County of Bernalillo
Zoning, Building & Planning Department
111 Union Square St SE • Suite 100 • Albuquerque, NM 87102 • (505) 314-0350 • Fax (505) 314-0480

NOV 2 4 2003

NOTIFICATION OF DECISION
BOARD OF COUNTY COMMISSIONERS

November 20, 2003

Southwest Landfill, LLC
5816 Pajarito Road SW
Albuquerque, NM 87121

SUBJECT: FILE NO: CO-30008/CSU-30001

LEGAL DESCRIPTION: Claudine Martinez, agent for Southwest Landfill, appeals the Extraterritorial Land Use Commission's decision in denying an amendment to a Special Use Permit to allow expansion of a Construction Debris Landfill, plus the addition of a related Technical Operation (transfer station for household waste) and Equipment Storage on a 14 tracts of land in Sections 20, 29, & 30 T9N R2E, located at 5816 Pajarito Road SW, zoned A-1, containing approximately 140 acres. (R-8, S-7 & 8) (Original request submitted by Claudine Martinez, agent for Southwest Landfill) (DEFERRED FROM THE SEPTEMBER 24, 2003 BCC HEARING)

ACTION: GRANTED THE APPEAL; THEREBY APPROVING AN AMENDMENT TO A SPECIAL USE PERMIT

To Whom It May Concern:

At the November 18, 2003 public hearing, the Board of County Commissioners voted to grant the appeal; thereby approving an amendment to a Special Use Permit to allow expansion of a Construction Debris Landfill on a 14 tracts of land in Sections 20, 29, & 30 T9N R2E, located at 5816 Pajarito Road SW, zoned A-1, containing approximately 140 acres. The decision was based on the following Findings and subject to the following Conditions:

Findings:

1. This request is for an amendment to an existing Special Use Permit (CSU-91-34) to allow expansion of a construction and debris landfill by 60 acres on a 140-acre tract of land located in Sections 20, 29, and 30, Range 2 East, Township 9 North.

EXHIBIT
Second Amended Complaint
A

2. The property is zoned A-1 and is located in the Rural Area and the Reserve Area of the Albuquerque/Bernalillo County Comprehensive Plan.

3. The request is in an area where the depth to groundwater is approximately 500 feet.

4. The landfill will be lined to protect groundwater.

5. The landfill is not located in a crucial area as defined by the Groundwater Protection Policy and Action Plan.

6. The request for amendment to an existing Special Use Permit (CSU-91-34) to allow expansion of a construction and debris landfill is consistent with Resolution 116-1986 in that this land use is more advantageous to the community by providing additional space for construction and demolition waste that will reduce illegal dumping in the County, as articulated in Policy 3 (Solid Waste Management) of the Albuquerque/Bernalillo County Comprehensive Plan.

7. The request for expansion of the construction and debris landfill is consistent with the health, safety, and general welfare of the residents of the County.

8. The provisions of the existing Special Use Permit for a construction and debris landfill not in conflict with this approval are hereby preserved and maintained.

Conditions:

1. Construction and demolition debris only shall be permitted at the landfill site. No hazardous materials may be accepted at the landfill.

2. A revised Closure and Post-Closure Plan and a Reclamation Plan shall be submitted to the Zoning, Building, and Planning Department.

3. Lining of cells 5-8, including a leachate collection system, and any additional cells allowed by the expansion of the landfill, shall be required following EPA specifications.

4. A minimum of one groundwater quality monitoring well shall be sited, constructed, and monitored for each cell in accordance with guidelines provided by the EPA and the State Environmental Health Department.

5. Prior to approval of placement of any fill in designated 100-year flood zones, a Conditional Letter of Map Revision must be approved by the Federal Emergency Management Agency (FEMA) in accordance with national flood insurance program regulations.

6. The applicant shall obtain necessary approvals from the Bernalillo County Fire Department to address fire apparatus, access roads, hazardous materials, and availability of water supplies for fire protection.

7. The applicant shall submit to Bernalillo County Public Works, a Traffic Impact Analysis (TIA) to determine the impacts to the road system, as well as to determine appropriate mitigation measures. A copy of the approval shall be submitted to the Zoning, Building and Planning Department.

8. An all weather road shall be constructed from Pajarito Rd. to the landfill using County Public Works specifications.

9. A signage plan that is in accordance with Manual Uniform Traffic Control Devices shall be submitted to County Public Works for review. A copy of the approval shall be submitted to the Zoning, Building, and Planning Department.

10. A revised grading and drainage plan that addresses flood plain, slopes no steeper than 4:1 (25%) and any other requirements shall be submitted to the Bernalillo County Public Works Department. A copy shall be submitted to the Zoning, Building, and Planning Department.

11. A revised landscaping and fencing plan shall be submitted to the Zoning, Building, and Planning Department prior to final approval of the site plan pursuant to Condition 13.

12. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.

13. A revised site development plan consistent with the Conditions of Approval and containing accurate legal descriptions for all lots included in the landfill shall be submitted for review and approval to the Zoning Administrator within two months after the final Board of County Commissioners approval.

14. The foregoing Conditions shall become effective immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit, and shall be strictly complied within one year.

If you have any questions, please feel free to contact me directly at 314-0384.

Sincerely,

Nano K. Chavez
Planning Manager

NKC/drm

cc: File
CPC Members
Rene Sedillo, Special Projects Coordinator
Roger Paul, Public Works
Lainey Greiner, County GIS
Neal Weinberg, AGIS

[redacted]

[redacted]

JUNTA EN LA CASA DE [redacted] Y FAMILIA
INVITAR LA GENTE DE PAJARITO MESA TENER UNA
PLATICAR CON RELACION AL DUMPE.
ES DE GRAN IMPORTANCIA

Marzo

SABADO MARCH 8, 2003
11:30 A.M.
TENEMOS COMEDA Y REFRESCOS

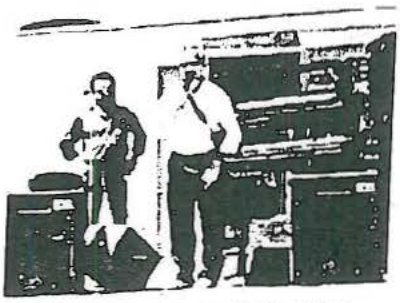
MEETING AT THE HOME OF [redacted] [redacted] AND
FAMILY
INVITE OTHER PAJARITO MESA RESIDENTS TO DISCUSS
RELATIONS OF THE LANDFILL.

SATURDAY MARCH 8, 2003
11:30 A.M.
FOOD AND REFRESHMENTS WILL BE PROVIDED.
Phone # [redacted]

EXHIBIT
Second Amended Complaint
B

Pajarit Mesa Needs Safe Drinkii Water

Steer your tires towards the South Valley of Albuquerque, New Mexico. When you are nearly out of town make an abrupt turn west leading you up to what is known as Pajarito Mesa. What you will find may be shocking. You will see signs to a construction landfill. Watch your tires for the tumbleweed clusters of barbed wire which blow around, discarded by trucks rejected by the landfill. Piles of tires soak up the New Mexico sun, as do retired mobile homes in their final resting place. Turn north and you will run into a county jail.



COMUNIDAD DE PAJARITO MESA

JUSTICIA

In the midst of this landscape live an estimated 350 families. Some call them pioneers, most are immigrants from Mexico who were attracted to the open space of the mesa and the chance to fulfill their dreams of having a piece of land to own and call home. It is easy to get lost on the dirt roads crisscrossing private land on the mesa. There are no legal access roads up here and maps of the area held by the county of Bernalillo are vague and conflicting. The families, despite paying property taxes on an equal percentage basis as other residents of Bernalillo County, receive no emergency services for this reason. The ambulance can't find them, or if it does, six or eight hours have lapsed.

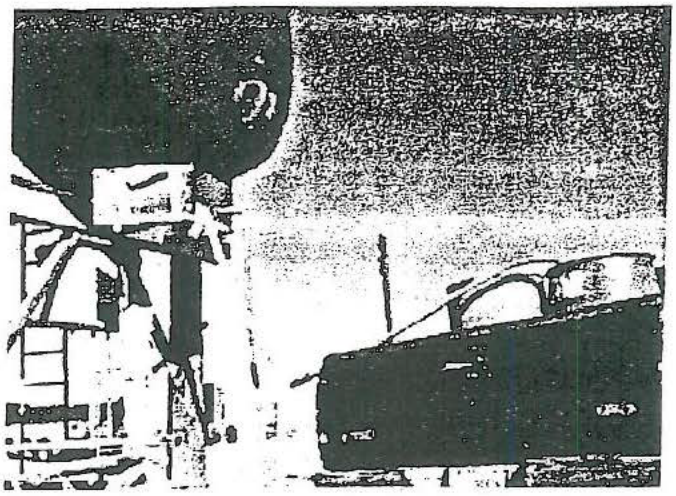
Much attention has been given to border regions and the "Colonia" development which springs up, often lacking in sufficient infrastructure. Pajarito Mesa is in fact a Colonia, only it is too far from the actual border to garner the designation. All of the residents live here **without water and electricity**.

In May of 2000 residents of Pajarito Mesa formed a Mutual Domestic Water Users Association, a public body, to provide safe drinking water. Membership in the MDWCA is currently at 171 families. Their goal is to get water to the people on the mesa; however due to the multiplicity of needs the MDWCA has adopted numerous other goals. Through grassroots fundraising at events such as their annual Mother's Day fair, they managed to purchase a road grader to help maintain their dirt roads which would wash out or be impassable during New Mexico's short but torrential monsoon season. The Association organizes an annual community clean-up day, during which residents start at home and venture out onto the mesa to clean up the trash that others have been dumping all year.

