

PUBLIC NOTICE – PUBLIC COMMENT AND MOTION HEARING

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD IN THE MATTER OF THE PETITION FOR A HEARING ON THE MERITS REGARDING AIR QUALITY PERMIT NO. 3135 ISSUED TO SMITH'S FOOD AND DRUG CENTERS, INC., MARGARET M. FREED, MARY ANN ROBERTS, AND PAT TOLEDO, PETITIONERS (PETITION NO. AQCB 2014-2) REMAND HEARING

In accordance with the New Mexico Court of Appeals Mandate to the Albuquerque-Bernalillo County Air Quality Control Board (Air Board), dated December 12, 2016, the Air Board will hold a meeting regarding Petition No. AQCB 2014-2 on **Wednesday, June 14, 2017 at 5:30 PM** in the Vincent E. Griego Council Chambers, located on the Basement Level of the Albuquerque-Bernalillo County Government Center, One Civic Plaza NW Albuquerque, NM 87102. During this meeting, the Air Board will accept public comment, conduct a hearing, and deliberate on dispositive motions regarding Petition No. AQCB 2014-2. **Public comment of a non-technical nature will be taken in advance of the motion hearing** for as long as necessary to accept all public comment offered, pursuant to Section 20.11.81.14.I.(2) NMAC. Argument on the dispositive motions will be accepted from parties or their counsel. If a dispositive motion is granted, a hearing on the merits may not be necessary. **In the event a hearing on the merits of the appeal is necessary, it will occur at a later date and separate notice will be published.**

Smith's Food & Drug Centers, Inc. submitted an Authority-to-Construct application to the Air Quality Program (Program) of the City of Albuquerque Environmental Health Department for a proposed gasoline dispensing facility with an annual gasoline throughput of 7,000,000 gallons per year, to be located at 6941 Montgomery Blvd. NE, Albuquerque, NM 87109. Permit #3135 was issued by the Program on April 30, 2014.

An appeal of the issuance of Permit #3135 was filed by petitioners Margaret M. Freed, Mary Ann Roberts, and Pat Toledo on June 2, 2014 (Petition No. AQCB 2014-2). The Air Board heard dispositive motions and entered an order granting dismissal of the appeal on December 1, 2014. This decision was appealed to the New Mexico Court of Appeals and was subsequently remanded to the Air Board to take action consistent with the Mandate, requiring additional notice. The entire case file may be accessed at the following url:
<https://www.dropbox.com/sh/znljwughx15v5pr/AABRFndMF1I5pHe7XBPP54Xqa?dl=0>

Hearings and meetings of the Air Board are open to the public. The motion hearing will be conducted in accordance with the City of Albuquerque Joint Air Quality Control Board Ordinance Section 9-5-1-6 ROA 1994; Bernalillo County Ordinances Sec. 30-36; 20.11.81 NMAC, *Adjudicatory Procedures – Air Quality Control Board*; and orders of the Hearing Officer.

NOTICE TO PERSONS WITH DISABILITIES OR SPECIAL NEEDS: If you have a disability or require special assistance to participate in this meeting, including interpretation, please contact the Albuquerque-Bernalillo County Air Quality Control Board Liaison as soon as possible before the meeting date at 505-768-2601. Those in need of hearing assistance may call 711.

The City of Albuquerque does not discriminate on the bases of race, color, national origin, sex, age or disability. If you believe you have been discriminated against, you may submit a complaint at www.cabq.gov/humanrights/filing-a-complaint. You may also contact Gabe Campos at ODHR@cabq.gov or 505-768-4589.