

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

IN THE MATTER OF THE PETITION FOR
A HEARING ON THE MERITS REGARDING
AIR QUALITY PERMIT NO. 3131 ISSUED TO
HONSTEIN OIL & DISTRIBUTING, LLC.

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

No. AQCB 2014-4

AFFIDAVIT

I, Andrew Daffern, Air Quality Control Board Hearing Clerk certify that on March 26,
2015, twenty (20) *Notices of Hearing* were mailed to the parties and interested participants
regarding the hearing in the above-captioned matter. The *Notice of Hearing* will be published in
the *Albuquerque Journal* on Sunday, March 29, 2015.

Respectfully submitted,



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

RECEIVED
ENVIRONMENTAL HEALTH
15 MAR 26 PM 2:52

CERTIFICATE OF SERVICE

I hereby certify that I have e-mailed a true and correct copy of the foregoing AFFIDAVIT on this 26th day of March, 2015, to the following:

E-mailed

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

E-mailed

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

E-mailed

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

E-mailed

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

E-mailed

Shawn Boyle
sboyle@bradhallfuel.com
Counsel for Applicant

Respectfully submitted,



Andrew Daffern, AQCB Hearing Clerk

PUBLIC NOTICE

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

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

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

An appeal of the issuance of Permit #3131 was filed by counsel for petitioners New Mexico Environmental Law Center on behalf of Juan Reynosa, Environmental Justice Organizer, SouthWest Organizing Project (SWOP), and Esther and Steven Abeyta as individuals and representative members of SWOP, petitioners (Petition No. AQCB 2014-4) on August 12, 2014. The permit and the Petition for Hearing may be viewed on the Program's website at the following link: <http://www.cabq.gov/airquality/air-quality-control-board/petitions/related-documents>

Hearings and meetings of the Air Board are open to the public and all interested persons are encouraged to participate. All persons who wish to testify regarding the subject of the hearing will be given a reasonable opportunity to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the City of Albuquerque Joint Air Quality Control Board Ordinance Section 9-5-1-6 ROA 1994; Bernalillo County Ordinance 94-5, Section 6; and 20.11.81 NMAC *Adjudicatory Procedures – Air Quality Control Board* and orders of the Hearing Officer.

PUBLIC COMMENT of a non-technical nature: Wednesday, May 13, 2015, 5:00 pm to 5:30 pm or longer as necessary to accept all public comment offered (per 20.11.81.14.I.(2)). Public comment will be accepted. The Hearing Officer may take public comment at other times throughout the hearing as necessary.

TECHNICAL TESTIMONY: Any person who intends to present technical evidence or testimony opposing the issuance of the permit at the hearing must file a notice of intent (NOI) to present technical testimony by April 8, 2015. City of Albuquerque, Permittee and others supporting the issuance of the permit who intend to present technical evidence or testimony must file an NOI by April 29, 2015. Any person, other than petitioners, the City, or Permittee, who wishes to be treated as an interested participant must file an entry of appearance with the hearing clerk and serve the entry of appearance on all parties by April 8, 2015, per 20.11.81.14.I NMAC.

Technical evidence or testimony means scientific, engineering, economic or other specialized evidence or testimony. It does not mean legal argument, general comments or statements of policy. NOIs must identify the person filing the statement; identify each witness, including name, affiliation, education and work background; include the testimony of each witness in full narrative fashion, particularly any opinion to be offered by each witness and an explanation of the basis for the opinion; include technical materials relied upon by each witness in forming opinions; estimate the length of each witness' presentation; and identify all exhibits that will be referred to that are part of the administrative record maintained by the City of Albuquerque and attach a copy of any exhibit not in the administrative record. PowerPoint and other slide presentations or displays which are demonstrative and based on technical evidence timely submitted may be shown at the hearing regardless of inclusion in the NOI. Copies no larger than 8 ½ by 11 inches shall replace large charts and maps in the record after the hearing. Failure to file a timely and complete NOI will preclude a person from presenting that technical evidence or testimony sought to be offered. NOIs shall be filed with the Hearing Clerk at the following address: Attn: Mr. Andrew Daffern, P.O. Box 1293, Albuquerque, NM 87103; or in person at the Environmental Health Department's office, located in Suite #3023 on the third floor of the City-County Government Building, 400 Marquette Ave. NW, Albuquerque, NM.

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

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this process, please call 311 (Voice) and special assistance will be made available to you to receive any public meeting documents, including agendas and minutes. TTY users may request special assistance by calling 1-800-659-8331.

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

Account Number
 1007580

Ad Proof / Order Confirmation

Ad Order Number
 0001210349

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

<u>Ordered By</u>	andrew	<u>Customer Phone</u>	505-768-2600	<u>Pickup #</u>	
<u>Customer EMail</u>		<u>PO Number</u>	701374	<u>Joint Ad #</u>	
<u>Ad Cost</u>	\$130.41	<u>Sales Rep</u>	cwhite		
<u>Tax Amount</u>	\$9.13	<u>Order Taken by:</u>	cwhite		
<u>Total Amount</u>	\$139.54	<u>Payment Method</u>			
<u>Amount Due</u>	\$139.54	<u>Payment Amount</u>	\$0.00		