Pajarito Mesa has not been developed according to any planning or zoning requirements of Bernalillo County. Past landowners and developers failed to properly subdivide the property on Pajarito Mesa before selling it to the residents who live there today. Thus, current residents fell into violation of Bernalillo county zoning and environmental health codes. Problems also arose when former landowners filed bankruptcy and residents were unable to get title to the land they had purchased.

The community on the Mesa has come together to try to address these problems. Many studies have been conducted about the hydrology in the area, and the underground water availability is a bleak situation as well. One resident has a 760' deep well and a small tank.

Pajarito Mesa Needs Safe Drinking Water



Many of the members of the Association do not currently have adequate sanitary waste disposal systems. Approximately 80 to 100 members of the Pajarito Mesa MDWCA will need septic systems installed at their homes per Bernalillo County ordinance.

Pajarito Mesa lies five minute from Albuquerque city limits, when the weather is good and the roads are passable. The area's southern boundary is Isleta Pueblo. Approximately two-thirds of the area is zoned as "reserve land" by Bernalillo County. This designation was meant to deter development and growth in the area.

Approximately 15 years ago some individuals began selling home sites on Pajarito Mesa. In some cases this land was not properly surveyed, described, monumented, or recorded, and there are even allegations that land was sold by those who did not even own it. The land was usually sold by a "real estate contract" that was held by the seller and not recorded or filed. The targets of these questionable land sales were largely low-income Hispanic families. Many of these family members spoke limited English, if any, and were not aware of local laws and zoning ordinances related to land transactions and development. The sales by "real estate contract" allowed the transactions to take place with no money down.

Even with the remoteness of the area and the harshness of living without modern services, this was the only opportunity many of these families would have to become homeowners and put down permanent roots. This unfortunate practice continued over a number of years and development occurred on Pajarito Mesa largely unnoticed by local and state governmental agencies.

Pajarito Mesa MDWCA has hired Souder, Miller & Associates of Albuquerque to complete a Preliminary Engineering report for a project to bring water to the community. The proposed plan will include installation of 500-gallon capacity cisterns for each home with a solar unit to run the pump and provide surplus power to run home appliances and lights. The tanks would be filled by a water tanker owned by the MDWCA, which would retrieve water from a community dispenser station.

It is clear that this project will be costly. Pajarito Mesa, with the support of technical assistance providers, plans to seek funding from a number of sources.

For more information, please contact:

Sandra Montes, President
Pajarito Mesa MDWCA
505-550-9958

Tracy Svanda
New Mexico Rural Water Association
505-884-1031
tracy@nmrwa.org

Pajarito Mesa Mutual Domestic Water Consumer Association
P.O. Box 12244
Albuquerque, NM 87195
(55) 550-9958

January 22, 2002

Extraterritorial Land Use Commission
Bernalillo County Zoning Building and Planning Department
111 Union Square
Albuquerque, NM 87102

SUBJECT: OPPOSITION TO SPECIAL USE PERMIT (CSU-30001/SOUTHWEST LANDFILL, LLC) ALLOWING THE EXPANSION OF SOUTHWEST LANDFILL, AND TO CONSTRUCT A TRANSFER STATION AND ESTABLISH AN EQUIPMENT STORAGE YARD.

Dear Commissioners;

On behalf of the Pajarito Mesa Mutual Domestic Water Consumers Association and as neighbors of the Southwest Landfill, LLC, we respectfully submit this letter opposing their request for a Special Use Permit (CSU-30001). The Pajarito Mesa Mutual Domestic Water Consumers Association is a non-profit membership organization of 146 families formed for the purpose of "providing safe drinking water services to the Pajarito Mesa Community,"(see attached document). We are of the opinion that allowing Southwest Landfill to expand current landfill operation from 65 acres to 120 acres, to relocate its operation area and include a transfer station, an office and maintenance building, and establish an equipment storage yard is an environmental injustice to the Pajarito Mesa Community.

The proposed expansion would have serious negative impacts not only to our community but the surrounding communities as well, Isleta Pueblo and the Los Padillas area, all communities of color and are made up of families that live below the national poverty level. By permitting this facility, the NM Environmental Department (NMED)has already created a discriminatory and disparate effect on our community.

Our main concern is that the Southwest Landfill is located in the "Crucial Area" designated by the Ground-Water Protection Policy and Action Plan (GPPAP) and that in 1997 Bernalillo County failed to follow GPPAP and its own Solid Waste regulations. According to the GPPAP the County should be "encouraging relocation of existing landfills out of *crucial areas*."

According to the State Engineer Office records the following wells exist, public well system Leavitt Well Field, approximately 3.5 miles northeast of Southwest Landfill; well RG-56055, is 1,800 feet from the southwest corner of the landfill; and well RG-44639 is also approximately 1,800 feet from the southeast corner of the landfill. The Winchester privately owned well which serves 30+ households lies within 3 miles southeast of the landfill and the proposed location for the Pajarito Mesa Community well is within 1.25 miles west of the landfill.
We feel our community is most at risk due to potential contamination and proximity of these and other future private and community wells. The permit application on page 12 states, "Southwest Landfill is a

EXHIBIT
Second Amended Complaint
C

construction, demolition and yard waste collection facility, therefore does not require a leachate collection system or liner." Our concern is that landfill contamination could seep through and that in 1997 Southwest Landfill did not demonstrate that groundwater flow in the area of the landfill is to the west-southwest, "away from all city wells and anticipated development" as alleged in the application.

Also, in an inspection for compliance by an Environmental Specialist with NMED on September 8, 2000, indicated that Southwest Landfill had ten (10) minor and major code violations, including unsanitary engineering resulting in "exposed or uncovered waste over the entire active portion of the landfill; failure to apply adequate daily cover; and failure to maintain adequate intermediate cover.... as evidenced by an area of ponding, minor erosion, and an uneven surface grade." (See attached Compliance Order.) What does this tell us of their intent to be "good neighbors"?

Other neighborhood concerns include:

- Expansion of the Southwest Landfill would add to the serious affects on the health and safety of our children and residents by increased traffic, dust, and noise. To date there has not been a traffic analysis conducted to consider the potential impacts.
- Addition of a transfer station would increase the already existing health and safety problem with littering and illegal dumping. Southwest Landfill has not furnished the community with a price list of the fees for the use of the transfer station. If fees are too high (as oppose to a municipal landfill) this would encourage people turned away to continue dumping their trash load on the side of the road.
- More over, we are concerned that there is no assurance that household waste from the transfer station will not be dumped in the landfill. In the 2000 Inspection by NMED, the landfill was sited for having "recyclables at the southwest corner of the active portion of the landfill mixed together with solid waste, thereby failing to store the recyclables in a sanitary manner... and in a manner which does not create disease vector harborage."
- The assumption made in the application that there is no potential development in the Pajarito Mesa area is understated. Within the last two years the area has grown from 270 families to an estimated 400 families currently living near the landfill area. Current plans are also underway for an extension of Paseo del Volcan Southwest Loop on Pajarito Mesa. Expansion of the landfill has the potential of affecting many more families and residents in the Southwest Mesa.

Furthermore, the Pajarito Mesa and the South Valley community has fought this permitting for more than ten (10) years when there no demonstrated "need" for this facility. The City and County have spent 5 years and millions of dollars to put in place the Cerro Colorado Landfill that has the capacity to service the County's needs, including construction debri, for more than 25 years.

Therefore, we respectfully ask that you please consider our concerns and VOTE NO to the Southwest Landfill, LLC Special Use Permit that would so negatively impact the health, welfare, and quality of life in our neighborhood.

Sincerely,

Sandra Montes

Sandra Montes, President
Pajarito Mesa Mutual Domestic Water Consumers Association

Cc: Catherine VerEecke, Program Planner
Bernalillo County Department of Zoning, Building, and Planning

Norbertine Community

Santa Maria de la Vid Priory

5825 Coors Road, S.W. Albuquerque, N.M. 87121-6700 (505) 873-4399
Fax: (505) 873-4667

February 4, 2003

Steve Wentworth
Chair, Extraterritorial Land Use Commission

Dear Mr. Wentworth and Commission Members,

We are a community of priests and brothers that live on 70 acres east of the Southwest Landfill. We are concerned about the expansion for the landfill for a number of reasons.

1) The possibility of water contamination for those who already live east of the landfill as well as those who will increasingly live west of the landfill.
2) The loss of a beautiful site for future development in the county.
3) The debris that falls off private trucks as they head to dump at the landfill.
4) The Southwest Landfill has more room to develop already without expanding even more.

We do not support the expansion of the landfill

Sincerely,

Fr. T. [illegible]

EXHIBIT
Second Amended Complaint
D

South Valley COALITION OF NEIGHBORHOOD ASSOCIATIONS

January 26, 2003

Extraterritorial Land Use Commission
Bernalillo County/City of Albuquerque
4th & Marquette, 10th Floor
Albuquerque, NM 87102

REF: CSU – 30001 – Southwest Landfill

Dear Commission:

The South Valley Coalition of Neighborhood Associations, a coalition of 14 Neighborhood Associations that are all located in the Southwest area of Bernalillo County, is vehemently opposed to any recommendation of approval for this application.

