

- Received 13 comments via website and via email (through May 6th)
- Responses to all comments/questions were posted on www.abqets.com

Health Impact Assessment Team – City provided a table and opportunity for representatives at the meeting to discuss their project and recruit volunteers for the HIA.

Spanish translator provided by the City of Albuquerque

Public Meeting No 3

Present Final 2 Site Concepts/Alternatives

July 15, 2015

5:30-8:30 pm

North Valley Senior Center, 3825 Fourth Street NW

89 stakeholders in attendance

Public Notice:

- Advertised project meeting in ABQ Journal (1/4 page sized ad) – July 5, July 12, and July 14
- El Semanario – Spanish language weekly publication (1/4 page sized ad) – July 9, 2015
- Electronic invitations sent to 60 area businesses, two elementary schools, anyone who had made a comment to the project website, anyone who had signed in and provided an email address at the first public meeting, the North Valley Coalition and members of the DATF (approximately 350 total).

Open House 5:30 to 6:30 PM – opportunity for public to have one-on-on dialogue with the project team members.

Presentation & Discussion 6:30 to 8:30 PM

Discussion period started at approximately 7:00 PM and was facilitated by Bill Moye, Star Group. Project team answered questions and heard concerns about the project.

Comment period:

July 15th through July 30th (two weeks, original date)

Comment period extended to August 2nd at request of the public/councilor

Comments/Questions:

- More than 40 comments/questions during discussion
- Received 3 written comments at the meeting
- Received 34 comments the website and via email (through August 2nd)
- Responses to all comments/questions were posted on www.abqets.com

Health Impact Assessment Team – City provided a table and opportunity for representatives at the meeting to discuss their project and recruit volunteers for the HIA.

Spanish translator provided by the City of Albuquerque

South West Alliance of Neighbors (SWAN)**August 5, 2015**

The project team was invited to the South West Alliance of Neighbors (SWAN) August meeting to provide a summary and update on the Edith Transfer Station. A short presentation was given by project team members to approximately 40 meeting attendees.

New Mexico in Focus - KUNM**May 8, 2015**

Michael Riordan and David Wood, Greater Gardner Neighborhood/North Valley Coalition discussed the project on the May 8th episode of New Mexico in Focus.

Community Talk**June, 2015**

The project team discussed the project and provided information to the public on a Community Talk segment with I Heart Media.

Neighborhood News – City of Albuquerque**May/June 2015**

Article - "Design Options to Repurpose Existing Solid Waste Site Moving Forward"

Media CoverageAlbuquerque Journal

August 19, 2015	"North Valley trash station decision splits community."
July 17, 2015	"Residents, business owners clash over transfer station."
July 10, 2015	Journal Editorial, "Transfer station debate isn't simply trash talk"
April 24, 2015	"Trash transfer station traffic plans revealed"
April 21, 2015	"City to unveil design for transfer station"
March 15, 2015	"Solid waste station still has hurdles to clear"
January 24, 2015	"Concerns over proposed transfer station include traffic, pollution"
January 19, 2015	"City to discuss proposed trash transfer station"

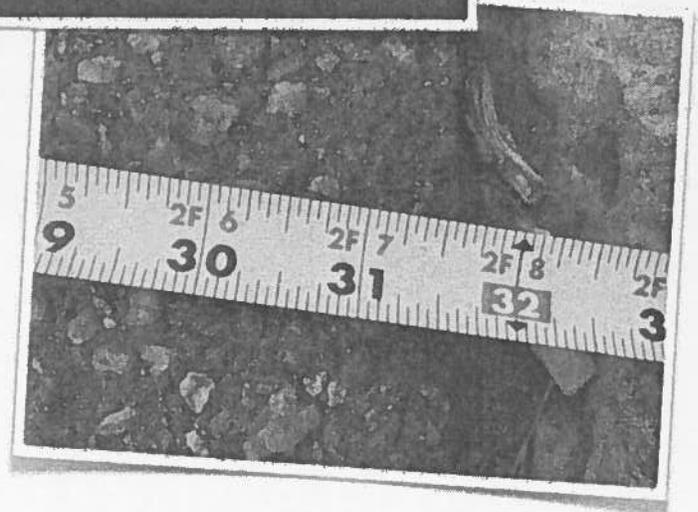
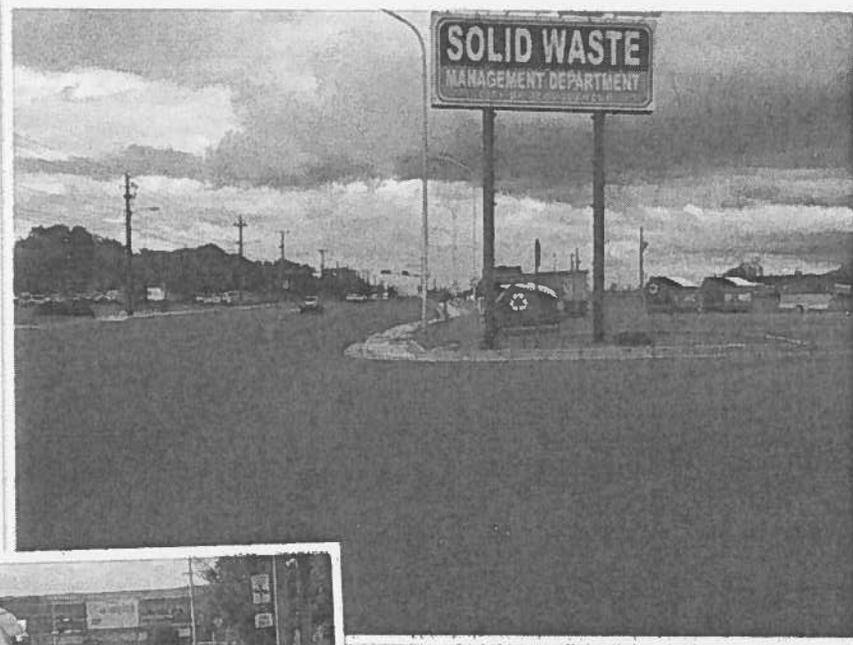
Television

July 12th, 2014	KOAT 10pm "Transfer Station"
July 10th, 2014	KRQE 5:30pm "Trash in Neighborhood raises concerns for neighbors"
April 21st, 2015	KRQE 10pm "Designs of controversial solid waste facility released"
January 12th, 2015	KOAT 6pm "New Waste Facility proposal met with opposition"

Meetings before start of Design Project**North Valley Coalition****June 26, 2014,****6:30 to 8:30 pm**

Jill Holbert, Assistant Director, Solid Waste Department attended the North Valley Coalition Annual Meeting to give a 15 minute presentation and answer questions regarding the Edith Transfer Center Project to approximately 40 meeting attendees.

Edith Transfer Station



Site Visit October 4,
2015

ETS Bicycle Network Impacts

Edith—Important N-S Bicycle “Route”

**Comanche—Connects Westside/River Mountains
—Only Complete E-W Bicycle Facility**

Edith

Edith Boulevard offers significant bicycle connectivity as it is one of the longest N-S bicycle routes in the Greater Albuquerque area (Gibson to the South; Osuna Road to the North (but often used to communities further to the North including Sandia Pueblo and Bernallilo). In addition to it's significant role as a long distance connecting bicycle facility, it also provides an ideal, low stress “local” route to and from many inner city destinations. Currently, there are no solid waste vehicles entering facility via Edith and very limited (30 parking spots) employee traffic. There is a Solid Waste recycle facility that is accessed via Edith but sees very little use¹

Street dimensions that impact bicyclists but have not been addressed as part of ETS project activities on Edith are Outer lane—~13.7', inner lane ~ 10.5' and striped median ~13.5'. Typically, outer lanes in this configuration if designated bicycle facility dimension should be minimum of 14' (AASHTO/NACTO)

Of particular interest to bicyclists, especially in the context of safety impacts of Edith Transfer Station that have yet to be addressed are:

- Currently only MV activity to and from Solid Waste Facility is small (30 space?) parking lot to administrative building and Recycle Facility. Review of Circulation Site Plan show right in, right out, left in and left out access via Rankin Road; left in, right out via Edith for both Transfer Trucks as well as collection trucks. Both of these are new uses on Edith and will have significant impact on bicycle safety and comfort in this corridor and need to be addressed.
- North to East connection from Edith to Comanche is a free right intersection movement which is extremely hazardous for bicyclists navigating West to East on Comanche as is significantly more local heavy truck use that currently proposed ETS Facility will introduce. This concern was presented to SW/Wilson Company at GABAC meeting early 2015. The response was that free right was older street design schema and would be updated as part of ETS Project.
- We see no evidence of any consideration outside the perimeter of the facility and feel that when bicyclists are in roadway, street design and zoning decisions are inextricably linked and should be paramount in EPC analysis and decision making.

Comanche

Comanche is the only continuous bicycle corridor that serves cyclists needing to get from the Bosque/Rio Grande area up to Tramway Boulevard and the Western Sandia Mountains. Additionally, due to close proximity to Montano River Crossing, it is the only NW/Westside bicycle connection to NE/SE Heights including Uptown, Sandia Labs/Kirtland AFB, UNM, as well as the Tijeras Canyon Gateway to the East side of Sandia and Manzano Mountains and recreational facilities.

Currently, bike facilities east and west bound through project impact area (for bicyclists 2nd street to North Diversion Channel including under i-25 and both frontage intersections are deficient by both AASHTO (Development of Bicycle Facilities, 4th Edition, 4.6.4) and NACTO (Urban Bicycle Design Guide, Page 6) guidelines and also CABQ DPM. As the following photographs taken October 4, 2015 show, the roadway the trucks will be traveling in to access Transfer Station and then return to I-25 have width issues (we assume ROW driven but not clear from TIA, Application or Staff Report), signage issues, and lane marking/maintenance issues. Further, east bound under i-25, there is no bicycle lane though there is strange/confusing 3' concrete gutter pan striped to look like bike facility (actual dimension ~2.5')?

It is also important to point out that ghost bike at NE corner of Comanche/i25 was a fatality that was result of cyclist being run over by CABQ Waste Collection Truck. While witnesses unclear on what caused cyclist to fall onto roadway, result was certainly tragic and exhibitivive of concern cyclist have for facilities being impacted by an increase in heavy truck traffic. Heavy truck turning movements accessing SB freeway onramp off Comanche with cyclists in deficient dimensioned bike lane (also in blind spot) certainly increases hazard and vulnerability to cyclists using this facility. While we appreciate the CABQ SWD commitment to install guards on all SW vehicles, we do think that falls more in the realm of equipment protective device and would like ETS effort to focus on and commit hazard and conflict elimination. Finally, West bound bicycle facility underneath i-25 leaves cyclists extremely vulnerable as bike lane is less than half recommended lane width for bike lane facility and necks down to less than a foot (with off camber sewer grate at SB frontage road signal where cyclists queue.

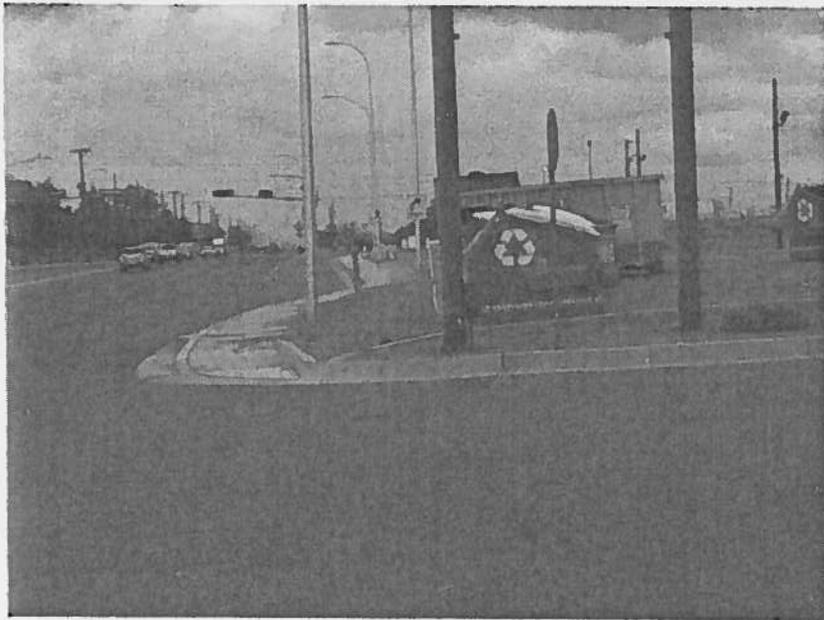
Important Consideration for both Edith and Comanche

Edith and Comanche as bicycle facilities and the need for safety/hazard consideration as part of EPC review of ETS zoning application needs to be considered in two contexts: 1) mobility and 2) access (particularly discouraging use) in relation to E-270-1980 (particularly a&c), Comprehensive Plan (all bike and multimodal references), CABQ Bikeways and Trails Plan (impacts much broader than just Goal 1 and objective 3; specifically negative/unaddressed impacts ETS may have on Goals 2 & 4), CABQ Comprehensive On-Street Bicycle Plan, and recently adopted CABQ "Complete Streets Ordinance" (E-0-2015-003), especially items A-G in 6-5-6-6–General Policy.

Photos of Edith and Comanche Bicycle Impacts



Current Community Recycling Facility and low use entrance to admin offices off Edith



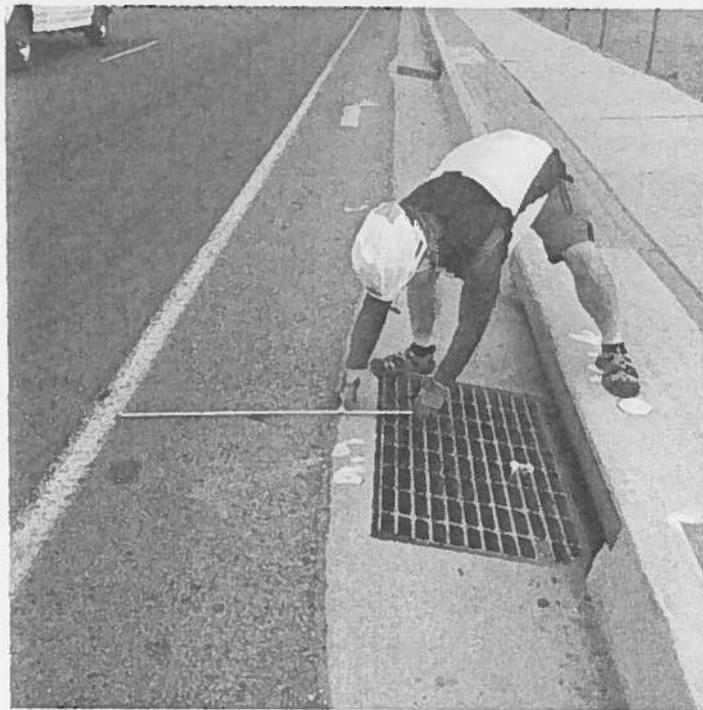
Unsignalized free right turn onto Comanche. Note Yield sign AFTER Pedestrian crossing to porkchop refuge



Measurement where bike lane recurs after signalized intersection (Comanche EB)



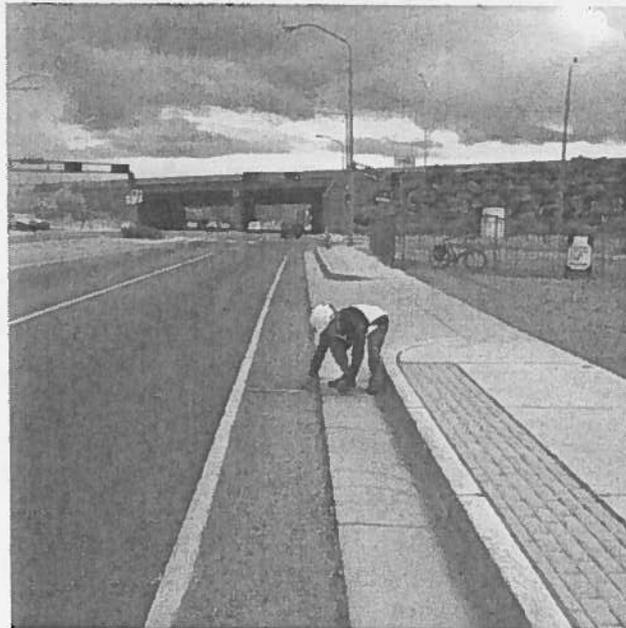
Widest Section of EB Comanche. AASHTO recommendation 5' . Application stipulation that bicycle facility impacts meet AASHTO "guidelines" inaccurate.



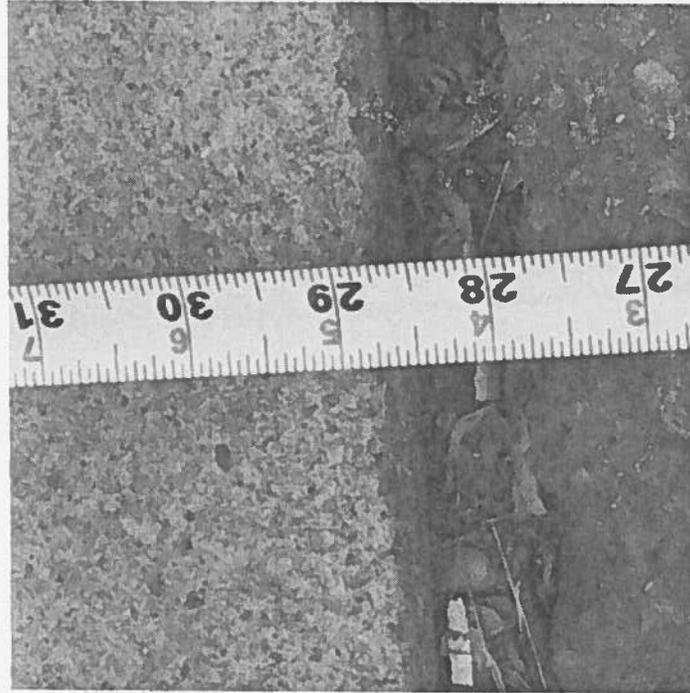
Offcamber sewer grate. Note: barely visible bike facility lane markings



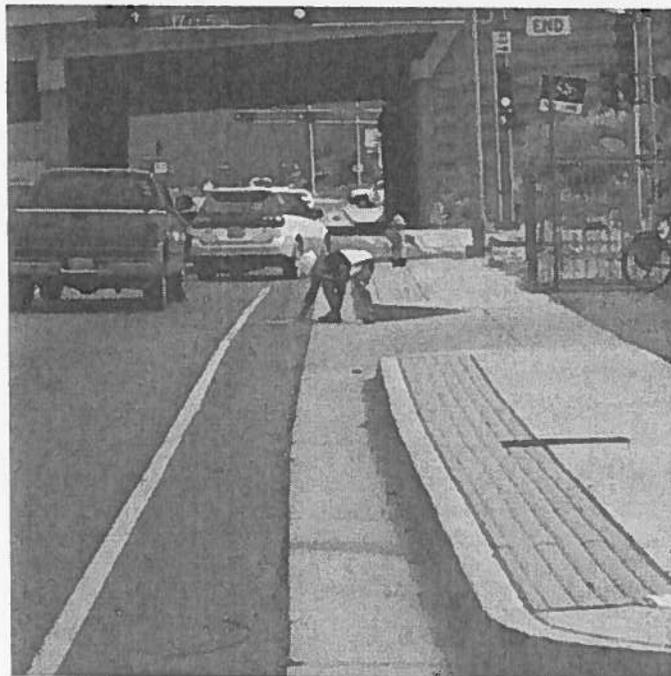
Posted speed limit (actuals significantly higher but no supporting data)



EB approaching right turn onto frontage road



Bike Lane less than 2.5' ~250' from turn onto frontage road (previous photo)



Note position of left turning vehicle right where cyclists need to queue if stopped at signal



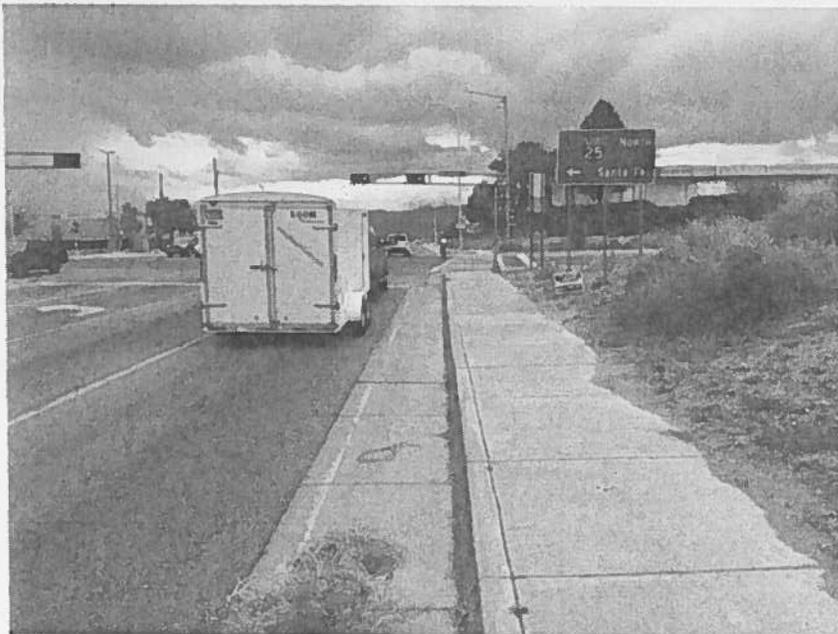
What ends and where?



