care of Mary Lou Leonard, Director of the Environmental Health Department, to the address as shown on page 1 of this letter, within thirty (30) days from the date you receive this letter. Subsection C of 20.11.2.22 NMAC, "Board hearing filing fees", establishes: "Every person who requests a hearing before the board shall pay a filing fee of \$125.00, which shall be delivered to the board hearing clerk with the petition or other document that requests a hearing before the board."

Regards,



Danny Nevarez  
Acting Deputy Director  
Air Quality Programs  
City of Albuquerque Environmental Health Department

cc: File



GIVEN  
By DAY  
14, 2013  
Bentley  
(MATS)  
on A at  
the, NM  
Alcance  
for the  
changes  
a such a  
the TEO  
100 PM  
39

will be  
y Board  
modified  
function  
Army

13

102

o before  
contract  
1. Amity  
35) A74  
mission

has The  
locking a  
to sub-  
-fencing  
Project  
Texas  
To re-  
du may  
Agency  
I or re-  
lated to  
get after  
will be

use for  
Quash  
victory.  
1 March  
at brief  
report-  
morial

y City  
y ends  
y 600  
ending

OR

1  
0  
2  
0  
1

AR 7.1

0034.1

or by calling (505) 224-4346

On Thursday, March 10, 2013



# PUBLIC NOTICE

## Application for Air Quality Authority-to-Construct Permit For Smith's Food & Drug Centers, Inc.

Smith's Food & Drug Centers, Inc. has submitted an authority-to-construct as quality permit application to the Air Quality Division (Division) of the City of Albuquerque Environmental Health Department to modify the air quality permit for their fuel dispensing station located at 200 Tronway Blvd SE in Albuquerque, New Mexico. Smith's Food & Drug Centers, Inc. is requesting to increase gasoline throughput in the permit from 1,900,000 gallons to 5,000,000 gallons per year. This application has been assigned Permit #1577-M2. The owner of this fuel dispensing station is Smith's Food & Drug Centers, Inc., 1550 South Redwood Rd., Salt Lake City, Utah, 84116.

The air pollution emissions to the atmosphere from this facility have been estimated to be:

POLLUTANT	pounds per hour (lb/hr)	tons per year (tpy)
Volatile Organic Compounds (VOCs)	14.8	32.5

The Division expects to initiate formal action on this permit application by April 29, 2013. However, the final wording of the permit will be reserved pending receipt and analysis of any additional details or information developed during the public comment. Interested persons may submit written comments or request a public hearing on Permit #1577-M2 to the Air Quality Division, Air Quality Services, P.O. Box 1293, Albuquerque, NM 87103. Comments will be accepted and considered if postmarked by April 24, 2013.

A copy of the permit application is available for inspection by the public at the Division offices, which are located at One Civic Plaza, Room 3047. For more information call Regan Eyerman, Permitting Specialist at (505) 767-5525.

**NOTICE FOR PERSON WITH DISABILITIES:** If you have a disability and/or require special assistance, please call (505) 768-2500 (Voice) and special assistance will be made available to you to review the above referenced application. TTY users call the New Mexico Relay at 1-800-659-8331 and special assistance will be made available to you to review the above referenced application.  
Journal: March 10, 2013

ing, please contact the NMFA at 923-96622 as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the NMFA at 923-96622 if a summary or other type of accessible format is needed.  
Journal: March 10, 2013

## NEW MEXICO DIVISION OF VOCATIONAL REHABILITATION

### Public Notice for Manual of Operating Procedures Hearings

The New Mexico Division of Vocational Rehabilitation (NMDOVR) announces public hearings to receive comments about proposed changes to the NMDOVR Manual of Operating Procedures. Each meeting begins on Tuesday, March 19 at 10:00 a.m. All are welcome to attend and provide comments about the changes.

We encourage comments at the public hearings. Your comments are valuable. If you do not wish to speak, you may leave written comments at the location you attend. You can view the proposed changes at the NMDOVR website at [www.opetipoints.com](http://www.opetipoints.com). This site includes the current version of the MOP.

Submit all written comments by regular post, fax, or e-mail to the Public Information Officer.

Rich Smith,  
Public Information Officer  
Division of Vocational  
Rehabilitation  
435 St. Michael's Drive, Building D  
Santa Fe, New Mexico 87505  
Fax: 505-254-6562  
E-mail:  
[Richard.Smith@state.nm.us](mailto:Richard.Smith@state.nm.us)

**Request for Accommodations**  
If you need a sign language translator, a reader, amplifier, or any other aid or service to join in the public hearing, please contact Amber Fox at 505-254-6512 or [Amber.Fox@state.nm.us](mailto:Amber.Fox@state.nm.us). You must make your request one week before the meeting you wish to attend.

