

*****For Immediate Release*****

Earth Care Leads Community Resistance to Asphalt Plant Expansion in Santa Fe's Southside Neighborhood

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March 1, 2020, SANTA FE, NM—Santa Fe's Southside faces two incompatible trends, unprecedented development and increased environmental pollution. A growing number of polluting businesses seek to operate in Santa Fe County just West of 599, mainly North of Airport Road. This is the most densely populated area of Santa Fe; it is also where many low-income and immigrant populations live.

A coalition of Southside residents has formed in response to concerns about public health. Many residents see the location of so many polluting businesses near their homes and area schools, parks and athletic fields as environmental racism. It is the result of a decision by Santa Fe County to designate an area adjoining the most densely populated areas of Santa Fe as Commercial/Industrial.

A local teacher, Edmund Gorman, who is a 5th-grade Elementary School teacher at El Camino Real Academy, says "My students, families, and staff at El Camino Real Academy are quite concerned about the possibility of the new asphalt plant being built so close to our school and neighborhood. We feel like there could be a much better placement for the plant, not near a school or neighborhood. We are glad the plant will provide jobs for Santa Fe during this time of struggle for many but feel like there must

WHAT:

Associated Asphalt and Materials LLC's application to New Mexico Environment Department's Air Quality Bureau for an Air Quality Permit **WHEN:** Public Hearing on the Application is scheduled for March 22nd at 4 p.m.

WHERE:

The Public Hearing will take place virtually and will be presided over by Hearing Officer Gregory Chakalian.

PUBLIC COMMENT:

WRITTEN & ORAL COMMENTS: The public may submit written comments by email or post to Pamela Jones, Hearing Clerk, at: Pamela.Jones@state.nm.us or mail them to Pam Jones, Hearing Clerk, New Mexico Environment Department, 1190 St. Francis Drive, Santa Fe, NM 87505.

GET INVOLVED:

CONTACT THE SOUTHSIDE NEIGHBORHOODS COALITION: % Earth Care at communityhealthsantafe@gmail.com

be other options in more isolated areas that will not present possible health risks to a large community.”

The immediate concern is an application by Associated Asphalt and Materials LLC for an Air Quality Permit from the New Mexico Environment Department (NMED). If the AQP is issued, as anticipated, then the applicant will apply to Santa Fe County for permission to consolidate its two existing asphalt plants into a single plant with the right to operate 24/7, 365 days per year.

Another resident, a college student named Veronica L., says she has questions about how the asphalt plant expansion could impact her health. She says, “As a person who lives in the southside of Santa Fe, I am concerned about the pollution we are going to experience on a daily basis. Can it cause me or the residents in our community health problems?”

Southside residents are now represented by the New Mexico Environmental Law Center. In addition to joining hands on the basis of neighborhoods, Miguel Acosta of Earth Care also seeks to bring other partners into the coalition. These community organizations already work closely with low-income residents in mobile home parks such as Riverside and Cottonwood. The combined effects of COVID-19, which disproportionately affects “essential,” low-income workers who live on the Southside, and increased air pollution from a variety of businesses in the area zoned Commercial/Industrial, cannot be overstated. Pre-existing conditions like asthma leave people of all ages at greater risk during the pandemic.

“This area has rapidly taken on the characteristics of a sacrifice zone,” says Earth Care co-director Miguel Acosta. “The neighborhoods were annexed in the last ten years by the City of Santa Fe after being neglected by the county for many decades. The city and county’s collective neglect has now turned more deadly as children and families that are the last to be tested, last to be vaccinated, most likely to be exposed to COVID 19 and least likely to have health insurance, are the most likely to suffer from the cumulative impacts on their health. Recovering from the pandemic and building a just, healthy, anti-racist and equitable community go hand in hand.”

Meanwhile, another company, Santa Fe Classic Rock, has also applied to NMED for an Air Quality Permit. Residents are concerned that many more polluting industries may soon try to locate in this area of the County, making the aggregate pollution all the more extreme for residents. The Santa Fe Airport and the City Water Filtration Plant are also located in this part of the City and County. Many residents have no idea that they are moving into an area with significant and growing amounts of environmental pollution. They may purchase a home in the city of Santa Fe literally across the highway from polluting industries, yet they have not been informed of the zoning issue and the health risks these businesses may pose to them and their families.

Asphalt Fumes are Known Toxins

According to the Center for Health, Environment and Justice, “Asphalt Fumes are Known Toxins. The federal Environmental Protection Agency (EPA) states ‘Asphalt processing and asphalt roofing manufacturing facilities are major sources of hazardous air pollutants such as formaldehyde, hexane, phenol, polycyclic organic matter, and toluene. Exposure to these air toxics may cause cancer, central nervous system problems, liver damage, respiratory problems and skin irritation.’ [EPA]. According to one health agency, asphalt fumes contain substances known to cause cancer, can cause coughing, wheezing or shortness of breath, severe irritation of the skin, headaches, dizziness, and nausea. [NJDHSS] Animal studies show PAHs affect reproduction, cause birth defects and are harmful to the immune system. [NJDHSS] The US Department of Health and Human Services has determined that PAHs may be carcinogenic to humans. [DHHS]”

--*Asphalt Plants, Publication 131* published by the Center for Health, Environment and Justice in August 2020, <http://chej.org/wp-content/uploads/Asphalt-Plants-PUB-1313.pdf>

Legal Case Moves Forward

Today the New Mexico Environmental Law Center filed a Statement of Intent to Present Technical Testimony on behalf of Earthcare, NM and individual residents of the neighborhoods surrounding the existing and proposed AAM operations.

Under the regulations governing adjudications, this is the document that includes a summary of the testimony any technical witness would be presenting at the hearing. It is ordinarily used to give each party in a case notice of what evidence and testimony the others will be presenting in order to avoid surprise. In this case, the parties have been required to write out the entirety of their technical testimony prior to the hearing.

“Requiring complete written testimony prior to hearing has become a worrisome trend in administrative adjudications,” said NMELC attorney Eric Jantz. “It not only deprives all parties of the ability to react and modify their testimony based on circumstances that arise at hearing, it also further marginalizes community members. This requirement makes it harder for communities without resources to meaningfully participate in adjudications and favors parties who have ample legal and technical resources at their disposal.”

The Statement of Intent and accompanying testimony explains that the proposed AAM operation creates health risks to nearby residents that the NMED should not be willing to impose on them.



Residents of the Southside of Santa Fe are currently exposed to levels of air pollution that are higher than other parts of Santa Fe and disproportionately impact community members already living with higher rates of asthma and Covid-19, both of which are exacerbated by the increased presence of air pollution.

“Our technical witnesses make this point in many ways,” said attorney Maslyn Locke, “explaining that the proposed AAM plant will likely increase fine particulate pollution in the area, which is known to cause many adverse health impacts.”

“Simply put, this project cannot happen based on the data NMED has reviewed, the sloppy work of the Environment Department in reviewing AAM's permit application, air dispersion modeling and in the creation of the draft permit. Putting the health of Santa Fe's southside communities in jeopardy in the name of industrial production is environmental racism,” said Ms. Locke.

For more information

If you would like to participate in the hearing on March 22, please contact Earth Care by emailing communityhealthsantafe@gmail.com.

For more information about Earth Care's campaign, visit www.earthcarenm.org/communityhealth.

For more information about the New Mexico Environmental Law Center, go to <https://nmelc.org/>.

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