Cyclists need protection/space here. DO NOT want trucks turning on red or around cyclists...



Concrete gutter pan striped @ 30°.
Bike Facility? Note sidewalk
deficiency as well.



Not a pleasant place on
bicycle. Short yellow
and no all red phase
make intersection risky
if light changes when
cyclist beyond
stopping point

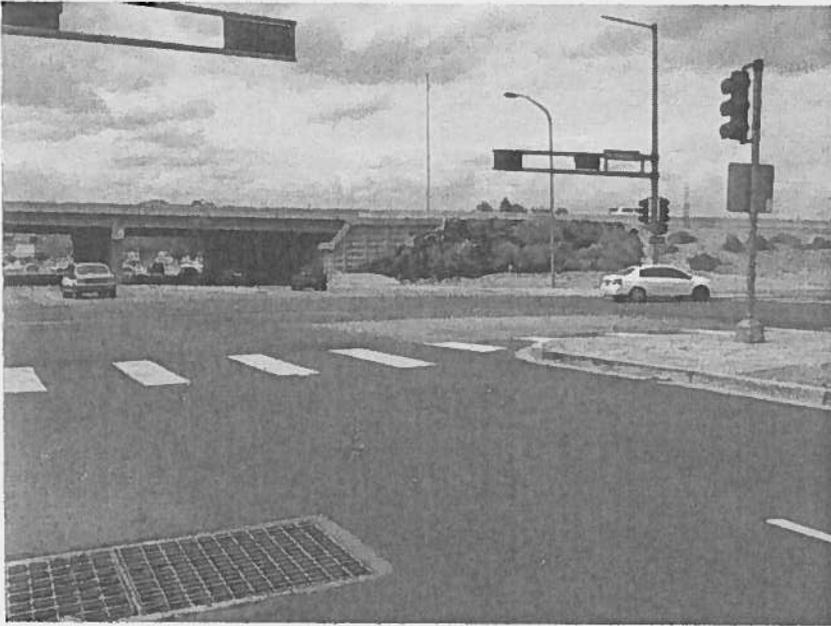
Scott Hale, Chair
Greater Albuquerque Bicycle Advisory Committee
October 5, 2015



**Ghost Bike NE corner of I-25/Comanche.
cyclist Timothy Vollman run over by SW
Collection Vehicle**



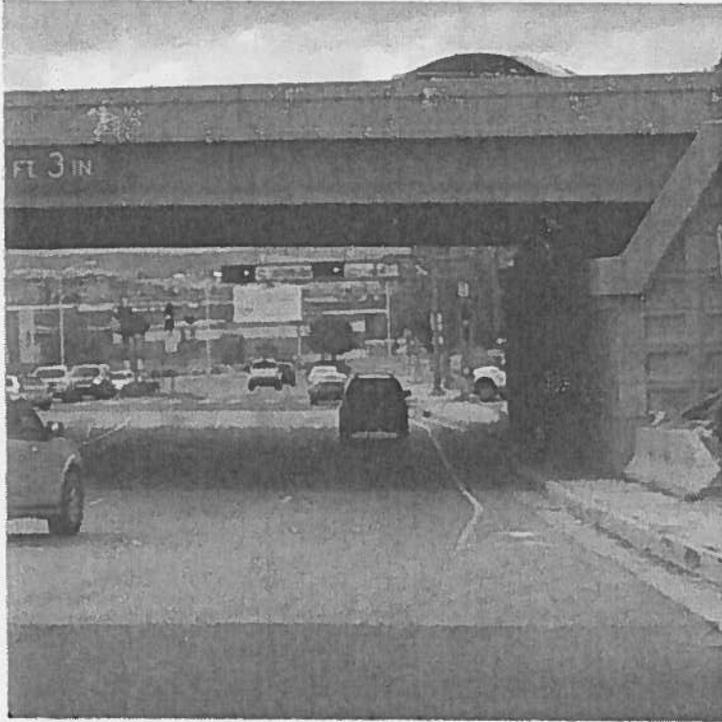
**Speed Limit increases. Bike
lane dimension increases to 4'
still well below
recommendations and
bicyclist safety best practice
guidelines**



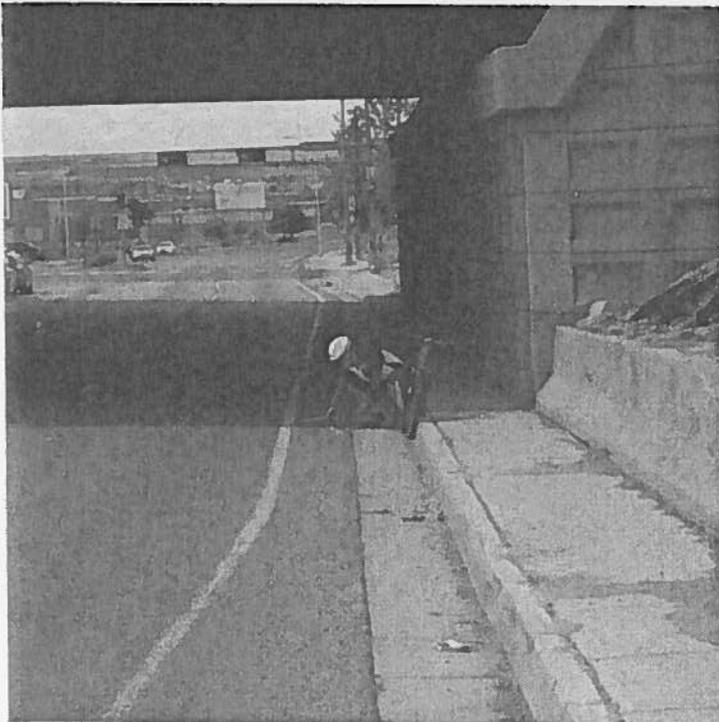
Perspective: very wide intersection (with insufficient signal phases for bicycles)



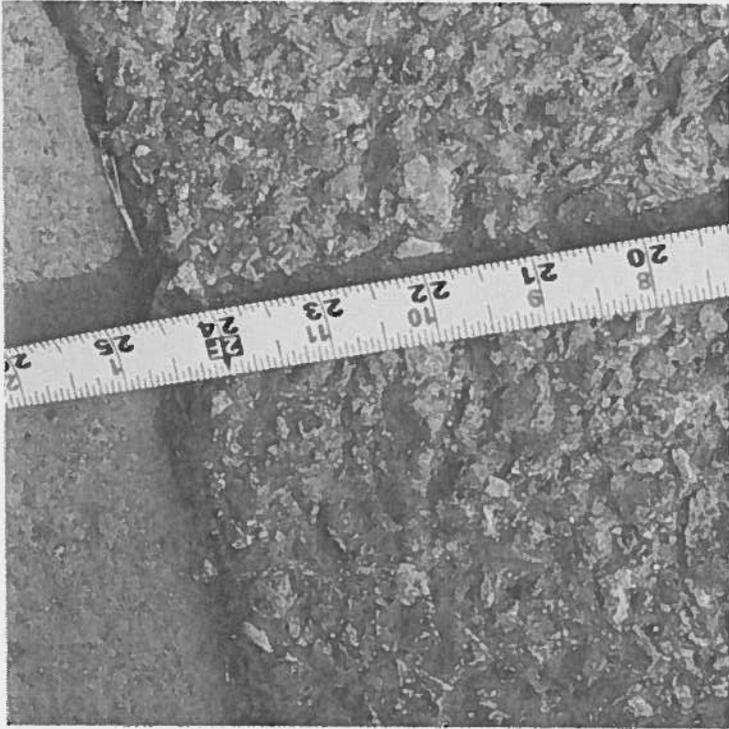
WB Comanche. Area in front of cyclist where transfer trucks would cross all lanes to enter Comanche off NB Frontage.



Bike facility marking then lane necks down



Scary Place to take measurement. Note sidewalk width

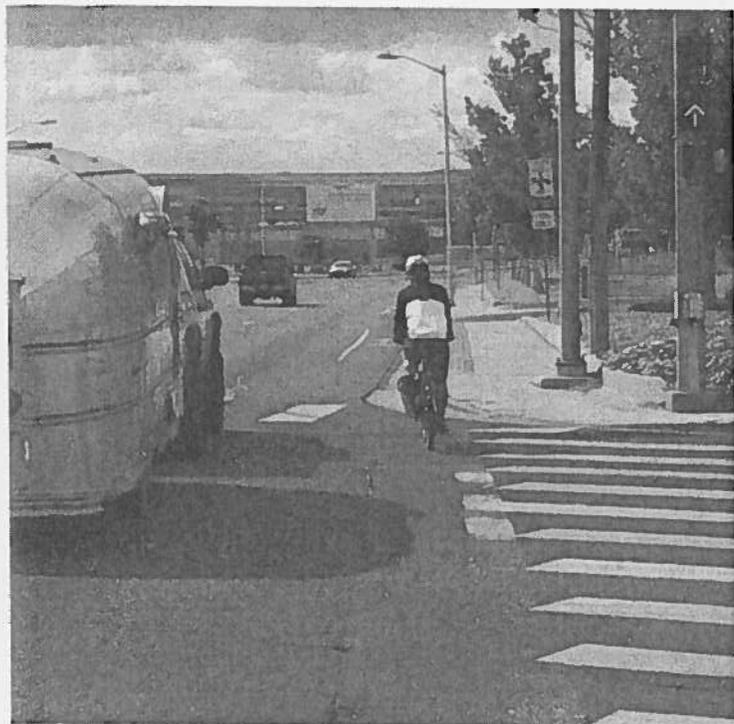


Width of bike lane where measurement in photo above taking place

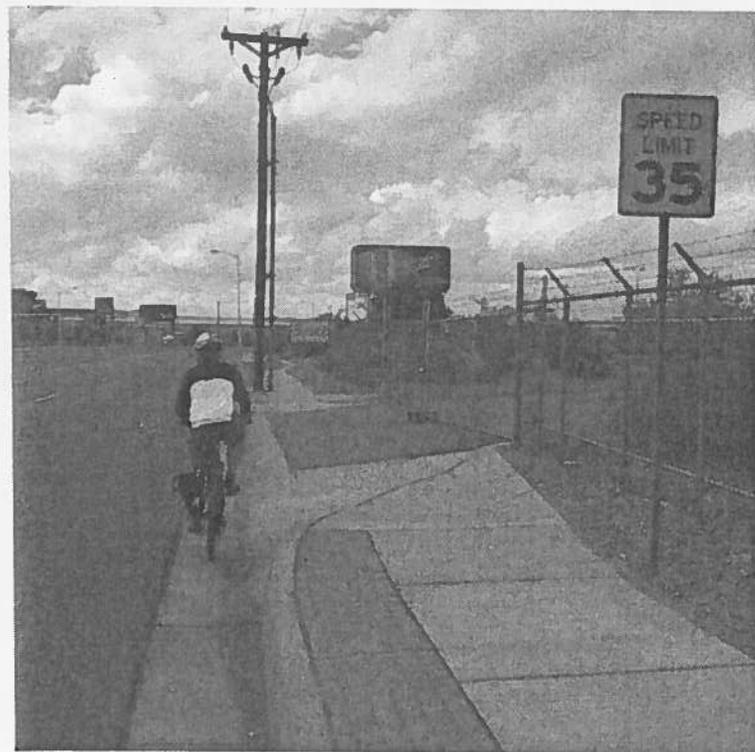


Note lane width in bicycle facility queue area

Scott Hale, Chair
Greater Albuquerque Bicycle Advisory Committee
October 5, 2015



No fun. At least cyclist had wide tires and could negotiate uneven surface seams between gutterpan, curb cut and asphalt

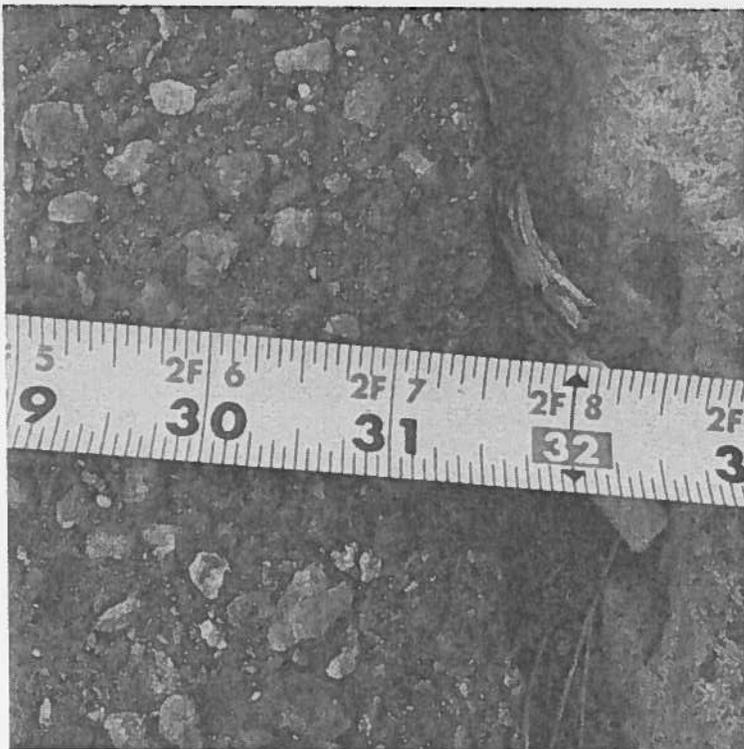


Speed limit on Comanche West side of i-25 WB approaching Sysco. Note instinct to hug curb and ride in gutterpan

Scott Hale, Chair
Greater Albuquerque Bicycle Advisory Committee
October 5, 2015



Entering WB curve. SW Facility on left. Note marking degradation and limited sight lines for approaching Malloy entrance/exit



Bike facility ~2.5'. Cyclists turning SB onto Edith need to start positioning for access to left turn bay and will be looking over shoulder to gauge oncoming traffic. Narrow lane may be significant safety problem for inexperienced as they may swerve as they gauge opportunities behind them.

WHAT THEY SAY

#AlternateTranspo

"We're always open to funding requests for alternative forms of transportation. Walking and biking is important to us."

"You like bicycles? Bless your heart. We'll file your project idea along with 'personal space ship grant requests.'"

#AlternateTranspo

WHAT THEY MEAN

¹ Traffic counts specifically into and out of existing SW facility at Edith not available. Significant problem with bike/ped traffic count data as one time count in December, not enough data to accurately assess existing facility usage or any improvement/deficiency if ETS is approved and constructed. User community would like to see better and more accurate pre and post construction data including conditional for more applicable study of current bicycle facility dimension and usage in this part of the Griegos/Comanche Bicycle Corridor. As mentioned above—we need to require better data on existing speeds on both corridors.

Quevedo, Vicente M.

From: SCOTT HALE <scott_hale@me.com>
Sent: Wednesday, October 07, 2015 10:10 PM
To: Quevedo, Vicente M.
Subject: Re: EPC Process / Deadlines

Mr. Quevedo-

As part of my review to prepare for EPC hearing on Edith Transfer Station, I noticed that there may be an error on the "canned" part of the Agenda Announcement. Is the reference to B.12 in 2nd paragraph correct or should the actual reference be B.13?

My second question is what legal standing does the Greater Albuquerque Bicycle Advisory Committee (GABAC) have on a project like Edith Transfer Station #1010582 which has significant impacts to the safety of cyclists and the network the city has designated as a primary facility for bicyclist use?

An example of questions we would like to ask staff/consultants to clarify might be either simple or fairly bicycle context sensitive and complex.

A simple question might be:

On page 21 of staff report can you further define and explain Bicycle "Access and Circulation"
Of concern is safe access from on-street bicycle facilities and safe bicycle operating facilities for vulnerable users within the facility. As bicycle travel is generally discouraged on pedestrian facilities (sidewalks), we find no relevant discussion of bicycle movement to and within facility. In fact, the only discussion being called out for further development is bike parking facilities

A more complex and very important question we would like to question agency/staff via EPC Chair would be:

If both heavy vehicle and traffic volumes are to be increased how do you know this won't degrade the existing bicycle facilities?

Is staff familiar with the Level of Service Model for bicycle facilities?

Without conducting a Level of Service Model how did staff determine the impact on the bicycle facilities on both Edith and Comanche?

Are heavy vehicles a factor when conducting a Level of Service Model for bicycling?

Is traffic volume a factor when conducting a Level of Service Model for bicycling?

Has a Level of Service Model for bicycles been conducted for either of the impacted bicycle facilities to validate recommendations?

These are just the first few examples taken from several pages of notes. I would appreciate further clarification on any role that GABAC might take in the EPC review and hearing process to ensure that CABQ provides fully functional and safe facilities for all bicyclists using our citywide network. Both Edith and Comanche are integral components of our citywide network so any adverse impacts are of significant concern to the bicycle community and GABAC (as the bicycle community advisory body).

Thank you for your time and consideration.

scott

Scott Hale
scott_hale@me.com
505.301.9083

On Sep 28, 2015, at 4:17 PM, Quevedo, Vicente M. <vquevedo@cabq.gov> wrote:

Mr. Hale,

Good afternoon. As a follow up to your recent inquiry regarding EPC Project 1010582, I have attached the following pdf's for your review. Regarding your request for a copy of the city application for the project, I do not have an electronic copy of the full application packet, but do have a pdf of the project narrative submitted by the applicant. If you would like to see the entire application, you will need to come into our office to review that and request a hard copy. If you only need a copy of the project narrative, I can email that directly to you. Let me know which you would prefer. Thank you.

Respectfully,

Vicente M. Quevedo, MCRP
Urban Design and Development Planner
City of Albuquerque, Planning Department
t (505) 924-3357
f (505) 924-3339
vquevedo@cabq.gov

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<Summary of EPC Process.pdf><EPC Rules of Conduct.pdf>

Bernalillo County

PLACEMATTERS

October 7, 2015

Peter Nicholls
Chairman, Environmental Planning Commission
c/o City of Albuquerque Planning Department
600 2nd St NW, 3rd Floor,
Albuquerque, NM 87102

Re: Proposed Edith Waste Transfer Station Project # 1010582

Members of the Environmental Planning Commission:

Greetings! My name is James Aranda. I am the Director of Bernalillo County PLACE MATTERS, a community-based organization that advocates for sound land-use, environmental, and social policies that provide equal opportunities for safe, clean and healthy neighborhoods and resolve the disproportionate environmental burdens on people of color, working poor, low-income and vulnerable communities of Bernalillo County.

We at PLACE MATTERS stand in support of our friends and neighbors in the North Valley who have serious concerns with the City of Albuquerque's proposed Waste Transfer Station (WTS) at its current Edith and Comanche Solid Waste facility. The proposed facility will receive all of Albuquerque's daily collected garbage and transfer it to the Cerro Colorado landfill via 18-wheel truck, and would also include a solid waste convenience center, drop-off locations for recyclables and household hazardous waste, a fueling station, refuse vehicle and cart storage, vehicle maintenance shops, administrative offices, and parking. 229 additional round trips into and out of the proposed waste transfer station—a 173% increase—are expected to occur each weekday in and out of the facility each weekday. This does not include privately owned vehicles that will be self-hauling trash to the proposed WTS's convenience center.

The City of Albuquerque claims the proposed WTS will improve the surrounding neighborhood by providing benefits such as reductions in air pollution, however, COA has not provided any air quality data to substantiate this claim. Furthermore, the application—with the exception of a preliminary Traffic Impact Study—primarily focuses on site details and fails to consider anything outside of the site boundaries, including the potential health impacts that might harm residents living in neighborhoods close to the site, should the proposed WTS be approved.