### PLEASE NOTE THE LOCATIONS FOR EACH HEARING

ABO Hispanic Chamber of Commerce  
1309 4th St. SW  
Albuquerque, NM

Roswell NMDOVR Office  
1014 S. Alvarado  
Roswell, NM

Santa Fe NMDOVR Office  
435 St. Michael's Drive Bldg. D  
(call 505-254-6500 for directions)  
Santa Fe, NM

San Juan Center for Independence  
1204 San Juan Blvd.  
Farmington, NM

Las Cruces NMDOVR Office  
3381 Del Rey Blvd.  
Las Cruces, NM  
Journal: March 10, 2013

### Public Meeting Notice

The Green Industry Council will hold a regular council meeting on Wednesday, March 20, 2013 from 1:00 p.m. - 3:00 p.m. at the Albuquerque Convention Center.

accessible and responsive to needs enables to provide other statement services. The establishment project will consist of the removal and disposal of location containing materials (the list, interior sheetrock, list of roofing, heater coils, pipes, washers etc.) from various buildings located in Farmington, New Mexico according to bid specification regulations and laws. Interest business entities are encouraged to review the IFB Bidding Documents and Statement of Work carefully before submitting a bid.

### Navajo/Indian Preference

This solicitation and work performed under this contract is subject to the requirements of the Navajo Business Opportunity Act and Section 7(b) of the Public Law 93-638 Indian Self-Determination and Educational Assistance Act as amended.

For a full copy of the IFB, please call or submit your request in writing to:

McDaniel Martinez,  
Procurement Manager  
Ramah Navajo Chapter,  
Office of Grants & Contracts  
HCR 61, Box 13  
Ramah, NM 87321  
Telephone: (505) 775-7154  
Fax: (505) 775-7173  
Email:  
[pmartinez@ramahnavajopg.org](mailto:pmartinez@ramahnavajopg.org)

The Chapter reserves the right to determine if a bid is acceptable in terms of meeting IFB requirements and reserves the right to accept or reject any and all bids received and waive any informatics and negotiate with offeror(s) regarding the terms of their bid or proposal and to award the contract in the best interests of the Chapter.  
Journal: March 3, 10, 2013

Ramah Navajo Chapter,  
Office of Grants & Contracts  
HCR 61, Box 13  
Ramah, NM 87321  
(505) 775-7100

### REQUEST FOR PROPOSALS For Financial Auditing Services

Solicitation Number:  
2013-03 RFP  
Due Date: April 5, 2013  
Time: 5:00 P.M. MDST (Local Time)

The Ramah Navajo Chapter-Office of Grants and Contracts is requesting proposals from independent certified public accountants, licensed in the State of New Mexico, to perform financial and compliance audits for the purpose of expressing an opinion on financial statements, in accordance to the Generally Accepted Auditing Standards, OMB Circulars A-133 and Single Audit Act. The contract award will be for financial auditing services for two (2) years with an option to renew one (1) additional year. The audit will consist of services to the Ramah Navajo Chapter-Office of Grants and Contracts, which is located in Mt. View Community, Ramah, New Mexico.

### Navajo and Indian Preference

This solicitation and work performed under this contract is

00425

1 IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

2 IN THE MATTER OF THE PETITION

3 FOR A HEARING ON THE MERITS

4 REGARDING AIR QUALITY PERMIT NO. 1677-M2

5 ANDY CARRASCO, PAT TOLEDO,

6 and DEMPSEY POWER,

7 Petitioners-Appellants,

8 v.

9 THE CITY OF ALBUQUERQUE and

10 SMITH'S FOOD & DRUG CENTERS, INC.,

11 Respondents-Appellees.

12 APPEAL FROM THE ALBUQUERQUE/BERNALILLO COUNTY AIR  
13 QUALITY CONTROL BOARD

14 Felicia L. Orth, Hearing Officer

15 Domenici Law Firm

16 Pete Domenici, Jr.

17 Lorraine Hollingsworth

18 Albuquerque, NM

19 for Appellants

20 City of Albuquerque

21 David Tourek, City Attorney

22 Carol M. Parker, Assistant City Attorney

23 Donna J. Griffin, Assistant City Attorney

24 Albuquerque, NM

25 ABC-AQCB

26 Felicia L. Orth

27 Albuquerque, NM

28 for Appellee City of Albuquerque

COURT OF APPEALS OF NEW MEXICO  
ALBUQUERQUE  
FILED

NOV 26 2014

*Handwritten signature*

NO. 33,269

1 Sutin, Thayer & Browne, P.C.  
2 Frank C. Salazar  
3 Timothy J. Adler  
4 Albuquerque, NM

5 for Appellee Smith's Food & Drug Centers, Inc.

