

## Mountain View Coalition

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



For Immediate Release

Friday, January 17, 2025

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## **EPA LAUNCHES INVESTIGATION OF ALBUQUERQUE CITY COUNCIL FOR POSSIBLE CIVIL RIGHTS VIOLATIONS**

### **Decision is a Response to Complaint Filed by the Mountain View Coalition & NMELC**

ALBUQUERQUE, NM—The Environmental Protection Agency (EPA) announced today that it is launching an investigation into the City of Albuquerque and the Albuquerque City Council to determine whether it discriminated against a low-income community of color—Mountain View—when it passed two bills purging and putting a moratorium on action taken by the Albuquerque-Bernalillo County Air Quality Control Board in December 2023.

The Mountain View Coalition has alleged that the City Council's actions violated Title VI of the 1964 Civil Rights Act, which prohibits the City from using federal funding to discriminate against residents on the basis of race, color and national origin.

The Mountain View Coalition (MVC) is made up of the Mountain View Neighborhood Association, Mountain View Community Action, and Friends of Valle de Oro National Wildlife Refuge, and is represented by the New Mexico Environmental Law Center.

The letter from EPA's Office of External Civil Rights (OECRC) announcing the decision to launch an investigation can be accessed [here](#).



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE  
WASHINGTON, D.C. 20460

January 17, 2025

In Reply Refer to:

EPA Complaint No: 06RNO-24-R6 (City of Albuquerque)  
07RNO-24-R6 (Albuquerque City Council)

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**RE: Acceptance and Closure<sup>1</sup> of Administrative Complaints**

Dear Kacey Hovden:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Environmental Justice and External Civil Rights, Office of External Civil Rights Compliance (OECRC), is accepting for investigation **EPA Complaint No. 06RNO-24-R6** (the "Complaint") involving the City of Albuquerque (City) and the Albuquerque City Council, which was received by the EPA on May 31, 2024.<sup>2</sup>

The Complaint concerns the Albuquerque-Bernalillo County Air Quality Control Board's (the "Air Board") rulemaking proceeding and issuance of the Health, Environment, and Equity Impacts (HEEI) Rule on December 19, 2023. The Complaint alleges that the City Council took various

<sup>1</sup> See *infra* footnote 2.

<sup>2</sup> Complainants filed a complaint containing allegations involving the City (06RNO-24-R6) and the City Council (07RNO-24-R6), which OECRC acknowledged directly to those entities on June 5, 2024. Through evaluation of the Complaint, OECRC has determined that the City is the primary recipient of EPA financial assistance, and the City Council is the legislative body that governs the City. Accordingly, OECRC will proceed to investigate the allegations against both the City and the City Council under one case number using Complaint No. 06RNO-24-R3 as the complaint number. OECRC has administratively closed Complaint No. 07RNO-24-R6 as of the date of this letter.

EPA will only accept complaints that "allege discriminatory acts that, if true, violate the EPA's Title VI regulations." In accepting the MVC's complaint, EPA has decided that the Coalition successfully plead **plausible allegations of discrimination** based on the actions of the Albuquerque City Council.

EPA's acceptance letter states that "Accordingly, with respect to Complaint No. 06RNO-24-R6, OECRC will investigate the following issue: Whether the actions of the City Council surrounding the Air Board's rulemaking proceeding and issuance of the HEEI Rule discriminated against persons in Albuquerque on the basis of race, color, and national origin, in violation of Title VI of the Civil Rights Act of 1964, 42 USC § 2000(d) et seq., and EPA's nondiscrimination regulation, 40 C.F.R. Part 7.

The Mountain View Coalition and NMELC filed their Title VI [Civil Rights Complaint](#) on May 31, 2024; the following month, on June 28, 2024, they also filed a Request for EPA to conduct a **Title VI Compliance Review** of the Environmental Health Department (EHD). That request is still pending.

Specifically, the Complaint asked EPA to:

1. Conduct an **investigation** into the City of Albuquerque and its City Council's discriminatory conduct and interference in the HEEI Rulemaking Proceeding and associated rulemaking efforts;

2. Hold a **public listening session** and an opportunity to submit public comments on the matter;
3. If warranted, **reduce or eliminate federal funding** for the City of Albuquerque; and
4. Take all other actions equitable and necessary, including an affirmative **compliance review of the City of Albuquerque**, to ensure the City of Albuquerque and its City Council come into and remain in compliance with Title VI and EPA's implementing regulations.

**Maslyn Locke, NMELC Senior Staff Attorney**, said, "The decision by the EPA's External Civil Rights Compliance Office (ECRCO) to investigate EHD and the Albuquerque City Council's acts from December 2023 shows that, even in the face of an incoming presidential administration that has explicitly stated it intends to dismantle both the EPA and their Civil Rights Office, civil rights still matter. It's encouraging to know that ECRCO is not going to abandon Albuquerque, and we look forward to working with EPA to finally, meaningfully address the city's decades-long practice of discriminating against Bernalillo County's communities of color."