In August 2015, a Health Impact Assessment (HIA) was conducted on the proposed Edith transfer station to assess the impacts of the proposed waste transfer station on the health of residents and others who live, work, attend school, or play in neighborhoods that are located near the site. The HIA Committee concluded that the proposed transfer station may pose a threat to the health, safety and welfare of community members living in adjacent neighborhoods. The Committee also found that the request is in conflict with City of Albuquerque Zoning Code Enactment 270-1980, and that it should not be built at the proposed site. Environmental and health data assessed for the HIA indicate that area residents bear a

Bernalillo County

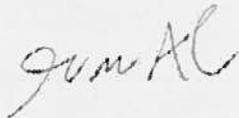
PLACEMATTERS

disproportionate environmental and health burden. This burden in conjunction with the community's socio-economic and demographic composition make the impacted community meet the U.S. Environmental Protection Agency's (EPA) criteria for an environmental justice neighborhood.

In spite of the many potential impacts of the proposed waste transfer station, what is perhaps of graver concern to neighborhood residents is the way in which the City failed to involve those who will be most impacted by this project, and made an internal decision to locate the proposed waste transfer station at the site of their current facility. The fact that residents of adjacent neighborhoods learned about the proposed waste transfer station through an Op Ed in the Albuquerque Journal—and not the City of Albuquerque—is not only an affront, but further evidence of the lack of regard our local government agencies have for EPA guidelines to involve impacted residents in the development of WTS site criteria and the site selection processes. The City of Albuquerque's actions throughout this process have only lent credence to the community's perception that that COA is imposing an ill-conceived project on their neighborhoods without the community's consent or input—all in the name of convenience.

Community members can and should be engaged in the decisions that impact their neighborhoods. Only through open dialogue and a sincere willingness to work together can a relationship based on mutual trust and respect be built. Because the City is an applicant in this case, community members and those most impacted by the City's decision believe it is only right that that the City address their concerns and answer questions in an honest, transparent, and timely manner. As Bernalillo County PLACE MATTERS joins our friends and neighbors in the North Valley to once again demand a seat at the table, I urge you to side with those who are most impacted by the proposal and make the right decision regarding the proposed Edith Waste Transfer Station.

Respectfully,



James M. Aranda
Director,
Bernalillo County PLACE MATTERS

Henry, Dora L.

From: Matt Cross Guillen <mattcg@bcplacematters.com>
Sent: Friday, October 16, 2015 11:00 AM
To: Henry, Dora L.; Quevedo, Vicente M.
Cc: Matt Cross Guillen
Subject: Edith Transfer Station project #1010582

Oct 16, 2015

Peter Nicholls, Chair
Environmental Planning Commission
City of Albuquerque

Dear Mr. Nicholls,

As the EPC considers whether to approve or deny the permit for the waste transfer station, I bring to your attention a recent study from the American Journal of Public Health which shows that risk exposure for Hispanic populations is 6.2 times higher than for whites. Knowing the demographics of the surrounding neighborhood, does allowing the Edith Transfer Station, project #1010582 add to this exposure burden or help improve conditions?

http://www.upi.com/Science_News/2015/09/17/Study-Non-whites-more-exposed-to-environmental-hazards/6141442524990/

<http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2015.302643>

Thank you for your time.
Matt Cross-Guillen, MA

An email confirmation that you received this email is appreciated.

--

Matt Cross-Guillén
Education & Outreach Co-Coordinator
Bernalillo County Place Matters (BCPM)
625 Silver Avenue SW, Suite 195
Albuquerque, NM 87102
O: 505.244.9505 x114 | Cell: 505.573.3634
E-mail: mattcg@bcplacematters.com
E-mail: mcross-guillen@nmvoices.org
www.bcplacematters.com
<https://www.facebook.com/BCPlaceMatters>

Do you feel encouraged to participate in decisions that affect your community?
What makes us sick? Look upstream

Quevedo, Vicente M.

From: Quevedo, Vicente M.
Sent: Monday, October 19, 2015 8:43 AM
To: 'Matt Cross Guillen'; Henry, Dora L.
Subject: RE: Edith Transfer Station project #1010582

Mr. Cross-Guillen,

Good morning. Thank you for submitting your public comments regarding EPC Project 1010582. I have made a copy of your correspondence and placed it with the file. However, I was not able to print copies of the documents from the links that you included in your email because advertisements kept opening each time I tried to access them. If you would like to have these documents included, you can print hard copies and either hand deliver them or mail them to our office. The address is 600 2nd Street NW, 3rd Floor or you can mail them to P.O. Box 1293.

Respectfully,

Vicente M. Quevedo, MCRP
Urban Design and Development Planner
City of Albuquerque, Planning Department
t (505) 924-3357
f (505) 924-3339
vquevedo@cabq.gov

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From: Matt Cross Guillen [<mailto:mattcg@bcplacematters.com>]
Sent: Friday, October 16, 2015 11:00 AM
To: Henry, Dora L.; Quevedo, Vicente M.
Cc: Matt Cross Guillen
Subject: Edith Transfer Station project #1010582

Oct 16, 2015

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Environmental Planning Commission
City of Albuquerque

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<http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2015.302643>

Thank you for your time.
Matt Cross-Guillen, MA

An email confirmation that you received this email is appreciated.

--

Matt Cross-Guillén

Education & Outreach Co-Coordinator

Bernalillo County Place Matters (BCPM)

625 Silver Avenue SW, Suite 195

Albuquerque, NM 87102

O: 505.244.9505 x114 | Cell: 505.573.3634

E-mail: mattcg@bcplacematters.com

E-mail: mcross-guillen@nmvoices.org

www.bcplacematters.com

<https://www.facebook.com/BCPlaceMatters>

Do you feel encouraged to participate in decisions that affect your community?
What makes us sick? Look upstream

NORTH VALLEY COALITION, INC.

Individuals, Neighborhood Associations, Businesses & Community Groups Working Together

October 19, 2015

Vicente Quevedo, Planner
City of Albuquerque Planning Department
600 Second Street, NW
Albuquerque, NM 87107

Re: EPC Record in the Edith Transfer Station case; Project # 1010582

Dear Vicente:

It was nice to meet and talk with you October 8 at the scheduled Environmental Planning Commission meeting. I discussed with you the fact that public comments for the Edith Transfer Station case, Project #1010582, were not posted to the EPC's online record. These comments, which included the Health Impact Assessment and the Traffic Review, had been submitted by September 28 and were included in the hard copies of the Staff Report made available on October 1, but not the online record. The rest of the Staff Report, including staff analyses of the Health Impact Assessment, were included in the online record.

You were going to talk with the webmaster and we want to thank you for getting the public comments posted to the EPC online record by that same evening. However, we are concerned that if a commissioner tried to read the project information electronically, these comments were unavailable to them. Also, these comments were definitely not available to the public (unless they picked up one of the few hard copy packets on October 1) until after the scheduled meeting. Because the meeting was canceled and will be rescheduled, we realize the comments will now be available for anyone wanting to prepare for the new meeting date, if they realize this information was previously missing.

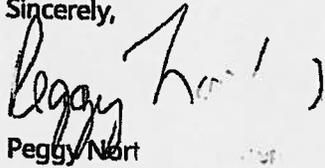
We also want to draw to your attention the fact that the North Valley Coalition's October 5, 2015 letter and other public and City documents submitted by the 48 hour deadline were not made available in hard copy on October 8 (the hearing date) nor have they been posted to the EPC online record yet. You very nicely responded to my request for a copy of these 48-hour documents, but that doesn't cover the public. When did the commissioners get the 48-hour documents? When will the public receive these documents?

This concerns us: the only online information available to the general public by the scheduled meeting date was information submitted to the EPC by the City of Albuquerque, who is the applicant. Please explain the protocol and timeline for publicizing the public record in EPC cases. We also would appreciate being provided with the deadlines for public comments, the

date for case distribution, and the first available time to sign up for public speaking at the November 5, 2015 EPC hearing.

Thank you for addressing our concerns.

Sincerely,



Peggy North
North Valley Commission

cc: Mr. Nicholls, Chairman, Environmental Planning Commission (via email to Dora Henry)
Isaac Benton, City Councilor

Quevedo, Vicente M.

From: Quevedo, Vicente M.
Sent: Tuesday, October 20, 2015 10:27 AM
To: 'Peggy Norton'
Cc: Henry, Dora L.; Benton, Isaac; NVC Executive Committee; David Wood
Subject: RE: public comments
Attachments: EPC-RulesofConduct.pdf; EPC-SummaryofEPCProcess.pdf; EPC Calendar 2015 _revised-020215.pdf

Ms. Norton,

Good morning. Thank you for submitting additional written comments regarding EPC Project 1010582. In response to your inquiry, the items received by the Planning Department within the 48 Hour Rule deadline ahead of the October 8, 2015 public hearing were forwarded to the EPC Commissioners on the morning of Tuesday October 6, 2015 in accordance with the EPC Rules of Conduct. Additional information about the 48 Hour Rule requirements and EPC Hearing Procedures can be found in the attached EPC Rules of Conduct and Summary of EPC Process documents.

The public comment deadlines that you have requested information about ahead of the November 5, 2015 public hearing are as follows:

- 10 days prior to the EPC hearing deadline is: Monday October 26, 2015 at 5:00 PM;
- 48 Hour Rule deadline is: Tuesday November 3, 2015 at 3:30 PM;

The information you have requested regarding a Case Distribution Session and Public Testimony has been included below:

- There will not be a Case Distribution Session ahead of the November 5, 2015 Public Hearing because the staff report, supporting documentation and written comments from the public have already been distributed to the EPC Commissioners. Written public comments received by the Planning Department following the last public hearing date of October 8, 2015 will be forwarded to the EPC Commissioners on Thursday October 29, 2015 at approximately 3 PM.
 - These additional written public comments will also be posted on the Planning Departments website by 12 PM on Friday October 30, 2015;
- On Thursday November 5, 2015 at 3:00 PM, Planning Staff will have a table set up directly outside of the hearing room so that members of the public can begin signing up to speak at the public hearing. The public hearing will begin at 3:30 PM.

Additionally, I have included a copy of the 2015 & Early 2016 EPC Application and Hearing Schedule for your review. Please do not hesitate to contact me directly if you need any additional information related to EPC Project 1010582. Thank you.

Respectfully,

Vicente M. Quevedo, MCRP
Urban Design and Development Planner
City of Albuquerque, Planning Department

t (505) 924-3357
f (505) 924-3339
vquevedo@cabq.gov

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From: Peggy Norton [<mailto:peggynorton@yahoo.com>]
Sent: Monday, October 19, 2015 11:58 AM
To: Quevedo, Vicente M.
Cc: Henry, Dora L.; Benton, Isaac; NVC Executive Committee; David Wood
Subject: public comments

Hello Vicente - The attached letter addresses concerns we have regarding public comments and some questions regarding the upcoming hearing on the transfer station. I have included Dora so it becomes part of the public record. Thank you for your assistance.

Peggy Norton, President
North Valley Coalition
www.savethebosque.org

October 26, 2015

TO: Peter Nicholls, Chair, and members of the Environmental Planning Commission

RE: Edith Waste Transfer Station Case #1010582

Dear EPC Commissioners:

I appreciate that you are confronted with a difficult case in this matter. The City staff is advising that there are no other siting options. But from what I've read, this conclusion has been reached based on a desire to cut costs and not increase garbage rates.

In my opinion, this siting decision disproportionately affects nearby neighborhoods and a broad segment of the North Valley (and even areas beyond), in order to avoid increasing fees charged to solid waste customers' City-wide. However, the trash is being generated by customers City-wide. In my opinion, it is more important to do this project in the right manner, even if more costly, than to cut costs and implement a poor project. Increased costs can be shouldered broadly to minimize impacts on households.

The traffic at the intersection of I-25, the frontage road, and Comanche is a mess, and not only at peak hours. Peak hour traffic-like conditions at that intersection continue throughout most of the day and into the evening. Congestion here affects many people, including those beyond the North Valley. Much of the downtown traffic and UNM traffic trying to enter I-25 northbound is funneled to this intersection. Adding a volume of new garbage trucks at this intersection, as would occur if this site is used for the transfer station, seems incredulous. I find it hard to believe there is not a better site.

If in fact this is the decided-upon location, then circulation patterns to alleviate the impacts on the nearby neighborhoods and streets (especially the Edith/Griegos intersection) and on bicyclists and pedestrians needs to be carefully designed. I don't have confidence that this has occurred since the traffic study has not been completed. And I wonder whether there is a good design available.

Please give serious consideration to the health, safety and design issues raised in the HIA. This is an important decision and if the City moves in the wrong direction, it could be a harmful and costly mistake.

Thank you for your consideration of these comments.

Very truly yours,

Susan Kelly

Susan Kelly

713 Camino Español NW

Albuquerque, NM 87107

Henry, Dora L.

From: Jan Zimmerman <jzimmerman34@comcast.net>
Sent: Monday, October 26, 2015 4:44 PM
To: Quevedo, Vicente M.; Henry, Dora L.
Subject: Project #1010582, Waste Transfer Station for EPC hearing on 11/5/15
Attachments: 102615 EPC comments re WTS for 110515.pdf

Importance: High

Attached please find my comments re Project 1010581, Waste Transfer Station for the EPC hearing on 11/5/15. Please let me know if you have any problems opening the file. Thank you. Jan Zimmerman

Jan Zimmerman
4614 Sixth St. NW
Albuquerque, NM 87107
t: 505.344.4230
f: 877.836.1923
c: 505.259.2528
e: jzimmerman34@comcast.net
w: <http://www.watermelonweb.com>

Jan Zimmerman
4614 Sixth Street NW
Albuquerque, NM 87107

October 26, 2015

Mr. Peter Nicholls
Chairman, Environmental Planning Commission
City of Albuquerque Planning Department
RE: Project #1010582, Waste Transfer Station

via email vquevedo@cabq.gov
via email dhenry@cabq.gov

Dear Mr. Nicholls:

As a member of the Greater Gardner Neighborhood Association and an affected resident, I have been following very closely the news of the Waste Transfer Station (WTS) proposed for the current Solid Waste Facility at Comanche & Griegos NW. I am deeply opposed to this proposal for all the reasons that many of my neighbors have already addressed. While I prefer that you deny the requested zoning change and completely deny this proposal, I would like to suggest additional conditions that should be imposed on the City of Albuquerque should the project be remanded to the CoA for further study, and that the project be put on immediate hold until these conditions have been met.

1. The CoA claims that this project would cost \$37 million. This does not appear to include costs for eminent domain to acquire property to the south of the proposed site, reconstruction of the I25 Comanche on/off ramps, or any other mitigation or road construction that might be required for sites immediately adjacent to the site or that will be affected by changes in traffic volume. I respectfully suggest that the CoA be required to provide a full and true accounting not only of immediate construction estimates, but also of any other associated costs over the next 25 years so the EPC can appropriately assess the cost/benefits of this proposal.
2. Whether deliberately or not, the \$37 million cost is supposedly going to be borne only by the CoA without any federal funding. Conveniently, this allows the CoA to forego the need for an Environmental Impact Statement. I propose that the CoA be required to submit the equivalent of an EIS prepared by an independent third-party, regardless of whether federal funding is involved. (I find it difficult to believe that the CoA would self-fund a reconstruction of the I25 Comanche on/off ramps.)
3. The CoA remains in denial of the issue of environmental justice regarding the disproportionate impact of this proposal on a minority, low income community. I propose that the CoA be required to provide a written defense of this proposal in accordance with the New Mexico Environmental Justice Executive Order 2205-056 and the Report on Environmental Justice in New Mexico.

4. I find it depressing, but not surprising, that the CoA is willing to invest \$37M on trash, but not on its real treasure -- people. Therefore, I propose that this project, should it go forward, be required to spend at least an equal amount of funding on improving the infrastructure and social services available to the affected community. Such spending might include not only affordable housing, roads, landscaping, lighting, library hours, parks, and walking trails, but also funds to "make whole" affected residents and businesses for loss of property values. It might also encompass after-school programs and tutoring services, job training, high-speed, low-cost Internet services, small business assistance, and whatever other services the community associations should suggest. The community must be actively involved in selecting and determining the improvements it wants. This is not an unusual request. There are a number of other success stories; perhaps the most famous one is Dudley Street in Boston, whose "*Don't Dump On Us*" campaign closed down a trash transfer station while reinvigorating an economically-disadvantaged community at the same time.
<http://www.cpn.org/topics/community/dudly.html>
<http://www.dsni.org/dsni-historic-timeline>
<http://thrdplace.com/blog/building-projects/inner-city-boston-residents-reinvent-their-community/>
5. The CoA has a contract for community outreach and PR with Cooney Watson specifically to "prove" that it has obtained community input (not that it has listened to what the community as said). I request that the CoA be required to provide an equal amount of funding to the affected neighborhood associations to cover their own costs of outreach to affected residents, as well as their incurred costs for hiring legal experts, traffic engineers, health impact analysts, and environmental consultants to assist the community in providing an alternative point of view. The funding for the community should equal or exceed all funds provided for outreach to Cooney Watson or any other provider to date and in the future.
6. Finally, the affected neighborhoods have been asked to "take a bullet" for the rest of the CoA. In fact, a member of city government had the patronizing effrontery to say at a public meeting that "this [project] is for our own good." Should this project go forward, I proposed that all properties in the affected area be relieved of the need to pay any solid waste fees in perpetuity. The fees on other properties in the CoA can be raised to make up for any losses, as they are the direct beneficiaries of the negative impacts of this project being visited solely on this area.

Respectfully submitted,



Jan Zimmerman

Resident

Quevedo, Vicente M.

From: Kelly O'Donnell <kelly@odonnelleconomics.com>
Sent: Tuesday, October 27, 2015 12:49 PM
To: Quevedo, Vicente M.
Cc: Kristine Suozzi; peggynorton@yahoo.com; Kitty Richards
Subject: Transfer Station Analysis
Attachments: WTS-EconomicAnalysis-04Oct2015.pdf

Dear Mr Quevedo,

I submitted an economic analysis of the proposed Edith transfer station prior to the most recent, cancelled meeting of the EPC, but it is not included in the materials on the website and I fear that it got lost in the shuffle. I have attached it to this email and I hope you will include it in the packet of materials provided to the EPC members for the meeting next week. Thank you for your consideration.

All the best,
Kelly O'Donnell

To: Peter Nicholls, Chairman, City of Albuquerque Environmental Planning Commission

From: Kelly O'Donnell, PhD

Date: October 4, 2015

Re: Economic analysis of solid waste facility at 4600 Edith NE

Dear Mr. Chairman,

Thank you for the opportunity to share my analysis of the proposed transfer station at 4600 Edith with you and the members of the Commission. As an economist, I read through the 2014 update of the Albuquerque Transfer Station Feasibility Analysis and the recently submitted Project Narrative with great interest. Both documents contain a great deal of useful information. I would like to highlight the following:

1. The project does not produce cost savings for the city unless the three existing convenience centers are closed. City officials have repeatedly stated that the convenience centers will remain open.
2. Full build-out of the proposed transfer station and solid waste facilities will cost the City of Albuquerque and its residents \$1.6 million in the first year of operations and \$3.2 million over the project's life cycle.
3. In light of these facts, the assertions in the Feasibility Analysis and the Project Narrative that the project will save the city money and prevent future trash collection rate increases are inaccurate, and the reverse – that costs arising from the project may expedite increases in trash disposal rates and convenience center user fees – is more likely to be true.

In addition, it is important to note that:

1. Using the Edith site rather than purchasing a more suitable one does not save the city \$5 million as is stated in the Feasibility Analysis. The cost of using an asset is the revenue foregone in not employing it elsewhere. The city's land at 4600 Edith is worth \$3.2 million according to Bernalillo county assessor records.
2. Research on other, similar projects indicates that the transfer station may depress property values within a 1.5 mile radius, reducing property tax revenue by \$232,000 and depleting home owner assets by \$17.5 million.
3. The presence of a transfer station will undermine prospects for future revitalization, commercial development and job growth in the neighborhood.
4. The negative health outcomes likely to result from the transfer station all impose large costs on government and the community.

Full build-out will cost city residents \$3.2 million

Full build-out of the proposed transfer station and solid waste facilities at 4600 Edith NE will impose a \$3.2 million net cost on the City of Albuquerque unless all other city convenience centers are closed (updated Feasibility Analysis, p.10). City officials have stated that all convenience centers will remain open.