6 **MEMORANDUM OPINION**

7 **FRY, Judge.**

8 {1} This case is an administrative appeal from the Albuquerque-Bernalillo County  
9 Air Quality Control Board's (the Board) dismissal of Petitioners' petition for a  
10 hearing based on lack of standing. Petitioners were challenging Smith's Food and  
11 Drug Centers, Inc.'s permit modification request that would allow it to increase the  
12 amount of fuel it dispensed at a filling station located near the intersection of Central  
13 and Tramway in Albuquerque, N.M. Petitioners argue that the Board erred in  
14 dismissing their petition because, in regard to Petitioners Toledo and Carrasco, they  
15 were adversely affected by the City of Albuquerque Environmental Health  
16 Department's (EHD) refusal to hold a public hearing, and, in regard to Petitioner  
17 Power, his failure to participate in the permitting action was due to inadequate notice.  
18 We conclude that the Board properly determined that Petitioner Power did not have  
19 standing to appeal the issuance of the permit because he failed to show that his failure  
20 to participate in the permitting action was due to legally insufficient notice.  
21 However, we conclude that the Board erred in determining that Petitioners Toledo

1 and Carrasco did not have standing to appeal the EHD's refusal to hold a public  
2 hearing. Accordingly, we reverse in regard to Petitioners Toledo and Carrasco and  
3 affirm in regard to Petitioner Power.

#### 4 **BACKGROUND**

5 {2} Smith's submitted an application to the EHD to modify an existing air quality  
6 permit to allow it to increase the amount of fuel it dispensed at the filling station at  
7 issue. The EHD published notice of the permit modification request in the legal  
8 section of the Albuquerque Journal and also sent notice to local neighborhood  
9 associations in the area surrounding the filling station. The notice provided that the  
10 public had the opportunity to comment on the requested modification until April 24,  
11 2013.

12 {3} Petitioners Toledo and Carrasco became aware of Smith's permit modification  
13 request and submitted written objections to the modification. They also requested  
14 that a public hearing be held on the permit modification. In addition to Petitioners  
15 Toledo and Carrasco's comments, the EHD received a few questions from the local  
16 neighborhood associations. The EHD answered these questions, and no more action  
17 was taken by these groups. Following the end of the comment period, the EHD  
18 determined that there was not significant public interest in Smith's permit

1 modification request and denied Petitioners Toledo and Carrasco's request for a  
2 public hearing. The EHD granted Smith's permit modification request.

3 {4} The EHD notified Petitioners Toledo and Carrasco that because they  
4 participated in the permitting action, they were entitled to petition for a hearing before  
5 the Board to review the EHD's decision to grant the permit modification. Petitioners  
6 filed a petition—including Petitioner Power, who did not participate in the initial  
7 permitting action, as a petitioner—and alleged that the permit modification was  
8 issued "without providing adequate notice and without allowing the public the  
9 opportunity to be heard at a public hearing prior to [its] issuance." Petitioners Toledo  
10 and Carrasco further alleged that they were "adversely affected by the permitting  
11 action because they are members of the Albuquerque community who have an  
12 important interest in ensuring that the modifications to Smith's permit do not  
13 adversely affect the quality of life in Albuquerque." Petitioner Power alleged that he  
14 was prevented from participating in the permitting action due to inadequate notice.  
15 Petitioners requested that the Board set aside the permit modification due to the  
16 EHD's failure to provide adequate notice and hold a public hearing.

17 {5} The Board set a hearing on the merits of Petitioners' petition. Petitioners filed  
18 notice with the Board limiting the issues to be heard to whether the EHD provided  
19 adequate notice and whether it erred in refusing to hold a public hearing. Prior to the



1 hearing, Smith's filed a motion to dismiss, arguing that the Petitioners lacked  
2 standing to challenge EHD's grant of the permit modification. The Board held a  
3 hearing on Smith's motion to dismiss nearly two weeks before the hearing scheduled  
4 for the merits of the petition. The Board ultimately determined that Petitioners lacked  
5 standing because Petitioner Power did not participate in the permitting action and  
6 Petitioners Toledo and Carrasco did not show that they were adversely affected by the  
7 EHD's actions. Petitioners now appeal.

