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Alto residents file for removal of Environment Department attorney from hearing over concrete batch plant

Attorney has refused to defend his agency's denial of Alto Concrete Plant air permit as plant developer lodges an appeal at Environmental Improvement Board

ALTO — The Alto Coalition for Environmental Preservation announced today that it will file a motion Friday to remove Environment Department Assistant General Counsel Chris Vigil from a hearing on Roper Construction's proposed concrete batch plant in [Alto, NM](#). In an action the coalition called "unprecedented," Vigil is refusing to defend the Environment Department's denial of an air permit for the plant.

The Alto coalition said it is requesting that a lawyer from the Attorney General's office replace Vigil.

The agency's decision to disapprove construction and operation of the controversial concrete batch plant proposed for a residential and recreational area in Lincoln County, N.M., issued in June 2022, is being appealed by owner and operator Roper Construction Inc. The New Mexico Environment Department's air-quality permitting process for the plant, construction and operation of the plant was denied by the [Final Order](#) of Deputy Secretary of Environment Stephanie Stringer on behalf of Environment Secretary James Kenney. This denial prevents Roper from starting construction or operating the concrete batch plant at the proposed location.

The proposed plant site, along the federally designated Billy the Kid Scenic Byway (NM State Highway 220) near the intersection of NM State Highway 48, is surrounded on all sides by 11 residential subdivisions populated by many retired citizens who chose to live in Alto for its pristine air quality. The closest residences are approximately 100 yards from the plant site, and hundreds of residences within 2 miles of the proposed heavy industrial plant location. A children's church camp which operates year-round is located approximately one-half (0.5) mile to the east. A large commercial nursery, which uses rainwater capture as its primary means of irrigation, is located in the lot boarding the property to the west. The White Mountain Wilderness Area, a Class I Prevention of Significant Degradation (PSD) designated area, is located less than two (2) miles from the proposed plant site. The Fort Stanton Snowy River Cave National Conservation Area is located approximately 5 miles east of the proposed plant site.

"I have a lung condition called Bronchiectasis. My quality of life is dependent upon quality fresh air to breathe. This is not feasible if this concrete company is allowed to establish their business by my property." — Tina Young Pitts, Alto area resident (from February NMED hearing)

“My wife had been diagnosed with reactive airway disease prior to our moving here. We moved here for the pristine clean air, less traffic, noise etc. Within 2 years her reactive airway disease seems to disappear, and she no longer requires an inhaler....The inevitable fugitive dust from a concrete batch plant will be very detrimental to her health, almost certainly making our home unlivable for us.” — Bill Horton, Alto-area resident (from February NMED hearing)