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**City Environmental Health Department Withdraws Motions to Disqualify
Air Quality Control Board Members**

July 14 Hearing Cancelled

**Mountain View Coalition Credits Community Mobilization Efforts for
Raising Voices Against Environmental Injustice**

ALBUQUERQUE, NM—The City of Albuquerque Environmental Health Department (EHD) abruptly withdrew four motions to disqualify Air Quality Control Board (AQCB) members from a case by Mountain View residents to reverse the air pollution permit for a hot mix asphalt batch plant proposed by New Mexico Terminal Services (NMTS).

Attorneys for the EHD had requested three members of the AQCB to be disqualified for bias; attorneys for the groups making up the Mountain View coalition—Mountain View Neighborhood Association, Mountain View Community Action, and Friends of Valle de Oro National Wildlife Refuge—were prepared to argue in the July 14th hearing next week in front of the AQCB that the bias claims were baseless and that there is no evidence to support the city's disqualification requests.

The coalition and their attorneys believe this entire effort to get board members to be kicked off the NMTS case has been a huge distraction and a tremendous waste of taxpayer money.

Members of the Mountain View Coalition are represented by the New Mexico Environmental Law Center. NMELC Staff Attorney Eric Jantz said, "We are pleased the Environmental Health Department withdrew their motions. Now the board can get back to the job it was appointed to do." And staff attorney Maslyn Locke added, "The board's job is to prevent and clean up air

pollution. EHD tried to hobble the board's ability to do that, and now we are looking forward to presenting, alongside the community, at a hearing in front of the full board."

Meanwhile, coalition members shared messages with supporters celebrating this temporary victory in the battle to reverse NMTS' air pollution permit and to address the long history of cumulative impacts, environmental injustice, and environmental racism in their community.

Long time resident **Lauro Silva** said, "We have been fighting the environmental contamination the City has been shoving down into our communities. For more than 24 years we have opposed the City policies of permitting dirty industries with ever increasing air, soil and water pollution in Mountain View. Many residents have suffered respiratory illnesses, blue baby syndrome, and other health impacts, as well as a 10- to 22-year shorter life expectancy as compared to other areas. We have Superfund sites, brownfields, auto wrecking yards, asphalt plants, chemical companies, a sewer plant, and huge fires at metal recycling yards. The EHD withdrawal of its oppressive attempt to remove members of the Albuquerque/Bernalillo County Air Quality Control Board is a small victory in our effort to reverse the decision to allow another industry to contaminate our air. We thank ALL who signed our petition and to many of the unsung heroes who continue to fight the environmental racism before us. *Ya BASTA con la contaminación y las pólizas.*"

In spite of the many challenges of trying to organize during the Covid pandemic, the community has been increasing the pressure on city and county officials to reverse the air pollution permit for New Mexico Terminal Services' proposed asphalt plant at 9615 Broadway SE, just past the Valle de Oro National Wildlife Refuge, and north of Isleta Pueblo and I-25 as it heads west.

The Mountain View Coalition has garnered more than 700 signatures to their petition (<http://bit.ly/stoptheasphaltassault>) addressed to elected officials to reverse the permit that EHD granted in October 2020. Coalition members have mailed a postcard to all residents in Mountain View and the neighboring Pueblo of Isleta, and gone door-to-door speaking with neighbors and sharing concerns. Friends of Valle de Oro created a StoryMap detailing the dozens of polluting industries already in the historic agricultural community (<https://storymaps.arcgis.com/stories/df926541539f4c2c9d3aba77e58d17aa>). A recent OpEd in the *Albuquerque Journal* (<https://www.abqjournal.com/2404174/is-citys-industrial-sacrifice-zone.html>), phone calls and hand-delivered letters to Mayor Keller, and discussions with representatives from Isleta Pueblo have created a growing momentum of community members and allies fighting to protect the health and environment of Mountain View.

Attorneys were prepared to argue against the disqualifications of board members and filed responses demonstrating that the EHD motions were baseless, frivolous and an attempt to intimidate board members. Although the disqualification motions are no longer on the agenda, the monthly Air Quality Control Board meeting is still scheduled for July 14 at 5:30pm.

Now that the disqualification hearing will be vacated, the next steps in the process entail a dispositive hearing, likely in September, over legal rulings dealing with ozone levels out of compliance and zoning issues. The land where NMTS wants to construct and operate the asphalt plant is zoned agricultural, not industrial. Then a hearing on the merits is expected later in the year.

Nora Garcia, president of the Mountain View Neighborhood Association, said, “We were very excited to learn that there was a reversal of the Recusal Hearing set for the July 14 meeting. This is considered a major victory for the Community of Mountain View. **We are dedicated to working toward a pollution-free environment concerning Land Use Zoning, Air Quality, and Water Quality and where there is environmental Justice for all that live in the Mountain View Community.**”

David Barber, President of Friends of Valle de Oro National Wildlife Refuge, shared: “I am a longtime resident of the Mountain View community. I’ve lived here since 1994 and ever since I’ve lived here, the community and neighborhood has always fought dirty industry coming into the area. Our latest battle has been with New Mexico Terminal Services. The opposition was trying to recuse some of the board members on appealing the original air pollution permit that was granted. We learned today that the recusal of board members was withdrawn. **We see that as a huge victory for the neighborhood.**”

Marla Painter, from Mountain View Community Action, said, “Marla Painter, President of Mountain View Community Action, responded to the news saying, “We are pleased that the City has heard our objections to their request for recusals and has withdrawn their motions. They listened to us and now understand that gagging qualified Air Quality Control Board members from our appeal is imprudent, especially considering we have been struggling with a disproportionate burden of air pollution in our community for many years. We look forward to a more productive relationship as we move to **cease the inequitable amounts of air pollution generated in our neighborhood that causes severe cumulative health impacts.**”

Mountain View Coalition Facebook page: <https://www.facebook.com/MountainViewCoalition>

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