## 8 **DISCUSSION**

### 9 **Standard of Review**

10 {6} This Court will set aside the Board's action if the action is found to be "(1)  
11 arbitrary, capricious, or an abuse of discretion; (2) not supported by substantial  
12 evidence . . . ; or (3) otherwise not in accordance with law." NMSA 1978, § 74-2-  
13 9(C) (1992). In this case, Petitioners argue that the Board incorrectly applied the law  
14 of standing to dismiss their administrative appeal. We review whether a party has  
15 standing de novo. *Prot. & Advocacy Sys. v. City of Albuquerque*, 2008-NMCA-149,  
16 ¶ 17, 145 N.M. 156, 195 P.3d 1.

17 {7} "Standing is a judicially created doctrine designed to insure that only those  
18 with a genuine and legitimate interest can participate in a proceeding." *Id.* ¶ 18  
19 (internal quotation marks and citation omitted). Generally, to establish standing,

1 litigants must “allege three elements: (1) they are directly injured as a result of the  
2 action they seek to challenge; (2) there is a causal relationship between the injury and  
3 the challenged conduct; and (3) the injury is likely to be redressed by a favorable  
4 decision.” *ACLU of N.M. v. City of Albuquerque*, 2008-NMSC-045, ¶ 1, 144 N.M.  
5 471, 188 P.3d 1222.

6 {8} We accept the material allegations of the petition as true and construe the  
7 petition in favor of the complaining party. *Prot. & Advocacy Sys.*, 2008-NMCA-149,  
8 ¶ 17. However, we are not limited to the allegations of the petition and may review  
9 any supplementation to the petition by the petitioner with affidavits or particularized  
10 allegations of fact in order to determine whether standing exists. *Id.* If, after a review  
11 of all materials of record, standing is not established, the petition must be dismissed.  
12 *Id.*

### 13 **Standing Under the Air Quality Control Act**

14 {9} NMSA 1978, Section 74-2-7(H) (2003), provides that “[a] person who  
15 participated in a permitting action before the department or the local agency and who  
16 is adversely affected by such permitting action may file a petition for hearing before  
17 the environmental improvement board or the local board.” The statute therefore  
18 contains two prerequisites for seeking review by the Board. First, the person must  
19 have participated in the permitting action. *Id.* Second, the person must have been

1 adversely affected by the action. *Id.* We review Petitioners' arguments according to  
2 these two requirements. We begin with Petitioner Power's argument that inadequate  
3 notice prevented him from participating in the permitting action. We then consider  
4 Petitioners Toledo and Carrasco's argument that they were adversely affected by the  
5 action.

#### 6 **Petitioner Power**

7 {10} Petitioner Power argues that he was prevented from participating in the  
8 permitting action because he did not receive notice of the permitting action.  
9 Petitioner Power does not argue that the EHD's notice of the permitting action was  
10 legally insufficient under the then-applicable regulation pertaining to the provision  
11 of public notice. *See* 20.11.41.14(A)(3) NMAC (10/1/02) (requiring that notice be  
12 published "in a local newspaper of general circulation" and include "the name and  
13 address of the applicant, location of the source, a brief description of the proposed  
14 construction or modification, a summary of the estimated emissions and shall identify  
15 the manner in which comments or evidence on the application may be submitted to  
16 the Department"). In fact, Petitioners conceded below in their answers to requests for  
17 admissions that EHD's notice complied with the regulation. Instead, Petitioner Power  
18 argues that preventing people who did not receive notice from participating in an

1 appeal forecloses any opportunity to challenge the method in which notice was  
2 provided.

3 {11} We are unpersuaded by Petitioner Power's argument. Participation in the  
4 permitting action is a statutory prerequisite to appealing to the Board. Section 74-2-  
5 7(H). The EHD is not tasked with ensuring that every person who might be affected  
6 by the permitting action actually receive notice. And allowing every person who does  
7 not actually receive notice to appeal to the Board would obviate the statutory  
8 requirement that the petitioner participated in the permitting action. Furthermore, it  
9 was undisputed here that EHD complied with its regulation in providing notice to the  
10 public. Accordingly, because Petitioner Power did not participate in the permitting  
11 action, the Board correctly determined that he did not have standing to challenge the  
12 permit modification.

