

Health Impact Assessment on NMRT's
Request for a Special Use Permit
Prepared for the Bernalillo County
Planning Commission
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Prepared by the Bernalillo County
Place Matters Team

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Report Written and Researched by:

Kitty Richards, MS, MPH, Lead, Bernalillo County Place Matters Team

Kristine Suozzi, PhD, Member, Bernalillo County Place Matters Team and Executive Director of
the New Mexico Health Equity Working Group

Community Member Steering Committee:

Esther Abeyta
Magdalena Avila
Julio Dominguez
Bianca Encinias
Nora Garcia
Marla Painter
Margarita Perez Pulido
Marlene Quintana
Rachel Riboni
Lauro Silva
Julie Stephens
Angela West

Technical Data and Support:

Will Athas, PhD, Epidemiologist
Caeri Thomas, Transportation Planner, Mid-Region Council of Governments

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Executive Summary

NMRT, LLC has requested a special use permit from Bernalillo County to locate a new dirty materials recovery facility (dirty MRF) in the community of Mountain View; the first of its kind within the Albuquerque Metropolitan area. A dirty MRF accepts waste from different sources, such as households and businesses, and sorts through waste by hand and machine to collect recyclables, which are then sold in the market place. NMRT, LLC needs a special use permit because the current zoning of M-2 does not allow for dirty MRF's. In order to obtain approval for a special use permit, Resolution 116-86 of the Bernalillo County Zoning Ordinance requires the applicant to demonstrate that the facility will not adversely impact the community's health, safety, and welfare. Community residents, the San Jose Neighborhood Association, and the Mountain View Neighborhood Association are concerned about the impacts of the proposed facility on the health, safety and welfare of area residents.

Mountain View and San Jose are vulnerable communities, with statistically significant higher death rates for ten of eleven leading causes of death and shorter life spans when compared to other communities in Bernalillo County (Athas, 2011). Residents in these communities are predominantly low-income and Hispanic (US Census Bureau, 2011). Mountain View and San Jose are contaminated by volatile organic compounds, metals, and nitrates and continue to host heavy industrial activity (Bernalillo County Office of Environmental Health, 2003).

In spite of past environmental degradation and continued attempts to bring in more heavy industry; for the past twenty-five years residents have worked tirelessly to prevent further environmental degradation, to preserve their traditions and cultural history, to increase access to open spaces, and to bring in cleaner industry and commercial business for a more vibrant and healthier community. Instead of bringing in an industry such as NMRT, residents favor the recent efforts to bring in cleaner industry, such as the Noribachi and US Foods facilities, ongoing negotiations to transition the old Price's Dairy to an urban open space refuge, and the recently passed Sunport Station Area Sector Development Plan (community meeting, February 8, 2011).

In addition to concerns about exposure to environmental hazards from the proposed facility, residents and members of the San Jose and Mountain View neighborhood associations are concerned that the proposed facility, less than 1 mile from the East San Jose Elementary School, ½ mile from the nearest residence, and .8 miles to San Jose's community center, will represent blight on their neighborhoods' future and quality of life, increased disease, and increased childhood asthma (community meeting, January 25, 2011). Residents also feel that NMRT is not providing them with accurate information on the full scope of their intended operations after learning that NMRT will be shipping in waste from cities as far away as Santa Rosa, Gallup, and Truth or Consequences.

Due to the inefficiencies of collecting recyclables from a multiple waste stream and costs associated with heavy truck transport, residents believe that in order for NMRT to maintain a reasonable profit, a huge quantity of waste will need to come in from communities located far from the County via more cost effective rail car transport (community meeting, March 14, 2011). This scenario is made more likely since NMRT was not awarded the City's single stream recycling center contract. Although this scenario is not a consideration in this report, if waste were to be shipped in by rail, a new set of health issues would require assessment.

In an effort to examine the impact of the proposed facility on their communities' health and well-being, Mountain View and San Jose residents approached the Bernalillo County Place Matters Team for assistance with conducting this Health Impact Assessment (HIA).

HIA is a combination of procedures, methods and tools that systematically judge the potential and sometimes unintended effects of a proposed project, plan or policy on the health of a population and the distribution of those effects within the population. HIA also identifies appropriate actions to manage those effects. A HIA consists of five tasks: 1) screening to determine the need and value of a HIA, 2) scoping to identify the health impacts to evaluate, 3) assessment to provide for a profile of existing health conditions and an evaluation of the potential health impacts, 4) reporting to develop the report and communicate recommendations and findings, and 5) monitoring to track impacts on the decision making process and health.

The goals for this HIA are to address the impacts of the proposed facility on neighborhood livability, employment and economic development, traffic congestion (and impacts to injuries and fatalities), air quality, noise, odors, and vectors within the context of health. The HIA is based on information provided by the applicant and community members, and a review of government documents and peer-reviewed literature. Unfortunately, there were limitations to information provided by the applicant, including: 1) inconsistencies in traffic projections, 2) an absence of data on types, numbers and age of fleet vehicles, and 3) incomplete information on the type of waste transport, waste volume, waste origin, and waste characterization.

Conclusions

Conclusions of this HIA suggest that for a relatively modest recycling achievement (20,100 pounds out of a total of 2.462 million pounds of waste accepted a day), the communities of Mountain View and San Jose will be burdened not only by waste imported from communities as far away as Santa Rosa, Gallup, and Truth or Consequences (Bernalillo County Board of County Commissioners Hearing, Court Reporter Transcript, page 53, December 14, 2010), but by neighborhood blight, lack of quality jobs, economic development that is counter to the recent trend in clean industry and commercial development, increased traffic congestion on already severely congested roads, traffic related injuries and fatalities, diesel emissions, noise, odor, and vectors. Taken together, these burdens will likely contribute to the already statistically

significant high death rates and shorter life spans for Mountain View and San Jose residents and the potential for further environmental degradation, costly environmental remediation, and a decrease in the County's landfill space with waste imported from outside of the County boundaries.

The HIA findings are presented below:

- Cumulative health risks associated with traffic congestion, diesel emissions, noise, and odor from the proposed facility in addition to environmental hazards associated with other existing industries (Health Impact Assessment, page 9).
- The predominantly Hispanic communities of Mountain View and San Jose not only suffer from higher death rates and shorter life spans, but from higher poverty, a greater number of heavy industries (Bernalillo County, Office of Environmental Health, 2006), and more severe contamination when compared to other areas in the County (US Environmental Protection Agency, 2011) (Health Impact Assessment, page 1).
- For a relatively modest recycling achievement (20,100 pounds out of 2.462 million pounds of waste daily), the communities of Mountain View and San Jose will be burdened not only by waste imported from communities as far away as Santa Rosa, Gallup, and Truth or Consequences, but by decreased neighborhood quality, further poverty concentration, unavailability of quality jobs, and higher stress levels. Higher stress levels will contribute to increased susceptibility to cumulative environmental exposures resulting in shorter life spans and increases in already high death rates (Health Impact Assessment, page 9).
- The proposed facility is a significant departure away from the recent trend to attract clean industry and commercial development and, in exchange for modest job growth, will contribute not only to the existing environmental burden and potential costly clean-up, but to neighborhood blight, a stifled demand for commercial development by potential investors, and the potential for increased disease and disability among community residents and workers (Health Impact Assessment, page 10).
- Although the company would bring 90 – 120 jobs, these jobs would not necessarily go to residents living in San Jose and Mountain View and these jobs would be highly hazardous (Health Impact Assessment, page 10).
- It is likely that a corresponding increase in crash injuries and fatalities will occur with the introduction of 826 (for average waste volumes) to 2,684 (for peak waste volumes) heavy trucks travelling to and from the facility on Broadway, Blvd. on a given day (Health Impact Assessment, page 13).
- In addition to contributing to traffic congestion, already high crash rates, and further delays for 2nd Street at Rio Bravo, additional truck traffic along Rio Bravo would also impede residents' ability to evacuate their homes, many of which are located off of 2nd Street, south of Rio Bravo, in the event of an emergency (Health Impact Assessment, page 13).

- Increased diesel emission exposures from the heavy truck traffic associated with the proposed facility in addition to existing industrial air emissions will increase the already high burden of chronic disease deaths for the San Jose and Mountain View population and contribute to the asthma burden of children, particularly since the proposed transport route goes right in front of the East San Jose Elementary School (Health Impact Assessment, page 16).
- Given the close proximity of the proposed facility's transport route to the East San Jose Elementary School, the cumulative impacts from the noise of airplanes already using the east-west runway of the Sunport and the noise associated with increased heavy truck traffic could significantly impact not only the quality of life of residents, but the immune, cardiovascular and neurological systems of children at the school (Health Impact Assessment, page 17).
- The proposed facility will contribute to the already strong odors associated with the sewage treatment plant and residents' reports of poor quality of life and well-being, high stress levels, and headaches (Health Impact Assessment, page 18).
- The proposed facility will increase the numbers of rodents, insects, birds, and microbes, particularly if waste is stored on-site over night or shipped via rail car, which in turn could contribute to an increase in infectious diseases in the Mountain View and San Jose communities as well as impacting US Foods' food distribution center and Ben E Keith (Health Impact Assessment, page 18).

