

## Mountain View Coalition

Mountain View Neighborhood Association • Mountain View Community Action •  
Friends of Valle de Oro National Wildlife Refuge



# Health, Environment & Equity Impacts Regulation FAQs

## How will this regulation improve the lives of Bernalillo County Residents?

The new rule will allow the City of Albuquerque Environmental Health Department (EHD) and the Air Quality Control Board to address the disparate impacts of air pollution negatively impacting the health and quality of life of Bernalillo County residents by denying air pollution permits to facilities proposed in communities already bearing the **disproportionate burden of air pollution**. This will also contribute to better air quality county-wide and provide for a healthier Bernalillo County overall. Additionally, the regulation will have the effect of attracting clean industries to Bernalillo County, stimulating pollution control technology innovation and businesses, and saving the County many millions of dollars in health care costs related to air pollution.

## What does this regulation do and how does it do it?

The regulation requires EHD to **deny a permit application if it will be located in an overburdened community and negatively impact the health of residents in that community**. Specifically, EHD and the permit applicant will work together to first identify whether the proposed polluting facility will be located in an **overburdened** community, meaning a community that is already facing the disparate impacts of **existing** air pollution.

If the facility is proposed to be located in an overburdened community, the applicant must perform a **Disparate Impact Screening** and evaluate existing health index scores in the overburdened community.<sup>1</sup> The permit application will be denied if either the air toxics cancer risk score or the air toxics respiratory hazard index score is at the maximum level found in the County, or the concentration of any criteria pollutant is at the maximum concentration level found in Bernalillo County.

If the permit application is not denied based on the disparate impact screening, but the facility will be located in an overburdened community, the permit applicant must provide a **Health, Environment and Equity Impacts Analysis and Report** (HEEI Report) to EHD. If this HEEI Report indicates that the proposed facility will violate certain conditions identified in the rule, the permit application will be denied. If the permit application is not denied by EHD, the EHD may issue the permit, subject to mitigation measures informed by the Health, Environment and Equity Impacts Report and the community.

## How is the public able to participate in the process?

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<sup>1</sup> The Applicant must include data regarding the Air toxics cancer risk in the overburdened community, the Air toxics respiratory hazard index score in the overburdened community, and data on existing criteria pollutant concentrations in the overburdened community.

If EHD does not deny the permit application based on the Disparate Impacts Screening, the applicant will have to provide a Health, Environment and Equity Impacts Report to the Department. EHD must hold a public hearing on that Report in which the public will be able to participate. Importantly, the new rule also allows for **community testimony and community-based participatory research to be given the same weight as the technical expertise and testimony provided by the applicant and EHD**. This testimony may influence whether EHD will deny a permit application and may be used to inform any mitigation measures included in an issued permit.

### **When will a permit application be denied?**

There are two instances when EHD may deny a permit application based on this rule. The first occurs when the applicant performs a **Disparate Impact Screening** and any one of the three listed conditions are met. If a permit is not denied based on the Disparate Impact Screening, EHD will deny a permit application if, based on the Health, Environment and Equity Impacts Report, the facility is shown to: 1) increase the air toxics cancer risk score in the overburdened community beyond 5 in 1,000,000; or 2) increase the air toxics respiratory hazard index by a value of 1.0 in the overburdened community; or 3) increase the diesel particulate matter concentration within the overburdened community by 5% over the block average or beyond the County average; or 4) increase the local concentration 24-hour PM<sub>2.5</sub> by 3 micrograms per meter cubed in the overburdened community.

### **Important Definitions**

- *Overburdened Community*: A census block group where the air toxics respiratory hazard index is at or exceeds the county average or the air toxics cancer risk is at or exceeds the county average.
- *Disparate Impact Screening*: The process by which a permit applicant evaluates a census block group in which its operation is proposed and all contiguous census blocks to determine whether the proposed facility will impact an overburdened community.
- *Cumulative Impacts*: The exposures, public health, and environmental effects from the combined emissions and discharges in a geographic area, including air emissions from all existing and reasonably foreseeable sources, routinely, accidentally or otherwise released and non-chemical stressors. Cumulative Impacts shall take into account sensitive populations and socio-economic factors and social determinants of health.