The city's cover memo to the 2014 Feasibility Analysis, states that "The primary goal of building a waste transfer station is to reduce the cost of transporting waste to the landfill." If the WTS increases, rather than decreases, the city's waste disposal costs, the primary justification for developing the transfer station is eliminated. Further, in responding to several of the policies and criteria from Resolution 270-1980, the Albuquerque-Bernalillo Comprehensive Plan, and the North Valley Area Plan necessary for a zone map amendment, the Project Narrative asserts that the project will "save the city \$75 million over 20 years," and "forestall rate increases" for consumers. If, as the feasibility analysis suggests, the project will impose a net cost on the city, these statements are inaccurate and should be disregarded. In fact, by the logic of the Project Narrative, costs arising from the project may expedite future increases in trash collection rates and user fees.

Using the Edith site does not save the city \$5 million

Contrary to the Feasibility Analysis, using the Edith site rather than purchasing more suitable property will not save the city \$5 million. The Feasibility Analysis recommends that the site's existing Solid Waste Department facilities be razed and rebuilt from the ground up. Thus the Edith site has no inherent advantage over other sites and, although it is already owned by the city, its use is not without cost. The cost to the city of using the Edith site is the value of the site's alternative uses. According to the county assessor, the city property at 4600 Edith is worth \$3.2 million. Presumably, the city could re-purpose, sell or swap the Edith parcel. The net value of such transactions must be subtracted to calculate the true value of using the site.

A transfer station may depress property values within a 1.5 mile radius, reducing property tax revenue and depleting homeowner assets

Proximity to the noise, congestion, odors and toxicities of a facility processing 3 million pounds of waste daily will likely reduce residential property values and thus property tax revenue. Numerous studies in the US and abroad have demonstrated a negative correlation between proximity to high volume waste sites and property values. This research suggests that the transfer station will depress property values within a 1.5 mile radius of the site, with properties closest to the station experiencing the greatest impact. A 2005 meta-analysis concluded that the value of residential property immediately adjacent to solid waste sites was depressed by an average of 12.9 percent while property values one mile from the site were depressed by an average of 7 percent.¹ However, the

most definitive study of how waste transfer stations impact property values, published in the journal Waste Management in 2007, found that transfer stations impacted the value of residential property within a 1.8 mile radius. The impact on property values decreased as distance from the facility increased, declining from roughly 9 percent within one-quarter mile of the facility to two percent at 1.4 miles from the facility.¹¹

The impact on residential property values from Edith WTS was estimated by applying the coefficients from the Waste Management study to geo-coded 2015 appraisal data from the Bernalillo County assessor. The results are provided in Table 1.

The areas surrounding the site in which property values may be impacted are depicted in Exhibit 1. The five concentric rings radiating outward from the site each correspond to a percentage change in property value. The inner ring represents those properties within one-quarter of a mile of the site. The value of these properties is expected to decline by 9 percent as a result of the WTS. The outermost ring represents those properties within 1 mile and 1.5 miles of the site. Property values in this zone are expected to decline by 2 percent. Percentage declines in property value as a function of proximity to the site are presented in Table 1.

There are 4,653 homes within 1.5 miles of the proposed transfer station with a combined property value of approximately \$594 million. If residential property values surrounding the site decline at the rates documented in earlier research and listed in Table 1, residents of the impacted area will lose \$17.5 million in home value and local governments will lose approximately \$223,232 in annual property tax revenue.

Distance from WTS	Property Value Reduction	Homes	Residential Property Values	Property Value Reduction	Property Tax Reduction
1/4 mile	9%	3	\$299,020	\$26,912	\$343
1/2 mile	8%	69	\$6,913,941	\$553,115	\$7,058
3/4 mile	7%	392	\$44,362,132	\$3,105,349	\$39,624
1 mile	5%	905	\$98,466,774	\$4,923,339	\$62,822
1 1/2 mile	2%	3,284	\$444,300,000	\$8,886,000	\$113,385
Total		4,653	\$594,341,867	\$17,494,715	\$223,232

Source: Author calculations using geo-coded 2015 Bernalillo County Assessor data compiled by William Hudspeth.

It is very important to note that the analysis presented here considers only residential property values, which constitute just 21 percent of property value in the vicinity of the site. It is reasonable to expect the WTS to depress the value of some neighboring commercial property, however, because research to-date has focused on residential

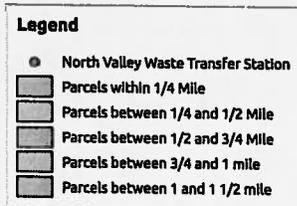
property values, there is no basis upon which to quantify the potential magnitude of impacts on non-residential values.

Impact on household assets and homeowner net worth

Home equity is the largest single asset held by most American households. Home value may constitute the *sole* asset of many low-and moderate-income homeowners in the area of the proposed transfer station. Assets provide financial stability to families living paycheck-to-paycheck, enabling them to weather a temporary lay-off or health crisis without triggering the downward financial spiral that can easily culminate in homelessness. A several percent reduction in home value could significantly deplete or even eliminate net worth for many neighborhood families. If the presence of the transfer station forecloses future opportunities for neighborhood revitalization, the impact on property values and home equity may be compounded over time.



Location of Parcels within Zones based on Distance from Proposed Site of the North Valley Waste Transfer Station (1/4 Mile Increments)



A transfer station may undermine future revitalization and job growth

The area likely to be impacted by the transfer station is home to over 500 private businesses including retailers, professional services, food manufacturers, warehousing, distribution, and government services with over 16,000 proprietors and employees and payrolls in excess of \$272 million.ⁱⁱⁱ

These businesses may experience declining property values, diminished productivity due to traffic congestion and reduced retail sales as the neighborhood environment is degraded. In addition, by damaging the public perception of the surrounding neighborhoods, the transfer station is likely to diminish the community's future prospects for economic development and revitalization.

Health impacts impose high costs on government and the community.

The Health Impact Assessment of the transfer station provides an inventory of possible health consequences, all of which impose costs in the form of lost productivity, increased utilization of the healthcare and emergency response systems, and greater dependence on the social safety net. These costs are potentially quite large, but also difficult to forecast.

The more readily estimated tax revenue and employment impacts presented in this memo should be regarded as lower bound estimates of total cost, both because they exclude the aforementioned health impacts and because they do not account for reduced commercial property values or other business impacts.

In conclusion, reducing the cost of solid waste disposal through development of a new transfer station is a laudable objective that warrants further study. However, waste facilities such as the waste transfer station contemplated at 4600 Edith NE generate numerous negative externalities. It is therefore essential that the benefits and costs of any siting decision be weighed extremely carefully. Potential costs unaccounted for in the 2014 update of the transfer station feasibility study commissioned by the City of Albuquerque Solid Waste Department include \$17.5 million in lost home values, job and productivity losses due to traffic congestion and environmental degradation, and a \$232,232 reduction in annual property tax revenue.

Sincerely,

Kelly O'Donnell, PhD

ⁱ Braden, J., Feng, X., Won, D. (2011). Waste sites and property values: A meta-analysis. *Environmental and*

ⁱⁱ Eschet, T., Baron, M., Schecter, M., Ayalon, O. (2007). Measuring externalities of waste-transfer station using hedonic prices: Case study: Israel. *Waste Management*. 27 (5).

ⁱⁱⁱ U.S. Department of Commerce, *County Business Patterns, 2013 by Zip Code*, portions of 87107, 87102, 87104, and 87197 corresponding to census tracts 30.01, 30.02, 3100, and 2900

Quevedo, Vicente M.

From: Victoria Padilla <victoria@juntos-newmexico.org>
Sent: Tuesday, October 27, 2015 11:52 AM
To: Quevedo, Vicente M.
Subject: project #1010582

Regarding the proposed Waste Transfer Station in the North Valley of Albuquerque I would like to go on the record for strongly oppose this project.

I am a resident of the North Valley, a mother of preschooler, and a life long New Mexican. I have stood by and seen my community deal with a variety of pollutants. Our water, air and soil are contaminated from industries similar this waste station.

My community has suffered long enough and now I am standing up to fight for my daughters environment. The North Valley is filled with low income people of color who will be dealing with the smell and mess of the proposed waste station. The people of this community have been here far longer than industry, and we demand environmental justice for our land. We deserve to have clean and safe places to live and play.

Please consider finding a new location, the money saved in convenience costs for this proposed location will ultimately be paid in health expenses for this community.

Thank You
Victoria Padilla

1333 Arcadian Trl NW
Albuquerque NM, 87107
505-319-3492



**Neighborhood
Association**
Pride In Community

Agenda #5

West Mesa Neighborhood Association
P. O. Box 12322
Albuquerque, New Mexico 87195-0322

West Mesa Neighborhood Association (WMNA) Boundaries:
Southern-Central Avenue NW plus 1 block south for Businesses;
Northern-Interstate 40 (I-40);
Western-Coors Boulevard NW plus 1 block west for Businesses;
Eastern-Yucca Drive NW-La Bajada NW-Atrisco Drive NW

Louis Tafoya, President
Mike Quintana, Vice President
Dee Silva, Treasurer
Vanessa Alarid, Secretary

October 28, 2014

Mr. James Gannon, CEO Catholic Charities
3301 Candelaria Road NE Suite B
Albuquerque, NM 87107

SUBJECT: Letter of support to Catholic Charities for the development of about 3 acres of vacant land into a rental housing development for seniors behind Fire Station # 7 between 57th Street and 58th Street NW, Albuquerque

Dear Mr. Gannon;

My name is Louis Tafoya, and I am the President of the West Mesa Neighborhood Association. I attended the informational meeting held on October 21 hosted by Catholic Charities regarding your response to the City of Albuquerque's Senior Housing Request for Proposal, RFP-DFCS-14-01, for the city-owned land located within the boundaries of the West Mesa Neighborhood Association behind Fire Station # 7 between 57th Street NW and 58th Street NW, Albuquerque, New Mexico.

The West Mesa Neighborhood Association Board of Directors were briefed on the plans that Catholic Charities had for the vacant 3 acres, and they unanimously agreed to support Catholic Charities in their effort.

We believe the Catholic Charities proposal incorporates design features that will integrate well into the existing community. The community garden and the open layout of the site plan will maintain the neighborhood feel that is prevalent in the immediate vicinity of this project which is composed almost entirely of single-family homes.

We believe the Catholic Charities project will greatly enhance the area and will be a significant investment in the future of the West Mesa neighborhood and we enthusiastically support your efforts to redevelop the site into a mixed-income senior housing community.

Sincerely,

Louis Tafoya
Louis Tafoya

President, West Mesa Neighborhood Association

AGENDA ITEM #7 - 1010582

Quevedo, Vicente M.

From: Joan Brown,osf <joankansas@swcp.com>
Sent: Tuesday, October 06, 2015 7:42 AM
To: Henry, Dora L.; Quevedo, Vicente M.; joan m brown
Subject: Project #1010582

Regarding the Waste Transfer Station proposed for the North Valley of Albuquerque, I go on record opposing this project for many reasons including:

*The health concerns caused by air pollution, especially in light of increased climate change and weather events.
*Concerns for water quality that can be impaired in a neighborhood from run off and extreme weather events
*Noise pollution to the residents and businesses living in the area *Protocol for vetting the project has not been followed *Cumulative environmental and health concerns have not been followed *The citing of the facility is an environmental justice concern *No other locations were considered *The city does not have an overall waste management plant, which should include reducing the waste stream and protecting the health and welfare of the community and the earth.

Peace and good,
Sr. Joan Brown,osf

--

Joan Brown,osf
Executive Director
New Mexico Interfaith Power and Light (NM IPL)

New Mexico Interfaith Power and Light
PO Box 27162
Albuquerque, NM 87125
505-266-6966 www.nm-ipl.org info@nm-ipl.org

1004 Major Ave. NW.
Albuquerque, NM 87107
joanbrown@nm-ipl.org

"There is no inner world without the outer world." Thomas Berry, Author of The Great Work

Quevedo, Vicente M.

From: Kitty Richards <kittyrichards1@gmail.com>
Sent: Tuesday, October 06, 2015 7:01 AM
To: Quevedo, Vicente M.
Cc: Kristine Suozzi
Subject: revised EPC submittal - EHD's rebuttal to our HIA
Attachments: Final response to EHD's rebuttal of HIA 10-6-15.docx

Good morning Mr. Quevedo,

Can you please substitute this final version of our responses to EHD's rebuttal of the HIA with the document I sent to you yesterday at 10:24 p.m. and submit to the EPC record.

Thank you so much.

Sincerely,

Kitty Richards, MS, MPH
(505) 715-1597

To: Vicente M. Quevedo, EPC Staff Planner, COA Planning Department
From: Bill Hudspeth, Ph.D., Kelly O'Donnell, Ph.D., Kitty Richards, MS, MPH, and Kristine Suozzi, MS, Ph.D.
Subject: COA, Environmental Health Department's (EHD) rebuttal of the North Valley Health Impact Assessment of the Proposed Edith Transfer Station (HIA)

We strongly disagree with EHD's rebuttal to our HIA and address EHD's rebuttal, dated September 23, 2015, in the order in which they appear in their document.

SUMMARY

1. The HIA was conducted to research the potential health impacts of the ETS to residents living in adjacent neighborhoods. While the EHD's rebuttal of the HIA leads one to believe the ETS will benefit the health of residents living in neighborhoods adjacent to the ETS or that there is an absence of residents living nearby because the site is zoned industrial, HIA findings suggest otherwise. HIA findings: 1) demonstrate negative impacts to residents living adjacent to the proposed ETS site; and 2) provide evidence of residents living less than 100 feet from the perimeter of the ETS site. Therefore, the proposed zone change to special use will be harmful to residents of the adjacent neighborhoods and requirement E of Enactment 270-1980 is unmet. According to Enactment 270-1980 it is up to the applicant, in this case the COA, to demonstrate that the zone change would not be harmful to adjacent property, the neighborhood, or the community. While the applicant (the COA) claims that methods used to develop HIA findings are not scientific and suggests the ETS will not adversely affect the health of residents or property owners living or operating in neighborhoods adjacent to the ETS site, the applicant has failed to provide evidence to back up this faulty assertion as required by Enactment 270-1980.
2. In spite of a suggestion made by EHD to the contrary, no where does the HIA state a causal effect between a risk factor and a health outcome, instead the HIA appropriately provides evidence of strong associations between one, or several risk factors, and a health outcome based on peer-reviewed literature. In fact, section headings describing the associations between a subject risk factor and health outcome are labeled, *Association*.
3. While EHD's rebuttal states that there are no health disparities among minorities of the impacted community, analysis of health data obtained from the New Mexico Department of Health's Indicator-Based Surveillance System at New Mexico Department of Health Small Area geography supports our HIA findings.
4. While we are pleased that there will be **extensive design and operational elements** to address some environmental issues, these are **only within the site's boundaries in general and the enclosed facility in particular**. **Further, at the time of HIA submission, design and operational elements had not been drafted, much less finalized.** As public health practitioners, we are the most concerned about the effects of the ETS on the health of

adjacent neighborhoods, **outside of the boundaries of the proposed ETS** and how these effects might exacerbate the existing health disparities.

5. While the COA, and their contractors, anticipate design and operational elements developed for the ETS will meet the capacity needs in terms of garbage quantities, mistakes can and do happen resulting in catastrophic health consequences. Such was the case for another waste transfer station (WTS) named Rainbow, which was designed by the COA's contractor JR Miller, and located in Huntington Beach, CA. Hailed by the COA as a state-of-the-art facility during a COA sponsored public meeting, sheer quantities of garbage quickly outpaced the design capacity of Rainbow resulting in the processing of garbage outside of an enclosure (which was not supposed to happen) and numerous violations. Complaints of illness resulting from odors, dust, noise, traffic, and bird feces followed. The Santa Ana Superior Court recently ruled in favor of the Ocean View School District's lawsuit against the company.

GENERAL

1. While the EHD's rebuttal insinuates there was no opportunity for COA's input to the HIA, the COA, and their contractors, were fully aware of the conduct of the HIA and could have requested to participate at any time. The EHD's rebuttal further insinuates the HIA Committee was comprised of special interests. HIA meetings were open meetings and advertised widely through several announcements sent out via list-serves and at COA and North Valley Coalition sponsored meetings regarding the ETS. It is ironic the EHD suggests the HIA Committee was comprised of special interests when members of the EHD are COA employees whose role as both staff reviewers and employees of the applicant presents a conflict of interest.
2. While the EHD's rebuttal suggests HIA authors abandoned HIA guidelines and introduced bias into their research. HIA methods, including definition of the geographic boundaries of impacted neighborhoods, questions posed, risk factor and health outcome pathways, data selection, and data limitations were clearly delineated in the Screening and Scoping Sections of the HIA. Additionally, as stated in a letter to the EPC dated October 5, 2015 from Dr. Rajiv Bhatia, a pioneer in the HIA field, HIA authors followed HIA guidelines. In the spirit of HIA guidelines, community representation and collaboration were encouraged, as was the consideration of health inequities. Researchers working in the health assessment field have long recognized the importance peer reviewed literature as well as the inclusion of residents' knowledge of the community in which they live. The HIA Committee completed a scoping grid and decided which questions and concerns they wanted to address. These questions and concerns drove the data selection process. Several HIA Committee meetings were held to decide on the geographic boundaries of the impacted community. Because health data are aggregated into New Mexico Department of Health Small Areas, residents decided on four census tracts that were comprised of residents whose neighborhood were located nearby or adjacent to the ETS site. These census tracts comprise New Mexico

Department of Health's Small Area 19. As with any dataset there are always limitations, these limitations are described throughout the HIA as data are presented.

3. We take incredible insult to EHD's assertions that we have intentionally manipulated data sources, that data provided does not pertain to the geographic area of interest or locality, or that we have in some way mislead our audience. We are professionals who are highly esteemed by other professionals in our field, have dedicated our lives to the health of our population, have worked in the public health field for most of our careers, and who have asked other equally esteemed health professionals to review and critique our work. As evidenced through a sign-off of four prominent health professionals as reviewers to the HIA, the HIA is scientifically valid and credible. As professionals who abide by HIA guidelines, we have not exaggerated health risks. We followed epidemiologic principles and refer to **associations, not causality**. Associations between risk factors and health outcomes are based on peer-reviewed literature and are clearly labeled in the HIA as such. Further, the HIA clearly labels Existing Conditions, based on data sources that pertain to the geographic area of interest, as well as Predicted Health Outcomes based on peer reviewed literature, community knowledge, data sources, and our own professional expertise in public health.
4. Although the EHD's rebuttal suggests the activities of the ETS will be similar to activities occurring at the site of the current Solid Waste Department (SWD), evidence presented in Fact Sheets disseminated by the COA suggests a different scenario. At present, activities at the site consist of fleet fueling, fleet maintenance, fleet parking, and administrative activities. Activities associated with the ETS are far more significant in terms of environmental and health impacts as well as land use intensity. Activities will include garbage dumping by collection vehicles, garbage transport by semi-trucks, a convenience center and related self-haul private vehicle traffic, a household hazardous waste facility, and the processing and tipping of up to 5 million pounds of garbage per day. This more intensive land use is likely the reason that the current M-1 heavy industrial zone prohibits waste transfer stations and requires a zone change to special use.
5. EHD's rebuttal suggests that we are attempting to coerce our audience into opposing the COAs request for a zone change by saying that the health disparities among minorities of the impacted community are attributed to environmental exposures. Throughout the HIA, we clearly state that health disparities exhibited among minorities of the impacted community are attributed to existing environmental and non-environmental risk factors. The EHD seems to have missed our point that: a) regardless of the environmental and non-environmental risk factors (such as poverty, lack of education or other social determinants of health), minorities of the impacted community experience a disproportionately high health burden, b) the ETS will contribute to these risk factors (from traffic, air pollution, noise, etc.) and exacerbate already unacceptable health disparities, and c) based on an

abundance of peer-reviewed literature, the stress resulting from cumulative impacts will further compromise the human body leading to poorer health.

SPECIFIC FINDINGS - Mark Di Menna

Traffic

As we still have not received COA's Final Traffic Impact Study, an independent traffic study was conducted. This study corroborated our initial findings that there will be increases in traffic on major roadways in the area (and on routes that were not considered in the COA Preliminary Traffic Impact Study) and that there are potential impacts to the health and safety of residents, students, pedestrians, bicyclist and workers in the project area.

Air Quality

The independent traffic study conducted by Sustainable Systems Research, LLC concluded that, while overall air quality in the city might improve with the transfer station, the air quality in the vicinity of the transfer station would worsen. Furthermore, the COA has offered no timeframe for conversion of trucks from diesel to natural gas, so the concerns about particulate matter are indeed accurate.