The HIA provides the reader with an assessment of the potential health impacts that could occur as a result of permitting the proposed facility. It is our hope that policy makers consider these impacts as part of their decision making process.

Recommendation

Based on our review and the findings mentioned above, we recommend denying the special use permit request.

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Introduction

The Proposed Facility

NMRT, LLC is proposing to locate a transfer station and material recovery facility on a 26 acre property located on the east side of Broadway, Blvd., north of Rio Bravo and south of Woodward Boulevards, in the community of Mountain View. The proposed facility will accept materials from a variety of waste streams, including household, commercial, electronic, and construction. Solid waste professionals refer to these facilities as dirty material recovery facilities or dirty MRFs. Since the authors believe this term more accurately describes the proposed facility, dirty MRF will be used throughout this report to refer to the proposed facility type. Dirty MRFs are being phased out because of high operational costs (Waste Management meeting with Mountain View and San Jose community members, page 2 of minutes, January 18, 2011) and inefficiencies with recovery of recyclables from mixed waste streams, typically ten to fifteen percent of the comingled recyclable waste (“mbt.landfill-site.com”). Enrico Gradi, the Bernalillo County planner who reviewed the special use permit application, stated that “the facility appears to be an indoor salvage yard” (Staff Report to County Planning Commission, Background Section, page 3, November 3, 2010).

Residents of Mountain View and San Jose are predominantly low-income and Hispanic and live with a legacy of environmental contamination and a history of heavy industrial development (Bernalillo County, Office of Environmental Health, 2003). Residents are concerned that the proposed facility, less than 1 mile from the East San Jose Elementary School, ½ mile from the nearest residence, and .8 miles to San Jose’s community center will blight their neighborhoods, and increase disease and upper respiratory problems (community meeting, January 25, 2011). Figure 1 spatially illustrates the distances between facilities housing vulnerable populations, either children or the elderly, and the proposed facility.

Other resident concerns range from whether the waste will be shipped to the facility in open or closed rail cars, the volume and origin of waste, the proximity of the facility to buildings that house vulnerable populations such as children and the elderly, access to roads in the event of an emergency evacuation, vectors, odor, litter, noise, waste-water discharge, impact to traffic congestion and traffic related injuries/fatalities, and impacts of diesel emissions on health (community meeting, January 25, 2011).

Sensitive sites - Mountain View and San Jose

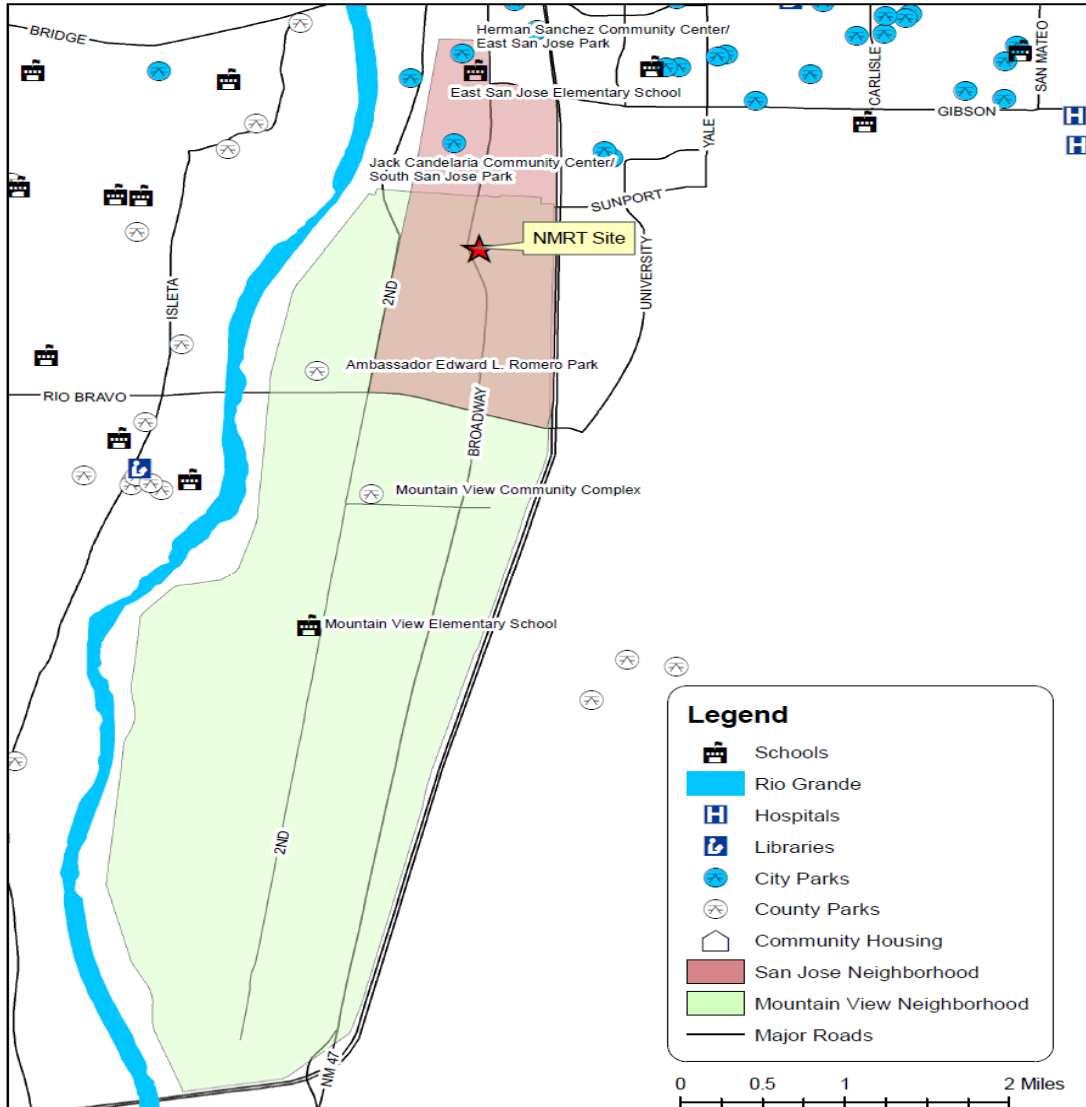


Figure 1. Distance from Facility to Sites Housing Vulnerable Populations
 (Source: Bernalillo County Office of Environmental Health)

Background

According to the NMRT application, up to a maximum of 8 million pounds (or 4,000 tons) of waste per day will be transported to the dirty MRF with an average volume of 2.462 million pounds (1,231 tons) of waste per day. Under normal conditions, an average of 914,000 pounds (or 457 tons) of waste will remain on site until sometime the next day (NMRT Recycling/Transfer Station Permit, Submitted to the New Mexico Environment Department, Appendix A, Section 3, page 11, 2010). Due to the time spent on-site and the waste's composition, which consists of food and other biological material, the waste will likely contribute to foul odors and insects, birds, and vectors.

Preliminary traffic impact analysis figures state that waste will be transported by an average of 826 vehicles per day and up to 2,684 vehicles per day based on the stated waste volume of up to 8 million pounds per day (NMRT Recycling/Transfer Station Permit, Submitted to the New Mexico Environment Department, Appendix A, Section 1, page 4, 2010). Assuming that waste is transported by vehicle, the majority of vehicles will likely fall into the very large heavy truck category of over 52,000 pounds gross vehicle weight.

According to the applicant, waste volume projections were based on an assumption that NMRT would be awarded the City of Albuquerque's contract for a single stream recycling center (Bernalillo County Planning Commission Hearing, November 2010, page TR-10). During the research phase of this report, the authors learned that NMRT was not awarded the contract (E. Abeyta, personal communication, February 3, 2011). Since NMRT was not awarded the contract, the majority of waste being transported to the facility will likely be coming from communities outside of Bernalillo County's boundaries. It is unclear where NMRT's waste will come from, how much and the types of waste that they will receive, and whether the waste will be transported in by rail or truck. If waste were to be transported by rail, a variety of health issues not addressed in this report would require assessment.

The Special Use Permitting Process

The property for the proposed facility is currently zoned M-2 or heavy industrial. In order to operate at this location, the applicant must obtain a special use permit because M-2 zoning prohibits dirty MRFs. The criteria for special use permit approvals are listed under Resolution 116-86 of Bernalillo County's Zoning Ordinance (see Attachment 1). Many of these criteria consider project impacts to public health and safety. For example, criteria A requires that applicants who seek special use permits demonstrate that a proposed land use change is consistent with the health, safety, and general welfare of residents of the County (Staff Report to the County Planning Commission, page 9, November 3, 2010).

