

# Group Asks EPA to Limit Air Pollution in Minority ABQ Neighborhoods

BY JOSEPH SORRENTINO

The Southwest Organizing Project (SWOP) has filed a complaint with the Environmental Protection Agency claiming that minority communities in Albuquerque are being unfairly exposed to excessive air pollution and that the Albuquerque/Bernalillo County Air Quality Control Board is not adequately addressing the problem.

The complaint was submitted by the New Mexico Environmental Law Center claiming that three neighborhoods – San José, Greater Gardner and Mountainview, which are predominantly minority – have been overly burdened by the large number of pollution-emitting industries that routinely expose residents to chemicals that may increase their risk of illness and shorten their lifespans.

A recent report by Bernalillo County Place Matters, an organization that advocates for policies to ensure healthier environments in low-income areas, found that the three neighborhoods listed in the EPA complaint all exhibit higher rates of asthma, respiratory disease and certain cancers that are associated with elevated levels of air pollution.

According to SWOP, the city and county's response to residents' complaints about air pollution has been to continue to grant permits to polluting industries. Juan Reynosa, SWOP's Community Organizer says that, among other things, SWOP has asked the Albuquerque/Bernalillo County Air Quality Control Board to make changes in how it assesses the impact of pollutants on these neighborhoods.

"My feeling is that they're totally non-responsive to the community. We have to take it to the federal level to get any impact, any changes," Reynosa said.



Steven and Esther Abeyta stand outside their San José neighborhood home, which is less than 150 feet from the railroad tracks; fumes from idling locomotives and nearby manufacturing plants can permeate the neighborhood.

**The Southwest Organizing Project is asking the EPA to limit the cumulative effects of air pollution in three Albuquerque neighborhoods – San José, Mountainview and Greater Gardner. All three border the Burlington Northern Santa Fe railroad tracks. Mountainview and San José are at the south end of town. Greater Gardner is between Griegos and Montañero roads Northwest.**

Esther and Steven Abeyta live in the house that Esther grew up in. "It was my grandmother's

one likely source of chlorobenzene – which was at levels ten times higher than typically found in urban air – is the rail yard, where it's used as a degreasing solvent. Chlorobenzene is the roofing tar smell frequently noticed in the neighborhood.

According to the EPA, chronic exposure to chlorobenzene can affect the central nervous system, causing numbness. It can also cause headaches and irritation of the upper respiratory tract and eyes. Exhaust from the idling diesel engines is the probable source of elemental carbon, and levels that residents recorded were high enough to be associated with an increased risk of hospitalizations for cardiovascular and respiratory problems.

The report didn't specifically identify sources for particulate matter, which was 50 percent higher than the EPA's annual standard, but exposure to elevated levels is associated with lung disease, asthma and cardiovascular problems.

According to Eric Jantz, a staff attorney at the New Mexico Environmental Law Center, the Clean Air Act, which was passed in 1970, isn't about keeping our air clean. "The Clean Air Act allows companies to dump a certain amount of pollutants into the air," he says. "An air quality permit is basically permission to pollute."

Jantz readily admits that the average air quality in Albuquerque is good. But, he added, "People in San José, Mountainview and Greater Gardner neighborhoods don't get to breathe that average air quality."

One of the main concerns for residents of the three neighborhoods is "cumulative impact." Although individual industries may meet air quality



The San José Neighborhood isn't going to show up in any of the New Mexico Tourism Department's TV ads anytime soon. The neighborhood is west of I-25's Gibson Boulevard exit. From a distance, it just looks like a heavily industrialized area.

***'It's true that businesses are creating jobs in the neighborhood. It's creating jobs for people that are working in the medical community who come out to treat people who get sick'***

*— Steven Abeyta, San José resident*

In part, that's exactly what it is, with at least 20 industries including a cement plant, recycling centers, bulk oil facilities and a railroad yard. It also is home to two EPA Superfund sites. But tucked in among factories and businesses is a poor but resilient neighborhood and a couple of residents who've decided they've had enough pollutants dumped on them.

house," said Esther, a soft-spoken but determined woman. "My grandmother bought it for \$90 and a chicken back in the 40s." It's a small, neat house adjacent to a vacant lot and very close to some of the polluters the complaint targets.