Climate Change, Water Quality and Flooding

Community knowledge suggests that storm water issues will and do have a direct impact on the health of the community. Past flooding has resulted in storm-water runoff, and along with it the collection of debris from the current site, in the very recent past. Contamination of surface and ground water as well as flooding adversely impact the health and wellbeing of our community.

Noise

While again, we appreciate that the ETS will be enclosed and noise inside the facility will be mitigated, our major concerns are with increased traffic, the surrounding roadways that will be impacted, and egress and ingress to the facility. Indeed the surrounding community and the schools in the area will be impacted by increases in noise.

Odor, Litter, rodents and Insects

Evidence is lacking for EHD's statement that, "there is no increased health risk from vector borne diseases to the community from the ETS facility". Further, although data is collected from EHD, the data source commonly acknowledged as the best by health professionals is the New Mexico Department of Health, Integrated Based Surveillance System. Additionally, reports from community residents living next to waste transfer stations, suggests even with mitigation measures such as sprays to cover odors, nuisances do contribute to poorer health and wellbeing.

Occupational Health

This paragraph seems to miss the point made by the HIA that depending, "on COA's policies regarding employment of impacted residents, the impacted community's

existing health burden could increase” as a consequence of occupational injuries (HIA, page 10).

Cumulative Impacts and Environmental Justice

The City’s Solid Waste Department did not follow EPA’s guidelines regarding siting of a waste transfer facility. These guidelines clearly call for **public involvement before** there is a siting decision. **The first city-sponsored public meeting was January 15, 2014, after a site had already been chosen.** Furthermore, these guidelines warn against siting such facilities in low-income communities of color that are already over-burdened with environmental threats.

We would like to emphasize that operational and design plans are designed to mitigate issues **within the boundary of the facility and the enclosed building.** As public health professionals, we are the most concerned with the potential health impacts to residents of the impacted community.

GENERAL FINDINGS

The charged language (significant flaws, exaggerations, incorrect and erroneous information – with no substantiation) makes this section difficult to read and to address the allegations. The HIA **has no significant flaws** and in addition to being authored by three individuals with a wealth of expertise and leadership in the HIA field, the HIA was vetted through five well-credentialed individuals with doctorates in public health, health impact assessment training and experience, and medical degrees, four of whom work for the University of New Mexico, a well-respected educational institution committed to the application of non-biased scientific inquiry and research.

Health Impact Assessment Process

- a. The names of individuals on the HIA Committee are available if needed. An open invitation to participate in the HIA Committee was sent via neighborhood association list serves and at COA and North Valley Coalition sponsored public meetings. COA staff and their contractors were aware of HIA Committee meetings from their inception and could have shown an interest in the health of the community by participating. Nobody, including decision makers, was excluded from participation. **There was no involvement of special interest groups and the HIA was conducted in an unbiased manner without prejudgment or bias.** It is ironic the COA is suggesting special interest involvement in HIA Committee meetings when their own EHD staff could be considered “special interest” because their role as both reviewer of the application and employees of the applicant.
- b. See response in (a) above. EHD’s rebuttal does not state what “important factual data are not included that may have influenced the outcome”; therefore, a response to this statement is not possible.
- c. EHD’s rebuttal regarding HIA limitations and constraints is broad and non-specific, so EHD’s statements are difficult to address. Inclusions are based on scientific inquiry with all citations presented. A discussion of HIA methods is

provided in the Screening and Scoping Sections of the HIA. Health outcome data are sourced and apply to the impacted community, specifically, New Mexico Department of Health Small Area 19. While the EHD suggests using the seventeen census tracts, portions of which are included within a 2-mile radius of the ETS site, this is impractical because seventeen census tracts would cover a vast geography of Albuquerque that, for practical purposes, would not be as affected by the ETS and impossible because health data are not available at this sub-county geography.

- d. The selection of the impacted community boundaries is explained on pages 14-15 of the HIA. While the EHD suggests using seventeen census tracts, portions of which are included within a 2-mile radius of the ETS site; this is impractical because seventeen census tracts would cover a vast geography of Albuquerque that, for practical purposes, would not be as affected by the ETS and impossible because health data are not available at this sub-county geography. The data sources, geography, applicable sub-population, and years of data represented are presented with the tables and cited in the reference section.
- e. EHD's statements constitute an affront to the ethical and professional obligations of the authors and reviewers who, together, have committed their entire professional careers to the service of others and to health care of our population. There were no preordained recommendations and no bias has been demonstrated. Recommendations are based on HIA findings that were obtained through community knowledge, peer reviewed literature, and data sources. Based on findings showing health disparities among the most vulnerable in the impacted community, the HIA Committee voted on May 21st, after eight months of meeting twice monthly, that the ETS was not in the best interest of the community. Sixteen NV Neighborhood Associations and other recognized entities voted unanimously on October 1st to oppose the ETS in its current form at the current proposed site.

Misrepresentation of the Project

- a. Although the EHD's rebuttal suggests the activities of the ETS will be similar to activities occurring at the site of the current Solid Waste Department (SWD), evidence presented in Fact Sheets disseminated by the COA suggests a different scenario. At present, activities at the site consist of fleet fueling, fleet maintenance, fleet parking, and administrative activities. Activities associated with the ETS are far more significant in terms of environmental and health impacts as well as land use intensity. Activities will include garbage dumping by collection vehicles, garbage transport by semi-trucks, a convenience center and related self-haul private vehicle traffic, a household hazardous waste facility, and the processing and tipping of up to 5 million pounds of garbage per day, among others. This more intensive land use is likely the reason that the current M-1 heavy industrial zone prohibits waste transfer stations and requires a zone change to special use. EHD's suggestion that the ETS will consist of the same activities as presently occur on the site

- is extremely misleading. The HIA concludes that current unacceptable health disparities may be exacerbated by ETS operations at this site.
- b. The US Environmental Protection Agency (USEPA) (2000) in “A Regulatory Strategy for Siting and Operating Waste Transfer Stations: A Response to a Recurring Environmental Circumstance: The Siting of Waste Transfer Stations in Low Income Communities of Color” states that public involvement should take place **before a site is selected**. This is further highlighted in the USEPA’s document entitled, “Transfer Stations: A Manual for Decision-Making” (2002). **The first public meeting that the COA held was on January 15, 2015, after the site had been selected**. Therefore, there was **no public involvement** in site selection for the proposed Edith Transfer Station **before the site was selected**.
 - c. The current zone for the ETS site is M-1, which does not permit a waste transfer station. A waste transfer station is NOT considered a light industrial operation.
 - d. At the time of the HIA submittal, design plans were in draft form and operation plans were non-existent. Additionally, to rely on design plans, operation plans, and annual inspections to mitigate negative health outcomes is misguided at best. As evidenced by Rainbow, designed by the COA’s consultant JR Miller, design plans do fail and with their failure comes a host of catastrophic health issues. The primary reason for conducting a HIA is to consider the potential health impacts of a proposed project **prior to decision making** in order to prevent negative health impacts. HIAs are preventative and proactive, while enforcement could be considered reactive.
 - e. The HIA acknowledges NMED’s permitting requirement on page 18 of the HIA under, “Approval Process”. However, the focus of the HIA is not on NMED’s permitting process, rather it is on the potential health effects of the ETS to residents living in the impacted community.

Conclusions Based in Incorrect Interpretations

EHD’s rebuttal claims that there was erroneous logic and interpretation, but their comments are vague and misleading and they fail to demonstrate where or how.

The HIA is based on sound logical methodology and scientific literature.

- a. There are no “stark” perspectives on dangers included; they are scientific and based on literature and data sources.
- b. The data is neither mischaracterized nor misinterpreted. Health data used in the HIA is referenced by source and, where available, represent health outcomes at the geographic level of the impacted community.
- c. Scientific inquiry is based on using substantiated data and facts and drawing conclusions based on those facts. There are no non-sequitur conclusions. Further, health data provided are from a source considered the most reliable by health professionals, the New Mexico Department of Health, Indicator-Based Surveillance System.
- d. There is simply no logic to this statement. Factual data has been presented throughout the HIA.

As detailed above, the two-mile radius was not arbitrary, but chosen by the HIA Committee after much discussion, review of maps, and exploration of what kind of health, demographic and behavioral data were available through the US Census and the New Mexico Department of Health. This is fully addressed and justified in the HIA under the Scoping Section.

The authors of the HIA and professional reviewers are very familiar with the difference between association and causation. Associations were found to be very strong. This spurious argument is reminiscent of the tobacco companies' arguments as to whether or not smoking caused or was associated with cancer. As the tobacco companies pointed out, some smokers lived to 100 and never got cancer. The Tobacco Settlement (New Mexico receives \$4-8 million annually) speaks to this issue. As mentioned above, it is impossible to disentangle the many social determinants of health to demonstrate which is more strongly associated with an outcome. However, it is clear that Hispanics of the impacted community have poorer health outcomes. It is likely the ETS would exasperate existing health disparities.

SPECIFIC FINDINGS - EHD

Traffic

The EHD critique of traffic findings emphasizes that the project will only cause additional traffic "on arterial roads surrounded by industrial-zoned properties" and that the magnitude of traffic increases are not significant. It also argues that the impacts to bicyclists and pedestrians have not been detailed in a way that is specific to this project.

While we have not yet seen the COA's Final Traffic Study, an independent Traffic Study conducted by Sustainable Systems Research, LLC (SSR) indicates that the COA's Preliminary Traffic Study relied on a number of flawed assumptions. In contrast to the COA's Preliminary Traffic Study and the assertions in EHD's rebuttal, the SSR's Traffic Study finds that the project will lead to an increase in vehicle (and truck) travel on a number of routes that are adjacent to residents and a school. Additionally, the magnitude of the traffic impacts may be greater than what was assumed in the COA's Preliminary Traffic Study, and a number of critical bike and pedestrian routes will carry additional truck traffic due to the project.

Air Quality

While the EHD critique of the air pollution discussion begins with an acknowledgement that air pollution has a "significant impact on human health" and that "areas with greater air pollution have more pronounced effects", EHD's rebuttal appears to assert that the HIA's *focus* on the disproportionate impact of reduced air quality on the health of children is somehow unsettling. As was discussed in the HIA, what is unsettling is that children are at particularly high risk, owing to the fact that they breathe proportionally more air than do adults, breathe more air closer to the ground, which may be contaminated, and are more susceptible to physical and

chemical assaults to their growing and developing airways. Because children are the most impacted by air pollution, a focus on their situation should come as no surprise.

The EHD attempts to discredit the HIA's findings on air quality by presenting a misleading argument concerning the scale at which exposure to air pollution occurs. Their response correctly emphasizes the regional focus of air quality monitoring, and identifies the methodology by which the EPA measures and assesses COA's compliance with the National Ambient Air Quality Standards (NAAQS). That Albuquerque has made considerable progress in this area is commendable, but is not directly relevant to the particular communities discussed in the HIA, in this particular case. The HIA's concerns are solely with the communities that will most directly be affected, and not with regional air quality. The correct interpretation with regards to the impacts of the ETS on the communities in question, the explicit focus of the HIA, are decidedly not a function of its regional impact, but rather precisely on the local impact on this excessively burdened community. The EHD's acknowledgement of the EPA's finding that higher exposures to air pollution are experienced by those within 500-600 feet of a major roadway is a tacit acceptance of this fact, and minimizes the need to appeal to pollutant dispersion as a means of explaining away the community impact.

The EHD's response to the HIA air quality section is fundamentally flawed in that, while disparities of the impacted community are often acknowledged, impacts of the ETS are dismissed, minimized, or deemed to be entirely irrelevant. In fact, a barrage of data is presented to discredit the findings of the HIA's authors, and to suggest that occasional air quality exceedances, air inversions of rare occurrence, pollutant dispersion, and the attribution of but small percentages of measured air pollution to components generated by vehicle exhaust somehow obviate the role of transfer station impacts to this community. Some basic facts remain. The community is one that **already** experiences a proportionally higher health burden than other parts of the city. The introduction of greater numbers of collection vehicles along major arteries **will** bring more air pollution to **this** neighborhood, meaning that the residents of the communities along these arteries **will** be exposed to a greater concentration of air pollutants than is currently the case, or is the case with other districts of the city. While the nature of the impacts of the ETS on the impacted community cannot be modeled with precision, as the EHD's response seems to require, the associations between air pollution and human health, and the adverse effects of such facilities on adjacent populations is amply demonstrated in the scientific literature. The information presented by the EHD cannot be interpreted to imply that these processes are somehow avoided in this situation.

Climate Change, Water Quality and Flooding

The HIA addresses climate change at a regional level; however, it does not state the ETS will cause climate change as EHD's rebuttal suggests. Rather the HIA discusses the impact of the ETS to local heat islands, down-stream water quality, and storm-water runoff. EHD's rebuttal states the drainage plan will take care of storm-water runoff; however, drainage plans have not been finalized at the time of the HIA

submittal. Further, EHD's rebuttal suggests that efforts to address storm-water runoff will improve under EPA's scrutiny. As mentioned in the HIA, the COA has violated their water discharge permit.

Noise

While EHD's rebuttal asserts that the impacted community is largely industrial zoning, they are omitting three important facts: 1) there are over 18,000 people who live within the impacted community; these residents are important and they and their quality of life do count; 2) while the area is zoned M-1, this zoning does not allow for a waste transfer station; and 3) the substantial increases in traffic with the ETS would have negative health effects related to increased noise on the residents, students, pedestrians, bicyclists and workers in the area.

While noise levels in the Noise Ordinance exclude truck traffic, the ears of the aforementioned groups, particularly the students, do not differentiate noise from stationary sources or noise from mobile sources. Noise readings at the La Luz Elementary, the school closest to the ETS site were taken at the entrance of the school, located at the intersection of Griegos and 2nd Street, an intersection that SSR's Traffic Study indicates will be used as a route to the ETS. Students at La Luz Elementary School already experience disproportionate learning problems; with the siting of the ETS, these learning problems will likely become exasperated.

Odor, Litter, Rodents and Insects

The HIA states the ETS will result in nuisances, such as odors, litter, insects and animals, and with these, **possible** vector-borne diseases (HIA, page 10). EHD's rebuttal suggests that COA's measures will mitigate these nuisances and that residences are located so far from the site they will not be affected. The closest residence is less than 100 feet from the perimeter of the ETS site and a row of apartments are located at the corner of Rankin Road and Edith Blvd. Further, several businesses, and their employees, are located adjacent to the ETS site on Rankin Road. As the HIA states, based on reports from others living adjacent to waste transfer stations, nuisances are highly likely. In fact, video footage from another waste transfer station designed by JR Miller, and heralded by the COA as a state-of-the-art waste transfer station, poignantly illustrates the effects of these nuisances on the health of those, in this case students, nearby.

Occupational Health

EHD's rebuttal goes to extremes to say the COA will hire only qualified employees who will not necessarily live in the impacted community; however, it seems to miss the point made by the HIA that, "based on COA's policies regarding employment of impacted residents, the impacted community's existing health burden could increase" as a consequence of occupational injuries (HIA, page 10).

Cumulative Impacts and Environmental Justice

The COA's Solid Waste Department did not follow EPA's guidelines regarding siting of a waste transfer station. These guidelines clearly call for **public involvement**

before there is a siting decision. The first city-sponsored public meeting was January 15, 2014, after a site had already been chosen. Furthermore, these guidelines warn against siting such facilities in low-income communities of color that are already over-burdened with environmental threats.

In EPA's Plan EJ 2014, the term "overburdened communities" is used to describe the minority, low-income, tribal and indigenous populations or communities in the United States that potentially experience disproportionate environmental harms and risks due to exposures or cumulative impacts or greater vulnerability to environmental hazards. This increased vulnerability may be attributable to an accumulation of negative and lack of positive environmental, health, economic, or social conditions within these populations or communities.

The addition of the ETS to the low-income (35.6% of the families are below the federal poverty guidelines), minority (64.6% are minority) and already over-burdened community has a strong potential to negatively impact the community's health and well-being. As pointed out, the decision for the site selection was made prior to any public participation

The report "Place Matters for Health in Bernalillo County: Ensuring Good Health for All by the Joint Centers for Political and Economic Studies (2012) demonstrated that this community has the highest density of environmental hazards per square mile, lower life expectancies, and multi-generational poverty of over five decades compared to other areas in Bernalillo County. It is clearly an environmental justice area.

As mentioned above, the US Environmental Justice Agency (2000, 2002, 2015) has clearly delineated guidelines for involving community and for avoiding the siting of a waste transfer facility in a low-income community of color. The USEPA defines environmental justice as "the fair and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies" (2015, p.20).

EHD's rebuttal incorrectly states, "the HIA has not demonstrated any evidence that support the idea that the transfer station will affect the impacted community's health". In fact, the HIA provides abundant data showing a disproportionate health burden for minorities of the impacted community, as well as predicted health outcomes associated with the ETS.

Individual and Business Economic Wellbeing

Hedonic pricing is a validated and widely used methodology for estimating the economic consequences of proximity to specific features of the built environment. Eshet, et al (2007) conducted the most definitive study of how proximity to a waste transfer station impacts property values, but theirs is hardly the only study to identify and measure property value gradients surrounding specific amenities or

dis-amenities. While the literature specific to transfer stations is limited, many studies document strong negative correlations between property values – both residential and commercial – and proximity to other types of waste facilities, including those that process far less waste than would be processed by the ETSⁱ and those that are no longer operational.ⁱⁱ The HIA provides a brief overview of the literature specific to North American waste facilities including a meta-analysis of the 46 studies issued between 1971 and 2008 measuring the economic impact of waste sites on real estate values.ⁱⁱⁱ

It is also important to note that the impact of waste facilities on property values is largely a function of perceived rather than scientifically assessed risk.^{iv} This is relevant because the distinction between a “transfer station” and a landfill may be unclear or irrelevant to many prospective homebuyers, given that both types of facility are commonly referred to as “the dump.”

While it is true that the area immediately adjacent to the proposed facility is zoned industrial, this does not mean that a facility handling three million pounds of waste daily will not further degrade the neighborhood or depress property values. The logic that justifies siting the ETS because the neighborhood already contains polluting industries is the same logic that concentrates noxious facilities and waste sites in low income and minority neighborhoods.

There are over 1,400 residences with a combined value of \$151 million within one mile of 4600 Edith.^v If the value of these properties is impacted in a manner similar to that documented in hedonic pricing studies, they will lose \$5.8 million in value, or over \$4,100 per home. Low and moderate income Americans hold the vast majority of their generally limited assets in the value of their home. Most area households are of modest income and thus ill-prepared to absorb a several thousand dollar loss in the value of their most significant or sole asset.

Finally, adding three million pounds of solid waste and a significant increase in truck traffic to a neighborhood already stressed by poverty, excessive noise, and pollution effectively forecloses the potential for economic and social revitalization in the foreseeable future.

Conclusion

While we are assured that the staff of the EHD is comprised of highly qualified scientists and engineers, their primary role is one of regulation. We are primarily concerned with prevention of poor health outcomes that may result from placing the ETS at this proposed site. As demonstrated (see above cumulative impacts and environmental justice), this low-income, minority community is already stressed with more than its fair share of environmental threats and exhibits a disproportionate health burden.

We ask you to deny the zone change application and encourage the applicants to find a more suitable site outside of the impacted community.

ⁱ Ready, R. (2010). Do Landfills Always Depress Nearby Property Values?
Journal of Real Estate Research Vol. 32 N.3

ⁱⁱ Farber, S. (1998). "Undesirable facilities and property values: a summary of empirical studies."
Ecological Economics, 10.1016/S0921-8009(97)00038-4, 1-14. Online publication date: 1-Jan-1998.

ⁱⁱⁱ Braden, J., Feng, X., Won, D. (2011). Waste sites and property values: A meta-analysis.
Environmental and Resource Economics.

^{iv} McCluskey, J. and Rausser, G. (2000), Estimation of perceived risk and its effect on property values,
Department of Agricultural & Resource Economics, UC Berkeley, Working Paper Series, Department
of Agricultural & Resource Economics, UC Berkeley

^v Bernalillo County Assessor 2015 Real Property Spreadsheet plus Cadastral Parcel data in a GIS
Shapefile format. Available for purchase at: <http://www.bernco.gov/assessor/data-for-sale.aspx>

**COA Zone Change Hearing
October 6, 2015
Patricia G. Martinez**

In Collaboration with the North Valley Coalition/Guadalupe Village Association

Referencing: ENACTMENT 270-1980

Section 1.E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community.