In responding to criteria D of Resolution 116-86, stating that the applicant must provide a sound justification for a land-use change, the applicant suggests that the proposed facility should be granted a special use permit because it is consistent with the health, safety and welfare of residents for the following reasons: 1) the recycling center will receive waste generated by communities located in Bernalillo County, significantly reducing the pressure on existing landfills and the number of miles travelled to the Cerro Colorado Landfill, 2) there is no residential development or neighborhoods near the proposed facility, and 3) the facility will contribute to employment opportunities (NMRT, LLC. Justification, Sept. 24, 2010).

This report finds that statements 1 and 2 above are inaccurate for the following reasons:

- It is unlikely that the proposed facility will receive waste generated by communities within Bernalillo County because the applicant was not awarded the City of

Albuquerque's contract for a single waste stream recycling center; therefore waste will likely be imported from communities outside of Bernalillo County. Imported waste would not only create an environmental burden for Mountain View and San Jose residents, but would also decrease the space availability in the county's landfills.

- The facility will be located in the community of Mountain View and will impact the nearby community of San Jose.

Further, while the facility will contribute to modest job growth (90 – 120 jobs), the jobs described are extremely hazardous and dangerous (Bernalillo County Board of County Commissioners Hearing, Court Reporter Transcript, page 47, December 14, 2010) and will not necessarily go to residents of the affected community.

Report findings suggest serious negative health impacts from this proposed facility as described in the remainder of this report.

Guidelines and Standards

The goals of the Albuquerque-Bernalillo County Comprehensive Plan, the Southwest Area Plan, and the South Broadway Neighborhoods Sector Development Plan are to provide protection for public health and welfare while promoting a quality urban environment. While these plans are extremely important, given constraints on report length, the authors have selected to focus their analysis on the most pertinent material for policy makers, Resolution 116-86 of the Bernalillo County Zoning Ordinance which defines the criteria for evaluating special use permit applications.

Criteria A, C, E, and F of Resolution 116-86 are intended to provide protection for the community's health, safety, and welfare (see Attachment 1) and are applicable to NMRT's request for a special use permit. Specifically, approval for NMRT's special use permit request can only be granted if the applicant demonstrates that the proposed facility:

- Will not adversely affect “**the health, safety, and welfare of the community**” (criteria A).
- Adheres to the goal and policies of the Comprehensive Plan to, “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and lifestyles, while creating a **visually pleasant built environment**” (criteria C).
- That “changed community conditions justify a land-use change, or a change in land-use category, and that this land-use change is **more advantageous to the community**” (criteria E).
- That no change in land-use will be made that could result **in harm to the neighborhoods** (criteria F).

Health Impact Assessment

HIA is a combination of procedures, methods and tools that systematically judge the potential and sometimes unintended effects of a proposed project, plan or policy on the health of a population and the distribution of those effects within the population. HIA also identifies appropriate actions to manage those effects. Tasks required for a successful HIA include: screening, scoping, assessing, reporting, and monitoring. HIAs have been successfully incorporated into policy decision making processes under a variety of circumstances, including development of business districts, consideration of various land-use plans for urban growth, naval weapons stations environmental remediation and land re-use plans, and “smart growth” development plans (“www.humanimpact.org”).

This HIA assessed existing community and health conditions for San Jose and Mountain View and predicted the potential health impacts associated with the proposed facility. Based on input from community residents, the HIA focused on the following priorities:

- Neighborhood Livability
- Employment and Economic Development
- Traffic Congestion
- Air Quality
- Noise
- Odor
- Vectors

The HIA is based on information available from the applicant, community members, government documents, and peer reviewed literature which was compiled and reviewed throughout the report research time period and up to March 18, 2011. Information provided by NMRT describing traffic generation as a result of the facility, waste characterization, waste origin, waste volume by type, waste transportation routes, and type of waste transport was incomplete – a concern also shared by the New Mexico Environment Department’s Solid Waste Bureau (see Attachment 2) (Letter from T. Nelson to J. Moffat, February 14, 2011).

Neighborhood Livability

The Association between Neighborhoods and Health

Research has found that the clustering of social, economic and environmental health risks in low-income and minority neighborhoods contributes to sickness and death (Joint Center for Political and Economic Studies, 2011). Minorities living in poor neighborhoods not only experience fewer opportunities for upward social and economic mobility as a consequence of limited access to quality schools and employment, but also experience a disproportionate burden of pollution when compared to whites (Morello-Frosch & Lopez, 2006). Minority children living in highly segregated neighborhoods have no access to “opportunity neighborhoods”, this lack of access

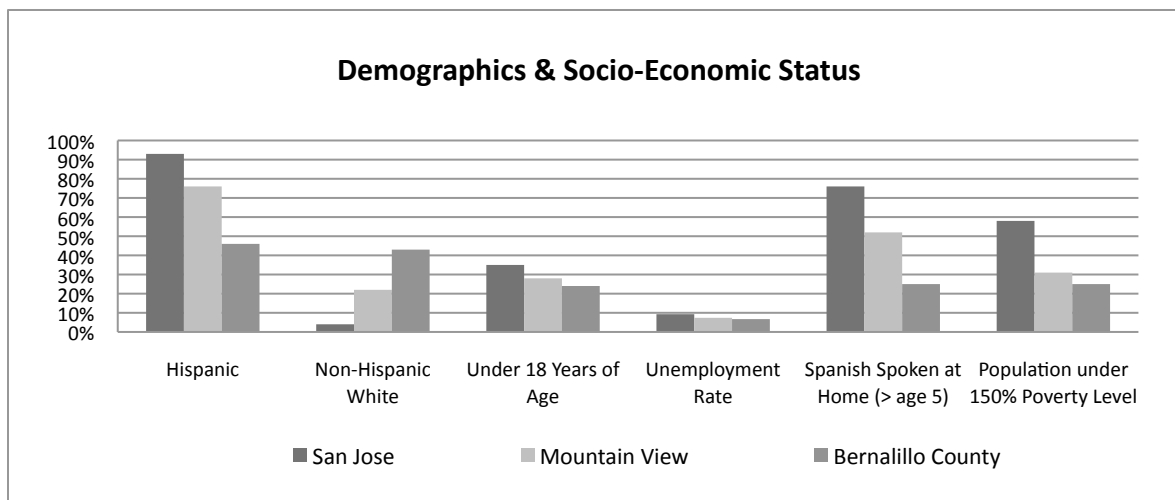
influences health status throughout the life span because of the early exposure to poor schools, unsafe environments, and lack of jobs (Acevedo-Garcia et al. 2008). High minority communities face a cumulative exposure rate to environmental hazardous sites that is nearly nine times greater than for low minority communities (Faber & Krieg, 2002).

Recently, courts have begun considering the cumulative impacts to a community from environmental hazards. Chaparral, a low-income, predominantly Hispanic community, faced a situation similar to that of Mountain View and San Jose, with three solid waste sites located near their community when a request for a fourth landfill permit was submitted. In spite of Chaparral residents’ testimony on the impact of the landfill on their health, safety and welfare, the New Mexico Environment Department (NMED) issued Rhino Environmental Services, Inc. a solid waste permit. In 2005, the New Mexico Supreme Court issued a precedent setting decision in Colonias Development Council v. Rhino Environmental Services, Inc. ruling that the NMED failed to consider factors such as the socioeconomic status of the affected community, the cumulative environmental impacts to the community, and the social impacts of living in a community surrounded by solid waste sites (Fisher, 2009).

Current Demographics, Conditions of Neighborhood Livability, and Health in San Jose and Mountain View

Figure 2 shows the demographic and socio-economic status of neighborhood residents living in San Jose and Mountain View. San Jose and Mountain View are comprised of a majority of Hispanic residents, 93% and 76%, respectively, compared to Bernalillo County (46%). Fifty-eight percent of San Jose residents and 31% of Mountain View residents are living below 150% of the Federal Poverty Level, compared with 25% of Bernalillo County’s residents. San Jose has a relatively young population, with 35% being under age 18, compared to Mountain View (28%) and Bernalillo County (24%).

