

9 February 2022
114 Legacy Lane
Alto, NM 88312

New Mexico Environmental Department
Air Quality Bureau
Madai Corral, Hearing Clerk

Hello:

We are providing additional comments regarding the application by Roper Construction for a permit to operate a concrete batch plant (CBP) near the intersection of Highways 48 and 220 in Alto, NM. We appreciated the opportunity to participate in the hearing held 9 February 2022 and present our views. These comments relate to the topics addressed at that hearing.

The first issue related to the concept of “enforcement” as stated by representatives of NMED. Repeatedly we heard this term used regarding requirements stated in the draft approval affecting daily operations of the CBP. For instance, round trip truck traffic being limited to 305 daily, requirements to water aggregate piles for dust suppression, etc. However, there was **never** any mention of how the operator would be held accountable to comply with these directives. Maintaining daily logs of truck traffic were mentioned, but to whom they would be sent and how they could confirm the authenticity of these logs was **not**. Regarding the use of water for emission suppression, absolutely **nothing** regarding a check for compliance was addressed. So, the way NMED seems to define “compliance” is actually a reference to statutory requirements that the CBP operator must meet. But there is no means to enforce these requirements.

There is **no** measurement of emissions planned for this site (certainly none were mentioned). Clearly NMED will not station their personnel outside the CBP to check compliance with the truck limits per day. So, exactly how is actual compliance to be enforced? This is much akin to the situation we see in many of our larger cities across the country today, including Albuquerque. We have laws on the books specifying what can and can't be done (what NMED calls “enforcement”). However unless violators are apprehended, the prosecutors prosecute, and the courts convict, there is no enforcement! Where are the police, district attorney, and court equivalents for air quality violations?

We have tried, as have others in our community, to determine the record for Mr. Roper's CBP in nearby Carrizozo, NM. I personally have asked for copies of past violations from NMED – there are none. But this does not mean he has a clean record since we cannot find any evidence his Carrizozo site has ever been monitored or inspected! No surprise that there's no record of past violations.

The bottom line seems to be a gigantic, and totally unacceptable, “trust me”. Are we not allowing the fox to guard the hen house? This might be laughable were it not for the fact that people's lives, quality of life, and property values are at stake, not to mention irreparable harm to wildlife, a cave system, ground water, etc. If a few years down the road an unexplained increase in deaths, lung disease, etc. is noted, and the only plausible explanation is the CBP? Does NMED simply say “Oops”?

The second issue relates to the vast amount of testimony regarding modeling to determine compliance of the alto CBP with air standards. Much time and energy was devoted to use of terrain and meteorologic data. No clear answers emerged other than the fact that data specific to our high altitude, mountainous area were **not** used. This simply doesn't pass the "giggle test".

A fifth grader would know that modeling our terrain (7,000+ feet AGL, located in a basin surrounded by high hills/mountains) can't be adequately modeled using data for flat terrain and at roughly 3,000 feet lower. Temperature, wind, and relative humidity will be greatly different. But perhaps most of all, it fails to address the impact of micro-climates in our area.

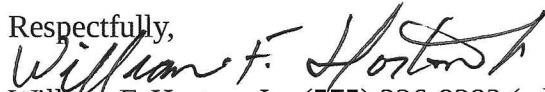
I have had a weather station on our property most of the 14.5 years we have lived here (660 feet from the CBP proposed location). I routinely see wind speed, direction, and barometric pressure readings here that are very different from the local airport. I also check other on-line reporting stations in the area and see the same. This is a phenomena not generally seen in open, flat terrain, such as in Alamogordo/Holloman Air Force Base, NM.

NMED needs a model that can account for these factors, and usable meteorological data from a comparable area for any modeling results to be even considered. Does NMED have such data? Can the model they require be used handle the impacts of elevation, micro-climates, etc.? If so, no one speaking on behalf of NMED or the applicant mentioned it.

I (William) know something about modeling since I was called on in my profession as a systems engineer to develop and perform modeling. Having a model is **useless** unless it can be properly calibrated. Otherwise, it's "garbage in, garbage out". Has NMED ever collected air quality data from a CBP plant operating at a similar elevation and topology as ours and compared it to the model results, and if so, did they agree? If not, I submit your model is **worse than worthless**. No meaningful results are possible. We do not wish to risk our health – indeed our lives – to such a tool, nor should we be required to do so.

As a result, we have no confidence that the measures that NMED will require for operating this CBP will actually be **enforced**. Nor do we believe NMED has a model and appropriate data to have any realistic clue what the actual air emissions will be, The only viable option we see is for NMED to **reject this permit**.

Respectfully,



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Penelope S. Horton