We are opposed for the following reasons:

Expansion of Footprint/site

The request for expansion from 80 acres and the approved 8 cells is:

- A clear violation of the **Groundwater Protection Policy and Action Plan** – which prohibits the expansion of landfills in the "crucial zone" for Albuquerque's water supply – as designated in the GPPAP (See Attachment A).

  Further, the Bernalillo County Solid Waste Ordinance notes that all activity approved in Bernalillo County for solid waste activities must conform to the GPPAP – thereby making the GPPAP not just a "guideline" but law. (See Attachment B)

  Further, in December of 1995 the County Commissioners approved a change of use for Southwest Landfill to become a municipal (household waste) facility. This approval also violated the GPPAP because that document also prohibits the siting of **new** landfill facilities. The Appeals Court of NM ruled in favor of the community, when it took the County Commissioners to court over their refusal to comply with the Solid Waste Ordinance and the GPPAP (See Attachment C).

S. V. C. N. A.
POB 12362 • Albuquerque, New Mexico 87195-2362

EXHIBIT
Second Amended Complaint
E

The Groundwater Protection Policy and Action Board recently conducted its formal 5-year review of the GPPAP. At no time did Southwest Landfill approach the Board to discuss its concerns about the designated crucial zone and whether or not Southwest Landfill should or should not lie in the crucial zone. The GPPAP Board, in its 5-year review, reconfirmed that the plan, including the designated crucial zone, was sound. The staff at County Zoning and Planning has included in the documentation before you a map that shows clearly that Southwest Landfill sits in the crucial zone.

The ELUC is not an appropriate forum for any technical challenge to the validity of the crucial zone in the GPPAP or whether or not Southwest Landfill does or does not sit in the crucial zone. The appropriate jurisdiction/authority for that review and consideration is the GPPAP Board, followed by a review of both the City Councilors and the County Commissioners – if a modification of the crucial zone or any other aspect of that plan is indeed needed.

- Expansion approval would violate the ELUA – 2- 1998 because there is no trend, other than the landfill itself seeking to expand, toward this type of land use in this area in the recently approved Southwest Area Plan. There is also clearly no mistake in the zone map nor would this expansion better fulfill the existing plans. In fact, the Southwest Area Plan designates this area for A-1 or higher density residential or "planned community" uses. Expanding the landfill will, in fact, make it impossible for other landowners in this area to carry out the Southwest Area plan. It is clearly disadvantageous to other landowners and residents in the area.

This area is an entirely residential area. There are neither any other commercial or industrial facilities nor are there any sewage or water services available. The landfill was a "spot zone" when it was approved in 1987 and it continues to be so. Expanding the facility only exacerbates the nature of the clear violation of the plans. The closest home lies only 1800 feet off the southeaster corner of the landfill.

In the 1980s, Camp, Dresser & McGee was contracted by the City and County to find a site for what, eventually, became the Cerro Colorado.The area where Southwest Landfill is located was considered, but it was ruled out of the running by CDM principally because of:

- The proximity to the Pueblo;
- The residential nature of the community;
- Poor and limited (to a single, unpaved, road) access;
- Groundwater issues.

(A copy of that report by CDM can be found in the files of the Cerro Colorado landfill.)

97

A City of Albuquerque, "Water Utilities Division" survey conducted in 1994-95, identified the Western Escarpment of Albuquerque as the fastest growing residential areas. (See Attachment D)

- Violation of future site for Open Space. The joint city/county Open Space plan, the Bernalillo County Comprehensive Plan and the Southwest Area Plan designates the edge of the escarpment on which Southwest Landfill fits as best suited to open space (See Attachment E). Any development on this edge was supposed to have been placed back from the edge by at least 200 feet (originally, by 500 feet). The reasons for this are numerous.

  1. The slope of this escarpment is considered one of the fastest eroding slopes in the world – according to the Soil Conservation Service (now the Natural Resources Conservation Service);
  2. The edge of this escarpment has long been a footpath to the petroglyphs on the northwestern escarpment of Alb for the residents of the Isleta Pueblo.
  3. An archeological survey taken in the late 80s by Matt Schmader of City Open Space indicates that there are significant archeological sites along this escarpment in the vicinity of the Landfill.(See Attachment F)

  Expansion of this facility will increase the erosion of the escarpment, put the archeological sites at risk and result in the County and City never being able to fulfill the Open Space plan in this area of the County.

- The fact that Southwest Landfill has chosen to purchase additional acreage around its facility is not a reason for approval of this expansion. And, the cost involved to Southwest should not have any bearing on this decision. The Landfill is required, by State Law, to have a minimum 50-foot buffer between its cells and the edge of its property. It has never been able to comply with this requirement on some of its cells. Purchase of additional property may have been related to creating the legally required buffer areas.

Expansion of Use/Activities – Transfer Station and storage yard

We are opposed to this expanded use for the following reasons:

- The Number 2 condition on the landfills 1992/94 County permit notes that the State will set all the controls for operations. Southwest Landfill has no State approval to operate a transfer station or be a storage yard. And, when and if it applies, the community will fight this application on the basis of the State's "bad operator" regulation which says that operators that violate their permits should not be allowed additional uses. (See section below on violations of permits.)

- Additional services will result in additional impacts on the community without sufficient value to that community. This is a direct violation of the County's mandate to safeguard the public safety and welfare.

Traffic - As noted earlier, this is a residential community. Children load on school buses on both Coors and Pajarito Road. Landfill trucks are a menace because they are large and travel at high rates of speed. Increasing the traffic will create a detrimental effect on the community. Once it becomes known that this facility is a transfer station, the use of these roads will increase substantially – despite the landfill's claims otherwise.

Southwest Landfill uses the designation of Pajarito Road as its "all-weather" road to comply with the conditions of its special use permit. However, Pajarito Road ends at least ½ mile before one reaches the landfill. The road running south from the top of the escarpment where Pajarito Road continues to west is called "Escarpment Road." It is unpaved and, we believe, not a road that the County has ever approved as an "all-weather" road. Our requests, in the past, to seek formal and written approval from County Public Works that this road conforms to all other "all-weather" roads in the County have met with silence.

Dust and Blowing Trash – The residents of this community are already subjected to large quantities of dust (from the unpaved road and the landfill itself) and to trash that blows off of trucks entering the landfill or over the fence at the landfill.

- Finally, it is true that the Southwest area, especially the escarpment and mesa of the Pajarito and Atrisco lands experience regular dumping of household waste by individuals who either have no where else to put their trash or simply find this the easiest solution. Despite this, the residents on the mesa, on Pajarito Road, and throughout the Southwest Valley are opposed to this application for a transfer station at this site. The nature of this opposition lies in the points made above and in the following concerns:

  - Southwest Landfill has a chronic record of failure to comply with the conditions on both its State and County permits and the State and County have a long history of providing little regular oversight of this operation and of never forcing this operator to comply quickly or fining it for being out of compliance. As a result of these two things, the Community believes that this operation actually puts the community at risk not only for numerous "nuisance" issues but also for risk of bodily harm and that expanded activities will result in increasing this risk to the community.

    The Landfill's history shows clear and willful unwillingness to quickly and professionally bring its operation into compliance with new or modified conditions; to delay compliance until such time as County and/or State changes provide a platform for compliance at public expense; and to operate without sufficiently qualified/trained staff.

- The paving of Pajarito Road to make it an "all-weather" road was done through State moneys in about 2001; until that time, from 1992 to 2001, the Landfill operated with a County Permit requiring an all-weather road, but the County never required that it commit the private funds to ensure such a road.
- A similar situation occurred with the drainage plan. The landfill failed, despite repeated efforts by AMAFCA to engage the landfill in creating a plan, provide a plan until 1999 when Bernalillo County finally brought Pajarito Road into its maintenance system and filed a drainage report with Public Works and AMAFCA as part of the overall Pajarito Road Improvements project – at public expense.
- In October of 1999, the landfill was inspected by the State Solid Waste Division on September 18, 2000, at the insistence of the Community, and found to be in violation of numerous major and minor conditions for operation – all of them known to the landfill as normal operating procedures and safety rules. It was given until October 19th to bring these violations into compliance. (See Attachment G). However, not until June of 2001 did the State Waste Department verify that most of the violations had been corrected. These violations, most notably, included:
    - Failing to keep its cleanup bond moneys up to date and in order and thus to provide adequate financial coverage for closure and post-closure care;
    - Failing to ensure a qualified operator or his representative is present at all times;
    - Failing to provide intermediate cover for the pit every day;
    - Failing to provide adequate records to inspectors;
    - Failing to post appropriate emergency and operational signs;
    - Failing to ensure that staff were familiar with various plans and operational procedures;
    - Failing to "use principles of sanitary engineering and confine the landfill's working face.."

The State failed, although repeatedly requested by the community, to ever verify that the issues related to the Landfill's failures to provide qualified operators was ever rectified. This is of concern given the last issue noted below – Landfill employees failing to operate the facility in a way that ensures public safety.

Clearly, the landfill's senior manager [redacted], after more than 10 years of oversight of this facility, either simply chooses to run a sloppy and unsafe operation, is unclear on even the most basic requirements or is, despite his claims, not qualified to oversee such a

facility. At the very least, his operation endangers its clients and the community in numerous ways.