Figure 2. Demographics and Socio-Economic Status (Source: US Census Bureau, 2009 Estimates)



The neighborhoods of Mountain View and San Jose are home to thirty-three sites regulated by the Environmental Protection Agency that are: 1) highly contaminated, 2) store, dispose of, transport, and generate hazardous waste, 3) discharge pollutants into the surface water, and 4) release large volumes of toxins into the air (Bernalillo County Office of Environmental Health, 2002). Two of these sites are abandoned hazardous waste sites (also known as Superfund sites) that have contaminated the shallow ground water supply with hazardous volatile organic compounds and creosote (US Environmental Protection Agency, 2011). Six independently operated companies, including General Electric, were found responsible for the South Valley Superfund site (US Environmental Protection Agency, 2011). Mountain View and San Jose are also the home of the state's largest nitrate contamination ground water plume (New Mexico Office of Natural Resources Trustees, 2011), Albuquerque's sewage plant, fifteen facilities that discharge pollutants into the ground water, and forty auto salvage yards (Bernalillo County Office of Environmental Health, 2011). In the words of Julio Dominguez, a former resident who grew up in Mountain View, "our community is at a pollution saturation point and we are actively witnessing the impacts on our health, our neighbor's health and our children's health" (community meeting, February 11, 2011).

The loss of income, historical policies that result in discrimination, and the impact of polluting facilities all contribute to high stress levels ((Clougherty & Kubzansky, 2009). According to Evans (2003), stress results from a physiological response in the body and is cumulative over time, with chronic stress creating more bodily damage than acute stress. Consequently, stress levels, along with environmental exposures, have been shown to contribute to cognitive problems such as depression, anxiety and memory deficits, shorter life spans, and higher rates of deaths for heart attacks and cancer.

The association between environmental burdens, stress, premature deaths, and deaths found in the literature is reflected in Mountain View and San Jose. Hispanics living in Mountain View and San Jose have significantly higher death rates for ten of eleven leading causes of death and shorter life spans when compared with Hispanics living in other communities in Bernalillo County as shown in figures 3 and 4 (Athas, 2011).

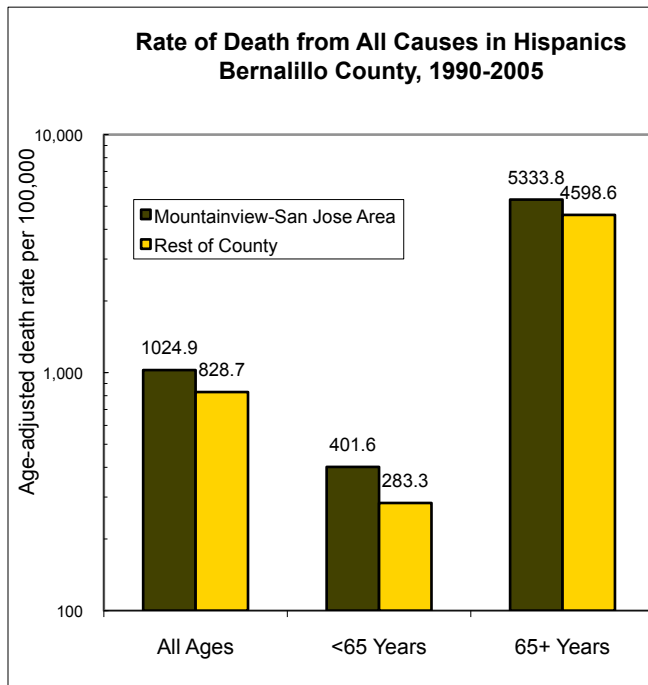


Figure 3. Premature Deaths and Deaths by All Ages – Hispanics (Source: New Mexico Department of Health, Vital Records Bureau)

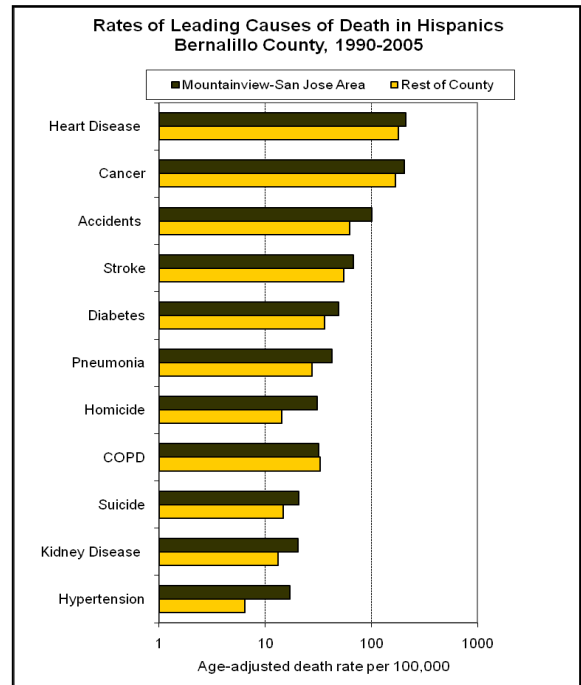


Figure 4. Leading Causes of Deaths in Hispanics (Source: New Mexico Department of Health, Vital Records Bureau)

Impacts of the Proposed Facility on Neighborhood Livability

The applicant promotes the facility as a recycling center that will contribute to sustainability (with facility features such as preferred parking for those carpooling, bike racks, lockers and showers for employees bicycling to work, and use of green building design) and community goals implementation for reduced landfill waste (NMRT, LLC presentation to the Bernalillo County Board of County Commissioners, December 14, 2010). However, documents reviewed indicate that the proposed facility will not contribute to sustainability or community goals for the following reasons:

- Documents submitted to the New Mexico Environment Department (NMRT Recycling/Transfer Station Permit, Submitted to the New Mexico Environment Department, Appendix A, Section 1, page 3, 2010), state that of the average 2.462 million pounds of waste accepted daily, only an estimated 5.4 percent will consist of comingled recyclable waste from which a maximum of ten to fifteen percent (or 20,100 pounds) can be recycled (“mbt.landfill-site.com”). **This leaves greater than 2.442 million pounds of waste for transport to the Cerro Colorado and Southwest landfills on average, and significantly more if using the maximum 8 million pounds of daily waste figure. This waste will likely come from communities located outside of the County since the applicant was not awarded the City of Albuquerque’s contract for a single stream recycling center.**

- For a relatively modest recycling achievement (20,100 pounds out of 2.462 million pounds of waste daily), the communities of Mountain View and San Jose will be burdened not only by waste imported from communities as far away as Santa Rosa, Gallup, and Truth or Consequences, but by decreased neighborhood quality, further poverty concentration, unavailability of quality jobs, and higher stress levels. Higher stress levels will contribute to increased susceptibility to cumulative environmental exposures resulting in shorter life spans and increases in already high death rates.

Research suggests that stressors increase a person’s susceptibility to environmental exposures which in turn impacts the biological system (Clougherty and Kubzansky, 2009). **This biological chain reaction is reflected in Mountain View and San Jose residents who experience shorter life spans and higher death rates for 10 of the 11 leading causes of death, when compared with residents living in other areas of Bernalillo County.**

Employment and Economic Development

The Association between Employment, Economic Development, and Health

Literature suggests that employers seek to locate in communities that offer their potential employees a good quality of life, quality education, opportunities for upward economic mobility, and physical amenities such as libraries, streets that are safe and enjoyable to walk, and parks (Salvesen & Renski, 2003) Land-use patterns that encourage neighborhood interaction and a sense of community have been shown not only to reduce crime, but also create a sense of community safety and security (Yen & Bhatia, 2002).

Current Employment and Economic Development Conditions in San Jose and Mountain View

Recently, commercial businesses and cleaner types of industry have located in San Jose and Mountain View. Two of these businesses are US Foods and Noribachi, which employ 125 and 300 employees, respectively. Residents are encouraged by this trend, the recently passed Sunport Station Area Sector Development Plan (Sunport Plan), negotiations to transition the Price’s Dairy property to the Southwest’s first urban open space refuge, and the remediation of two Superfund sites (community meeting, February 8, 2011).

According to the Mid-Region Council of Government’s documentation on the Sunport Plan, the Mountain View neighborhood is an inviting place for commercial development that could be modeled after the North Valley/Journal Center, and because of vacant land availability, there are no costs associated with demolition (“mrcog-nm.gov”). Developer interest in Station area parcels has recently increased and includes preliminary plans for: 1) high end residential homes, 2) mixed commercial use, and 3) hotel, office and flex space uses. The Sunport Plan summary states concerns similar to those voiced by residents. Specifically, the unsightliness of heavy

industrial development, the contribution to environmental contamination, and the potential for decreased market demand for commercial property development (“mrcog-nm.gov”).

Impacts of the Proposed Facility on Employment and Economic Development

The applicant states that the facility will provide much needed jobs for area residents, citing the recent loss of 400 jobs due to the closure of the General Electric facility (NMRT, LLC., Justification, Sept. 24, 2010, page 4). However, documents indicate they will initially employ only 90 individuals, with forty-four percent being employed as trash sorters or pickers. When operating at peak capacity, up to 120 individuals will be employed, with thirty-seven percent employed as trash sorters or pickers. (NMRT Recycling/Transfer Station Permit, Submitted to the New Mexico Environment Department, Appendix A, page 14, 2010).

