

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
AIR QUALITY PERMIT NO. 3131 [Honstein Oil]

No. AQCB 2014-4

SouthWest Organizing Project [SWOP]
by Juan Reynosa, Environmental Justice Organizer;
Esther and Steven Abeyta, Members of SWOP,
Petitioners

Petitioners' Notice of Intent to Present Technical Testimony

Pursuant to the Hearing Officer's December 19, 2014 Pre-hearing Order in the above-captioned matter, Petitioners' hereby submit their Notice of Intent to Present Technical Testimony at the hearing scheduled for May 13-14, 2015. Petitioners intend to offer the following technical testimony:

I. Names and Qualifications of Witnesses to be Presented

SWOP intends to offer the following witnesses:

1. Ms. Kitty Richards, MPH, M.S. Ms. Richards will testify about the socioeconomic demographics of the San Jose neighborhood, including racial and ethnic composition. Ms. Richards will also testify about the concentration of air pollution sources in and near the San Jose neighborhood. Finally, Ms. Richards will provide an overview of the incidences of disease associated with environmental pollution in the San Jose neighborhood. Ms. Richards will offer the opinion that the San Jose neighborhood is predominantly low-income and minority, and bears a higher proportion of air pollution sources than affluent, non-minority

neighborhoods in Bernalillo County. Ms. Richards' complete resume is attached as SWOP Exhibit 1. A.

2. Dr. George Thurston

Dr. George Thurston, Director of the Program in Exposure Assessment and Health Effects at the New York University School of Medicine's Department of Environmental Medicine, will testify in depth about the health effects associated with the kinds of air pollutants emitted by the Honstein bulk petroleum facility and other polluting sources in and adjacent to the San Jose neighborhood. Dr. Thurston will offer the opinion that air emissions from the Honstein facility, in combination with pollution from other sources, may create a reasonable risk of adverse health effects to residents of the San Jose neighborhood.

Dr. Thurston is qualified to offer his expert opinion because of his education and experience. Dr. Thurston holds a Ph.D. in Environmental Health Science from Harvard University. Dr. Thurston has conducted extensive research on the impacts of air pollution, particularly particulate matter and volatile organic compounds on the health of low-income and minority communities. Additionally, Dr. Thurston has published extensively on this subject in peer-reviewed journals, and has reviewed academic manuscripts on this subject from other researchers. Dr. Thurston has given presentations on the cumulative impacts of air pollution to regional, national, and international audiences. A complete account of Dr. Thurston's qualifications are in his *Curriculum Vitae*, attached as SWOP Exhibit 2.A.

3. Dr. Dana Rowangould, Affiliate Associate Professor at the University of Washington, Department of Civil and Environmental Engineering and principal in Sustainable Systems Research, LLC. Dr. Rowangould will testify about a) the socioeconomic conditions in the San Jose neighborhood based on publicly available information; b) the sources of air

pollution in and adjacent to the San Jose neighborhood based on publicly available information; and c) the potential impacts from multiple pollution sources on San Jose neighborhood residents. Dr. Rowangould will offer the opinion that air pollution from the Honstein bulk petroleum facility, when considered with the other multiple air pollution sources in and adjacent to the San Jose, may pose a reasonable risk to human health and property use to San Jose residents, and given the potential problems with cumulative air impacts in San Jose, a more in depth cumulative air impacts analysis would better illustrate the risks associated with the Honstein permit. Dr. Rowangould's complete testimony is attached hereto as SWOP Exhibit 3.

Dr. Rowangould is qualified to offer her testimony based on education and experience. Dr. Rowangould received her Ph.D. in Ecology with an emphasis in Environmental Science and Policy from the University of California, Davis. Dr. Rowangould's has measured and evaluated soil, water, and air pollution levels at industrial facilities. Her doctoral research focused on estimating greenhouse gas emissions from a variety of sources associated with urban development and on the expected emissions from urban land use policies, plans, and implementation. Her postdoctoral work (conducted with the Center for Regional Change at the University of California, Davis) involved evaluating the health and environmental justice impacts of regional land use and transportation plans in California's Central Valley. Dr. Rowangould teaches a graduate level course entitled "Health and Sustainable Transportation" in the Department of Civil and Environmental Engineering at the University of Washington.

Dr. Rowangould has conducted numerous environmental justice analyses, which entail gathering demographic information, pollution emission information and health information in a given area. Dr. Rowangould's analyses have been included in public comments submitted to Federal and state environmental administrative agencies to support opposition to (or

modification of) industrial and highway projects with impacts in environmental justice communities. A full description of Dr. Rowangould's qualifications is attached as SWOP Exhibit 3.A.

II. Exhibits

Petitioners' experts intend to offer the following Exhibits:

1. Ms. Richards:
 - a. SWOP Exhibit 1, Written Testimony of Kitty Richards;
 - b. SWOP Exhibit 1.A, Kitty Richards resume;
 - c. SWOP Exhibit 1.B., Map 5 from *Place Matters for Health in Bernalillo County* (Joint Center for Political and Economic Studies, 2012);
2. Dr. Thurston:
 - a. SWOP Exhibit 2, Written Testimony of Dr. George Thurston;
 - b. SWOP Exhibit 2.A, *Curriculum Vitae* of George Thurston;
3. Dr. Rowangould:
 - a. SWOP Exhibit 3, Written Testimony of Dr. Dana Rowangould;
 - b. SWOP Exhibit 3.A, *Curriculum Vitae* of Dana Rowangould;
 - c. SWOP Exhibit 3.B, Memorandum analyzing cumulative impacts in San Jose neighborhood.

Petitioners reserve the right to present additional demonstrative exhibits at the time of hearing.

III. Anticipated Length of Testimony

Petitioners anticipate that Ms. Richards' testimony will last approximately one hour, exclusive of cross examination. Petitioners reserve the right to call Ms. Richards as a rebuttal witness.

Petitioners anticipate that Dr. Thurston's testimony will last approximately two hours, exclusive of cross-examination. Petitioners reserve the right to call Dr. Thurston as a rebuttal witness.

Petitioners anticipate that Dr. Rowangould's testimony will last approximately two hours, exclusive of cross-examination. Petitioners reserve the right to call Dr. Rowangould as a rebuttal witness.

DATED: April 8, 2015.

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of April, 2015, I have placed a copy of the foregoing pleading in the above-captioned case in the US Mail, First Class to the following:

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