

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 sources proposed in communities already bearing the **disproportionate burden of air pollution**. This will 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 in certain instances if it will be located in an overburdened community and negatively impact the health of residents in that community.

If the source is proposed to be located in an overburdened community, meaning a community that is already facing the disparate health impacts of existing air pollution, the applicant must apply for a **Health, Environment and Equity Impacts permit** prior to applying for any other air pollution permit with the EHD. To obtain a permit, the applicant must perform a **Health, Environment and Equity Impacts analysis** and evaluate existing health and environmental impacts in every overburdened community within a one-mile radius of the polluting source.

If this HEEI analysis indicates that the source 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 impacted community.

How is the public able to participate in the process?

EHD must hold a public hearing on the HEEI Report at 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?

EHD will deny a permit application if, based on the Health, Environment and Equity Impacts Report and technical analysis, the source is shown to: 1) increase the air toxics cancer risk score

above the County average or increase the cancer risk beyond 5 in 1,000,000, whichever is lower, in any overburdened community within a one-mile radius of the source;; or 2) increase the air toxics respiratory hazard index in any overburdened community within a one-mile radius of the source above the County average or by a value of 1.0, whichever is lower; or 3) increase the diesel particulate matter concentration in any overburdened community within a one-mile radius of the source by 5% over the block average or beyond the County average.

Important Definitions

- *Overburdened Community*: A census block group that meets the following criteria based on data in an EJ database: (1) has an overall cancer rate that is in the upper 50th percentile compared to Bernalillo County; or (2) has a pulmonary/respiratory disease rate that is in the upper 50th percentile compared to Bernalillo County; or (3) has any environmental risk factor that is in the upper tertile compared to Bernalillo County; or (4) has any social determinant of health factor that is in the upper tertile compared to Bernalillo County; or (5) is a federally recognized Indian Tribe or Pueblo.
- *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.

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