As described by the applicant, sorters will pick through waste dumped on the transfer floor for initial sorting, with the later assistance by equipment operators. Mixed waste, commercial waste, and multi-family waste will be sorted by hand and mechanically (NMRT Recycling/Transfer Station Permit, Submitted to the New Mexico Environment Department, Appendix A, page 11, 2010). In addition to sorting a myriad of waste from households, businesses, construction sites, and apartments, employees will be exposed to diesel exhaust containing cancer-causing particles, carbon monoxide, and nitrogen oxides, along with noise and odors. According to testimony provided on behalf of NMRT, the recycling and waste hauling business is among the top five most dangerous in the country (Bernalillo County Board of County Commissioners Hearing, Court Reporter Transcript, page 47, December 14, 2010).

Although the applicant has promoted the facility as a contributor of needed jobs for nearby residents, residents have expressed concern about the quality of jobs being offered by the applicant. As resident Esther Abeyta stated, “Are these the types of jobs they think we want? Isn’t that what they had the homeless doing up at Cerro Colorado? Surely, we have greater career aspirations for our families than this” (community meeting, February 8, 2011).

The proposed facility is a significant departure away from the recent trend to attract clean industry and commercial development and, in exchange for modest job growth, will contribute not only to the existing environmental burden and potential costly clean-up, but to neighborhood blight, a stifled demand for commercial development by potential investors, and the potential for increased disease and disability among community residents and workers.

Traffic Congestion

The Association between Traffic Congestion and Health

Truck and rail traffic impact safety for pedestrians, bicycles, and drivers. It is well documented that higher traffic volumes contribute to more traffic related pedestrian injuries (Levine, Kim, & Nitz, 1995; Jackson & Kochtitzky, 2001). Further, peer reviewed literature shows a statistically significant relationship between traffic volume and the number of crashes involving pedestrians, with pedestrian collisions more common in low-income areas, possibly due to poor investment in needed infrastructure (LaScala et al., 2000).

Current Traffic Congestion Conditions and Crash Rates in San Jose and Mountain View

Data obtained from the Mid-Region Council of Governments (MRCOG) suggests that the current road infrastructure is already severely overburdened due to existing traffic volumes (Mid-Region Council of Governments (MRCOG), 2011). With the addition of 826 to 2,684 vehicles, many of which will be heavy trucks over 52,000 pounds gross vehicle weight, this infrastructure will be at a tipping point.

According to 2008 data provided by MRCOG (2008 SE Data on 2008 Networks PM Peak Hour V/C), the following road segments/intersections are:

Over Capacity

- Rio Bravo, west of 2nd Street
- Rio Bravo/I-25 interchange
- I-25, southbound, between Sunport and Rio Bravo
- Broadway to Gibson, east of I-25

Severely Congested

- I-25, southbound, between Gibson and Sunport
- Gibson/I-25 interchange

Traffic conditions have undoubtedly become more congested since 2008.

The forecasted scenario for 2015 with a Partially Built-Up Network is much worst (MRCOG, 2011). The following road segments/intersections are:

Over Capacity

- Rio Bravo/I-25 interchange
- Gibson/I-25 interchange

Severely Congested

- Rio Bravo, west of 2nd Street
- I-25, south of the Rio Bravo/I-25 interchange
- I-25, from Gibson to Sunport

According to MRCOG's General Crash Data and Trends 2000 – 2008 (MRCOG, 2011), the following intersections within our community area show:

Crash Rates:

Up to two times the average crash rate

- Rio Bravo/2nd Street
- Rio Bravo/Broadway
- Rio Bravo/I-25 interchange
- Gibson/I-25 interchange

Fatal and Injury Crash Rates:

Up to two times the average crash rate

- Rio Bravo/2nd Street
- Rio Bravo/Broadway
- Broadway/Gibson

Heavy Truck Related Crash Rates:

Up to two times the average crash rate

- Rio Bravo/2nd Street
- Rio Bravo/Broadway
- Woodward/2nd Street

Up to three times the average crash rate

- Broadway/Woodward

Above three times the average crash rate

- Rio Bravo/I-25

Pedestrian Related Crash Rates:

Up to two times the average crash rate

- Broadway/Gibson

Impacts of the Proposed Facility on Traffic Congestion (Waste Transport to Cerro Colorado Landfill)

The authors of this report assume traffic to the Cerro Colorado Landfill will travel north from Broadway, Blvd. to the Gibson/I-25 interchange, until construction of the Sunport/I-25 interchange is completed based on a memo from J. Strozier dated Nov. 29, 2010. It is noteworthy that the Traffic Impact Assessment provided to Bernalillo County modeled traffic using the Sunport/I-25 interchange, which has not yet begun construction.

Regardless of whether the heavy trucks use the Gibson/I-25, Rio Bravo/I-25, or the proposed Sunport/I-25 interchanges, it is clear that heavy trucks will enter I-25 at significantly slower speeds than the 65 miles per hour speed used by traffic continuing north from the south. The slow merging speeds of heavy trucks combined with the high speeds of existing I-25 traffic could lead to increased traffic collisions and fatalities. Page 6 of the Traffic Impact Assessment shows a failing east bound weave/merge ramp during the morning peak hour (R. Meadows, personal communication, February 21, 2011).

Impacts of the Proposed Facility on Traffic Congestion (Waste Transport to Southwest Landfill)

There was no information provided on the proposed transport route to Southwest Landfill to dump construction waste. It is assumed that transport would move from Broadway to Rio Bravo, west across the Rio Grande, then onto the Southwest Landfill.

According to MRCOG, Rio Bravo, west of 2nd Street, was over capacity in 2008 and is predicted to be severely congested in 2015 (MRCOG, 2011). A Traffic Impact Assessment conducted for the US Foods facility showed unacceptable delays for 2nd Street at Rio Bravo, Blvd., south-bound lane (R. Meadows, personal communication, February 21, 2011). The Rio Bravo/2nd Street intersection is extremely dangerous and has greater than two times the crash rates involving injuries and fatalities when compared to Bernalillo County's average crash rates (MRCOG, 2011).

Impacts of the Proposed Facility on Traffic Congestion - Conclusion

It is likely that a corresponding increase in crash injuries and fatalities will occur with the introduction of 826 (for average waste volumes) to 2,684 (for peak waste volumes) heavy trucks travelling to and from the facility on Broadway, Blvd. on a given day. Despite a disproportionately large number of vehicle crashes involving fatalities and injuries occurring at intersections throughout the community area, the applicant did not provide any crash related information.

In addition to contributing to traffic congestion, already high crash rates, and further delays for 2nd Street at Rio Bravo, additional truck traffic along Rio Bravo would also impede residents' ability to evacuate their homes, many of which are located off of 2nd Street, south of Rio Bravo, in the event of an emergency.

Air Quality

The Association between Air Quality and Health

Garbage trucks are known to be some of the oldest (41% are more than a decade old), least fuel efficient, most polluting vehicles on our roadways. Because more than 80% are privately owned, they are not as closely monitored as other publicly owned vehicles, such as municipal buses. Ninety percent of all garbage trucks are powered by diesel (“www.informinc.org”).

Although the Environmental Protection Agency has established diesel emission standards for heavy truck engines of .10 parts per million (ppm) in 2003, .8 ppm in 2007, and .2 ppm in 2010, engine manufacturers can use carbon credits for manufactured diesel engines in order to achieve these standards. Further, due to the aging diesel truck fleet, many of the diesel trucks on our highways do not comply with these standards (R. Hawkins, personal communication, February 17, 2011).

Diesel engines are one of the most toxic sources of emissions. In addition to carbon monoxide and nitrogen oxides, diesel exhaust is composed of fine particles that contain more than 40 cancer-causing substances, such as benzene, arsenic and formaldehyde. Diesel exhaust is emitted at the ground level, where we can breathe it, making it more harmful (Clean Air Task Force, 2005).

Illness and death related to diesel exhaust is high. Approximately 21,000 people die prematurely each year from exposure to particulate matter from diesel engines. Every year, over 400,000 asthma attacks and 27,000 heart attacks are attributed to fine particles from diesel vehicles. These illnesses lead to increased emergency room visits, hospitalizations and lost school and work days (Clean Air Task Force, 2005). Figure 5 shows the contribution of diesel emissions to cancer in metropolitan areas of the U.S. Diesel emitted from off-road vehicles such as heavy equipment and on-road vehicles such as heavy trucks contribute to a vast majority of the cancer risks (Morello-Frosch & Jesdale, 2006).