Dear Chairman Nicholls and other Environmental Planning Commission Members:

I am Patricia G. Martinez and I am here to strongly oppose the proposed COA Edith Transfer Station. The change of zoning from M1 to SU1 will allow an operation that will negatively impact adjacent property, the neighborhood and the community within a two mile radius. Many of the adjacent properties are deemed historical.

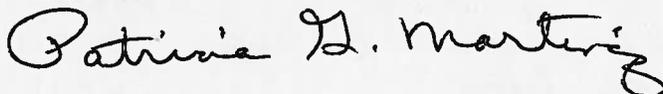
My family has a vested interest in this area as well as the North Valley proper since the 1600's. Overtime, with the continual of use of 18 wheeler trucks, as well as other heavy equipment, will compromise the buildings structure, i.e., settling of foundations, cracking of walls and other obstructions to these sites. Also, having a garbage dump in this area will lessen the value of these properties.

How is this zone change going to be harmful to the neighborhoods and the surrounding communities?

The facts are that these neighborhoods and the communities are predominately of Hispanic origin and are of low income status. These neighborhoods and communities will be excluded from experiencing a life free of pollutants, carcinogenic particles of matter, noise, heavy traffic impacts.

Why and how, can the COA, Environmental Planning Commission and their constituents, cannot for see, this devastating and harmful situations that you would be putting this metropolitan area and City at large through. Not just in the near future but over an extended period of time. It is beyond me to think that you will be saving money but in fact trying to clean up this garbage site, will far exceed your budget for this project.

Sincerely,



Patricia G. Martinez
menudochuy@q.com

Henry, Dora L.

From: =David Wood CPA= <wood_cpa@msn.com>
Sent: Tuesday, October 06, 2015 6:44 AM
To: Henry, Dora L.
Subject: Resubmission
Attachments: GGNA Concerns R270_1980 _Comp_Plan.pdf

Good morning Mrs. Henry,

Attached is a *resubmission* of a letter from September 28th, made by Greater Gardner vice president Jill Gatwood.

Her original letter was not appropriately dated “[Insert date]”, so she has resubmitted it, and ask you enter this as her letter for the record with some additions as to content.

For Jill Gatwood.

David Wood

David Wood, C.P.A.

(505) 221-2626

Email: Wood_CPA@msn.com

IRS Circular 230 disclosure: We must inform you that any US tax advice contained in this message was not intended or written to be used, and cannot be used, for the purpose of avoiding penalties that may be imposed under federal tax law. By regulation, a taxpayer cannot rely on professional advice to avoid federal tax penalties unless that advice is reflected in a comprehensive tax opinion that conforms to strict requirements.

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**Greater Gardner
Neighborhood
Association**

*A North Valley Association of
Concerned Albuquerque Residents*



5 October, 2015

Mr. Peter D. Nicholls, Chair
Environmental Planning Commission
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: ZONE MAP AMENDMENT: Proposed Edith Transfer Station
COA Project No. 7006.92 EPC Project # 1010582

Dear Chairman Nicholls:

The Greater Gardner Neighborhood Association has the following concerns about this zone amendment change request, based on R270-1980, and the City Comprehensive Plan.

A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

II.B.5

Policy k

Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

II.C.1

Policy k

Citizens shall be protected from toxic air emissions.

II.C.1

Policy i

Air quality considerations shall be integrated into zoning and land use decisions to avoid new air quality/land use conflicts.

II.C.2

Policy c

Water quality contamination resulting from solid waste disposal shall be minimized.

The proposed project risks air quality. Changes that will be irreversible. Water seepage into ground water causing permanent contamination is a real risk as well. Harmful effects of traffic are inevitable on Griegos /Comanche, Eith and the Interstate as well.

- B. Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should not be made.**

A requested zone change that may not be necessary does not provide stability of land use zoning, The request makes a mockery of R270-1980.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto, including privately developed area plans which have been adopted by the City.**

II.B.5.k

Policy k

Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

II.C.3.d
Policy d

The potential for water and air pollution from regional landfills shall be minimized.

The Comprehensive Plan expects a "long view" of the Master Planning of solid waste handling. It also expects quiet, or harmless insertion of potentially noxious uses like this. Since there is no specific policy for transfer stations, Policy d, is also applicable to a transfer station and convenience station

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

Application says, no change is needed. If that is true, then there is no basis for a zone change under R270-1980. Applicant admits they do not have a facility plan. If the use is permitted then the existing zoning is not inappropriate. The applicant should provide a facility plan.

As for more advantageous to the Community:

1. If they can do the functions they propose under IP zoning, than a zone change to IP is not more advantageous.
2. Removal of the requirement for consistency with a facilities plan is not more advantageous to the community.
3. This project is not more advantageous to the community. You will hear much testimony and many comments were entered at the public hearings which demonstrate that this project is not wanted in the community and is potentially harmful.

- E. A change of zone will not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.**

II.C.1.i

II.C.1.i

Policy i

Air quality considerations shall be integrated into zoning and land use decisions to prevent new air quality/land use conflicts.

You have seen, many policy based letters from Valley residents. Traffic, Water, and Air Pollution are the key areas. Please refer to these letters on specific policies of concern. Groundwater, traffic, noise, air pollution from vehicles, and noxious emissions in and outside of SWD boundaries are all of serious concerns to adjacent property owners, the neighborhood and the community. Note too, children are incarcerated between the project site and Candelaria, just south on Edith (CYDDC). We believe this project flunks the test of R270-1980, E.

Submitted for the record, October 5th 2015

Greater Gardner Neighborhood Association.

Jill Gatwood, Vice President

Henry, Dora L.

From: Joe Sabatini <jsabatini423@gmail.com>
Sent: Tuesday, October 06, 2015 7:35 AM
To: Henry, Dora L.; Quevedo, Vicente M.
Subject: Edith Transfer Station
Attachments: 10-6-15 NNV Letter to EPC re' ETS.pdf

Attached is a letter from the Near North Valley Neighborhood Association for inclusion in the EPC record concerning the Edith Transfer Station, Project #1010582.

Joe Sabatini, Secretary
Near North Valley Neighborhood Association



NNVNA
PO Box 6953
ALBUQUERQUE, NM
87197

RICHARD A. SANDOVAL
PRESIDENT, 345-4371

JOE SABATINI
SECRETARY, 344-9212

MAIL@NNVNA.ORG
WWW.NNVNA.ORG

NEAR NORTH VALLEY NEIGHBORHOOD ASSOCIATION

**VOLUNTEERS WORKING INCLUSIVELY TO PROTECT,
PRESERVE, AND ENHANCE THE COMMUNITY**

October 6, 2015

Peter D. Nicholls, Chair
Environmental Planning Commission
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102

Sent via e-mail to Dora Henry and Vicente Quevedo

Re: Project #1010582; zone map amendment and site plan for building permit for the Edith Transfer Station

Dear Chairman Nicholls,

Our association asks that the EPC deny the zone change and site plan requested by the City's Solid Waste Department in order to build and operate the proposed Edith Transfer Station.

Members of our association have actively participated in several meetings about this issue, including the City's three public meetings and North Valley Coalition meetings. The topic has been regularly discussed at our monthly board meetings.

Many participants were frustrated that, at its meetings, the City refused to allow any discussion of whether the station should be built at all. The Rank 2 North Valley Area Plan states that "Transfer Stations shall be allowed...only if impacts on adjacent residential land can be mitigated through proper site design." This has not been done.

At its September 8 meeting, the board decided, on behalf of the association, to oppose the Edith Transfer Station as currently planned. We voted unanimously to adopt the following motion:

*That NNV oppose the Waste Transfer Station until and unless the City revises its site plan, modifies its operations and develops off-site improvements, to:
handle and mitigate the increase in traffic;
mitigate sound;
deal with dumped and blowing trash;
improve aesthetics; and,
most important, mitigate the health impacts.*

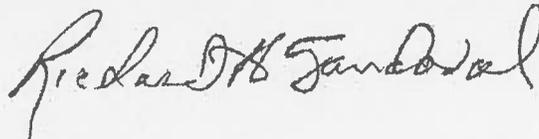
The chosen site plan is not much more than a rearrangement of buildings on the site, and does little to mitigate impacts. It uses existing ingress and egress points, failing to move City truck traffic in and out of the site in the safest, quickest, and least expensive manner. The landscaping appears to do little to buffer the site.

In addition to shortcomings with the site plan, we want to draw your attention in to the following:

- The City's public meetings were not designed for a genuine dialogue with the affected community. The half-hearted physical set-up, including the lack of a sufficient number of functioning microphones, was intimidating and discouraging. The facilitation was either nonexistent or hostile.
- The City's public meetings were run in such a way as to try to force participating residents and businesses to choose the "least unacceptable" site plan option, thus giving implicit agreement to *some* plan.
- No other sites were seriously considered.
- The City has been less than candid and inconsistent in its communications about this project. We note in particular statements that: (1) the purpose of the Edith Transfer Station is to save money, (2) the various existing convenience centers will not be closed so displaced customer traffic need not be considered in traffic studies, and (3) the economics don't work unless the existing convenience stations are closed.
- The traffic study omitted the impact of increased traffic at the already-dysfunctional intersection of Comanche and Interstate 25.

There is widespread and reasonable opposition to the Edith Transfer Station in our community. Given the existing less-than-desirable facilities in the immediate area (the asphalt plant, the cement plant, and the recycling plant), this facility will put too much of a burden on the area, especially as currently designed. We ask that you do not enable the Edith Transfer Station and deny the zone change and site plan.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Sandoval". The signature is fluid and cursive, written in a dark ink on a white background.

Richard Sandoval, President

CC: City Councilor Isaac Benton

WILSON & COMPANY

4900 Lang Ave NE
Albuquerque, NM 87109
505-348-4000 phone
505-348-4055 fax

Alaska
Arizona
California
Colorado
Kansas
Louisiana
Minnesota
Missouri
Nebraska
New Mexico
Texas
Utah

Date: October 5, 2015

To: Vicente M. Quevedo, EPC Staff Planner, COA Planning Department

From: Sayina Garcia, Wilson & Company 

Re: Response to "Review of Traffic Impacts from the Proposed Waste Transfer Station in Albuquerque, NM" by Sustainable Systems Research, LLC, as part of the Edith Transfer Station Health Impact Assessment
Project #1010582

This response has been prepared by the City of Albuquerque and the project design team regarding the "Review of Traffic Impacts from the Proposed Waste Transfer Station in Albuquerque, NM" by Sustainable Systems Research, LLC (SSR), dated August 11, 2015, as part of the Edith Transfer Station (ETS) Health Impact Assessment (HIA). It was submitted to the Planning Department for review by the North Valley Coalition Executive Committee via email on September 28, 2015 and we refer to it as the SSR Report.

General Findings

The City of Albuquerque's Development Process Manual (DPM) has warranting criteria for whether a Traffic Impact Study (TIS) is required to be submitted with applications for rezoning, subdivision, sector plan, site development plan, and/or building permit that is based upon traffic generation (DPM, Ch. 23, Section 8).

As demonstrated by the TIS submitted to the City as well as with the SSR Report, the site-generated traffic does not meet the 100 or more additional (new) peak direction, inbound or outbound vehicle trips to or from the site in the morning or evening peak period of the adjacent roadways. The new trips generated by the site primarily occur outside of the AM and PM peak hours. Therefore, the impact to the adjacent roadways is considered by the DPM to be insignificant and does not require a TIS. To address the neighborhood questions the project team did develop a TIS for the project.

The SSR Report demonstrates a lack of understanding of not only the requirements and criteria for a TIS, but also of the type of analysis required to accurately and reliably develop the conclusions that were stated in their report. Several times the report's authors infer that our use of the peak hours for analysis per the DPM is somehow incorrect. The use of the peak hours allows the worst-case scenario to be analyzed to determine the greatest effect of the development on the traveling public. As noted in the SSR Report's introduction section, it is beyond the scope of their analysis to quantify the traffic impacts in terms of intersection delay, specific changes in noise or air pollution levels, or other quantitative metrics.

Baseline Traffic Conditions

The SSR Report incorrectly infers that the impact of other developments near the project were not accounted for.

Other off-site development, which is to occur prior to the project implementation year, must be accounted for, and the traffic associated with the development included in the analysis. There are no other off-site developments planned within the area of influence. Therefore, none are noted or included in the study.

The SSR Report questions the validity of the data collection times for the Intersection of Comanche and the Southbound I25 Pan American Frontage Road.

Prior to collecting the intersection traffic data, we observed a slight difference for the peak traffic volumes at the Intersection of Comanche and the Southbound I25 Pan American Frontage Road other than the standard 6:30 am to 9:30 am, 11:00 am to 1:30 pm, and 3:00 pm to 6:30 pm. Therefore, the data collection times were shifted to capture the highest peak traffic hours of the intersection.

The SSR Report questions why intersections located north or south of the site were not considered in the Draft Traffic Study (e.g. along Montañito Road or Candelaria Road).

The City of Albuquerque, Bernalillo County, and the New Mexico Department of Transportation all agreed on the boundaries of the area encompassing the roadway elements assumed to be impacted by the proposed development that would be included in the TIS. The intersections along Montañito Road or Candelaria Road are outside of this influence area. This is supported by SSR's own analysis of the new weekday afternoon peak traffic estimates (Table 6, pg 33) that range from two (2) to four (4) new trips.

The SSR Report included a lengthy and unnecessary discussion of the volume-to-capacity ratios (V/C) of the existing roadway segments.

Because traffic control devices, e.g. signalized intersections, control the arterial roadways within the area of influence, the level of service (LOS) for the intersection is the appropriate service level requiring analysis. LOS for a signalized intersection is based on the average vehicle delay for each approaching vehicle for the traffic movements in the intersection, and delay is accepted as the best measure of quality of service to users. Therefore, the volume-to-capacity discussion is immaterial to the TIS.

Additional Project Trips

The SSR Report suggests that the City has not been transparent in making assumptions and that the estimates for the new traffic associated with collection trucks, transfer trucks, and convenience center (including household hazardous waste drop-off, recycling, and re-use) trips vary widely.

The existing and new trips associated with the transfer station and convenience center are based on the peak day and season for garbage collection. For example, on Mondays (a peak day) the commercial collection trucks collect approximately 1.2 million pounds compared to the up to 750,000 pounds collected on any other weekday. By basing the garbage collected on the peak day/season, we are using the worst-case existing and new trips associated with the project. The other days of the week have the capacity to accommodate future growth. By redistributing the collections across the rest of the weekdays, the trips would not be greater than the maximum number used for the analysis. It should be noted that even with a 1.5% growth rate in household customers over the next three years to 2018, a new truck (one truck) would not be needed until the third year.

We have used the weekday average of 45 residential collection trucks for analysis. The actual number of residential collection trucks ranges from 42 to 48 depending on the collection day. We will increase the number to 48 for the analysis but it should be noted that the residential collection trucks return to the ETS after the morning peak hour and before the evening peak hour. Therefore, they are not part of the TIS warranting criteria.

New trips associated with the convenience center are based on the trips to the three existing convenience centers, analyzed by customers' zip codes. We have assumed that approximately 33% of the trips will now come to ETS (682 per weekday and 1,032 per weekend day as measured during the peak month of July). This equates to 225 visitors during the weekday and 350 visitors during the weekend. Some of these new trips are actually already captured in the background traffic but to be conservative we have not decreased the estimates of new trips. Growth is more likely to occur at the edges of the City where it can be served by the existing convenience centers rather than the center of a developed area.

The Solid Waste Management Department (SWMD) is also currently investing funds to make significant improvements to the other three existing convenience centers and keeping them operational. The ETS will become the City's fourth convenience center.

Recycling bins are currently located on the ETS site and the visitors associated with this service are already captured in the background traffic. Other users would include convenience center customers who would now be able to drop off to the recycle or re-use area instead of dumping the entire load and segregate their household hazardous waste on site. Household hazardous waste customers that are not combining their trip with any of the other site services currently travel to Advanced Chemical Transport located just north of the ETS on Edith Blvd. These visitors are already captured in the background traffic. While a majority of these trips occurs outside of the peak hour, these trips are accounted for in the TIS.

Safety, Bike/Pedestrian/Transit Accommodation, Air Quality, and Noise Impacts

While the titles of these four sections of the report indicate an important discussion, the information provided is very general in nature and it is specifically noted that it is beyond SSR's scope to quantify the traffic impacts in terms of intersection delay, specific changes in noise or air pollution levels, or other quantitative metrics. This portion of the SSR Report coincides with the information provided in the HIA so the conclusions made in the Environmental Health Department's review of the HIA apply to these sections as well. The data presented does not apply to the impacted community under review and does not account for the extensive design and operational elements that are included to address these issues. In addition, they are not requirements of a TIS.

It should be noted that safety is very important to the City of Albuquerque. An extensive safety program is in place and SWMD truck drivers receive safety training throughout the year. The City and project team have been discussing safety concerns, and how they can improve the existing infrastructure, with the bicycling community. We continue to develop potential improvements within the intersection and along the adjacent roadways including widening bike lanes, narrowing driving lanes, and enhancing signage/stripping at driveway access points. To date SWMD has been directed to retrofit existing collection vehicles and purchase all new collection vehicles with side skirts to provide additional safety benefits to bicyclists and pedestrians.

In summary, we believe that a number of the assertions in the report entitled "Review of Traffic Impacts from the Proposed Waste Transfer Station in Albuquerque, NM" by Sustainable Systems Research, LLC are irrelevant, erroneous or flawed based on the data presented, assumptions made, and rules and regulations governing a TIS. We therefore respectfully ask the EPC to consider these facts stated above when reviewing the SSR Report.

Quevedo, Vicente M.

From: BILL NORLANDER <banddnorlander@msn.com>
Sent: Monday, October 05, 2015 3:40 PM
To: Henry, Dora L.; Quevedo, Vicente M.
Subject: Edith Boulevard Transfer Station

Dear Chairman Nicholls and EPC Members:

We are long-time North Valley residents of more than 60 years and have watched this area grow tremendously. Griegos Boulevard, once primarily a village street, is now a major interchange at I-25 that serves a huge area of the valley. It is already so congested during rush hour that we try to avoid using it then.

The plan to put a very large transfer station serving a huge number of heavy trucks at a site of seemingly inadequate size at Edith and Griegos is extremely ill advised. It will be noisy, generate extremely heavy often dangerous truck traffic and is really a thoughtless imposition on the long-time residents of the center of the valley.

The tank farm just north of Griegos is already a huge and potentially frightening industrial incursion. This garbage handling facility would only further downgrade this area.

Surely the City can locate this transfer station at a larger empty site that will not affect so many neighborhoods. We can only imagine the absolute fury that would meet such a proposal in many areas of the city.

**Sincerely,
Bill and Denis Norlander**

Henry, Dora L.

From: Esther Abeyta <sjna1@live.com>
Sent: Monday, October 05, 2015 6:08 PM
To: Henry, Dora L.; Quevedo, Vicente M.
Subject: Project # 1010582 Edith Transfer Station Comment Letter
Attachments: Edith Transfer Station Comment Letter October 5 2015.pdf

Dear Dora Henry and Vincent Queveado,

Please submit to the record, my letter (see attachment) to the upcoming October 8, 2015 City of Albuquerque Environmental Commission hearing regarding Project #1010582 Edith Transfer Station. It is my understand public comment regarding the Edith Transfer Station will be accepted until the deadline of 8:00am - Tuesday, October 6, 2015. Could you please respond via email confirmation that you received my letter.

Thank you,
Esther Abeyta
2419 William SE
Albuquerque, NM 87102
sjna1@live.com

RE: Project # 1010582
Edith Transfer Station

Peter Nicholls, Chairman, Environmental Planning Commission
c/o City of Albuquerque Planning Department

Dear City of Albuquerque Environmental Planning Commission,

Many people realize you will be making a major decision that will affect a community and a future city development. I would like for you to please take into consideration the irreversible impacts the Edith Transfer Station will have on the quality of life on the present and future generations of families living in the North Valley. The proposed transfer station will increase traffic in an already congested intersection, causing gridlock and traffic snarls that will result in deadly auto accidents and injuries making the corridor a safety hazard.

Transfer Stations, Resource Recovery Parks and recycling facilities should not be located in close proximity to residential neighborhoods, schools and parks. These types of facilities should not be built in low income, people of color environmental justice communities that have a disproportionate amount of polluting industries.

