

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

IN THE MATTER OF THE PETITION  
FOR A HEARING ON THE MERITS  
REGARDING PERMIT NO. 3340,  
[NEW MEXICO TERMINAL SERVICES, LLC]

MOUNTAIN VIEW NEIGHBORHOOD ASSOCIATION,  
As an organization, and  
NORA GARCIA, as an individual,  
Petitioners,

v.

AQCB Docket No. 2018-1

City of Albuquerque, Environmental  
Health Department, Air Quality Program,  
Respondent.

**AMENDED ORDER ON EHD'S UNOPPOSED MOTION  
TO REVERSE AND REMAND THE PERMIT**

This matter comes before the Albuquerque-Bernalillo County Air Quality Control Board ("Air Board") upon a November 9, 2018 Unopposed Motion to Reverse and Remand the Permit ("Motion") filed by the Environmental Health Department ("EHD") Air Quality Program, Respondent, in the above matter. EHD requested that the Air Board reverse and remand Permit No. 3340 (the "Permit") so that EHD could (1) re-notice the Public Information Hearing conducted for the New Mexico Terminal Services, LLC application in compliance with all Air Board requirements and (2) decide whether to issue the Permit after it has received and considered any relevant evidence or public comment.

The Motion was placed on the Air Board's agenda for its February 13, 2019 regularly scheduled meeting and a quorum of the Air Board was present. Neither the Petitioner nor the Permittee opposed the Motion.

EHD Ex. 2

RECEIVED  
ENVIRONMENTAL HEALTH  
19 FEB 22 PM 2:28

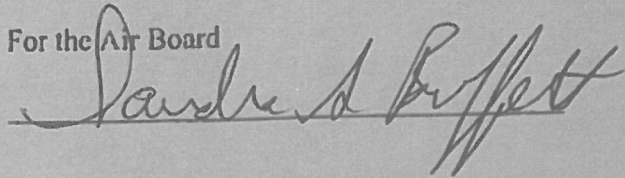
SB

The Motion, if granted, would effectively dispose of the currently pending matter and it was decided by the Air Board, rather than the Hearing Officer. 20.11.81.12(H)(6) NMAC.

Having considered the Motion, the Air Board granted the Motion to Reverse and Remand the Permit by a unanimous vote.

The Permit is hereby reversed and remanded to EHD to hold a new Public Information Hearing in compliance with applicable Air Board regulations as required by 20.11.41 NMAC. EHD's issuance of the Permit is hereby invalidated.

For the Air Board



Approved:

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*Legal Counsel for Petitioners.*

*Mountain View Neighborhood Association and Nora Garcia*



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*Legal Counsel for NM Terminal Services, LLC*

451858

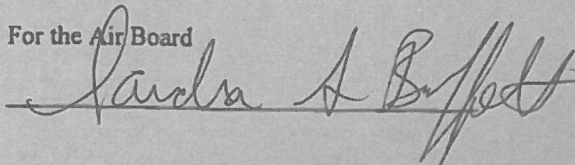


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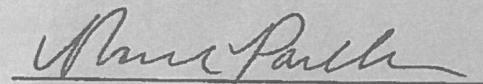
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For the Air Board



Approved:

*Legal Counsel for Petitioners,  
Mountain View Neighborhood Association and Nora Garcia*

*Legal Counsel for NM Terminal Services, LLC*

451858

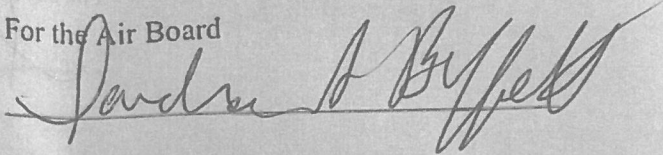
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For the Air Board

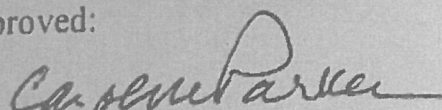


Approved:

Legal Counsel for Petitioners,  
*Mountain View Neighborhood Association and Nora Garcia*