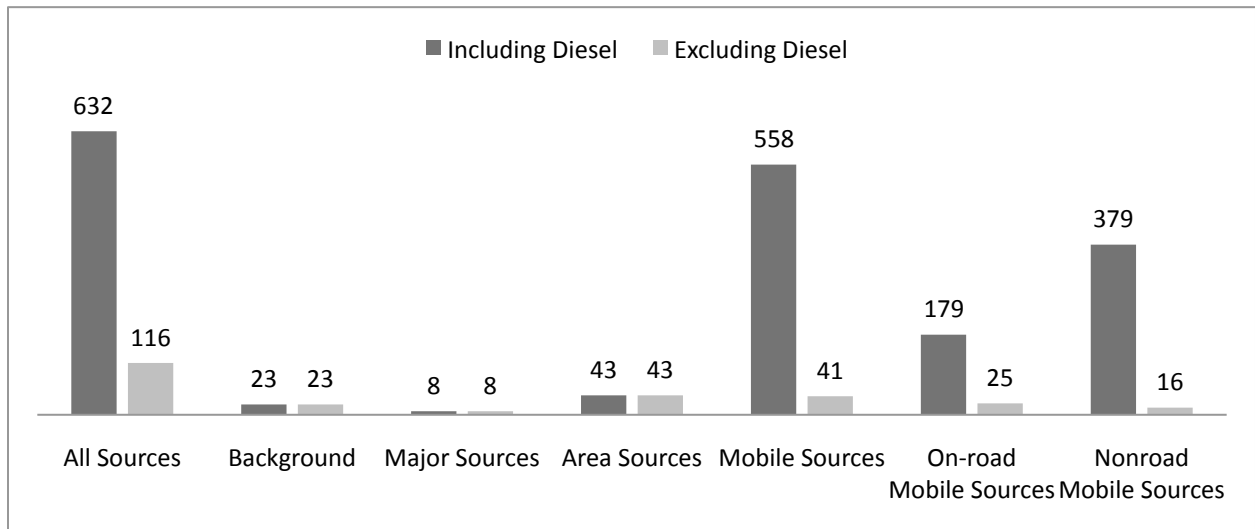


Figure 5. Distribution of Estimated Cancer Risks in US Metropolitan Areas, per Million

Children are more susceptible than adults to diesel emissions for several reasons. They are more active and breathe more rapidly, the ratio of their lung surface area to their body weight is greater so they inhale more air pound for pound, and they spend more time outdoors. Diesel exhaust exposure in children stunts lung growth, increases asthma and bronchitis, and results in more crib deaths. Diesel also affects the heart rhythms and control mechanisms in the elderly (Clean Air Task Force, 2005).

Current Air Quality Conditions and Health in San Jose and Mountain View

In February of 2011, zip code 87105 had a total of 84 facilities that emitted air pollutants into the air, with most of these facilities located in Mountain View. Air pollutants emitted consisted of carbon monoxide, nitrogen oxides, sulfur dioxide, particulate matter under 2.5 microns, particulate matter under 10 microns, hazardous air pollutants, and volatile organic compounds (K. Ziegler, personal communication, Feb. 23, 2011). Although not all 84 of these facilities were located in Mountain View, air pollutants do not stop at neighborhood boundaries. Therefore, emissions occurring in one area of 87105 will likely impact other areas of 87105.

Literature suggests that exposure to diesel emissions contributes not only to cancer, but to deaths from chronic diseases such as heart attacks and asthma. Although we cannot say that the statistically significant higher death rates from heart disease and cancer seen in Hispanics living in San Jose and Mountain View (Athas, 2011) are caused solely from diesel emissions (figure 6), increased diesel emission exposures will increase the already high burden of death for this population.

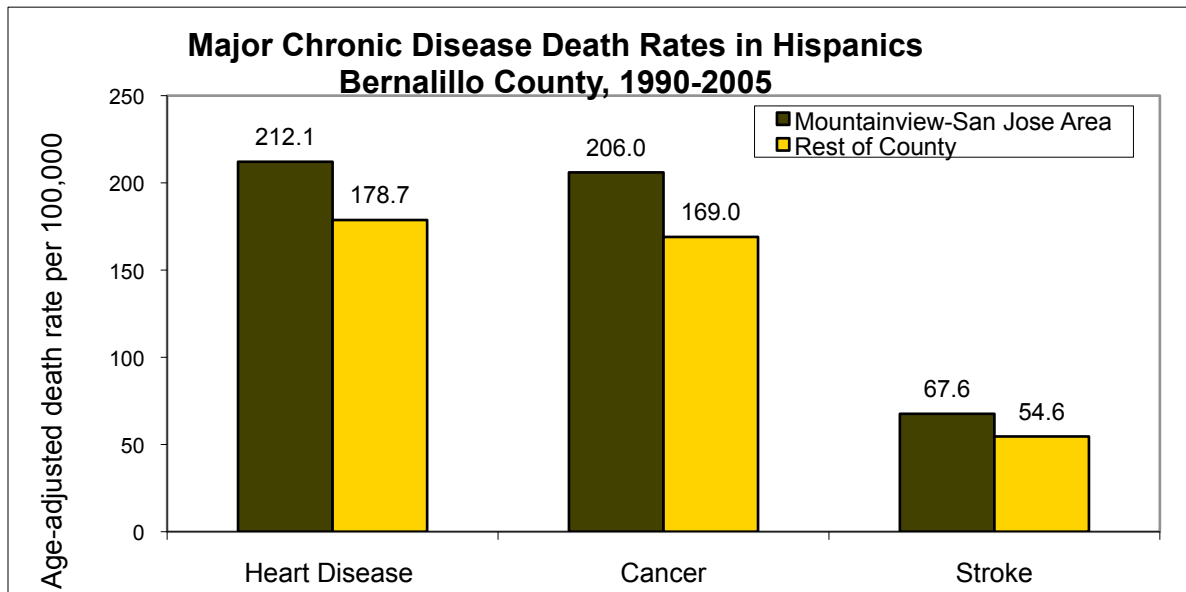


Figure 6. Deaths Attributed to Chronic Diseases in Hispanics (Source: New Mexico Tumor Registry)

Impacts of the Proposed Facility on Air Quality in San Jose and Mountain View

Given the inconsistency in traffic projections provided by NMRT, and the lack of data on the proposed truck fleet, such as age of fleet, year of engine manufacture, and weight of trucks, it is difficult to estimate the true impacts of diesel truck traffic on air quality and health. However, diesel emissions would increase due to the projected heavy truck traffic volumes, from 826 to 2,684 vehicles per day.

Increased diesel emission exposures from the heavy truck traffic associated with the proposed facility in addition to existing industrial air emissions will increase the already high burden of chronic disease deaths for the San Jose and Mountain View population and contribute to the asthma burden of children, particularly since the proposed transport route goes right in front of the East San Jose Elementary School.

Noise

The Association between Noise and Health

Traffic noise has been linked to many adverse health outcomes, including general quality of life (Dratvia et al., 2010), induced hearing loss, increases in blood pressure and cardiovascular diseases, and psychosocial disorders such as noise induced sleep disturbances (Evans et al., 2001; Ising et al., 2004). There is a dose response relationship for all of these; as persistent noise levels increase, adverse health outcomes also increase.

These adverse health outcomes are particularly pronounced in children who have less well-developed immune, cardiovascular and neurological systems. Therefore, children have an additional risk from excessive ambient noise exposure. Evans et al. (2001) examined children exposed to moderate road traffic noise (outside daytime level $L_m > 60$ dB (A)). Their night-time urine contained increased concentrations of free cortisol and cortisol metabolites when compared to those of children living in quieter areas (outside daytime level < 50 dB(A)). Studies have also found that children exposed to intense ambient noise from traffic and aircraft at school may have lower reading and math scores than children who attend quieter schools (US Environmental Protection Agency, 1978)

Current Noise Conditions and Health in San Jose and Mountain View

Residents in Mountain View already suffer from low flying commercial and military air planes using the east-west runway of the Sunport. Literature states that diesel trucks and garbage trucks range from 84 to 100 decibels, respectively. Exposure to 85 decibels for prolonged periods can result in gradual hearing loss, while exposure to 100 decibels for greater than one minute can result in permanent hearing loss. As mentioned previously, children exposed to intense ambient noise from traffic and aircraft may have lower reading and math scores.

Impacts of the Proposed Facility on Noise

Given the close proximity of the proposed facility's transport route to the East San Jose Elementary School, the cumulative impacts from the noise of airplanes already using the east-west runway of the Sunport and the noise associated with increased heavy truck traffic could significantly impact not only the quality of life of residents, but the immune, cardiovascular and neurological systems of children at the school.

Other Environmental Impacts – Odors and Vectors

The Association between Odors and Health

While odor perception is subjective and odor regulations have been difficult to enact and even more difficult to enforce, there is much documentation on the potential effects of odors on communities. The effects are related to the frequency, duration and concentration of the odor (Agency for Toxic Substances and Disease Registry, 2011). Ambient odors have been shown to result in social and behavioral problems as well as diminished sense of well-being, enjoyment of daily activities and the ability to perform various tasks. Health effects directly associated with odors are headaches, nausea, chronic fatigue syndrome (Natelson & Lange, 2002), and eye, mucous membrane and upper respiratory tract irritation (Baldwin et al., 1999; New Hampshire Department of Environmental Health, 2008; Schiffman & Williams, 2005). These potential effects can become compounded in vulnerable populations such as pregnant women, children,

the elderly, people with chronic diseases and the immune compromised.

