

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.

No. AQCB 2013-6

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

Respondents

AFFIDAVIT

I, Andrew Daffern, Air Quality Control Board Hearing Clerk certify that on June 16, 2015, four (4) *Notices of Remand Hearing* were mailed to members of the public that have expressed interest in the hearing in the above-captioned matter as reflected in the "List of Interested Persons" filed July 8, 2013. The *Notice of Remand Hearing* will be published in the *Albuquerque Journal* on Sunday, June 21, 2015.

Respectfully submitted,



Andrew Daffern, Hearing Clerk
Air Quality Program
Environmental Health Department
P.O. Box 1293
One Civic Plaza NW, Room 3023
Albuquerque, New Mexico 87103

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CERTIFICATE OF SERVICE

I hereby certify that I have e-mailed a true and correct copy of the foregoing AFFIDAVIT on this 18th day of June, 2015, to the following:

E-mailed

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

E-mailed

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

E-mailed

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Attorneys for Applicant

Respectfully submitted,



Andrew Daffern, AQCB Hearing Clerk

PUBLIC NOTICE

ALBUQUERQUE/BERNALILLO COUNTY AIR QUALITY CONTROL BOARD IN THE MATTER OF THE PETITION FOR A HEARING ON THE MERITS REGARDING AIR QUALITY PERMIT NO. 1677-M2 ISSUED TO SMITH'S FOOD AND DRUG CENTERS, INC., ANDY CARRASCO, DEMPSEY POWER, AND PAT TOLEDO, PETITIONERS v. CITY OF ALBUQUERQUE AND SMITH'S FOOD AND DRUG CENTERS, INC., RESPONDENTS (AQCB PETITION NO. 2013-6) REMAND HEARING

In accordance with the New Mexico Court of Appeals Mandate to the Albuquerque – Bernalillo County Air Quality Control Board, dated April 9, 2015, a hearing on the merits regarding Air Quality Permit No. 1677-M2 Issued to Smith's Food and Drug Centers, Inc., Andy Carrasco, Dempsey Power, and Pat Toledo, Petitioners v. City of Albuquerque and Smith's Food and Drug Centers, Inc., Respondents is scheduled for July 8, 2015, in connection with the Board's regularly scheduled meeting beginning at 5:30 p.m. The meeting and hearing will be held in the Vincent E. Griego Chambers located in the basement of the City County Government Center at One Civic Plaza, Albuquerque, New Mexico.

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.

Hearings and meetings of the Air Board are open to the public and all interested persons are encouraged to participate. All persons who wish to testify regarding the subject of the hearing will be given a reasonable opportunity to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the City of Albuquerque Joint Air Quality Control Board Ordinance Section 9-5-1-7 ROA 1994; Bernalillo County Ordinances Sec. 30-36; 20.11.81 NMAC *Adjudicatory Procedures – Air Quality Control Board*; and direction from the Hearing Officer and the Court's Order.

POST HEARING PROCESS AND BOARD DECISION: The Board may choose to deliberate immediately following the close of the evidentiary record. If the Board chooses to deliberate at a subsequent meeting, the Hearing Officer will announce the post hearing process.

NOTICE FOR PERSON WITH DISABILITIES: If you have a disability and require special assistance to participate in this process, including translation/interpretation service, or review of any agendas, minutes, or other public meeting documents, please contact Andrew Daffern, Air Quality Control Board liaison, by June 23, 2015, at (505) 768-2601, or adaffern@cabq.gov. TTY users may request special assistance by calling 1-800-659-8331.

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Affidavits
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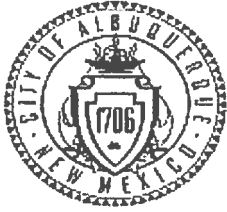


PUBLIC NOTICE

ALBUQUERQUE/BERNALILLO
COUNTY AIR QUALITY
CONTROL BOARD
IN THE MATTER OF THE
PETITION FOR A HEARING ON
THE MERITS REGARDING AIR
QUALITY PERMIT NO. 1677-M2
ISSUED TO SMITH'S FOOD AND
DRUG CENTERS, INC., ANDY
CARRASCO, DEMPSEY POWER,
AND PAT TOLEDO,
PETITIONERS v. CITY OF
ALBUQUERQUE AND SMITH'S
FOOD AND DRUG CENTERS,
INC., RESPONDENTS
(AQCB PETITION NO. 2013-6)
REMAND HEARING

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COUNTY AIR QUALITY
CONTROL BOARD
IN THE MATTER OF THE
PETITION FOR A HEARING ON
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QUALITY PERMIT NO. 1877-M2
ISSUED TO SMITH'S FOOD AND
DRUG CENTERS, INC., ANDY
CARRASCO, DEMPSEY POWER,
AND PAT TOLEDO,
PETITIONERS v. CITY OF
ALBUQUERQUE AND SMITH'S
FOOD AND DRUG CENTERS,
INC., RESPONDENTS
(AQCB PETITION NO. 2013-8)
REMAND HEARING

In accordance with the New Mexico Court of Appeals Mandate to the Albuquerque - Bernalillo County Air Quality Control Board, dated April 9, 2015, a hearing on the merits regarding Air Quality Permit No. 1877-M2 issued to Smith's Food and Drug Centers, Inc., Andy Carrasco, Dempsey Power, and Pat Toledo. Petitioners v. City of Albuquerque and Smith's Food and Drug Centers, Inc., Respondents is scheduled for July 8, 2015, in connection with the Board's regularly scheduled meeting beginning at 5:30 p.m. The meeting and hearing will be held in the Vincent E. Griego Chambers located in the basement of the City County Government Center at One Civic Plaza, Albuquerque, New Mexico.

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POST HEARING PROCESS AND BOARD DECISION: The Board may choose to deliberate immediately following the close of the evi-

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Account Number

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primary review. If the Board chooses to deliberate at a subsequent meeting, the Hearing Officer will announce the post hearing process.

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Journal: June 21, 2015