- In March of 1998, Bernalillo County staff, at the community's request, inspected the landfill (see Attachment H). As a result of that inspection, a letter was sent to the landfill by [redacted] noting lack of compliance. [redacted] sent the Coalition a letter in later March of 1998 noting that the landfill was not in compliance with a few of its conditions based on this County site visit. In October of 1998, a letter from [redacted] put the landfill on notice that it was still out of compliance with the conditions of its permit and that it had 30 days to comply or face cancellation. In June of 1998 noting that the operation was out of compliance with its permit. In November of 1998, the landfill's manager [redacted] filed a letter challenging the report of non-compliance. In December of 1998, [redacted] sent the landfill a letter stating: "..."that our notice of October 22 was premature. At this time we will take no immediate enforcement action, but we will continue to monitor the situation to ensure that the conditions of approval are met.

  Despite repeated requests to [redacted] and [redacted] that he identify the actual details of compliance in the eyes of the County and why the County was "premature" in its letter of October 22, [redacted] failed to provide the community with any information on the County's view of the original investigation, its claims of non-compliance at that time, and its willingness to agree to [redacted] view of the status of the landfill. [redacted]'s only offer to the community was that we could come in a "review the files." Upon review, we notified [redacted] that there was not even a copy of the approved Site Plan in his files, making it impossible for the community to investigate compliance in such a review. [redacted] later, apparently, found a copy by inquiring as to whether Southwest Landfill had a copy that the County could photocopy for its files. (Is it any wonder the community is concerned about the monitoring of this site?).

- Lastly, in late August of 2002, a community member by the name of [redacted] was killed at the landfill. According to the Sheriff's report (See Attachment I) [redacted] was run over, dismembered and pushed into a pit at Southwest landfill by a heavy equipment operator when [redacted] was at the site dumping a small load of contractor's type trash from his personal pickup. The sheriff's report indicates that:

1. There was an obvious complete blind spot in the view from the middle interior mirror directly behind the equipment; the side view mirrors had a blind spot except beyond about 11 feet back from the vehicle; and the loud beeper that generally operates on such equipment when it is in reverse was not working. Landfill staff stated: ""The Beeper had been broken for the last couple of days."

The landfill faces a wrongful death suit as a result of this tragic accident – an accident that would probably never have occurred if Landfill staff had been appropriately trained and if there were a culture of operational safety and compliance.

In closing, we wish to state the following. Our community understands that Southwest Landfill is currently the only C&D waste facility in Bernalillo County. However, we are not actually dependent on this landfill alone. Cerro Colorado, which is a state of the art facility and has a history of clean operations, was paid for by both County and City residents is qualified to take in C&D waste and was supposed to be permitted for C&D. A[illegible]ring for its County permit, the C&D portion of its permit was "pulled" by the Commissioners sitting at that time. The County is dependent on Southwest Landfill only because of that action and, despite two recent requests by the City Solid Waste division and City Counselors, the County Commissioners have refused to modify Cerro Colorado's permit to include C&D waste. There is no legal, environmental/technical, or public welfare reason to refuse to allow Cerro Colorado to take in C&D.

Thus, any claim that Southwest Landfill should be allowed to expand because of the County's dependence on this facility flies in the face of the facts. The County could solve that with a simple vote and the community would resoundingly support a change in the Cerro Colorado permit.

If the authorities wish to solve the problem of trash being dumped on the mesa, they should engage in whatever the normal process is for siting a transfer station – ensuring the community of the due diligence behind such a siting. It should not be solved by allowing a private operator, with a history of gross negligence and violation, to simply modify its permit and become a solution to that problem without any of the needed due diligence to ensure public safety.

104

We feel strongly that for all of the reasons above, this facility should not be allowed to expand its footprint or its activities. To do so, violates the ELUC's own plans and ordinances and it puts our community at further risk of the impact and negligence of this operator.

With Respect,

Shannon Horst, President
President

South Valley COALITION OF NEIGHBORHOOD ASSOCIATIONS

March 11, 2003

TO: THE EXTRATERRITORIAL LAND USE AUTHORITY

REF: CSU-30001

Dear Members of the Extraterritorial Land Use Authority

The South Valley Coalition of Neighborhood Associations, which is made up of 15 Neighborhood Associations, located in the Southwestern quadrant of Bernalillo County, is adamantly opposed to this request.

Prior to the ELUC hearing, we met with this original agent, Frank Sandoval, and Rafeal Val de Pena to inform ourselves of their intent and plans. We agree with the unanimous decision of the ELUC that this application should be denied for the reasons outlined in the "Findings" from the ruling at the ELUC hearing.

In addition to those findings, we wish that it be recognized that all County and City staff and technical advisors who spoke concerning this application recommended denial. That included:

- **Open Space** staff who noted that the City's comprehensive Open Space Facility plan, which is the only comprehensive open space plan, designates the edge of the southwestern escarpment as targeted for Open Space – because of the highly erosive nature of the soils and the historical ties This area has as a footpath from Isleta Pueblo to the sacred Petroglyph lands;
- **The Groundwater Advisory Board** – which noted, as staff concluded, that approval of expansion would constitute a violation of the GPPAP and thus, also, a violation of the Bernalillo County Solid Waste Management Code, adopted in 1998 with a specific reference to the GPPAP.

The issue of expansion is an issue of violation of law, and ruled upon by the NM Court of Appeals as presented in the existing record, and should be dismissed without any time wasted by this Authority or the public. This forum is not an appropriate forum for the applicant to challenge the validity of the crucial zone or the GPPAP.

Concerning the issues of allowing a transfer station and a site for the storage of equipment (unrelated to landfill operations), we would like to highlight a few points that came out in the ELUC hearing and are included in your documentation already.

EXHIBIT
Second Amended Complaint
F

First, this landfill has only one access road and that road runs smack through a residential community where children load onto and off of school buses. There is no similar use anywhere near this site. This is not a sound site for a transfer station or a site to house large equipment. If a transfer station is needed in the South Valley, then it should be placed at a central location where patrons can reach it without traveling residential roads. There is absolutely no evidence that allowing a transfer station at this site would mitigate the illegal dumping on the Southwest Mesa and Escarpment. In fact, there are every bit as sound arguments indicating that it increase it.

Second, the landfill has made the argument that the transfer station status would simply allow it to do something it already does. We believe this is a misrepresentation of the facts. The purpose of the bins that the landfill is now required to have on site for municipal waste is to ensure that any waste that is not Construction Debris only and gets through the gate will be spotted before being dumped into the pit and housed in these bins until it can be removed to an appropriately permitted site. In reality, Mr. Val de Pena and other staff at the site are supposed to inspect each load before it comes through the gate and refuse it entry if it is carrying unpermitted (for that facility) waste.

Third, this landfill operator has been consistently out of compliance with its State and County permit throughout its history, most notably in the last 3 years. The violations ran from the most basic regulations, such as posting emergency signs, to highly dangerous – for the community and the taxpayer – big issues such as failing to put in place and keep up to date with its clean up assurance instrument. If one looks at the violations noted by the State Inspection, one concludes that the landfill manager either chooses to run a sloppy operation or simply does not understand how to operate within the state permit.

Lastly, as you can see and was recorded at the ELUC hearing, there is overwhelming community opposition to this application. Not one single community member spoke in favor of this application at the ELUC hearing.

In August of 2002, a patron was killed at this landfill when an employee, operating a large piece of earth moving equipment with a broken backup beeper and rearview mirrors set in a way that made it impossible to have full view of what was behind you, pushed him into a pit and then proceeded to cover him over with the rest of the debris being worked at that moment.

Our community believes that this landfill is already a detriment to its neighbors and the entire community because of its location at the back of a residential area and because of the way in which it chooses to run its business. We feel that any expansion of uses and activity are not only in violation of plans and codes, but also will only further endanger our community, given that the operator has shown no ability to manage his existing operations well.

Best Regards,

Shannon A. Horst

Shannon A. Horst
President
877-0551; 842-5252

SOUTH VALLEY CLEAN ENVIRONMENT CAMPAIGN
"Providing ways to protect our health and environment to benefit our families and our community"

March 11, 2003

Extraterritorial Land Use Authority
Chairman Steve Gallegos
One Civic Plaza, NW – 10th Floor
Albuquerque, NM 87102

Subject: Appeal Application CO-30008/CSU-30001

Dear Chairman Gallegos and Commissioners;

The South Valley Clean Environment Campaign respectfully submits this letter in opposition of Southwest Landfill's Appeal to the decision made by the ELUC on February 4, 2003 denying their request for a Special Use Permit (CSU-30001) that would allow landfill expansion and construction of a transfer station and establishment of an equipment storage yard.

The South Valley Clean Environment Campaign is a community action initiative formed to build the capacity of South Valley residents and small businesses to address environmental health risks and issues in our neighborhoods. Leading organizations include Rio Grande Community Development Corporation, Kalpulli Izkalli, and SouthWest Organizing Project. Several Neighborhood Associations and residents from the South Valley participate in our Community Advisory Committee including members of the Pajarito Mesa Mutual Domestic Water Consumer Association and Pajarito Mesa residents.

Attached please find petitions signed by SV residents, including more than one-hundred signatures from Pajarito Mesa residents , who are adamantly opposed to the SW Landfill's request for a Special Use Permit.

The proposed expansion of the Southwest Landfill beyond its present permitted area is in direct conflict with the City/adopted Ground-Water Protection Policy and Action Plan (GPPAP) to "prohibit expansion of or creation of new municipal or privately-owned landfills in crucial areas", in which the SW Landfill is located. A 'crucial area' is described by four criteria including areas used or likely to be used for public and private water supply. Existing private wells and a proposed community well are in the immediate area.