Current Odor Conditions and Health in San Jose and Mountain View

The community of Mountain View has already been impacted by environmental odors. On numerous occasions, members of the community have filed complaints with the Bernalillo County Office of Environmental Health and the City of Albuquerque about odor from the sewage facility (G. Schroeder, personal communication, February 2011). In spite of many community meetings with sewage facility managers and their promise to control the odors through the latest technology, the technology has failed and the odors have not abated. Community residents complain of headaches, eye irritation and asthma (community meeting, December 7, 2010)

Impacts of the Proposed Facility on Odors

The proposed facility will contribute to the already strong odors associated with the sewage treatment plant and residents' quality of life, well-being, stress levels, headaches, and upper respiratory illness.

The Association between Vectors and Health

According to the New Mexico Department of Health (2010) bubonic plague and hantavirus have been on the rise in New Mexico. Hantavirus is contracted by humans breathing in the aerosolized virus from infected rodents through urine, droppings or saliva. To prevent both of these potentially fatal diseases, the New Mexico Department of Health recommends limiting exposure to trash where rodents nest ("Health Data: Hantavirus", 2011).

Current Vector Conditions and Health in San Jose and Mountain View

There have been four non-fatal cases of hantavirus in 2008, two fatal cases in 2009, and one case in 2011. From 1990 - 2006 there were 124 cases of plague in the United States; 67 of these were in New Mexico, with 10 in Bernalillo County.

Impacts of the Proposed Facility on Vectors

The proposed facility will increase the numbers of rodents, insects, birds and microbes, particularly if waste is stored on-site over night or shipped into the facility via rail car, which in turn could contribute to an increase in infectious diseases in the Mountain View and San Jose communities as well as impacting US Foods' food distribution center and Ben E Keith.

Conclusions

Conclusions of this HIA suggest that for a relatively modest recycling achievement (20,100 pounds out of a total of 2.462 million pounds of waste accepted a day), the communities of Mountain View and San Jose will be burdened not only by waste imported from communities as far away as Santa Rosa, Gallup, and Truth or Consequences (Bernalillo County Board of County Commissioners Hearing, Court Reporter Transcript, page 53, December 14, 2010), but by neighborhood blight, lack of quality jobs, economic development that is counter to the recent trend in clean industry and commercial development, increased traffic congestion on already severely congested roads, traffic related injuries and fatalities, diesel emissions, noise, odor, and vectors. Taken together, these burdens will likely contribute to the already statistically significant high death rates and shorter life spans for Mountain View and San Jose residents and the potential for further environmental degradation, costly environmental remediation, and a decrease in the County's landfill space with waste imported from outside of the County boundaries.

Further, the authors learned that NMRT was not awarded the City of Albuquerque's contract for a single stream recycling facility (E. Abeyta, personal communication, February 22, 2011). Since NMRT's waste volume projections were based on a successful bid for this contact, it is unclear where NMRT's waste will be originating from, the types and volumes of waste that will be transported and accepted at the proposed facility, and whether the waste will be transported using rail or truck.

The HIA findings are presented below:

- Cumulative health risks associated with traffic congestions, diesel emissions, noise, and odor from the proposed facility in addition to environmental hazards associated with other existing industries.
- The predominantly Hispanic communities of Mountain View and San Jose not only suffer from higher death rates and shorter life spans, but from higher poverty, a greater number of heavy industries (Bernalillo County, Office of Environmental Health, 2006), and more severe contamination when compared to other areas in the County (US Environmental Protection Agency, 2011).
- For a relatively modest recycling achievement (20,100 pounds out of 2.462 million pounds of waste daily), the communities of Mountain View and San Jose will be burdened not only by waste imported from communities as far away as Santa Rosa, Gallup, and Truth or Consequences, but by decreased neighborhood quality, further poverty concentration, unavailability of quality jobs, and higher stress levels. Higher stress levels will contribute to increased susceptibility to cumulative environmental exposures resulting in shorter life spans and increases in already high death rates.

- The proposed facility is a significant departure away from the recent trend to attract clean industry and commercial development and, in exchange for modest job growth, will contribute not only to the existing environmental burden and potential costly clean-up, but to neighborhood blight, a stifled demand for commercial development by potential investors, and the potential for increased disease and disability among community residents and workers.
- Although the company would bring 90 – 120 jobs, these jobs would not necessarily go to residents living in San Jose and Mountain View and these jobs would be highly hazardous.
- It is likely that a corresponding increase in crash injuries and fatalities will occur with the introduction of 826 (for average waste volumes) to 2,684 (for peak waste volumes) heavy trucks travelling to and from the facility on Broadway, Blvd. on a given day.
- In addition to contributing to traffic congestion, already high crash rates, and further delays for 2nd Street at Rio Bravo, additional truck traffic along Rio Bravo would also impede residents' ability to evacuate their homes, many of which are located off of 2nd Street, south of Rio Bravo, in the event of an emergency.
- Increased diesel emission exposures from the heavy truck traffic associated with the proposed facility in addition to existing industrial air emissions will increase the already high burden of chronic disease deaths for the San Jose and Mountain View population and contribute to the asthma burden of children, particularly since the proposed transport route goes right in front of the East San Jose Elementary School.
- Given the close proximity of the proposed facility's transport route to the East San Jose Elementary School, the cumulative impacts from the noise of airplanes already using the east-west runway of the Sunport and the noise associated with increased heavy truck traffic could significantly impact not only the quality of life of residents, but the immune, cardiovascular and neurological systems of children at the school.
- The proposed facility will contribute to the already strong odors associated with the sewage treatment plant and residents' reports of poor quality of life and well-being, high stress levels, and headaches.
- The proposed facility will increase the numbers of rodents, insects, birds, and microbes, particularly if waste is stored on-site over night or shipped via rail car, which in turn could contribute to an increase in infectious diseases in the Mountain View and San Jose communities as well as impacting US Foods' food distribution center and Ben E Keith.

Based on study findings we recommend denying the requested special use permit.

Attachment 1. Criteria of Resolution 116-86 of the Bernalillo County Ordinance

Criteria A

A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.

Criteria B

The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.

Criteria C

A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.

Criteria D

Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.

Criteria E

The applicant must demonstrate that the existing zoning is inappropriate because: 1) there was an error in the original zone map, 2) changed neighborhood or community conditions justify a change in land use, or 3) a different land use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.

Criteria F

A land use change shall not be approved where some other permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.

Criteria G

A proposed land use change which, to be utilized through land development, requires major and un-programmed capital expenditures by the County may be: 1) denied due to lack of capital funds; or 2) granted with the implicit understanding that the County is not bound to provide the capital improvement on any special schedule.

Criteria H

Location on a collector or major street is not itself sufficient justification of apartment, office of commercial zoning.

Criteria I

A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone". Such a change of zone may be approved only when: 1) the change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land-use plan; or 2) the area of the proposed zone change is different from surrounding land because it could function as a transition

between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic or special adverse land uses necessary; or because the nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone.

Criteria J

A zone change request which would give a zone different from the surrounding zoning to a strip of land along a stretch is generally called a “strip zoning”. Such a change of zone may be approved only when: 1) the change clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or 2) the area of the proposed zone change is different from surrounding land because it could function as a transit between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic or special adverse land uses nearby; or because the nature of structures already on the premises make the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

Attachment 2



NEW MEXICO
ENVIRONMENT DEPARTMENT

*Environmental Protection Division
Solid Waste Bureau*



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

1190 St. Francis Drive, Room S2050
P.O. Box 5469

Santa Fe, New Mexico 87502-5469

Telephone (505) 827-0197

Fax (505) 827-2902

www.nmenv.state.nm.us

DAVE MARTIN
Secretary

RAJ SOLOMON, P.E.
Deputy Secretary

Certified Mail – Return receipt Requested No. 70080500000112458153

February 14, 2011

Jerry Moffat, President
NMRT LLC
P.O. Box 1026
Huntington Beach, CA 92647-1026

RE: First Request for Additional Information (RAI), NMRT Proposed Permit Application for a Recycling and Transfer Station Facility in Albuquerque, New Mexico

Dear Mr. Moffat:

The Solid Waste Bureau (Bureau) has completed a preliminary review of the application submitted on October 14, 2010, by Molzen Corbin, for the NMRT Recycling and Transfer Station Facility Permit. The information provided has been determined to be incomplete. Therefore, the Bureau requests the following changes or additional information:

1. On page 6 of 53 under 20.9.3.8C(4)(a) and Appendix A page 1, NMRT did not provide a facility operators name. The Bureau assumes that Mr. Moffat (as President and COO of Rainbo) will not be the daily on-site manager in New Mexico. Please provide a disclosure form and operator (transfer station and recycling) certification documentation for the actual facility manager/operator that will be on-site daily per 20.9.3.8.C(3)&(4)(a), 20.9.5.8.C(1) and 20.9.7 NMAC. If Mr. Moffat will be serving as the on-site manager we need documentation of his New Mexico certification/s. Please be advised that certification can not be issued unless or until the person has a minimum of one year experience (documented) in the operation of a facility of the same type as certification is sought per 20.9.7.8.B(3).
2. On page 7 of 53 under 20.9.3.8.C(4)(f) there are no detailed facility plans or elevations for any of the interior or exterior of the proposed buildings (recycling/transfer and recycling and administration) signed by a PE as required. Location of doors, traffic flow, equipment (as listed on page 15 of Appendix A), sewer drains, sorting line, storage containers, fire suppression, restrooms, etc) need to be provided for these buildings. The location of any equipment outside the buildings also needs to be shown on the plans.