"The railroad's right behind my house," Steven Abeyta said, pointing to the tracks that are less than 150 feet from their back door. Diesel engines often park there, idling for days at a time, he said.

"When trains come with petrochemicals, they off-load directly onto a truck, they pump out [chemicals] into the trucks. Directly south is a cement facility ... directly to the west we have a petrochemical asphalt company." Neighbors often complain about chemical smells, especially, says Esther, a smell that's similar to roofing tar.

In 2012, residents of the neighborhood, in partnership with Breathe In New Mexico (a campaign organized by SWOP) took samples to measure air quality over the course of a year. They found elevated levels of three pollutants: chlorobenzene, elemental carbon and particulate matter. All three have been associated with increased health risks.

According to the Breathe In New Mexico report,

standards, "The [Air Quality] Division doesn't look at how a new plant's pollution will interact with other pollution already there," Jantz said. The city's Air Quality Division does site visits and evaluates permit applications submitted to the joint Albuquerque-Bernalillo County Air Quality Control Board.

"There's no accounting for additional pollutants, no taking into account what the synergistic effects might be" of multiple pollutants, he said.

While individual companies may be within the standards for pollutants, when pollutants from other companies are accounted for, the total may well exceed allowable levels. He said that some other states do require that cumulative impacts of pollution be considered, but in Bernalillo County every permit is looked at in isolation.

In January 2014, SWOP submitted a request to the air quality board asking that it consider cumulative impacts when granting air quality permits. The proposal was met with fierce opposition from the business community. Hundreds of letters were sent to the board, claiming that implementation of regulations for cumulative impact would be too

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costly for businesses and would "stifle job creation" in those neighborhoods.

"It's true that businesses are creating jobs in the neighborhood," Steven Abeyta said. "It's creating jobs for people that are working in the medical community who come out to treat people who get sick. Jobs are being created for community people working in hospitals, for insurance companies."

The board refused, by a 6-to-1 vote, to hold a hearing on the proposal. Danny Nevarez, deputy director of the Albuquerque Environmental Health Department, shared documents pertaining to the complaint but refused to allow anyone from the air quality board to be interviewed.

In response to emailed questions, he replied, "The City has no further comment."

Currently, residents of the San José Neighborhood, with help from SWOP and the New Mexico Environmental Law Center, are appealing an air quality permit given to Honstein Oil, a distribution center for petroleum products a few blocks from the Abeytas' home.

"They're one of the companies we're pushing back on," Reynosa said. "There are very strong smells ... something you might smell while filling up a gas tank."

Rod Honstein, the company manager, says there's some question whether the smell is coming from his facility. "My

company has operated this facility since 2011 and since that time, we have not noticed any odors. Occasionally, we have noticed odors that drift in from the adjoining rail yard."

A hearing on the appeal is scheduled for early next year.

SWOP is waiting for the EPA to reply to its complaint and it plans to continue pushing for consideration of the cumulative impact of pollutants when granting permits. SWOP also is asking the EPA to require the Board to adopt a regulation prohibiting its members from being employed by businesses seeking permits, which SWOP views as a conflict of interest. Currently, at least one board member is a consultant for such industries.

Despite the setbacks, the Abeytas are determined to continue fighting for their community.

"[San José] has always been a community of poverty," Esther said, her voice rising. "A lot of people ... are trying to survive, put food on the table, support families ... How much can a community be poisoned before people realize people are dying in that community?"

The Abeytas aren't going anywhere. "People say, 'Why are you fighting this?'" Esther said. "San José is my home. It always has a part of my heart. I can't abandon it."

*Joseph Sorrentino is an independent journalist who lives in Albuquerque.*