We are also concerned that the application, which was incomplete due to the remaining eleven unanswered questions "for which SW Landfill has failed to provide information,"

1608 ISLETA BLVD. SW ALBUQUERQUE, NM 87105 P.O. BOX 12791 ALBUQUERQUE, NM 87195-2791
PHONE: 505-452-8525 FAX: 505-452-9554 EMAIL: SVPEJ@SWCP.COM

23

EXHIBIT
Second Amended Complaint
G
tabbies

as indicated on page 16 of the Staff Report. The application is void of answers to several issues such as incomplete information on location of archaeological sites; little discussion and projection of future trash collection/levels for landfill and transfer station; and no fire protection plan provided.

The Storage yard is a major concern with more unanswered questions and a sense of another way of saying "Junk Yard". The following are some questions we would like to have answered:

- How long will equipment/junk be stored?
- What kind of equipment? Will it be broken equipment, usable or unusable?
- Will repairs be done on site?
- How will SW Landfill deal with oils and solvents, and other hazardous materials commonly generated by old or even new equipment?
- Who will monitor the Storage/junk yard?
- Will this area be fenced in? There is currently a major problem with lack of fencing, resulting in trash and debris scattered all over Pajarito Mesa and surrounding community, encouraging more illegal dumping.

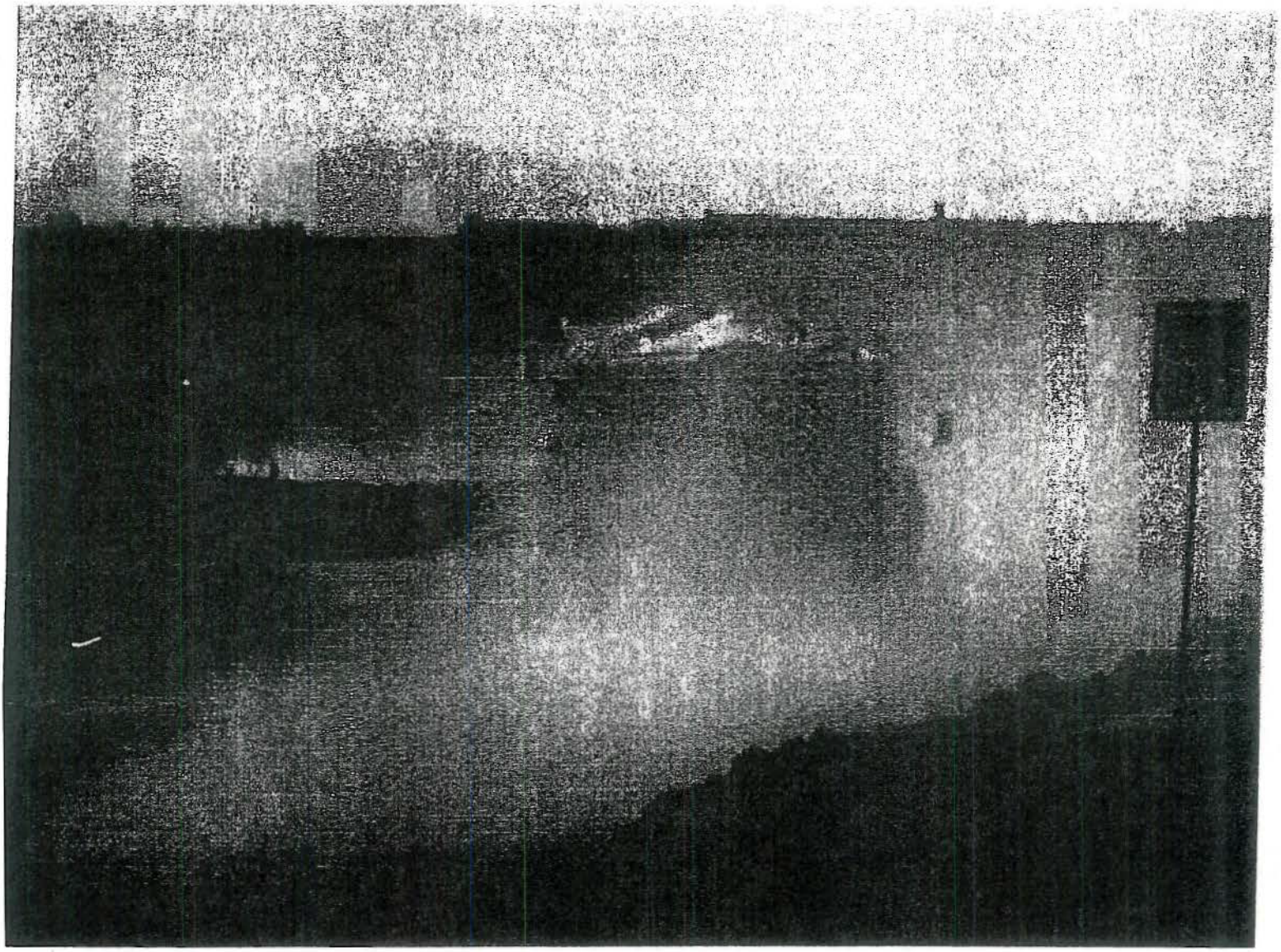
Furthermore, there is community apprehension about the increased traffic that both the expansion and transfer station will generate causing more health and safety issues in particular with children. Attached are six transparencies of recent photos that demonstrate the already existing problem with dust and uncovered truckloads. Uncovered truckloads leave a trail of trash as well as clouds of dust where they drive right by the school bus stop where non-visible children walk home breathing in the dust.

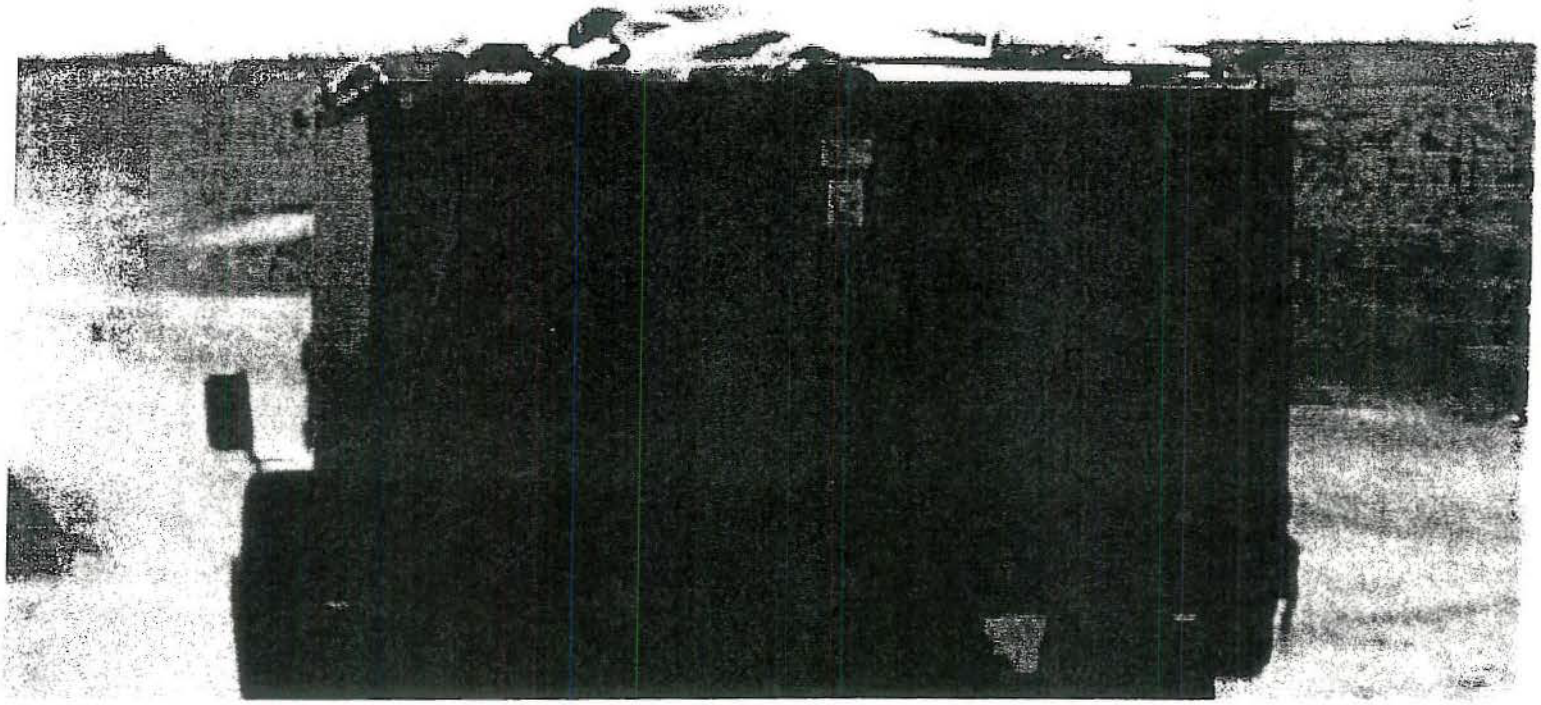
For all of the above reasons, we respectfully ask that you please consider our concerns and deny this request.