Legal Counsel for NM Terminal Services, LLC

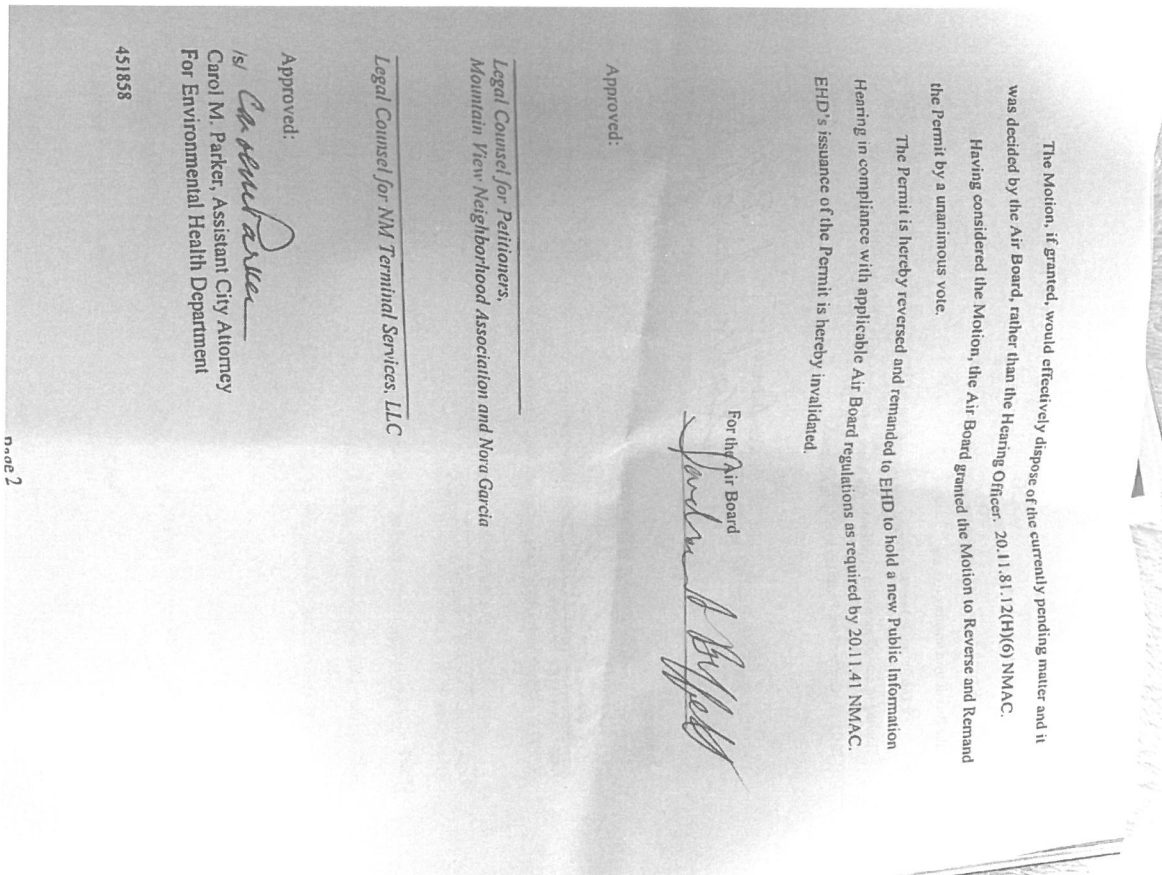
Approved:

/s/   
Carol M. Parker, Assistant City Attorney  
For Environmental Health Department

451858

**From:** [Sandy Buffett](#)  
**To:** [Rocha, Dario W.](#)  
**Cc:** [Merta, Ed L.](#); [Susan Chappell](#)  
**Subject:** Re: Signature on order to reverse and remand  
**Date:** Thursday, February 21, 2019 2:07:27 PM  
**Attachments:** [image001.png](#)  
[image005.png](#)

Whoops hope this is it



On Thu, Feb 21, 2019 at 10:49 AM Rocha, Dario W. <[DRocha@cabq.gov](mailto:DRocha@cabq.gov)> wrote:

Sandy,

There is a signature page with Carol Parker's which is on the last page of the order that was sent. Could you take a picture of this page and send it to us so that we can combine it with the other 3 pages?

Thank You,

Dario

**From:** Sandy Buffett <[sbuffett@gmail.com](mailto:sbuffett@gmail.com)>

**Sent:** Thursday, February 21, 2019 1:28 PM

**To:** Rocha, Dario W. <[DRocha@cabq.gov](mailto:DRocha@cabq.gov)>

**Cc:** Merta, Ed L. <[emerta@cabq.gov](mailto:emerta@cabq.gov)>; Susan Chappell <[susangchappell.law@gmail.com](mailto:susangchappell.law@gmail.com)>

**Subject:** Re: Signature on order to reverse and remand

I only received one document that had 2 lines for signing

On Thu, Feb 21, 2019 at 10:24 AM Rocha, Dario W. <[DRocha@cabq.gov](mailto:DRocha@cabq.gov)> wrote:

Hi Sandy,

There was a third signature page that was sent by Carol. Do you have a picture of this page as well?