### 13 **Petitioners Toledo and Carrasco**

14 {12} Petitioners Toledo and Carrasco, who actually participated in the permitting  
15 action, argue that they were adversely affected by the permitting action due to the  
16 EHD's failure to provide adequate public notice and hold a hearing prior to the  
17 issuance of the permit modification. We have already decided that there is no viable  
18 dispute regarding public notice. In regard to the EHD's refusal to hold a public

1 hearing, Petitioners argue that the EHD's action prevented them from presenting  
2 comments and evidence on the proposed permit modification.

3 {13} In order to establish that one is adversely affected, the person must show that  
4 the injury complained of is within the zone of interests sought to be protected by the  
5 statute at issue. *N.M. Cattle Growers' Ass'n v. N.M. Water Quality Control Comm'n*,  
6 2013-NMCA-046, ¶ 10, 299 P.3d 436, *cert. quashed* 2013-NMCERT-010, 313 P.3d  
7 251. Thus, Petitioners' argument implicates the first element of standing: whether  
8 Petitioners have alleged an injury in fact. For this element, it has always been a  
9 requirement that the litigant allege a direct injury, even if the extent of that injury is  
10 slight. *ACLU*, 2008-NMSC-045, ¶ 11. The injury must be actual or imminent. *Id.*  
11 ("Rather, the litigant need only show that he is imminently threatened with injury, or  
12 ... that he is faced with a real risk of future injury, as a result of the challenged action  
13 or statute." (internal quotation marks and citations omitted)). A "general,  
14 undifferentiated threat of a hypothetical harm" will not suffice. *Id.* ¶ 18. A plaintiff  
15 has standing to protect himself or herself against "injury as a result of unlawful  
16 governmental action." *De Vargas Sav. & Loan Ass'n of Santa Fe v. Campbell*, 1975-  
17 NMSC-026, ¶ 13, 87 N.M. 469, 535 P.2d 1320.

18 {14} As stated above, Petitioners argue that their injury was the denial by the EHD  
19 of their request for a hearing. Respondents, on the other hand, argue that Petitioners

1 cannot establish standing because they cannot show that an increase in throughput  
2 (the amount of fuel dispensed) would directly and concretely injure them.  
3 Respondents further argue that Petitioners' alleged injury is insufficient to establish  
4 standing because the EHD properly exercised its discretion in denying their request  
5 for a hearing. *See* 20.11.41.14(B) NMAC (10/1/02) (stating that the EHD "shall hold  
6 a public hearing if the director determines that there is significant public interest").  
7 Stated another way, Respondents argue that because the decision to grant a hearing  
8 is discretionary, the denial of a request for such a hearing cannot, as a matter of law,  
9 establish an invasion of a legally protected interest.

10 {15} We disagree with Respondents. Given that Petitioners are only requesting the  
11 Board to review whether the EHD's refusal to hold a hearing was proper, the issue  
12 of standing in regard to these Petitioners presents a relatively succinct procedural  
13 issue: whether Petitioners were adversely affected by the denial of their request for  
14 a hearing. The determination of this issue does not require this Court to review  
15 whether Petitioners would be adversely affected by any alleged environmental  
16 impacts of the permit modification or whether the EHD properly exercised its  
17 discretion, the latter being the exact issue Petitioners appealed to the Board.

18 {16} We therefore conclude that Petitioners had standing to request the Board to  
19 review whether the EHD properly refused Petitioners' request to holding a public

1 hearing. It would be anomalous to conclude that members of the public whose  
2 request for a hearing was denied by the EHD were not "adversely affected" by that  
3 decision. The Petitioners are members of the public that live within the EHD's  
4 jurisdiction. They were not barred from requesting such a hearing, and the regulations  
5 in effect at the time did not limit those who could request a public hearing to only  
6 members of the public who could establish that they would experience an adverse  
7 impact from the permit modification. 20.11.41.14 NMAC (10/1/02). Instead, such  
8 a hearing, if granted, could conceivably give a member of the public the opportunity  
9 to present comment or evidence on what would otherwise seem to be an attenuated  
10 harm from a proposed permit. Thus, because Petitioners are members of the public  
11 living within the EHD's jurisdiction and requested a hearing, they had standing to  
12 appeal this narrow procedural issue that arose due to the EHD's denial of their request  
13 for a hearing. Concluding otherwise would give unfettered discretion to the EHD in  
14 the determination of when significant public interest exist to hold a public hearing  
15 because, as Respondents conceded at oral argument, it would foreclose the  
16 opportunity for review of the EHD's determination by the Board based on factors  
17 unrelated to this specific issue.

