



**\*\*\*PRESS RELEASE\*\*\***

**Southside Community Comes out in Full Force against the Proposed Asphalt Plant Permit in Spite of Systemic Barriers to Participation**

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*Santa Fe, NM*—More than 100 community members attended the three-day hearing on the proposed Air Quality Permit for Associated Asphalt & Material’s plant consolidation which was held before the NM Environmental Department and took place Monday, March 22 through Wednesday, March 25. Participants ranged in age from elementary school students at El Camino Real and Cesar Chavez, to seniors living in the impacted area. Every single member of the public who provided comment during the Public Hearing spoke against the permit except one.

Though the virtual hearing room was packed with community members concerned for their health and the environment, few members were given the opportunity to speak. After roughly a dozen community members were able to share their concerns about the inequities of permitting another polluting industry in their already overburdened neighborhood in Santa Fe’s Southside, members of the public were told that no further comments regarding health concerns, environmental justice, or noise would be heard. Among those who were not allowed to provide comment were numerous 5<sup>th</sup> graders from El Camino Real which is located next to the proposed location for the expanded plant.

There were also numerous problems with the language interpretation provided by NMED. The first speaker for whom interpretation was needed was interrupted several times as the Department failed to be able to address technical issues with the interpretation. Finally she offered to do her best in English so that she could still participate. Many other Spanish speakers may have become discouraged due to the lack of adequate interpretation services and left the zoom hearing. At one point, NMED attorney Chris Vigil said, “Separate but equal” interpretation

would be adequate, asking for all Spanish speakers to be grouped together to make it easier for the interpreter.

In addition to restricting public comment against the asphalt plant and failing to provide adequate Spanish language access, members of the public were not notified of changing public comment times in advance, were not informed ahead of time that they would need to be sworn in in order to make a comment, and were not told they would be cut off after five minutes. Then on day two that time was reduced to two minutes, and many members of the public communicated with organizers at Earth Care that they were left in the waiting room for as long as 30 minutes before being admitted into the hearing.

Despite these barriers, community members stayed late into the night to listen to the hearing and returned when the hearing ran beyond the March 22nd date. When not allowed to speak, many members submitted their testimonies in writing for inclusion in the record.

To read multiple statements from community members about their concerns about this permit, please go to this link:

<https://docs.google.com/document/d/1uxm6HZ4vytdoPUEmUHbRTxIBqNzHmJCTu6O4jBQ9oGQ/edit>

Earth Care Co-Director Miguel Acosta said, “The calls from the community were clear despite the failure of the NMED to adequately facilitate the public hearing.”

Linda Marieniello, a resident of Tierra Contenta and one of the parties on the case, said, “The Department is spending taxpayer dollars to ensure that the public is NOT protected from polluting industries that they permit and just ‘happen’ to be located in low-income communities of color.”

The New Mexico Environmental Law Center is representing Earth Care and several other clients in this case. Staff attorney Maslyn Locke said, “I think NMED made their priorities pretty clear when their witness told everyone that the Department didn’t want to bully Associated Asphalt and Materials by making them monitor their current air emissions. The Department, however, remains perfectly willing to allow Santa Fe’s Southside community to bear the burden of air pollution.”

NMELC staff attorney Eric Jantz added, “Although the process has been disappointing, it hasn’t been entirely surprising. The regulatory framework is set up to marginalize community voices and reinforce existing wealth and power structures. The only surprise is how comfortable the

regulators have become with treating regulated industry as ‘customers’ and treating the community as an irritant.”

### **What’s Next**

Earth Care will hold a community meeting to report back on the hearing and talk about next steps for the legal case as well as their larger community-driven southside development campaign this Saturday from 10-11:30AM on Zoom.

Community members in the impacted area including community-based organizations like Earth Care have been organizing against the request by Associated Asphalt & Materials for an Air Quality Permit from the NMED to expand its operations in Santa Fe’s Southside neighborhood, consolidating two asphalt plants into one operation just west of 599 and north of Airport Road that would operate up to 24/7, 365 days per year.

Earth Care works closely with low-income residents in mobile home communities 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.

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.