Thank you,



DARIO ROCHA

environmental health manager | environmental health department

o 505.768.2637

m 505.250.3331

[cabq.gov/environmentalhealth/](http://cabq.gov/environmentalhealth/)

**From:** Sandy Buffett <[sbuffett@gmail.com](mailto:sbuffett@gmail.com)>

**Sent:** Thursday, February 21, 2019 11:32 AM

**To:** Merta, Ed L. <[emerta@cabq.gov](mailto:emerta@cabq.gov)>

**Cc:** Rocha, Dario W. <[DRocha@cabq.gov](mailto:DRocha@cabq.gov)>; Susan Chappell ([susangchappell.law@gmail.com](mailto:susangchappell.law@gmail.com)) <[susangchappell.law@gmail.com](mailto:susangchappell.law@gmail.com)>

**Subject:** Re: Signature on order to reverse and remand

JB

<p>STATE OF NEW MEXICO Before the ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD</p> <p>IN THE MATTER OF THE PETITION FOR A HEARING ON THE MERITS REGARDING PERMIT NO. 3340, [NEW MEXICO TERMINAL SERVICES, LLC] MOUNTAIN VIEW NEIGHBORHOOD ASSOCIATION, As an organization, and NORA GARCIA, as an individual, Petitioners,</p> <p>v. City of Albuquerque, Environmental Health Department, Air Quality Program, Respondent.</p>	<p>AQCB Docket No. 2018-1</p> <p><b>AMENDED ORDER ON EHD'S UNOPPOSED MOTION TO REVERSE AND REMAND THE PERMIT</b></p> <p>This matter comes before the Albuquerque-Bernalillo County Air Quality Control Board ("Air Board") upon a November 9, 2018 Unopposed Motion to Reverse and Remand the Permit ("Motion") filed by the Environmental Health Department ("EHD") Air Quality Program, Respondent, in the above matter. EHD requested that the Air Board reverse and remand Permit No. 3340 (the "Permit") so that EHD could (1) re-notice the Public Information Hearing conducted for the New Mexico Terminal Services, LLC application in compliance with all Air Board requirements and (2) decide whether to issue the Permit after it has received and considered any relevant evidence or public comment.</p> <p>The Motion was placed on the Air Board's agenda for its February 13, 2019 regularly scheduled meeting and a quorum of the Air Board was present. Neither the Petitioner nor the Permittee opposed the Motion.</p>
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EHD Ex. 2



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For the Air Board



Approved:

Legal Counsel for Petitioners,  
Mountain View Neighborhood Association and Nora Garcia



Legal Counsel for NM Terminal Services, LLC

451858

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For the Air Board



Approved:

Legal Counsel for Petitioners,  
Mountain View Neighborhood Association and Nora Garcia

Legal Counsel for NM Terminal Services, LLC

451858



On Wed, Feb 20, 2019 at 1:09 PM Merta, Ed L. <[emerta@cabq.gov](mailto:emerta@cabq.gov)> wrote:

Hi Sandy,

Just wanted to see if you've had a chance to review and sign the order by the Board approved at last week's meeting. Once you've signed it, I was wondering if you could send a scanned copy of the entire document to me by email (if Sue is okay with that) so that I can get it filed in the docket.

Thanks very much, hope all is well,

-Ed



ED MERTA

air quality regulation development coordinator | environmental health  
department

o 505.768.2660

[cabq.gov/environmentalhealth/](http://cabq.gov/environmentalhealth/)

=====  
This message has been analyzed by Deep Discovery Email Inspector.

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This message has been analyzed by Deep Discovery Email Inspector.

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This message has been analyzed by Deep Discovery Email Inspector.

**CERTIFICATE OF SERVICE**

I hereby certify that I have e-mailed a true and correct copy of the attached ORDER on this 22<sup>nd</sup> day of February, 2019, to the following:

**E-mailed**

Sandra Buffett

[sbuffet@gmail.com](mailto:sbuffet@gmail.com)

*Chair, Albuquerque – Bernalillo County Air Quality Control Board; Hearing Officer*

**E-mailed**

Susan Chappell

[susangchappell.law@gmail.com](mailto:susangchappell.law@gmail.com)

*Interim Attorney for the Albuquerque-Bernalillo County Air Quality Control Board*

**E-mailed**

Nadine Padilla

Eric Jantz

New Mexico Environmental Law Center

[npadilla@nmelc.org](mailto:npadilla@nmelc.org)

[ejantz@nmelc.org](mailto:ejantz@nmelc.org)

*Counsel for Petitioners*

**E-mailed**

Carol M. Parker, Assistant City Attorney,

Air Quality Program

[cparker@cabq.gov](mailto:cparker@cabq.gov)

*Counsel for Department*

**E-mailed**

Randall L. Thompson

Thompson Law Offices

[rlt@rltlawpc.com](mailto:rlt@rltlawpc.com)

*Counsel for Permittee*

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward L. Merta", written over a horizontal line.

Edward L. Merta, AQCB Hearing Clerk