

IN THE COURT OF APPEALS
FOR THE STATE OF NEW MEXICO

SouthWest Organizing Project,
Esther Abeyta, and Steven Abyeta,

Appellants,

v.

No. _____

Albuquerque-Bernalillo County Air
Quality Control Board,

Appellee.

COURT OF APPEALS OF NEW MEXICO
FILED

MAY 10 2017



NOTICE OF APPEAL

The SouthWest Organizing Project (“SWOP”), including all of its members, and representative members Esther Abeyta and Steven Abeyta hereby appeal to the New Mexico Court of Appeals from the April 14, 2017 Final Order of the Albuquerque-Bernalillo Air Quality Control Board ("Board") upholding the City of Albuquerque Environmental Health Department's decision to grant Honstein Oil & Distributing, LLC a pollution permit pursuant to the New Mexico Air Quality Control Act, NMSA 1978, §§ 74-2-1 *et. seq.*

A copy of the Board's Final Order is attached to this Notice of Appeal as Exhibit 1. The Final Order refers to and incorporates the Hearing Officer’s Report, filed by the Hearing Officer in the administrative proceeding the Board conducted, which is attached hereto as Exhibit 2. The Final Order also refers to and

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2017, I have hand delivered, delivered by electronic mail, or placed a copy of the foregoing pleading in the above-captioned case in the US Mail, First Class to the following:

Albuquerque-Bernalillo County Air Quality Control Board
c/o Andrew Daffern
Control Strategies Section
Environmental Health Department
One Civic Plaza, Room 3023
Albuquerque, New Mexico 87102
orthf@yahoo.com

Carol M. Parker
Assistant City Attorney
PO Box 2248
Albuquerque, New Mexico 87103
cparker@cabq.gov

Rod Honstein and Shawn Boyle
Managing Member
Honstein Oil & Distributing, LLC
11 Paseo Real
Santa Fe, New Mexico 87507
rod@honsteinoil.com
sboyle@bradhallfuel.com

By:

A handwritten signature in black ink, appearing to be a stylized name, possibly "Rod Honstein", written over a horizontal line.

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, Honstein Oil

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SouthWest Organizing Project (SWOP)
by Juan Reynosa, Environmental Justice Organizer;
Esther and Steven Abeyta, Members of SWOP,
Petitioners.

FINAL ORDER

This matter comes before the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) as an appeal of a minor stationary source air quality permit issued to Honstein Oil & Distributing, LLC (Honstein) in Albuquerque, New Mexico. The Air Board held a hearing before a Hearing Officer over three days in January, 2017 in Albuquerque, New Mexico.

Honstein sought a Minor Source Air Quality Authority-To-Construct Permit for an existing bulk gasoline plant in the South Valley of Albuquerque, New Mexico. The City of Albuquerque Environmental Health Department Air Quality Program issued the permit and Petitioners timely appealed.

Having considered the administrative record in its entirety, including all post-hearing submittals; and being otherwise fully advised regarding this matter; at its April 12, 2017 meeting, THE BOARD ADOPTED BY A VOTE OF 4-0 THE HEARING OFFICER'S REPORT AND RECOMMENDATION WITH THE CORRECTED PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.

Exhibit 1

CERTIFICATE OF SERVICE

I hereby certify that I have e-mailed a true and correct copy of the attached FINAL ORDER on this 17th day of April, 2017, to the following:

E-mailed

Felicia Orth

orthf@yahoo.com

Attorney for the Albuquerque-Bernalillo County Air Quality Control Board and Hearing Officer for AQCB Petition No. 2014-4

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

Eric Ames

ericameslaw@gmail.com

Counsel for Respondent

E-mailed

Rod Honstein, Managing Member

Honstein Oil & Distributing, LLC

rod@honsteinoil.com

Applicant

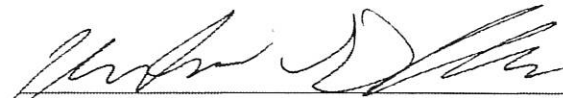
E-mailed

Shawn Boyle

sboyle@bradhallfuel.com

Counsel for Applicant

Respectfully submitted,



Andrew Daffern, AQCB Hearing Clerk