My recommendation for the Environmental Planning Commission and City of Albuquerque Solid Waste department to evaluate the concerns of the residents, businesses, commuters and bicyclists in the North Valley opposing the Edith Transfer Station. The only way to mitigate the problem is for the City of Albuquerque Solid Waste Department to build the Transfer Station at the Montessa Park Convenience Center. The Montessa Park is located in area of town where there are no residential homes; traffic into Montessa Park is minimal. The City of Albuquerque will not have to invest any money to purchase land because the City of Albuquerque owns 57.8 acres of Special Use Zone 1 land in and around the Montessa Park Convenience Center.

Garbage trucks and 18 wheelers that will be needed to haul the city residential and businesses waste to the Cerro Colorado landfill will have access to I-25 South and I-25 North bound freeway. Today, residents and businesses from the City of Albuquerque and Unincorporated of Bernalillo County utilize Montessa Park to drop off a load of trash for a minimal fee. Residents and businesses access Bobby Foster Road from Broadway to enter onto Montessa Park. To make it more convenient for customers, garbage trucks and 18 wheelers to have direct access to Montessa Park; the City of Albuquerque could build a road extension exit off of I-25 onto Bobby Foster Road thus giving customers, garbage trucks and 18 wheelers direct access from I-25 to the Montessa Park Convenience Center.

If the proposed recommendation will not be considered by the Environmental Planning Commission and City of Albuquerque Solid Waste department; then the Edith Transfer Station request for a special use permit should be denied for the reasons; the proposed transfer station will be harmful to the health, safety and welfare of the families living in adjacent neighborhoods, which is in conflict with the City of Albuquerque Zoning Enactment 270-1980.

Thank you for your consideration, time, and attention to this matter.

Sincerely,
Esther Abeyta
2419 William SE
Albuquerque, NM 87102
sjal@live.com

RE: Project # 1010582
Edith Transfer Station
Peter Nicholls, Chairman, Environmental Planning Commission
c/o City of Albuquerque Planning Department

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Thank you for your consideration, time, and attention to this matter.

Sincerely,
Esther Abeyta
2419 William SE
Albuquerque, NM 87102
sjna1@live.com

Quevedo, Vicente M.

From: Robert & Elaine Williams <rlwilli@comcast.net>
Sent: Sunday, October 04, 2015 12:26 PM
To: Quevedo, Vicente M.
Subject: Opposition to Edith transfer station

This e-mail is to state my opposition to the Edith Transfer station. As a 25 yr.resident of the Near North Valley, a member of the Near North Valley Neighborhood Association and the North Valley Coalition I agree with the position statement put forth by them for all reasons stated. But, most importantly, for the reason that the increased traffic, pollution and noise will diminish and destroy a quality of life for the residents in the area. It will create dangerous congestion with the increased number of trucks coming and going daily? The many generational residents have endured much disruption already and should not be taken advantage of again with this huge project.

Please consider our our opposition and look for other options.

Thank you.

Elaine Williams

Sent from my iPad

Elaine

TIMOTHY V. FLYNN-O'BRIEN

Attorney at Law
817 Gold Avenue SW
Albuquerque, New Mexico 87102-3014
Phone: 505-242-4088 / Fax: 866-428-7568

October 5, 2015

Vincente M. Quevado
Staff Planner
Planning Department
600 2nd Street NW
Albuquerque, NM 87102

email: vquevado@cabq.gov

David Wood C/O
Greater Gardner Neighborhood Association
141 Griegos Rd. NW
Albuquerque, New Mexico 87107

Re: Project Number 1010582
Case# 15EPC-40051, 40052
For inclusion in Record for EPC

Dear Mr. Wood,

This is in response to your request that I review the application referenced above vis-à-vis Resolution 270-1980. As we discussed I am also addressing this letter to the staff planner so that it will be included in the record.

In my opinion the request does not meet the criteria for a zone change because the proposed use is, according to staff and the applicant, already permitted under existing zoning as discussed below.

1. Staff states that the proposed use falls within existing M-1 entitlement under §14-16-2-19(A)(19). Analysis, p.5 (citing code listing of public utility use as permissive "provided their location is in accordance with an adopted facility plan and a site development plan for building permit purposes has been approved by the Planning Commission.")

2. The applicant also states that the proposed use is allowed.

3. R-270-1980 provides that "[t]he applicant must demonstrate that the *existing zoning is inappropriate*". (Emphasis added). See Staff report p. 16, see also R-270-1980, § D. The applicant bears the burden of proving the existing zoning is

inappropriate because of an error when the zone map was created, changed neighborhood or community conditions or because "a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan...."

4. By definition if the existing zoning allows the proposed use, the existing zoning is not *inappropriate*. Further, if the proposed use is permissive a zone change to SU for an already permitted use is not more advantageous. The application suggests a transfer station is a good thing but that (if true) is not the same as proving that a different use category for this site is more advantageous to the community when the use is already allowed.

5. The rationale has been offered that under SU zoning a site plan must be submitted and approved by the EPC but this is also a requirement under existing zoning so that cannot justify the zone change.

6. The real difference between the proposed SU zoning and existing zoning is the existing requirement that the site be consistent with an adopted facility plan. See §14-16-2-19(A)(19) (quoted in bullet #1 above).

7. Staff notes that code enforcement does not think the adopted facility plan requirement applies:

"Additionally, the Code Enforcement Department stated that an adopted facility plan would not be required for the use as this requirement would only apply to PNM substations where facility plans are already required."

See McIntosh email September 30, 2015 (stating that this is an interpretation by the Code Compliance Manager of the Zoning Code). This "opinion" is not explained by any reference to language applying the facility plan requirement only to PNM. The "opinion" is not a declaratory ruling and therefore not binding on the EPC, which must interpret the code and the application before it. See City Council Decision AC-12-10 September 6, 2012.

8. The net effect of the proposed zone change would be to eliminate or avoid the requirement that this site be consistent with an adopted facility plan. That is significant because siting is important. For example, is it better (or more advantageous) for collection vehicles on the west side to cross the river and transfer at the Edith location than to have two transfer facilities (one west of the river and one on the eastside)? That question would be answered in a facility plan as well as whether this site is the most appropriate site. [Note the zone code requires an **adopted** facility plan, not simply Council concurrence in a decision to have a transfer station or even to use funds for this proposal.] I did not see evidence in the EPC packet the City Council has an adopted facility plan.

9. While code enforcement may not believe the plain language of §14-16-2-19(A)(19) ("provided their location is in accordance with an adopted facility plan....") is effective or enforceable, the neighborhood should be able to have that question addressed. The appropriate way for the City to proceed is to submit a site plan under existing zoning with or without an adopted facility plan. If no adopted facility plan is submitted the opinion of code enforcement can then be addressed in the EPC hearing on the site plan under existing zoning.

In sum the admissions in the application on their face demonstrate that the existing zoning is not inappropriate and that a different category (SU) is unnecessary. Further, the approval of the zone change would in effect be a zone change for the sole purpose of avoiding the question of enforcement of the adopted facility plan requirement. It is certainly not articulated in the Comprehensive Plan that avoidance of that requirement is more advantageous to the community.



Timothy V. Flynn-O'Brien

From: McIntosh, Benjamin A.
Sent: Wednesday, September 30, 2015 3:40 PM
To: =David Wood CPA=
Subject: RE: Referral from Vincente Quevedo

Hello Mr. Wood,

I apologize for my response taking a couple of days. This is an interpretation of the Zoning Code by the Code Compliance Manager. Please let me know if you have any other questions and have a great day.

Benjamin McIntosh

Code Enforcement Supervisor

Planning Department

City of Albuquerque

(505) 924-3466

bmcintosh@cabq.gov

From: =David Wood CPA= [mailto:wood_cpa@msn.com]
Sent: Monday, September 28, 2015 1:57 PM
To: McIntosh, Benjamin A.
Subject: Re: Referral from Vincente Quevedo

Mr. McIntosh,

Thank you for your reply.

Is this interpretation of the zoning code a declaratory ruling or something else?

Thanks,

David Wood

David Wood, C.P.A.

(505) 221-2626

Email: Wood_CPA@msn.com

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that may be imposed under federal tax law. By regulation, a taxpayer cannot rely on professional advice to avoid federal tax penalties unless that advice is reflected in a comprehensive tax opinion that conforms to strict requirements.

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From: McIntosh, Benjamin A.
Sent: Monday, September 28, 2015 1:06 PM
To: =David Wood CPA=
Subject: RE: Referral from Vincente Quevedo

Good Afternoon Mr. Wood,

As had been previously stated "an adopted facility plan would not be required for this Use as that would only be a requirement for something such as a PNM substation where facility plans are already a requirement", a Use such as this or a fire station which is also listed in that section will require a Site Development Plan but not a Facility Plan. Please let me know if you have any other questions and have a great day.

Benjamin McIntosh
Code Enforcement Supervisor
Planning Department
City of Albuquerque
(505) 924-3466
bmcintosh@cabq.gov

From: =David Wood CPA= [mailto:wood_cpa@msn.com]
Sent: Friday, September 25, 2015 3:41 PM
To: McIntosh, Benjamin A.

Subject: Referral from Vincente Quevedo

Good afternoon Mr. McIntosh,

Vicente Quevedo, ask me to contact you with a question I had concerning EPC project # 1010582. Edith Transfer Station.

My general question is: does the City SWD need a adopted facility plan AND a site plan under M-1?

Mr Quevedo initially responded:

"As part of my review, I did inquire with the applicant as to whether they have an adopted facility plan and their response was that they currently do not have one."

"M-1 would refer back to IP Zoning and under 14-16-2-19(A)(19) the use would be allowed in accord with an approved site development plan, as we had discussed earlier an adopted facility plan would not be required for this Use as that would only be a requirement for something such as a PNM substation where facility plans are already a requirement". [end]

I followed up today with Mr. Quevedo with the following question(s):

I'd like to follow up with you on your email to me on September 21st, 2015.

This concerns the adopted facility plan that the City currently does not have.

You previously stated, *"an adopted facility plan would not be required for this Use as that would only be a requirement for something such as a PNM substation where facility plans are already a requirement"*.

In reading the Zone Code language, why do you think, that a adopted facility plan would NOT be required?

If you are considering this a utility, it would seem that size of the utility (PNM example) would not come into play, and would seem that a facility plan would be needed.

Also, Code does not differentiate which types of utilities, nor exempt Solid Waste. Help !

[end]

Mr. Quevedo responded quickly, and referred me to your expertise.

Can you give me a definitive answer based on Code and your interpretation? Is there a grey area?

Thanks in advance for your help in this matter Mr. McIntosh.

Finally.....This worn out C.P.A. is much more adept at interpreting and citing IRS Codes, not Zoning Codes, so please be gentle with me. 😊

Respectively,

David Wood, C.P.A.

(505) 221-2626

Email: Wood_CPA@msn.com

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From: Quevedo, Vicente M.

Sent: Friday, September 25, 2015 2:39 PM

To: =David Wood CPA=

Subject: RE: follow up from 9/21

Mr. Wood,

Good afternoon. My previous email cited agency comments submitted by the Code Enforcement Department. This agency is charged with interpreting the City of Albuquerque's Comprehensive Zoning Code. With regard to your recent inquiry, I would suggest that you speak directly with Ben McIntosh who is one of our Code Enforcement Supervisors who may be able to help answer your questions. His direct phone number is (505) 924-3466 and his email address is bmcintosh@cabq.gov.

Respectfully,

Vicente M. Quevedo, MCRP

Urban Design and Development Planner

City of Albuquerque, Planning Department

t (505) 924-3357

f (505) 924-3339

vquevedo@cabq.gov

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From: =David Wood CPA= [mailto:wood_cpa@msn.com]

Sent: Friday, September 25, 2015 2:32 PM

To: Quevedo, Vicente M.

Subject: follow up from 9/21

Good afternoon Vicente,

I'd like to follow up with you on your email to me on September 21st, 2015.

This concerns the adopted facility plan that the City currently does not have.

You previously stated, "*an adopted facility plan would not be required for this Use as that would only be a requirement for something such as a PNM substation where facility plans are already a requirement*".

In reading the Zone Code language, why do you think, that a adopted facility plan would NOT be required?

If you are considering this a utility, it would seem that size of the utility (PNM example) would not come into play, and would seem that a facility plan would be needed.

Also, Code does not differentiate which types of utilities, nor exempt Solid Waste. Help !

Thank you Vincente.

David Wood

David Wood, C.P.A.

(505) 221-2626

Email: Wood_CPA@msn.com

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-
Timothy Flynn-O'Brien
817 Gold Ave. S.W.
Albuquerque, N.M. 87102
Work: 505 242-4088
Cell: 505 228-1477
Fax 866 428-7568

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**Notice of Decision
City Council
City of Albuquerque
September 6, 2012**

AC-12-10 Timothy V. Flynn-O'Brien, Attorney at Law, Agent for Taylor Ranch Neighborhood Association and Westside Coalition of Neighborhood Associations appeal the March 23, 2012 Declaratory Ruling, issued by the Acting Compliance Manager, Juanita Garcia, that the Environmental Planning Commission (EPC) has authority to approve a site plan for building permit of Large Retail Facilities (LRF)

Decision

On August 20, 2012, by a vote of 8 FOR, 1 AGAINST, the City Council voted to send this matter back to the EPC with findings and instructions.

Against: O'Malley

On September 5, 2012, by a vote of 8 FOR, 0 AGAINST, 1 ABSTAINED, the City Council voted to adopt Findings 1 through 13:

Abstain: Garduño

1. This case had its genesis in an action before the Environmental Planning Commission ("the EPC Case"). The EPC conducted hearings regarding an application for a site plan for building permit for a proposed development. ("the Project"). The EPC case is Project No. 1003859 11 EPC 40067/40068.

2. An issue in the EPC Case was whether the Project met the access requirements required by the Zoning Code for large retail facilities. §14-16-3-2(D)(2).

3. During the hearing on the EPC case, the acting Zoning Enforcement Officer ("ZEO") testified about her interpretation of the access requirements for large retail facilities.

4. The Taylor Ranch Neighborhood Association ["TRNA"] requested that the ZEO issue a declaratory ruling with respect to access requirements for large retail facilities.

5. The ZEO is empowered by the Zoning Code to issue declaratory rulings regarding the interpretation of the Zoning Code:

§ 14-16-4-8 DECLARATORY RULINGS.

(A) Upon request, the Zoning Enforcement Officer shall issue declaratory rulings as to the applicability of the Zoning Code to a proposed development or activity...

6. The TRNA asked the ZEO to issue declaratory rulings answering the following questions:

a. "[W]hether the site for the LRF [large retail facility] as presented in project No. 1003859 11 EPC 40067/40068, is permitted at this site, specifically whether it meets the requirements [of] LRF access regulations?"

b. "Does an LRF meet the access requirements of...[the Zoning Code] if...the site plan for building permit...does not have the required access...?"

c. Are the requirements for access to a LRF met "when the subdivision in which the LRF is proposed is zoned SU-1 and the local road access to a collector street is through residential zones?"

7. At the EPC hearing the ZEO testified that in her opinion the Project had the access required by the Zoning Code for a large retail facility. The ZEO did not issue a declaratory ruling in response to the question of whether the Project meets the access requirements for a large retail facility.

8. The ZEO issued a declaratory ruling that the access requirements in the Zoning Code for a large retail facility do not need to be met: "If a site does not meet this particular standard [for access], EPC still has the authority to approve the request."

9. In a later explanation of the ZEO's position on whether the EPC may approve a site that does not meet the requirements of the Zoning Code it was explained: "[T]he Planning Commission [is allowed] to make an exception to the regulations of the LRF."

10. The ZEO finally issued a declaratory ruling that the Zoning Code does not answer the question of whether LRF access can be accomplished by local road access to a collector street through residential zones.

11. TRNA, subsequently joined by additional neighborhood associations, appealed the declaratory rulings of the ZEO.

12. The Land Use Hearing Officer ["LUHO"] heard the case and issued recommended findings and conclusions. The LUHO recommendation went beyond the narrow declaratory rulings and made policy recommendations that were not specifically at issue. Most notably the LUHO recommended that the Council should hold that declaratory rulings should not be issued when the identical issue is already being considered by the EPC or another body.

13. The LUHO recommendations were rejected by the City Council and a hearing was held by the City Council on the appeal.

On September 5, 2012, by a vote of 8 FOR, 0 AGAINST, 1 ABSTAINED, the City Council voted to adopt Finding 14a:

Abstain: Garduño

14a. The Council finds that the ZEO did not issue a declaratory ruling, as requested, with respect to the question of whether the Project met the access requirements required by the Zoning Code for large retail facilities. §14-16-3-2(D)(2). The EPC case should proceed and the EPC should recognize that the ZEO has not made any statements, including her testimony before the EPC, that are binding on the EPC. The EPC is responsible for deciding those issues that are before it with respect to whether the Project meets the requirements of the Zoning Code.

On September 5, 2012, by a vote of 8 FOR, 0 AGAINST, 1 ABSTAINED, the City Council voted to adopt Finding 15a:

Abstain: Garduño

15a. The Council finds that the ZEO erred in her declaratory ruling when she determined that: [T]he Planning Commission [is allowed] to make an exception to the regulations of the LRF." The Planning Commission is charged with interpreting the Zoning Code in reaching its decisions. When the EPC determines that the language of

the Zoning Code imposes mandatory requirements, the EPC may not waive such requirements.

On September 5, 2012, by a vote of 7 FOR, 1 AGAINST, 1 ABSTAINED, the City Council voted to adopt Finding 16b:

Against: Harris
Abstain: Garduño

16b. The ZEO is not prohibited from issuing a declaratory ruling with respect to issues that are currently pending resolution before a board or commission. The ZEO is not obligated to provide a declaratory ruling in such a case and should exercise discretion in determining if the issuance of a declaratory ruling in such a case is appropriate.

On September 5, 2012, by a vote of 8 FOR, 0 AGAINST, 1 ABSTAINED, the City Council voted to adopt Finding 17:

Abstain: Garduño

17. The City Council finds that the issue of site access will be an important issue if there is an appeal of the EPC Case. The City Council requests, but does not order, that the EPC adopt findings that fully explain its determination of this issue together with the facts that justify that determination.

IT IS THEREFORE ORDERED THAT THE APPEAL IS GRANTED IN PART, AND DENIED IN PART.

Attachments

1. Land Use Hearing Officer's Recommendation
2. Action Summary from the August 6, 2012 City Council meeting
3. Action Summary from the August 20, 2012 City Council meeting
4. Action Summary from the September 5, 2012 City Council meeting

Appeal of Final Decision

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.

Trudy E. Jones
Trudy E. Jones, President
City Council

Date: 9.12.2012

Received by: *Janetta G. Lovato*
City Clerk's Office

Date: 9.12.2012

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REC-12
2012-12-12 PM 4:54

NORTH VALLEY COALITION, INC.

Individuals, Neighborhood Associations, Businesses & Community Groups Working Together

October 5, 2015

Peter D. Nicholls, Chair
Karen L. Hudson, Vice Chair
Environmental Planning Commission
c/o City of Albuquerque Planning Department
600 2nd Street, NW, 3rd Floor
Albuquerque, NM 87102

Hand-delivered to Dora Henry

Re: Edith Transfer Station, Project #1010582, Zone Map Amendment and
Site Plan for Building Permit

Dear Chairman Nicholls and Vice-Chairwoman Hudson:

The North Valley Coalition respectfully requests that the Environmental Planning Commission deny the City's zone map amendment and site plan for building permit for the proposed Edith Transfer Station.

At our October 1, 2015 meeting, by a membership vote of 34 to 1, the NVC voted to oppose the Edith Transfer Station, setting forth numerous reasons. Our full statement is attached to this letter.

Following the vote, all board members present were polled to confirm their votes. All of the 19 board members in attendance, including five members at large and 14 members representing organizations, voted in favor of the statement and in opposition to the ETS.

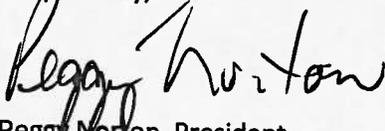
The 14 represented organizations are the following:

- 1) Alvarado Gardens Neighborhood Association
- 2) Greater Gardner Neighborhood Association
- 3) Jardines Escondidas Homeowners Association
- 4) Maria Diers Neighborhood Association
- 5) Martineztown Work Group
- 6) Near North Valley Neighborhood Association
- 7) North Edith Commercial Corridor Association
- 8) Rio Grande Boulevard Neighborhood Association
- 9) Sierra Club/Bosque Action Team
- 10) South Guadalupe Trail Neighborhood Association
- 11) Stronghurst Improvement Association, Inc.
- 12) Symphony Homeowners Association, Inc.
- 13) Western Meadows Area Civic Association
- 14) WTS?