**Lauro Silva, Board Member, Mountain View Neighborhood Association**, said, "The Albuquerque-Bernalillo County Environmental Health Department has allowed in a great number of these hazardous, toxic, and carcinogenic polluting industries by granting Special Use Permits despite opposition by community residents and the Neighborhood Association. The community's most recent attempt to establish a regulation by the Air Quality Control Board has resulted in extreme environmental racism against the approximately 80 percent Mexican American/Chicano community by the Albuquerque City Council, which is why we filed our Civil Rights Complaint to the EPA."

**Kacey Hovden, NMELC Staff Attorney**, said, "For too long, the City of Albuquerque has unabashedly engaged in intentional discrimination against and explicit disregard towards Albuquerque and Bernalillo County's communities of color—subjecting these already overburdened communities to increasing pollution on all fronts, without any sort of meaningful and actual effort to regulate the disproportionate adverse health impacts thereof."

**Genevieve Chavez Mitchell, President, Mountain View Neighborhood Association**, said, "The Mountain View Neighborhood Association is very pleased that this issue is being addressed. The Mountain View Community has two superfund sites, numerous brownfields, seven petroleum tank farms, and miles of salvage yards. We do not have a restaurant, grocery store, a public park, or green space. We worry about air quality, drinking water, and soil pollution from years of industrial discharges. We would like a plan for industrial pollution clean up, a plan for mixed-use development and no more dirty industry. We want a healthy, thriving, beautiful community!"

**Nora Garcia, Board Member, Mountain View Neighborhood Association,** said, “I have never before seen such discrimination displayed by City Council and Councilor Lewis toward a poor and underserved community that is constantly being discriminated against for trying to improve Albuquerque’s contaminating air pollution problems by heavy industrial systems.”

**Marla Painter, President, Mountain View Community Action,** said, “Councilor Dan Lewis bullied his way into a legitimate and legal public hearing on the HEEI hearing that was on a tight deadline, thereby upending the legal attempts of a community of color to legally establish rulemaking that would implement remedies for intolerable environmental assaults on our community. The Council passed resolutions to disband the City/County Air Board and delay the hearings until a new, industry-friendly Board could be seated. This political tactic violated our right to meaningfully participate in the rulemaking process. They have discriminated against Albuquerque’s communities of color based on race, color, and national origin, which is a violation of Title VI of the Civil Rights Act of 1964. A pattern of discriminatory behavior by most of our City Council forced us to legally challenge their actions with a civil rights complaint.”

**Alan Marks, Board member of Mountain View Community Action,** said, “The cruel decision by industry-favoring City Council members to destroy the Air Quality Control Board and hijack a regulation meant to protect overburdened communities in Albuquerque deserves to be investigated and to hold the City Council accountable.”

**Forest Graber, Board President, Friends of Valle de Oro National Wildlife Refuge,** said, “The continued intentional discriminatory actions of Councilor Lewis and the majority of the Albuquerque City Council against its own low-income communities and communities of color is a violation of our Civil Rights.”

**Dr. Virginia Necochea, Executive Director of NMELC,** said, “We are pleased the EPA accepted and decided to act on our complaint. It’s our responsibility, especially as people of color, to stand up and demand justice for our children, for our families, and for our communities. NMELC will continue to focus our energy, efforts, and resources to work alongside our clients and frontline communities to ensure environmental justice continues to advance.”

- [EPA Office of External Civil Rights Acceptance Letter](#) to Investigate City of Albuquerque and Albuquerque City Council (4 pages) 1/17/25
- [Title VI Complaint](#) (174 pages) filed with EPA on 5/31/24.
- [Compliance Review Request](#) (125 pages) filed with EPA on 6/28/24.
- Meanwhile, on January 1, 2025, EHD published their **Overburdened Areas Map** on their [website](#). According to their [latest version of the map](#), Mountain View is **not** designated as an overburdened community. The Mountain View Coalition

views this as yet **another example of blatant discrimination** against their low-income community of color.

- Also, on January 17, 2025, the MVC and NMELC filed a [Supplement to the Request for EPA to conduct a Title VI Compliance Review](#) informing EPA about the **OBA map as additional evidence of intentional discrimination** against Mountain View, a low-income community of color. (111 pages) 1/17/25



*Members of the Mountain View Coalition, New Mexico Environmental Law Center staff, allies and supporters gather on June 3, 2024 after announcing to the Albuquerque City Council a Title VI Complaint had been filed against them.*

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