



Honstein Oil  
11 Paseo Real  
Santa Fe, NM 87507

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August 12, 2015

Felicia Orth  
c/o Andrew Daffern, Hearing Clerk  
Control Strategies Section  
Environmental Health Department  
One Civic Plaza, Room 3023  
Albuquerque, NM 87102

***Re: AQCB No. 2014-4***

Dear Hearing Officer Orth:

As manager of Honstein Oil & Distributing, LLC, I wish to respectfully submit to you my perspective in the above referenced matter. As you know, our facility located at 101 Anderson SE, Albuquerque, NM (the "Facility") has been in continuous operation as a fuel depot for over 70 years. The Facility is primarily used for diesel fuel storage. However, there is a small 6,000 gallon underground gasoline storage tank (the "UST"). Prior to applying for an Air Quality permit in the fall of 2013, we had not previously been aware of the need for a permit for this tank. The volume of fuel stored in and sold from the UST is quite small - indeed the sale of less than 250,000 gallons of gasoline a year is nominal by industry standards.

Nevertheless, when we were advised of the requirement to obtain an Air Quality Permit for this small source, we immediately submitted an application to the Air Quality Program of the City of Albuquerque Environmental Health Department ("EHD"). EHD evaluated the application, provided notice, and held a public hearing regarding such. EHD issued us Permit #3131 on June 12, 2014. We fully complied with all requirements of the permitting process.

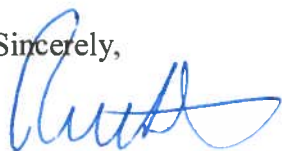
Soon thereafter, the Southwest Organizing Project ("SWOP") and others filed a Petition appealing EHD's issuance of Permit #3131. It quickly became apparent that the Petitioner's complaint was with issues outside of EHD's handling of our permit process and really had nothing to do with Honstein Oil or the insignificant emission levels at the Facility. It seems to me that the Petitioner's wish is to use our permit as a launch pad to advocate their desire for assessment of cumulative impacts during the air quality permitting process. We are confident that had any other random applicant applied for permit #3131, it would be caught in the middle of this litigation and not us. Put simply, Honstein Oil was not named in this matter as a result of the level of its emissions or its failure to obtain a permit according to the regulations, but rather as a result of bad timing.

Unfortunately, Honstein Oil does not have the resources to act as an ambassador for all future permit applicants. From our perspective the question in this case is one for EHD, namely, did it correctly determine the facts and correctly apply the existing law and regulations in issuing Permit #3131? The Petitioner's have no basis for naming Honstein Oil in its Complaint, they do not allege or offer any evidence which would show that Honstein's Permit was not issued pursuant to the regulations and/or that it would cause or contribute to an exceedance of an ambient air quality standard. This simply cannot be shown from such an insignificant source of emissions.

As a result of being wrongfully named in this case, Honstein Oil has and will continue to expand valuable time and resources to this matter. We respectfully ask that you prevent the Petitioner's from proceeding with this unfounded case by removing Honstein Oil or, alternatively, require the Petitioner's to demonstrate what EHD did wrong in issuing Permit #3131 as requested in EHD's Opposed Motion to Clarify.

Thank you for your consideration.

Sincerely,



Rod Honstein  
Manager, Honstein Oil & Distributing, LLC

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