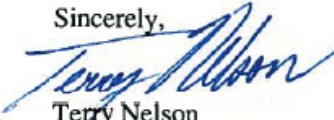
3. Under 20.9.3.8.C(6)(b) on page 7 of 53 and as found in Appendix A on page 15 there does not appear to be any equipment listed for disposing of solid waste to the landfill such as tarped transfer-trailers as is required? Please provide this information.
4. Under 20.9.3.8.C(6)(i),(ii) & (iv) on page 8 of 53 and under Appendix A, page 7-Traffic Plan, no Traffic Impact Analysis (TIA) has been completed. It mentions that one will be performed but it is required to be a part of the application. Please provide the TIA to address required issues.
5. Under 20.9.3.11.A(1) on page 11 of 53 there is no description of a survey or analysis performed to determine the characteristics of all waste to be accepted or processed. The response was only a generic description of the types of waste expected. The description should be a detailed survey of how much (%) of the different types of waste and recyclables to be expected. Composition of waste stream is also required under 20.9.3.8.C(6)(c)(i).
6. Under 20.9.3.11.A(2) on page 11 of 53 and under 20.9.3.15.B on page 12 of 53 - plans and elevations drawn to scale of all structures are not provided (see similar comment in Item #2 above). Only rendering drawings are provided. Detailed plans need to be provided.
7. Under 20.9.3.15.C(4) on page 12 of 53, the map does not show the 100 foot boundary line around the facility to indicate if there are any structures. Please provide a 100 foot boundary line as required.
8. Under 20.9.3.15.D on page 12 of 53, the location/s, specifications and hook-ups of the mentioned clarifiers are not found. Please provide this information.
9. Under 20.9.3.15.E on page 12 of 53 the narrative mentions recyclables may be shipped via rail. There is no mention anywhere in the application of the location where this will take place at the facility or a description of how this will take place (equipment to be used, loading description, etc.). Please provide this information.
10. Under 20.9.3.15.E on page 12 of 53 there is no frequency of solid waste disposal, recyclable shipments or destination of either. The section also mentions "landfill" but does not say which landfill. Please provide this information.
11. Under 20.9.4.12.C on page 18 of 53, please provide the report from the geotechnical firm on their findings for the potential sub-grade issue.
12. Under 20.9.4.12.D on page 18 of 53 there is no documentation provided that there are no historically or archeologically significant sites. Please provide this documentation.
13. Under 20.9.5.8.B(1) on page 19 of 53, it does not say specifically who the certified transfer station operator is or provide documentation of this operator certification in New Mexico. Also reference Item #1 above on the same topic. Please provide this information.
14. Under 20.9.5.13.C on page 23 of 53 please describe specifically what the audible emergency system actually consists of.

15. Under 20.9.5.13.E on page 23 of 53 please describe the location, use and specification detail of the industrial clarifier. Also noted in Item # 7 above.
16. Under 20.9.5.16.A(5) and under Appendix C, Waste Screening Program form, the specific requirements of this section are not found on the form. Please revise the form to include the items listed (a-e) for recording load inspections.
17. Appendix A page 3 – Adjacent Land Uses, indicates Bernalillo County zoning as M-2 but does not show the facility has received a special use zoning permit for solid waste transfer station/recycling facility from the County. Please provide this documentation.
18. Appendix A page 3 – Nature and Quantity of Wastes, does not describe the origin of the waste stream or the composition of the waste stream. It indicates 228 TPD of “roll-off” waste but does not say what the “roll-off” waste composition is. It also indicates approximately 1,231 TPD of waste entering the facility. The Bureau would like to know the origin of this waste since the City of Albuquerque picks up all waste within the city limits and hauls it to Cerro Colorado Landfill and Waste Management picks up Bernalillo County residential waste and some C&D waste within Bernalillo County and hauls it to Valencia Regional Landfill. The Bureau questions where 1,231 TPD of waste will be coming from. Please provide this information.
19. Appendix A page 3, last sentence indicates there will be universal waste drop-off and collection center located at gate #1. Please describe in detail the set-up of the center and what wastes will be allowed and how they will be handled.
20. In Appendix A, the Bureau could not find where a description of alternative handling of waste as required under 20.9.3.8.C(6)(d) was described. Please provide this information.
21. Under Appendix A on page 17 – Storage of Waste, it indicates waste will not be stored on-site for more than 48 hours. The 48 hour storage is also indicated in several other sections of the application. 20.9.5.11. I NMAC requires that all waste be removed at the end of each day “unless otherwise approved”. If the facility desires to store waste longer than the end of each day, then a case must be made to the Bureau as to why 48 hour storage might be needed and how will the material be contained and handled so as not to provide vector harborage or odors. Please provide.
22. Under Appendix A page 17- Fire Fighting Equipment, in the contingency plan please provide a map of the site including buildings that shows the location/s of all safety equipment (fire extinguishers, fire hoses, first-aid kits, ppe, etc).
23. Under Appendix C – NMRT’s Waste Screening Program, it does not include frequency of waste screens. The Bureau policy for minimum screening is at least once a day or 1% of the total loads, whichever is greater. Please put this in the plan. In addition the written plan should include all of the information as required under 20.9.5.8.B(2) & (5). Some of these items are missing. Please provide one waste screen plan (to include the revised form as noted in Item #16) with the required information as requested above.

24. Appendix C - NMRT's Odor Control Mitigation Program, provide more detailed information on what "special odor control devices" will be used and describe specific "protocols" for incoming odiferous loads per 20.9.3.8.C(6)(a).
25. Under Appendix E – Public Notice there is no official documentation of publishing of the Notice and certified mailings as required in 20.9.3.8.G. Documentation needs to be provided for including English and Spanish translations.
26. Under Appendix C – Crisis Management Plan, needs to be rewritten to comply with each of the specific listed items for an Emergency Contingency Plan listed in 20.9.5.15 NMAC and as required under 20.9.3.8.C(7). Be sure to include the items required in 20.9.5.8.B(4),(5),(6) & (7) in the plan. Please label it as an Emergency Contingency Plan.
28. Under Appendix A page 13 – Signage – please use the requirements listed under 20.9.5.8.A(3) in addition to those in this paragraph to make sure you addressed all of the items listed here.
29. On page 8 of 53 under 20.9.3.8.C(6)(e) please provide an anticipated start-up time period. Statement such as "within 180 days after secretary issues the permit" or whatever time period you feel would be adequate, but it does need to be stated.
30. Under Financial Assurance (FA) on page one Appendix F, you refer to the old Regulations citations in five places. Please update these to the current Rules. In the fourth paragraph you quote the old regulations in using Section 505.B describing closure costs. The new Rules do not allow for this exemption so please remove this paragraph. There is a caveat under 20.9.6.8.O that does allow for early satisfaction of the 30-year post-closure period which you might mention that you will attempt to satisfy at closure. Please indicate that FA in the amount indicated will be obtained within 90 days of the permit being issued. Also please show what you used to come up with the closure costs on page 2 of the FA such as: clean buildings – did you use a \$ per sq ft or something else to arrive at \$12,500 – the same on #2 – on #3 use a \$ per acre cost and use some \$ amount per acre, sq footage, boring, etc for # 4-7 to show how you arrived at the final numbers.
31. Please add an Appendix H to include the letter from FAA dated October 26, 2010 on requirements for locating the facility near the Sunport (Albuquerque airport).

Please submit the requested information within 120 days of receipt of this letter in accordance with 20.9.3.17 NMAC. Should you have any questions, please feel free to contact me at (505) 827-2328, or by e-mail at terry.nelson1@state.nm.us.

Sincerely,



Terry Nelson
Permit Section Manager

emcc: James Dyer, Permit Section
Tara Davenport, Molzen-Corbin
Auralie Ashley-Marx, Chief, SWB

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