<u>Product</u>	Albuquerque Journal	<u>Placement</u>	Legal Notices
<u>Ad Number</u>	0001210349-01	<u>Classification</u>	Government-0000
<u>Ad Type</u>	APC-Legals	<u>Sort Text</u>	PUBLICNOTICEALBUQUERQUEBERNA LILLOCOUNTYAIRQUALITYCONTROLB
<u>Ad Size</u>	: 1.0 X 207 Li		
<u>Color</u>	<NONE>		
<u>Run Dates</u>	3/29/2015		

Affidavits
 0



PUBLIC NOTICE

**ALBUQUERQUE-BERNALILLO
 COUNTY AIR QUALITY
 CONTROL BOARD**

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

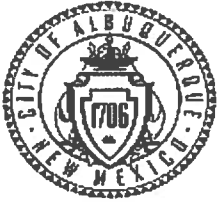
A hearing before the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) regarding Air Permit No. 3131 issued to Honstein Oil & Distributing, LLC, has been scheduled to begin on Wednesday, May 13, 2015 at 9:00 a.m. and continue as necessary through May 14th. The hearing

Albuquerque Publishing Company

7777 Jefferson N.E. Albuquerque, New Mexico 87109

P.O. Drawer J-T Albuquerque, New Mexico 87103

(505) 823-7777



PUBLIC NOTICE

ALBUQUERQUE-BERNALILLO
COUNTY AIR QUALITY
CONTROL BOARD

IN THE MATTER OF THE PETITION FOR A HEARING ON THE MERITS REGARDING AIR QUALITY PERMIT NO. 3131 ISSUED TO HONSTEIN OIL & DISTRIBUTING, LLC. SOUTHWEST ORGANIZING PROJECT, BY JUAN REYNOSA, ENVIRONMENTAL JUSTICE ORGANIZER, AND ESTHER AND STEVEN ABEYTA AS INDIVIDUALS AND REPRESENTATIVE MEMBERS OF SWOP, PETITIONERS (AOCB PETITION NO. 2D14-4)

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

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

An appeal of the issuance of Permit #3131 was filed by counsel for petitioners New Mexico Environmental Law Center on behalf of Juan Reynosa, Environmental Justice Organizer, Southwest Organizing Project (SWOP), and Esther and Steven Abeyta as individuals and representative members of SWOP, petitioners (Petition No. AOCB 2014-4) on August 12, 2014. The permit and the Petition for Hearing may be viewed on the Program's website at the following link: <http://www.cabq.gov/airquality/air-quality-control-board/petitions/related-documents>

Hearings and meetings of the Air Board are open to the public and all interested persons are encouraged to participate. All persons who wish to testify regarding the subject of the hearing will be given a reasonable opportunity to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the City of Albuquerque Joint Air Quality Control Board Ordinance Section 9-5-1-6, FOA 1994;

Ad Proof / Order Confirmation

Account Number

1007580

Ad Order Number

0001210349

CITY OF ALB-ENVIRONMENTAL HEAL

Bernalillo County Ordinance 94-5, Section 6; and 20.11.81 NMAC Adjudicatory Procedures - Air Quality Control Board and orders of the Hearing Officer.

PUBLIC COMMENT of a non-technical nature: Wednesday, May 13, 2015, 5:00 pm to 5:30 pm or longer as necessary to accept all public comment offered (per 20.11.81.14.1.(2)). Public comment will be accepted. The Hearing Officer may take public comment at other times throughout the hearing as necessary.

TECHNICAL TESTIMONY: Any person who intends to present technical evidence or testimony opposing the issuance of the permit at the hearing must file a notice of intent (NOI) to present technical testimony by April 8, 2015. City of Albuquerque, Permittees and others supporting the issuance of the permit who intend to present technical evidence or testimony must file an NOI by April 29, 2015. Any person, other than petitioners, the City, or Permittees, who wishes to be treated as an interested participant must file an entry of appearance with the hearing clerk and serve the entry of appearance on all parties by April 8, 2015, per 20.11.81.14.1 NMAC.

Technical evidence or testimony means scientific, engineering, economic or other specialized evidence or testimony. It does not mean legal argument, general comments or statements of policy. NOIs must identify the person filing the statement; identify each witness, including name, affiliation, education and work background; include the testimony of each witness in full narrative fashion, particularly any opinion to be offered by each witness and an explanation of the basis for the opinion; include technical materials relied upon by each witness in forming opinions; estimate the length of each witness' presentation; and identify all exhibits that will be referred to that are part of the administrative record maintained by the City of Albuquerque and attach a copy of any exhibit not in the administrative record. PowerPoint and other slide presentations or displays which are demonstrative and based on technical evidence timely submitted may be shown at the hearing regardless of inclusion in the NOI. Copies no larger than 8 1/2 by 11 inches shall replace large charts and maps in the record after the hearing. Failure to file a timely and complete NOI will preclude a person from presenting that technical evidence or testimony sought to be offered. NOIs shall be filed with the Hearing Clerk at the following address: Attn: Mr. Andrew Daffern, P.O. Box 1293, Albuquerque, NM 87103; or in person at the Environmental Health Department's office, located in Suite #3023 on the third floor of the City-County Government Building, 400 Marquette Ave. NW, Albuquerque, NM.

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

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this process, please call 311 (Voice) and special assistance will be made available to you to receive any public meeting documents, including agendas

and minutes. If users may request special assistance by calling 1-800-859-8331.
Journal: March 29, 2015