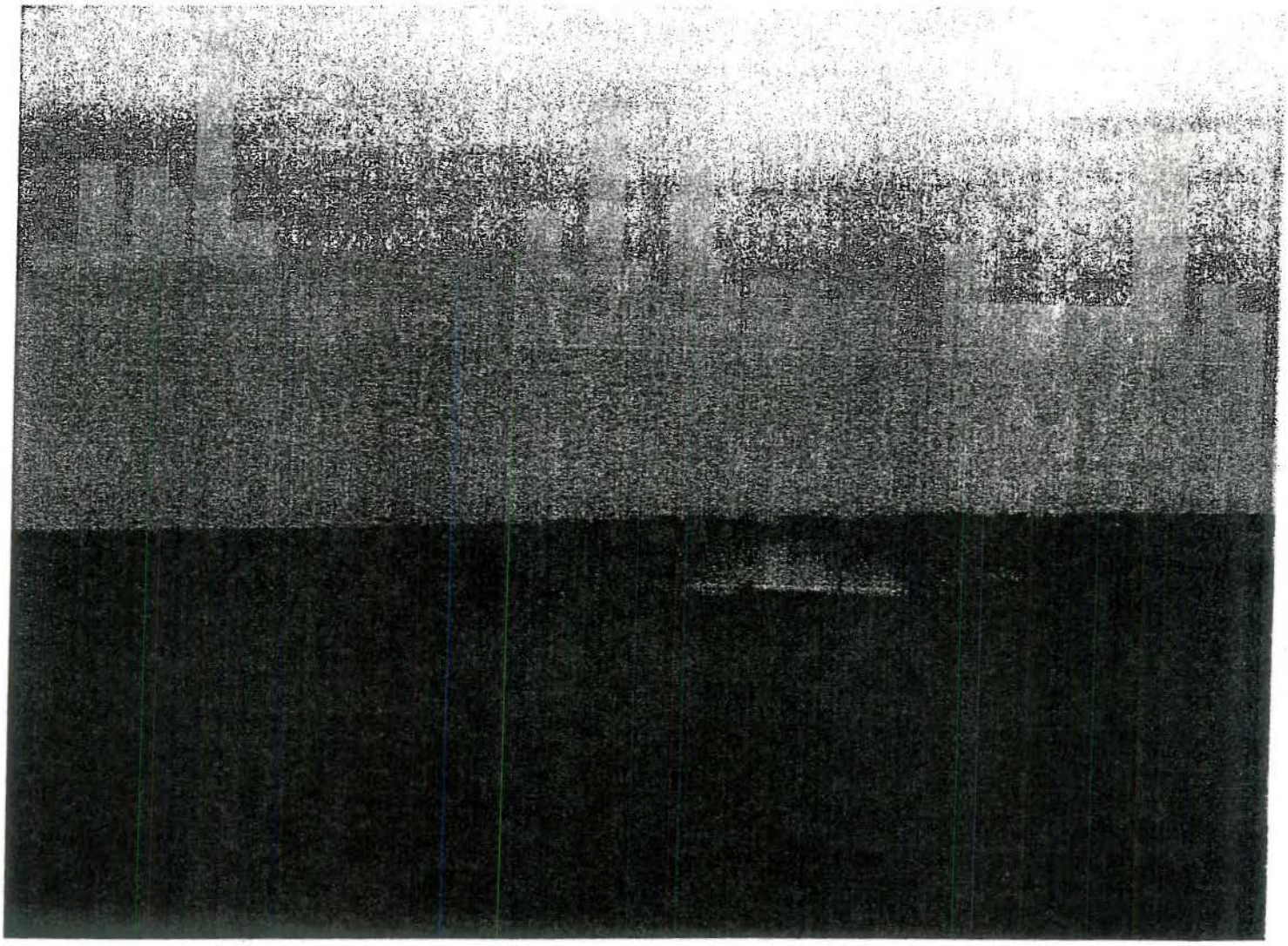
Sincerely,

Sylvia Ledesma,
Contact Person

Cc: Catherine VerEecke, Program Planner
Bernalillo County Department of Zoning, Building and Planning







PETITION IN OPPOSITION TO A S[illegible]IAL USE PERMIT (CSU-30001/SOUT[illegible]EST LANDFILL, LLC) ALLOWING THE EXPANSION OF [illegible]JTHWEST LANDFILL, AND TO CON[illegible]RUCT A TRANSFER STATION AND ESTABLISH AN EQUIPMENT STORAGE YARD.

We, the undersign, are of the opinion that by allowing Southwest Landfill to expand and construct a Transfer Station would have serious negative impacts on the Pajarito Mesa Community due potential contamination and proximity of existing private and community wells as well as the Pajarito Mesa Mutual Domestic Water Consumers Association's current domestic well project to provide safe drinking water services to the community. This Project would also add to the serious affects on the health and safety of our children and residents by increased traffic, dust, and noise and would increase the already existing problem with littering and illegal dumping. Furthermore, we feel that it is an environmental injustice to the residents of our community who are primarily Latino. Please do not enable this change in zoning that would so negatively impact the quality of our lives in the neighborhood.

	NAME/PRINT	NAME/SIGN	ADDRESS	DATE
1	[redacted]			3/7/03
2				3/7/03
3				3/7/03
4				3/7/03
5				[illegible]/03
6				3/7/03
7				3/7/03
8				3/7/03
9				3/7/03
10				3-7-03
11				3-7-03
12				3/10/03
13				[illegible]/03
14				[illegible]/10/03
15				[illegible]/03

We the undersigned support the Community of Pajarito Mesa .Opposing The request for Expansion And Transfer-Station Of The Southwest Land Fill

Name	Address	Signature	Phone #
[redacted]			

The Community of Pajarito Mesa and surrounded neighborhoods stand behind the ELUC unanimous decision of Denial of expansion and transfer station for household waste of the Southwest Landfill CSU30001.

NAME	ADDRESS	PH	COMMENTS
[redacted]			

PETITION IN OPPOSITION TO A SPECIAL USE PERMIT (CSU-30001/SOUTHWEST LANDFILL, LLC) ALLOWING THE EXPANSION OF SOUTHWEST LANDFILL, AND TO CONSTRUCT A TRANSFER STATION AND ESTABLISH AN EQUIPMENT STORAGE YARD.

We, the undersign, are of the opinion that by allowing Southwest Landfill to expand and construct a Transfer Station would have serious negative impacts on the Pajarito Mesa Community due potential contamination and proximity of existing private and community wells as well as the Pajarito Mesa Mutual Domestic Water Consumers Association's current domestic well project to provide safe drinking water services to the community. This Project would also add to the serious affects on the health and safety of our children and residents by increased traffic, dust, and noise and would increase the already existing problem with littering and illegal dumping. Furthermore, we feel that it is an environmental injustice to the residents of our community who are primarily Latino. Please do not enable this change in zoning that would so negatively impact the quality of our lives in the neighborhood.

	NAME/PRINT	NAME/SIGN	ADDRESS	DATE
1	[redacted]			3/11/03
2				3/11/03
3				3/11/03
4				3/11/03
5				3/11/03
6				-12-03
7				3-12-03
8				3-12-03
9				3-12-03
10				
11.				
12.				
13.				
14.				
15.				

247

We the undersigned support the Community of Pajarito Mesa .Opposing The request for Expansion And Transfer-Station Of The Southwest Land Fill

Name/	Address	Signature	Phone #
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]

SOUT 'ALLEY CLEAN ENVIRONMENT CA' 'AIGN
(Rio Grande Community Develo,ment Corporation, Southwest Orga.. ..ng Project, and Kalpulli Izkalli)

Petition In Opposition to a Special Use Permit (CSU-30001/SOUTHWEST LANDFILL, LLC) Allowing The Expansion Of Southwest Landfill, and to Construct A Transfer Station And Establish An Equipment Storage Yard.

We, the undersigned are of the opinion that allowing Southwest Landfill to expand current landfill operations from 65 acres to 120 acres, construct a transfer station, and establish an equipment storage yard is an environmental injustice to the Pajarito Mesa Community as well as the entire South Valley Community. Both solid waste (municipal) facilities in Bernalillo County now sit in the SW corner of the County. The proposed expansion would have serious negative impacts to the surrounding communities as well, Isleta Pueblo and the Los Padillas area, all communities of color and are made up of families that live below the national poverty level.

This Project would add to the serious affects on the health and safety of the children and residents of Pajarito Mesa by increased traffic, dust, and noise and would increase the already existing problem with littering and illegal dumping. We are concerned that the Southwest Landfill is located in the "Crucial Area" designated by the Ground-water Protection Policy and Action Plan (GPPAP) and that in 1997 Bernalillo County failed to follow GPPAP and its own Solid Waste regulations. An inspection for compliance by an Environmental Specialist with NMED on September 8, 2000, indicated that Southwest Landfill had ten (10) minor and major code violations, including unsanitary engineering practices. What does this tell us of their intent to be "good neighbors"?

Please do not enable this Special Use Permit that would so negatively impact the quality of life in Pajarito Mesa, the surrounding neighborhoods, and the South Valley community.

NAME/PRINT	NAME/SIGN	ADDRESS	DATE
1. [redacted]	[redacted]	[redacted]	[redacted]
2. [redacted]	[redacted]	[redacted]	[redacted]
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

CLEAN ENVIRONMENT CAMPAIG
(RIO GRANDE COMMUNITY DEVELOPMENT CORPORATION, SOUTHWEST ORGANIZING PROJECT, AND KALPULLI IZKALLI)

PETITION IN OPPOSITION TO A SPECIAL USE PERMIT (CSU-30001/SOUTHWEST LANDFILL, LLC) ALLOWING THE EXPANSION OF SOUTHWEST LANDFILL, AND TO CONSTRUCT A TRANSFER STATION AND ESTABLISH AN EQUIPMENT STORAGE YARD.