The City's single-minded desire to save money is no justification for locating a waste transfer station in a vulnerable, already-burdened community, thereby risking the health, safety and quality of life of the thousands of men, women and children who live, work, recreate and travel in the area. The City's application fails to satisfy the requirements of Enactment 270-1980.

We urge the EPC to consider the NVC's opposition, and to deny the City's requested zone map amendment and site plan for building permit.

Respectfully,

A handwritten signature in black ink that reads "Peggy Norton". The signature is written in a cursive, flowing style.

Peggy Norton, President
North Valley Coalition

Copy via e-mail to:

Vicente Quevedo, Assigned Staff Planner
Savina Garcia, PE, Wilson & Company

NVC's Position on the Edith Transfer Station

As adopted October 1, 2015 at the Board/Membership Meeting

The North Valley Coalition (NVC) opposes the Edith Waste Transfer Station (ETS) in its currently proposed form and at its currently proposed location, as planned by the City of Albuquerque. Our reasons include but are not limited to the following:

1. Federal Environmental Protection Agency (EPA) guidelines for effective public participation (as spelled out in *Waste Transfer Stations: A Manual for Decision-Making*) were not followed. No advance notice was given prior to site selection. No siting committee was formed.
2. In the same document, the EPA advises that "[d]uring the site selection process, steps should be taken to ensure that siting decisions are not imposing a disproportionate burden upon low-income or minority communities. Overburdening a community with negative impact facilities can create health, environmental, and quality of living concerns. It can also have a negative economic impact by lowering property values and hindering community revitalization plans." The City's siting decision creates precisely this burden.
3. The City's first public meeting was held in January 2015, after the site had been chosen.
4. There have been no economic studies comparing possible sites or analyzing the economic costs of traffic impacts on nearby businesses, increased workers compensation claims, decreases in property values, damage to historic properties, and increased health costs.
5. Neither a final full site plan nor a final traffic study has been presented to the public.
6. Over the past year, NVC members have educated themselves about waste transfer stations generally and the proposed Edith Transfer Station. NVC members have participated in good faith in all of the City's public meetings about the proposed Edith Transfer Station.
7. Members of the Greater Gardner, Stronghurst and Near North Valley neighborhood associations, along with a member of the NVC, participated in good faith in the City's Design Advisory Task Force.
8. The NVC Board voted unanimously at the August 21, 2014, board meeting, to request an independent Health Impact Assessment (HIA) of the ETS by health and other professionals, with the understanding that the HIA would be used to inform decision-makers during the approval and permitting processes.
9. NVC and other community members participated in developing the HIA.
10. The NVC also requested an independent professional review of the City's traffic data and other traffic information.
11. Based on the HIA and the Traffic Review, it can reasonably be predicted that the health and well-being of community members living, working, going to school and recreating near the site will suffer.
12. Neither of the COA's final two design options is acceptable; one pushes the additional traffic to the congested Edith and Comanche intersection, and closer to residents, and the other compromises businesses on Rankin Lane and Rankin Road.

13. In its final design option, the City has not used landscaping and other design features to adequately address environmental and quality of life concerns.
14. The city refuses to acknowledge that the project will have impacts beyond the perimeter of the site. Therefore, they have been unable to address the concerns of the community including traffic congestion; air, water and noise pollution; reduced safety for multi modal users.
15. It has become increasingly obvious that there is no way to design this facility to fully address the many reasonable concerns from both residents and business owners regarding traffic, noise, odors, trash, air quality and quality of life.
16. A community-vetted and adopted master plan for all waste management City-wide is necessary, as described in the Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code.

October 5, 2015

H A N D D E L I V E R D

Peter Nicholls, Chairman
Environmental Planning Commission
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102

Re: Edith Transfer Station, Case No 1010582

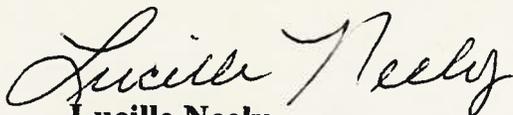
Dear Mr. Nicholls,

I write today in opposition to the Waste Transfer Station proposed zone amendment at Edith and Griegos NW.

In particular, I want to state that the proposed Convenience Center, put forth as an amenity to the community, will do extra harm on top of the Transfer Station as a whole. While I am opposed to the Transfer Station at this site in general, my particular concern is that the Convenience Center with its citizen drop-off is wholly inappropriate to the project and will cause great harm to the neighborhood. The increased traffic to-and-from the site will add chaos to an already overburdened area. The typical citizen dropping items off risks losing parts of the load - leading to increased litter on adjacent roads leading to the site. This kind of use of the site is simply not suited to the close-in site which is proposed, surrounded as it is by historic properties, neighborhoods and congested streets.

In reference to the R-270 1980 document, the Convenience Center alone fails sub-parts D(3) "*more advantageous to the community*" and E "*some of the permissive uses in the zone would be harmful to adjacent property*". If nothing else, I think that this element should be stripped out of the project.

Thank you for your consideration.



Lucille Neely
1319 Van Cleave Rd. NW
Albuquerque, New Mexico

Henry, Dora L.

From: Peggy Norton <peggynorton@yahoo.com>
Sent: Monday, October 05, 2015 10:35 PM
To: Henry, Dora L.
Cc: Quevedo, Vicente M.; NVC Executive Committee; David Wood; Kristine Suozzi; Kitty Richards
Subject: letter for the public record project #1010582
Attachments: Transfer Station HIA Commentbhatia.pdf

Dear Dora:

We are submitting the attached letter from Rajiv Bhatia to become part of the public record for the Edith Transfer Station, project #1010582. Please confirm receipt of this email and letter. Thank you.

Peggy Norton, President
North Valley Coalition

The Civic Engine

For the Community and Economic Roots of Health

October 5, 2015

Chair, City of Albuquerque Environmental Planning Commission
Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87107

Dear Mr. Nicholls,

I am writing on behalf of the authors of the North Valley Health Impact Assessment of the Proposed Edith Transfer Station who have requested my review of their study. Based on HIA report, the conduct of this HIA has followed the norms of good practice and its findings should be seriously considered.

I have been a leader in the field of health impact assessment (HIA) since 1999. I led several of the first HIAs conducted in US, developed HIA methods, taught the first graduate level course in the field, co-founded of Human Impact Partners, co-authored one set of international HIA practice standards, and co-authored the 2011 National Academies of Science.

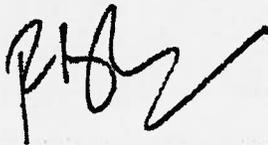
It is my opinion that the authors of the study have both the necessary training and experience to conduct this HIA. The authors have documented their process clearly in the report and procedurally the HIA conforms with the field's standards for good practice.

The essential conclusions of this HIA are straightforward and defensible. The population living in proximity to the proposed project has numerous social economic vulnerabilities for poor health along with a number of existing environmental stressors. The proposed transfer station is likely to increase the intensity of many of those environmental stressors. These changes would increase the challenges and obstacles faced by this community in meeting its health improvement goals.

I would encourage you to give serious consideration to this simple message and to project alternatives that might avoid or mitigate the concerns presented.

Thank you for your attention to this letter. You may reach me at rajiv@thecivicengine.org. I would be happy to respond to any questions about the opinions shared in this letter.

Sincerely,



Rajiv Bhatia, MD, MPH
Principal, The Civic Engine

To: Peter Nicholls, Chairman, City of Albuquerque Environmental Planning Commission

From: Kelly O'Donnell, PhD

Date: October 4, 2015

Re: Economic analysis of solid waste facility at 4600 Edith NE

Dear Mr. Chairman,

Thank you for the opportunity to share my analysis of the proposed transfer station at 4600 Edith with you and the members of the Commission. As an economist, I read through the 2014 update of the Albuquerque Transfer Station Feasibility Analysis and the recently submitted Project Narrative with great interest. Both documents contain a great deal of useful information. I would like to highlight the following:

1. The project does not produce cost savings for the city unless the three existing convenience centers are closed. City officials have repeatedly stated that the convenience centers will remain open.
2. Full build-out of the proposed transfer station and solid waste facilities will cost the City of Albuquerque and its residents \$1.6 million in the first year of operations and \$3.2 million over the project's life cycle.
3. In light of these facts, the assertions in the Feasibility Analysis and the Project Narrative that the project will save the city money and prevent future trash collection rate increases are inaccurate, and the reverse – that costs arising from the project may expedite increases in trash disposal rates and convenience center user fees – is more likely to be true.

In addition, it is important to note that:

1. Using the Edith site rather than purchasing a more suitable one does not save the city \$5 million as is stated in the Feasibility Analysis. The cost of using an asset is the revenue foregone in not employing it elsewhere. The city's land at 4600 Edith is worth \$3.2 million according to Bernalillo county assessor records.
2. Research on other, similar projects indicates that the transfer station may depress property values within a 1.5 mile radius, reducing property tax revenue by \$232,000 and depleting home owner assets by \$17.5 million.
3. The presence of a transfer station will undermine prospects for future revitalization, commercial development and job growth in the neighborhood.
4. The negative health outcomes likely to result from the transfer station all impose large costs on government and the community.

Full build-out will cost city residents \$3.2 million

Full build-out of the proposed transfer station and solid waste facilities at 4600 Edith NE will impose a \$3.2 million net cost on the City of Albuquerque unless all other city convenience centers are closed (updated Feasibility Analysis, p.10). City officials have stated that all convenience centers will remain open.

The city's cover memo to the 2014 Feasibility Analysis, states that "The primary goal of building a waste transfer station is to reduce the cost of transporting waste to the landfill." If the WTS increases, rather than decreases, the city's waste disposal costs, the primary justification for developing the transfer station is eliminated. Further, in responding to several of the policies and criteria from Resolution 270-1980, the Albuquerque-Bernalillo Comprehensive Plan, and the North Valley Area Plan necessary for a zone map amendment, the Project Narrative asserts that the project will "save the city \$75 million over 20 years," and "forestall rate increases" for consumers. If, as the feasibility analysis suggests, the project will impose a net cost on the city, these statements are inaccurate and should be disregarded. In fact, by the logic of the Project Narrative, costs arising from the project may expedite future increases in trash collection rates and user fees.

Using the Edith site does not save the city \$5 million

Contrary to the Feasibility Analysis, using the Edith site rather than purchasing more suitable property will not save the city \$5 million. The Feasibility Analysis recommends that the site's existing Solid Waste Department facilities be razed and rebuilt from the ground up. Thus the Edith site has no inherent advantage over other sites and, although it is already owned by the city, its use is not without cost. The cost to the city of using the Edith site is the value of the site's alternative uses. According to the county assessor, the city property at 4600 Edith is worth \$3.2 million. Presumably, the city could re-purpose, sell or swap the Edith parcel. The net value of such transactions must be subtracted to calculate the true value of using the site.

A transfer station may depress property values within a 1.5 mile radius, reducing property tax revenue and depleting homeowner assets

Proximity to the noise, congestion, odors and toxicities of a facility processing 3 million pounds of waste daily will likely reduce residential property values and thus property tax revenue. Numerous studies in the US and abroad have demonstrated a negative correlation between proximity to high volume waste sites and property values. This research suggests that the transfer station will depress property values within a 1.5 mile radius of the site, with properties closest to the station experiencing the greatest impact. A 2005 meta-analysis concluded that the value of residential property immediately adjacent to solid waste sites was depressed by an average of 12.9 percent while property values one mile from the site were depressed by an average of 7 percent.¹ However, the

most definitive study of how waste transfer stations impact property values, published in the journal Waste Management in 2007, found that transfer stations impacted the value of residential property within a 1.8 mile radius. The impact on property values decreased as distance from the facility increased, declining from roughly 9 percent within one-quarter mile of the facility to two percent at 1.4 miles from the facility.¹¹

The impact on residential property values from Edith WTS was estimated by applying the coefficients from the Waste Management study to geo-coded 2015 appraisal data from the Bernalillo County assessor. The results are provided in Table 1.

The areas surrounding the site in which property values may be impacted are depicted in Exhibit 1. The five concentric rings radiating outward from the site each correspond to a percentage change in property value. The inner ring represents those properties within one-quarter of a mile of the site. The value of these properties is expected to decline by 9 percent as a result of the WTS. The outermost ring represents those properties within 1 mile and 1.5 miles of the site. Property values in this zone are expected to decline by 2 percent. Percentage declines in property value as a function of proximity to the site are presented in Table 1.

There are 4,653 homes within 1.5 miles of the proposed transfer station with a combined property value of approximately \$594 million. If residential property values surrounding the site decline at the rates documented in earlier research and listed in Table 1, residents of the impacted area will lose \$17.5 million in home value and local governments will lose approximately \$223,232 in annual property tax revenue.

Distance from WTS	Property Value Reduction	Homes	Residential Property Values	Property Value Reduction	Property Tax Reduction
1/4 mile	9%	3	\$299,020	\$26,912	\$343
1/2 mile	8%	69	\$6,913,941	\$553,115	\$7,058
3/4 mile	7%	392	\$44,362,132	\$3,105,349	\$39,624
1 mile	5%	905	\$98,466,774	\$4,923,339	\$62,822
1 1/2 mile	2%	3,284	\$444,300,000	\$8,886,000	\$113,385
Total		4,653	\$594,341,867	\$17,494,715	\$223,232

Source: Author calculations using geo-coded 2015 Bernalillo County Assessor data compiled by William Hudspeth.

It is very important to note that the analysis presented here considers only residential property values, which constitute just 21 percent of property value in the vicinity of the site. It is reasonable to expect the WTS to depress the value of some neighboring commercial property, however, because research to-date has focused on residential

property values, there is no basis upon which to quantify the potential magnitude of impacts on non-residential values.

Impact on household assets and homeowner net worth

Home equity is the largest single asset held by most American households. Home value may constitute the *sole* asset of many low-and moderate-income homeowners in the area of the proposed transfer station. Assets provide financial stability to families living paycheck-to-paycheck, enabling them to weather a temporary lay-off or health crisis without triggering the downward financial spiral that can easily culminate in homelessness. A several percent reduction in home value could significantly deplete or even eliminate net worth for many neighborhood families. If the presence of the transfer station forecloses future opportunities for neighborhood revitalization, the impact on property values and home equity may be compounded over time.



Location of Parcels within Zones based on Distance from Proposed Site of the North Valley Waste Transfer Station (1/4 Mile Increments)



Legend

- North Valley Waste Transfer Station
- Parcels within 1/4 Mile
- Parcels between 1/4 and 1/2 Mile
- Parcels between 1/2 and 3/4 Mile
- Parcels between 3/4 and 1 mile
- Parcels between 1 and 1 1/2 mile

A transfer station may undermine future revitalization and job growth

The area likely to be impacted by the transfer station is home to over 500 private businesses including retailers, professional services, food manufacturers, warehousing, distribution, and government services with over 16,000 proprietors and employees and payrolls in excess of \$272 million.ⁱⁱⁱ

These businesses may experience declining property values, diminished productivity due to traffic congestion and reduced retail sales as the neighborhood environment is degraded. In addition, by damaging the public perception of the surrounding neighborhoods, the transfer station is likely to diminish the community's future prospects for economic development and revitalization.

Health impacts impose high costs on government and the community.

The Health Impact Assessment of the transfer station provides an inventory of possible health consequences, all of which impose costs in the form of lost productivity, increased utilization of the healthcare and emergency response systems, and greater dependence on the social safety net. These costs are potentially quite large, but also difficult to forecast.

The more readily estimated tax revenue and employment impacts presented in this memo should be regarded as lower bound estimates of total cost, both because they exclude the aforementioned health impacts and because they do not account for reduced commercial property values or other business impacts.

In conclusion, reducing the cost of solid waste disposal through development of a new transfer station is a laudable objective that warrants further study. However, waste facilities such as the waste transfer station contemplated at 4600 Edith NE generate numerous negative externalities. It is therefore essential that the benefits and costs of any siting decision be weighed extremely carefully. Potential costs unaccounted for in the 2014 update of the transfer station feasibility study commissioned by the City of Albuquerque Solid Waste Department include \$17.5 million in lost home values, job and productivity losses due to traffic congestion and environmental degradation, and a \$232,232 reduction in annual property tax revenue.

Sincerely,

Kelly O'Donnell, PhD

¹ Braden, J., Feng, X., Won, D. (2011). Waste sites and property values: A meta-analysis. *Environmental and*

² Eschet, T., Baron, M., Schecter, M., Ayalon, O. (2007). Measuring externalities of waste-transfer station using hedonic prices: Case study: Israel. *Waste Management*. 27 (5).

³ U.S. Department of Commerce, *County Business Patterns, 2013 by Zip Code*, portions of 87107, 87102, 87104, and 87197 corresponding to census tracts 30.01, 30.02, 3100, and 2900

701 Griegos Rd NW
Albuquerque, NM 87107
October 2, 2015

Environmental Planning Commission
600 Second St NW
Albuquerque, NM

I am writing to urge you to deny the request to expand the Solid Waste Station at Edith and Griegos. This plan is against the sector plan which states that these projects should not endanger the citizens in the area. As the North Valley Coalition recommendation states, it does exactly that by bringing in more traffic and health hazards in an area that already has more than it should. I am particularly opposed to having an additional hazard in the proposed convenience center. Why should we have this in addition to the expanded citywide waste pick up. This will be even more injurious to the area. If you must allow the expansion request, please deny the convenience station which, in many ways, will bring unplanned traffic and open waste to our neighborhood.

Sincerely,

Dr. Tey Diana Rebolledo

Henry, Dora L.

From: Peggy Norton <peggynorton@yahoo.com>
Sent: Thursday, October 01, 2015 1:29 PM
To: Quevedo, Vicente M.
Cc: Henry, Dora L.
Subject: response to HIA questions
Attachments: tsquevedoNVC - 08.21.14 board meeting - agenda.pdf

Dear Vicente,

Here is information about the North Valley Health Impact Assessment of the Proposed Edith Transfer Station in answer to your question for documentation. We are copying Dora on this email so that it is included in the record.

At our August 21, 2014, Board Meeting, a regularly scheduled meeting, NVC's Board heard a presentation from two health professionals about health impact assessments generally, engaged in discussion and voted unanimously to request a health impact assessment of the proposed Edith Transfer Station.

The health professionals emphasized that a health impact assessment must be requested by the community, that completing the assessment would require community participation and **that the completed assessment would be used to inform decision-makers during the approval and permitting process.**

Twenty-four people were present at the meeting, including board members, City personnel (Barbara Taylor and Jill Holbert), the health professionals and other residents active in neighborhood matters.

A copy of the agenda for the meeting is attached. We do not keep formal minutes.

NVC's Executive Committee released the HIA to the public once it was finalized.

NVC provided the HIA to the Planning Department so it would be part of the record and available to the Environmental Planning Commission for consideration.

Sincerely,

Peggy Norton, President
North Valley Coalition

North Valley Coalition
BOARD MEETING
Thursday, August 21, 2014, 6:30 to 8:30 pm
North Valley Senior Center, 3825 Fourth Street NW

AGENDA

- 6:00 pm MEET & GREET
- 6:30 Welcome and Agenda Review
- 6:35 Treasurer's Report
- 6:40 Proposed Garbage Transfer Station
- 1) Update (what's happened since June meeting, Advisory Group, etc.)
 David Wood
- 2) Place Matters and Health Impact Assessment
 Kitty Richards and Kristine Suozzi
- 3) Next steps
- 7:20 Miscellaneous Zoning Issues
- 7:30 Bikeways & Trails Facility Plan / Sept 4 EPC Hearing
- 7:35 Identifying Issues and Setting Priorities
- 8:00 Administrative Matters
- 1) Scheduling Board and Membership Meetings
- 2) Forming Committees
- Membership
- Bylaws
- Zoning
- OTHER?
- 3) Post Office Box
- 4) Non-profit Status
- 8:30 ADJOURN

September 18, 2015

Diana Grover
Lifedance Mediation Services
PO Box 20337
Albuquerque, NM 87154-0337

Dear Ms. Grover,

The North Valley Coalition respectfully declines your invitation to participate in a facilitated meeting. Many hours have been spent communicating our concerns about the proposed Edith Transfer Station project. The City is well aware of our concerns, there are numerous comments on their web site and it does not seem productive at this late stage to spend time in a meeting. Rather than a private facilitated meeting, I would recommend the City hold a public meeting to present the final, completed site plan. The fact that I could not receive an electronic copy of the application to the EPC until you send out an invitation demonstrates the futility of a facilitated meeting.

Sincerely,

Peggy Norton, President
North Valley Coalition