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Immediate Release

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Environment Department Plans to Defend Settlement Agreement to Protect La Luz Air Quality Against Mesa Verde Lawsuit

(Santa Fe, NM) — The New Mexico Environment Department (NMED) plans to vigorously defend a 1996 settlement agreement that for a decade has helped protect the air quality and health of the people of the Village of La Luz, near Alamogordo.

The legally-binding settlement agreement between NMED, the City of Alamogordo, Mesa Verde Enterprises, Inc., and a group of La Luz citizens, stipulates that Mesa Verde shall never operate an asphalt plant within the La Luz area. However, Mesa Verde filed a lawsuit in September 2005 in Otero County state court against the citizens, NMED and the City of Alamogordo seeking to void that agreement.

“We intend to make sure that Mesa Verde lives up to this legally binding contract,” NMED Secretary Ron Curry said. “At a public meeting in La Luz last week local citizens voiced overwhelming opposition to Mesa Verde moving the asphalt plant move back to La Luz. This site is directly adjacent to an elementary school and within a neighborhood where people with sensitive health conditions reside.”

The 1996 settlement agreement states that neither Mesa Verde “nor any of their respective officers, directors, owners, partners, or joint venturers will in the future relocate or operate an asphalt plant within the La Luz Area.” The agreement also states that Mesa Verde will not route its trucks through La Luz except under limited circumstances. According to the agreement, “The terms of this Agreement

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Mesa Verde Settlement Agreement

are contractual and not mere recitals or representations and the full and complete agreement of the parties is contained herein.”

Mesa Verde currently mines gravel at the 160-acre site, but is seeking to operate an asphalt plant there as well. Mesa Verde contends that the cost to transport its crushed gravel to its asphalt plant six miles away makes it uncompetitive.

NMED held the public meeting on June 15 to gather the views and opinions of residents in the community on Mesa Verde’s request to void the settlement agreement and to permit an asphalt plant to operate at the site. Approximately 125 people were present for the public meeting with all but one voicing their opposition to the asphalt plant.

Community members complained of the dust from Mesa Verde’s current operations and other nearby rock-crushing and asphalt plants and that their property values have declined as a result. Citizens also complained that Mesa Verde trucks speed and fail to stop at village stop signs, endangering people in the community.

For more information, contact Adam Rankin, NMED Communications Director, at (505) 827-0314.

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