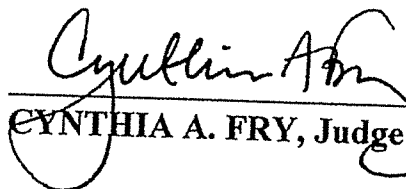
18 {17} To clarify, we conclude only that Petitioners Toledo and Carrasco made a  
19 sufficient showing that they have standing to allow them to argue their case before

1 the Board on its merits. We have thus only considered whether these Petitioners were  
2 adversely affected by the EHD's actions, not whether the EHD properly denied their  
3 request for a public hearing. Petitioners Toledo and Carrasco limited the issues  
4 before the Board to public notice and the refusal to hold a public hearing. We  
5 conclude above that there is no viable dispute regarding public notice. Therefore, on  
6 remand, the Board should determine whether Petitioners Toledo and Carrasco's  
7 request for a public hearing, together with the emailed questions received by the EHD  
8 from the local neighborhood associations, constituted "significant public interest" to  
9 necessitate a public hearing.

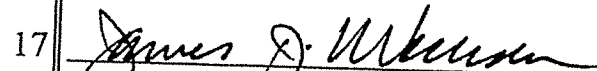
10 **CONCLUSION**

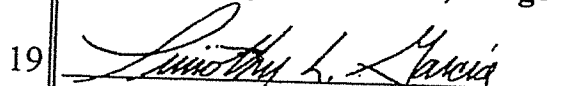
11 {18} For the foregoing reasons, we remand to the Board to hold a hearing on the  
12 merits of whether the EHD improperly refused to hold a public hearing.

13 {19} **IT IS SO ORDERED.**

14  
15   
CYNTHIA A. FRY, Judge

16 **WE CONCUR:**

17   
18 JAMES J. WECHSLER, Judge

19   
20 TIMOTHY L. GARICA, Judge



**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 SCHEDULING REMAND HEARING**

Following receipt of the Mandate to the Air Quality Control Board from the New Mexico Court of Appeals, dated April 9, 2015, the Hearing Officer conferred with Counsel for all parties, Mr. Toledo and City staff on April 30, 2015.

All were agreed that a hearing on the merits would be scheduled for July 8, 2015, in connection with the Board's regularly scheduled meeting beginning at 5:30 p.m. Pursuant to paragraph 17 of the Court's Memorandum Opinion of November 26, 2014, the scope of the Board's inquiry at the hearing is limited to "whether Petitioners Toledo and Carrasco's request for a public hearing, together with the emailed questions received by the EHD from the local neighborhood associations, constituted 'significant public interest' to necessitate a public hearing." Accordingly, the evidence and testimony presented at the hearing shall be limited to that which is relevant to this specific question.

RECEIVED  
ENVIRONMENTAL HEALTH  
15 MAY 19 PM 2:56

In order to provide the Board with the evidence the Parties will be presenting in time for their review prior to the hearing, and to provide the parties with notice of, and an opportunity to object to, each other's anticipated witnesses and exhibits, the following deadlines are set for witness and exhibit lists: Petitioners shall submit their witness and exhibit list by close of business June 10, 2015. Written objections to Petitioners' witness and exhibit list shall be filed by close of business June 17, 2015. The City and Smith's shall submit their witness and exhibit lists by close of business June 24, 2015. Written objections to the City's or Smith's witness and exhibit lists shall be filed by close of business July 1, 2015. The Hearing Officer will hold a telephonic hearing on July 2, 2015 at 1 p.m. to hear argument and rule upon any timely submitted pre-hearing objections.

Witness and exhibit lists shall include the names and narrative testimony of all proposed witnesses presenting testimony, and all proposed exhibits intended to be offered shall be attached.

The City shall timely publish and mail notice of the July 8, 2015 hearing.

To the extent not otherwise addressed in this Order, the July 8, 2015 hearing shall be governed by the Board's adjudicatory procedures set forth in 20.11.81 NMAC.

Felicia Orth by Andrew Daffern  
Felicia L. Orth, Hearing Officer

**CERTIFICATE OF SERVICE**

I hereby certify that I have e-mailed a true and correct copy of the foregoing ORDER SCHEDULING REMAND HEARING on this 19<sup>th</sup> day of May, 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 Atler, 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