We, the undersigned are of the opinion that allowing Southwest Landfill to expand current landfill operations, construct a transfer station, and establish an equipment storage yard is an environmental injustice to the Pajarito Mesa Community as well as the entire South Valley Community. Both solid waste (municipal) facilities in Bernalillo County now sit in the SW corner of the County. The proposed expansion would have serious negative impacts to the surrounding communities as well, Isleta Pueblo and the Los Padillas area, all communities of color and are made up of families that live below the national poverty level.

This Project would add to the serious affects on the health and safety of the children and residents of Pajarito Mesa by increased traffic, dust, and noise and would increase the already existing problem with littering and illegal dumping. We are concerned that the Southwest Landfill is located in the "Crucial Area" designated by the Ground-water Protection Policy and Action Plan (GPPAP) and that in 1997 Bernalillo County failed to follow GPPAP and its own Solid Waste regulations. An inspection for compliance by an Environmental Specialist with NMED on September 8, 2000, indicated that Southwest Landfill had ten (10) minor and major code violations, including unsanitary engineering practices. What does this tell us of their intent to be "good neighbors"?

Please do not enable this Special Use Permit that would so negatively impact the quality of life in Pajarito Mesa, the surrounding neighborhoods, and the South Valley community.

NAME/PRINT	NAME/SIGN	ADDRESS	DATE
1. [redacted]			2/01/03
2.			2/01/03
3.			2/01/03
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			

250

SVC. AN ENVIRONMENT C. MPAIGN

(RIO GRANDE COMMUNITY DEVELOPMENT CORPORATION, SOUTHWEST ORGANIZING PROJECT, AND KALPULLI IZKALLI)

PETITION IN OPPOSITION TO A SPECIAL USE PERMIT (CSU-30001/SOUTHWEST LANDFILL, LLC) ALLOWING THE EXPANSION OF SOUTHWEST LANDFILL, AND TO CONSTRUCT A TRANSFER STATION AND ESTABLISH AN EQUIPMENT STORAGE YARD.

We, the undersigned are of the opinion that allowing Southwest Landfill to expand current landfill operations from 65 acres to 120 acres, construct a transfer station, and establish an equipment storage yard is an environmental injustice to the Pajarito Mesa Community as well as the entire South Valley Community. Both solid waste (municipal) facilities in Bernalillo County now sit in the SW corner of the County. The proposed expansion would have serious negative impacts to the surrounding communities as well, Isleta Pueblo and the Los Padillas area, all communities of color and are made up of families that live below the national poverty level.

This Project would add to the serious affects on the health and safety of the children and residents of Pajarito Mesa by increased traffic, dust, and noise and would increase the already existing problem with littering and illegal dumping. We are concerned that the Southwest Landfill is located in the "Crucial Area" designated by the Ground-water Protection Policy and Action Plan (GPPAP) and that in 1997 Bernalillo County failed to follow GPPAP and its own Solid Waste regulations. An inspection for compliance by an Environmental Specialist with NMED on September 8, 2000, indicated that Southwest Landfill had ten (10) minor and major code violations, including unsanitary engineering practices. What does this tell us of their intent to be "good neighbors"?

Please do not enable this Special Use Permit that would so negatively impact the quality of life in Pajarito Mesa, the surrounding neighborhoods, and the South Valley community.

	NAME/PRINT	NAME/SIGN	ADDRESS	DATE
1.	[redacted]			3-03
2.				87110
3.				6 2/3/03
4.				05
5.				87110
6.				/03
7.				-3-03
8.				3-03
9.				-3-03
10.				3-03
11.				2/3
12.				
13.				
14.				
15.				

PETITION IN OPPOSITION TO A S CIAL USE PERMIT (CSU-30001/SOUT EST LANDFILL, LLC) ALLOWING THE EXPANSION OF SOUTHWEST LANDFILL, AND TO CONSTRUCT A TRANSFER STATION AND ESTABLISH AN EQUIPMENT STORAGE YARD.

We, the undersign, are of the opinion that by allowing Southwest Landfill to expand and construct a Transfer Station would have serious negative impacts on the Pajarito Mesa Community due potential contamination and proximity of existing private and community wells as well as the Pajarito Mesa Mutual Domestic Water Consumers Association's current domestic well project to provide safe drinking water services to the community. This Project would also add to the serious affects on the health and safety of our children and residents by increased traffic, dust, and noise and would increase the already existing problem with littering and illegal dumping. Furthermore, we feel that it is an environmental injustice to the residents of our community who are primarily Latino. Please do not enable this change in zoning that would so negatively impact the quality of our lives in the neighborhood.

NAME/PRINT	NAME/SIGN	ADDRESS	DATE
1. [redacted]			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

S' LEAN ENVIRONMENT CAMPAIGN
(RIO GRANDE COMMUNITY DEVELOPMENT CORPORATION, SOUTHWEST ORGANIZING PROJECT, AND KALPULLI IZKALLI)

PETITION IN OPPOSITION TO A SPECIAL USE PERMIT (CSU-30001/SOUTHWEST LANDFILL, LLC) ALLOWING THE EXPANSION OF SOUTHWEST LANDFILL, AND TO CONSTRUCT A TRANSFER STATION AND ESTABLISH AN EQUIPMENT STORAGE YARD.

We, the undersigned are of the opinion that allowing Southwest Landfill to expand current landfill operations, construct a transfer station, and establish an equipment storage yard is an environmental injustice to the Pajarito Mesa Community as well as the entire South Valley Community. Both solid waste (municipal) facilities in Bernalillo County now sit in the SW corner of the County. The proposed expansion would have serious negative impacts to the surrounding communities as well, Isleta Pueblo and the Los Padillas area, all communities of color and are made up of families that live below the national poverty level.

This Project would add to the serious affects on the health and safety of the children and residents of Pajarito Mesa by increased traffic, dust, and noise and would increase the already existing problem with littering and illegal dumping. We are concerned that the Southwest Landfill is located in the "Crucial Area" designated by the Ground-water Protection Policy and Action Plan (GPPAP) and that in 1997 Bernalillo County failed to follow GPPAP and its own Solid Waste regulations. An inspection for compliance by an Environmental Specialist with NMED on September 8, 2000, indicated that Southwest Landfill had ten (10) minor and major code violations, including unsanitary engineering practices. What does this tell us of their intent to be "good neighbors"?

Please do not enable this Special Use Permit that would so negatively impact the quality of life in Pajarito Mesa, the surrounding neighborhoods, and the South Valley community.

NAME/PRINT	NAME/SIGN	ADDRESS	DATE
1.	[redacted]		1,29,03
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			

Peticion en opocision para un permiso expecial(csu3001/Southwest landfill.llc)Permitiendo la expancion del dompe y la construcion de un centro conveniente de basura y estableser una llarda para manteer equipo pesado.

Nosotros aqui firmados somos de la opinion que al permitir al southwest landfill la expancion del dompe y la construcion del centro conveniente para despojo de basura de casa, tendra serios impactos negativos en la comunidad de pajarito mesa ya que puede ver altos riesgos potenciales para la contaminacion de las norias privadas y norias comunitarias en la region por la prosimidad del dompe,y esto tambien perjudicaria el proyecto de la asociacion domestica de consumidores de agua ya que su mision es prover servicio de agua limpia a la comunidad.Este proyecto del dompe tambien anade serios efectos de salud y seguridad de nuestros ninos y residentes de nuestra comunidad aumentando el trafico polvo y ruido como tambien aumentara al problema que ya existe de despojo de basura elegal .Por lo tanto tambien opinamos que este proyecto es una injusticia ambiental para los residentes de la comunidad ya que la mayoria en esta area somos latinos .
Por favor no permita estos cambios que impactaria negativamente la calidad de vida en nuestra vecindad.

✓ Nombre	Firma	Direccion	Fecha
[redacted]			

254

SOUTI ALLEY CLEAN ENVIRONMENT CA' IGN

(Rio Grande Community Development Corporation, Southwest Organizing Project, and Kalpulli Izkalli)

Petition In Opposition to a Special Use Permit (CSU-30001/SOUTHWEST LANDFILL, LLC) Allowing The Expansion Of Southwest Landfill, and to Construct A Transfer Station And Establish An Equipment Storage Yard.

We, the undersigned are of the opinion that allowing Southwest Landfill to expand current landfill operations from 65 acres to 120 acres, construct a transfer station, and establish an equipment storage yard is an environmental injustice to the Pajarito Mesa Community as well as the entire South Valley Community. Both solid waste (municipal) facilities in Bernalillo County now sit in the SW corner of the County. The proposed expansion would have serious negative impacts to the surrounding communities as well, Isleta Pueblo and the Los Padillas area, all communities of color and are made up of families that live below the national poverty level.

This Project would add to the serious affects on the health and safety of the children and residents of Pajarito Mesa by increased traffic, dust, and noise and would increase the already existing problem with littering and illegal dumping. We are concerned that the Southwest Landfill is located in the "Crucial Area" designated by the Ground-water Protection Policy and Action Plan (GPPAP) and that in 1997 Bernalillo County failed to follow GPPAP and its own Solid Waste regulations. An inspection for compliance by an Environmental Specialist with NMED on September 8, 2000, indicated that Southwest Landfill had ten (10) minor and major code violations, including unsanitary engineering practices. What does this tell us of their intent to be "good neighbors"?

