



NEW MEXICO ENVIRONMENTAL LAW CENTER

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CLOVIS COMMUNITY STOPS CONAGRA TRADE GROUP'S PLANS FOR ETHANOL PLANT

Clovis, NM – In a victory for communities everywhere, three Clovis groups have forced the giant ConAgra Trade Group to withdraw its application for an air quality permit for a proposed 110 million gallon per year ethanol plant that would have been sited near their residential neighborhood.

The National Association for the Advancement of Colored People (NAACP), the League of United Latin American Citizens (LULAC), and Concerned Citizens of Curry County (CCCC), represented the concerns of the predominately Hispanic, African-American and low-income residents of the neighborhoods nearest the site of the proposed plant.

The groups were represented by the New Mexico Environmental Law Center in an administrative appeal from a 2007 decision by the New Mexico Environment Department (NMED) to issue an air permit for the facility. The appeal was filed with the New Mexico Environmental Improvement Board.

Clovis residents were concerned about the possible respiratory illnesses that could result from the plant's air emissions and the diesel exhaust from thousands of delivery trucks and trains annually, as well as other adverse impacts to their quality of life, including noise, odor, traffic, and dust.

The New Mexico Environmental Law Center successfully argued that ConAgra's notice to the community about the actual location of the plant had been substantially flawed, and therefore, the permit was invalid. Based on the Law Center's arguments, the New Mexico Environmental Improvement Board reversed the NMED's decision to issue the permit and required NMED to conduct another public hearing following proper notice.

At this hearing, the NAACP, LULAC, CCCC, and the Law Center were prepared to refute NMED's assertion that it must make permitting decisions based solely on technical air emission data. They intended to argue that the agency must consider all of the adverse disparate impacts that the plant would have on the low income and minority neighborhoods, as consistent with New Mexico Governor Bill Richardson's 2005 Executive Order on Environmental Justice and the U.S. Environmental Protection Agency's Title VI guidance.

ConAgra decided today to withdraw its permit application for the ethanol plant as they were facing this additional hearing, which may have been followed by subsequent appeals.

"I'm happy it's over, but would like to have had the opportunity to take the case further in the Court of Appeals on the grounds of the Environmental Justice issues and get case law clarified," says the New Mexico Environmental Law Center's client, Blake Prather, Vice President of Concerned Citizens of Curry County.

"Those who live near where the plant would have been sited are extremely happy," Prather added. "We would like to keep companies from taking advantage of minority and low income communities in the future."

"This is an important development in the ongoing effort by many groups to bring environmental justice to New Mexico," states New Mexico Environmental Law Center's lead attorney on the case, Bruce Frederick. "We continue to make progress towards making this a state in which people of color and low income people are not disproportionately subjected to the burdens of our industrialized society."

The Law Center may seek to challenge ConAgra's existing air permit for its grain elevator, which was also obtained following a misleading notice and which inflicts excessive levels of noise, odor, and dust on nearby residents.

The mission of the New Mexico Environmental Law Center is to protect New Mexico's natural environment and communities through legal and policy advocacy, and public education.

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