Please do not enable this Special Use Permit that would so negatively impact the quality of life in Pajarito Mesa, the surrounding neighborhoods, and the South Valley community.

NAME/PRINT	NAME/SIGN	ADDRESS	DATE
1.	[redacted]	[redacted]	1-30 03
2.	[redacted]	[redacted]	1-30-03
3.	[redacted]	[redacted]	1-30-03
4.	[redacted]	[redacted]	1-30-03
5.	[redacted]	[redacted]	1-30-03
6.	[redacted]	[redacted]	1/30/03
7.	[redacted]	[redacted]	1/30/03
8.	[redacted]	[redacted]	1/30/03
9.	[redacted]	[redacted]	1/30/03
10	[redacted]	[redacted]	1/30/03
11	[redacted]	[redacted]	2-4-03
12	[redacted]	[redacted]	2-4-03
13	[redacted]	[redacted]	2/4/03
14	[redacted]	[redacted]	3/12/03
15.	[redacted]	[redacted]	

RIO GRANDE COMMUNITY DEVELOPMENT CORPORATION, SOUTHWEST ORGANIZING PROJECT, AND KALPULLI IZKALLI)

PETITION IN OPPOSITION TO A SPECIAL USE PERMIT (CSU-30001/SOUTHWEST LANDFILL, LLC) ALLOWING THE EXPANSION OF SOUTHWEST LANDFILL, AND TO CONSTRUCT A TRANSFER STATION AND ESTABLISH AN EQUIPMENT STORAGE YARD.

We, the undersigned are of the opinion that allowing Southwest Landfill to expand current landfill operations, construct a transfer station, and establish an equipment storage yard is an environmental injustice to the Pajarito Mesa Community as well as the entire South Valley Community. Both solid waste (municipal) facilities in Bernalillo County now sit in the SW corner of the County. The proposed expansion would have serious negative impacts to the surrounding communities as well, Isleta Pueblo and the Los Padillas area, all communities of color and are made up of families that live below the national poverty level.

This Project would add to the serious affects on the health and safety of the children and residents of Pajarito Mesa by increased traffic, dust, and noise and would increase the already existing problem with littering and illegal dumping. We are concerned that the Southwest Landfill is located in the "Crucial Area" designated by the Ground-water Protection Policy and Action Plan (GPPAP) and that in 1997 Bernalillo County failed to follow GPPAP and its own Solid Waste regulations. An inspection for compliance by an Environmental Specialist with NMED on September 8, 2000, indicated that Southwest Landfill had ten (10) minor and major code violations, including unsanitary engineering practices. What does this tell us of their intent to be "good neighbors"?

Please do not enable this Special Use Permit that would so negatively impact the quality of life in Pajarito Mesa, the surrounding neighborhoods, and the South Valley community.

NAME/PRINT	NAME/SIGN	ADDRESS	DATE
[redacted]			1/29/03
			1/29/03
			1/29/03
			1/29/03
			1/29/03
			1-31-03
			2-3-03
			2-3-03
10.			
11.			
12.			
13.			
14.			

CLEAN ENVIRONMENT CAMPAIG..
(RIO GRANDE COMMUNITY DEVELOPMENT CORPORATION, SOUTHWEST ORGANIZING PROJECT, AND KALPULLI IZKALLI)

PETITION IN OPPOSITION TO A SPECIAL USE PERMIT (CSU-30001/SOUTHWEST LANDFILL, LLC) ALLOWING THE EXPANSION OF SOUTHWEST LANDFILL, AND TO CONSTRUCT A TRANSFER STATION AND ESTABLISH AN EQUIPMENT STORAGE YARD.

We, the undersigned are of the opinion that allowing Southwest Landfill to expand current landfill operations, construct a transfer station, and establish an equipment storage yard is an environmental injustice to the Pajarito Mesa Community as well as the entire South Valley Community. Both solid waste (municipal) facilities in Bernalillo County now sit in the SW corner of the County. The proposed expansion would have serious negative impacts to the surrounding communities as well, Isleta Pueblo and the Los Padillas area, all communities of color and are made up of families that live below the national poverty level.

This Project would add to the serious affects on the health and safety of the children and residents of Pajarito Mesa by increased traffic, dust, and noise and would increase the already existing problem with littering and illegal dumping. We are concerned that the Southwest Landfill is located in the "Crucial Area" designated by the Ground-water Protection Policy and Action Plan (GPPAP) and that in 1997 Bernalillo County failed to follow GPPAP and its own Solid Waste regulations. An inspection for compliance by an Environmental Specialist with NMED on September 8, 2000, indicated that Southwest Landfill had ten (10) minor and major code violations, including unsanitary engineering practices. What does this tell us of their intent to be "good neighbors"?

Please do not enable this Special Use Permit that would so negatively impact the quality of life in Pajarito Mesa, the surrounding neighborhoods, and the South Valley community.

NAME/PRINT	NAME/SIGN	ADDRESS	DATE
1	[redacted]		1/31/03
2			
3			1/29/0
4			1/31/03
5			1/31/03
6			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			

SV CL. IN ENVIRONMENT CA. PAIGN

(RIO GRANDE COMMUNITY DEVELOPMENT CORPORATION, SOUTHWEST ORGANIZING PROJECT, AND KALPULLI IZKALLI)

PETITION IN OPPOSITION TO A SPECIAL USE PERMIT (CSU-30001/SOUTHWEST LANDFILL, LLC) ALLOWING THE EXPANSION OF SOUTHWEST LANDFILL, AND TO CONSTRUCT A TRANSFER STATION AND ESTABLISH AN EQUIPMENT STORAGE YARD.

We, the undersigned are of the opinion that allowing Southwest Landfill to expand current landfill operations from 65 acres to 120 acres, construct a transfer station, and establish an equipment storage yard is an environmental injustice to the Pajarito Mesa Community as well as the entire South Valley Community. Both solid waste (municipal) facilities in Bernalillo County now sit in the SW corner of the County. The proposed expansion would have serious negative impacts to the surrounding communities as well, Isleta Pueblo and the Los Padillas area, all communities of color and are made up of families that live below the national poverty level.

This Project would add to the serious affects on the health and safety of the children and residents of Pajarito Mesa by increased traffic, dust, and noise and would increase the already existing problem with littering and illegal dumping. We are concerned that the Southwest Landfill is located in the "Crucial Area" designated by the Ground-water Protection Policy and Action Plan (GPPAP) and that in 1997 Bernalillo County failed to follow GPPAP and its own Solid Waste regulations. An inspection for compliance by an Environmental Specialist with NMED on September 8, 2000, indicated that Southwest Landfill had ten (10) minor and major code violations, including unsanitary engineering practices. What does this tell us of their intent to be "good neighbors"?

Please do not enable this Special Use Permit that would so negatively impact the quality of life in Pajarito Mesa, the surrounding neighborhoods, and the South Valley community.

	NAME/PRINT	NAME/SIGN	ADDRESS	DATE
1	[redacted]			1-31-03
2				1/31/03
3				1/31/03
4				/31/03
5				
6				
7				87105 2-3-0
8				2-3-03
9				S.W. 3/15/47
10				2/4/03
11				3/13/03
12				
13				
14				
15				

PETITION IN OPPOSITION TO A SPECIAL USE PERMIT (CSU-30001/SOUTHWEST LANDFILL, LLC) ALLOWING THE EXPANSION OF SOUTHWEST LANDFILL, AND TO CONSTRUCT A TRANSFER STATION AND ESTABLISH AN EQUIPMENT STORAGE YARD.

We, the undersign, are of the opinion that by allowing Southwest Landfill to expand and construct a Transfer Station would have serious negative impacts on the Pajarito Mesa Community due potential contamination and proximity of existing private and community wells as well as the Pajarito Mesa Mutual Domestic Water Consumers Association's current domestic well project to provide safe drinking water services to the community. This Project would also add to the serious affects on the health and safety of our children and residents by increased traffic, dust, and noise and would increase the already existing problem with littering and illegal dumping. Furthermore, we feel that it is an environmental injustice to the residents of our community who are primarily Latino. Please do not enable this change in zoning that would so negatively impact the quality of our lives in the neighborhood.

	NAME/PRINT	NAME/SIGN	ADDRESS	DATE
1.	[redacted]			
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10				
11				
12				
13				
14.				
15.				

PETITION IN OPPOSITION TO A SPECIAL USE PERMIT (CSU-30001/SOUTHWEST LANDFILL, LLC) ALLOWING THE EXPANSION OF SOUTHWEST LANDFILL, AND TO CONSTRUCT A TRANSFER STATION AND ESTABLISH AN EQUIPMENT STORAGE YARD.

We, the undersign, are of the opinion that by allowing Southwest Landfill to expand and construct a Transfer Station would have serious negative impacts on the Pajarito Mesa Community due potential contamination and proximity of existing private and community wells as well as the Pajarito Mesa Mutual Domestic Water Consumers Association's current domestic well project to provide safe drinking water services to the community. This Project would also add to the serious affects on the health and safety of our children and residents by increased traffic, dust, and noise and would increase the already existing problem with littering and illegal dumping. Furthermore, we feel that it is an environmental injustice to the residents of our community who are primarily Latino. Please do not enable this change in zoning that would so negatively impact the quality of our lives in the neighborhood.

	NAME/PRINT	NAME/SIGN	ADDRESS	DATE
1	[redacted]			
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

260