

7) The cluster survey was limited to Valle Vista and Meadow Vista because the public hearing in this matter was getting close and throughout the years one priority was to obtain more information about how much people know about the Landfill and permit. They knew that Mr. Moore's group was focusing on Asarco and the Anapra area, did not want to spread out too much, and exchanged information with them. Vol. 13, pp. 5531-5533.

Other Parties' Witnesses

1. Robert Ardivino, Restaurateur

A. Mr. Ardivino described his background and civic activities, including the Sunland Park Grassroots Group. He described the impact of the Landfill on his restaurant business and conversations with other business owners about impact. He described interactions with state officials concerning contamination in Sunland Park.

B.

1) Mr. Ardivino owns Ardivino's Desert Crossing restaurant and banquet facility on the western foothills of Mt. Cristo Rey in Sunland Park. He is the chairman of the Planning and Zoning Commission, active in Get the Lead Out Sunland Park Grassroots Group, active in both of the master plan steering committees, has sat for six months on the JAC committee, and is on the Board of Directors for the New Mexico Farmers Market Association. Although Sunland Park is a difficult

community because of political factions, he successfully started a children's project at the local farmers market, and helped start the environmental fair, which led to the Sunland Park Grassroots Group that meets every Wednesday night for discussion. Vol. 14, pp. 5593-5602.

- 2) Much of the Grassroots Group discussion relates to the proliferation of industry in the Sunland Park area. "Proliferation" is defined in the American Heritage Dictionary as the rapid reproduction of a cell, part or organism, and it is also a large number of something. Vol. 14, pp. 5602-5605.
- 3) Sewage plants have been a particularly interesting issue for the Group and for Mr. Ardovino personally. There is a plant in the middle of Sunland Park which continues to be a problem, 200-300 yards from the restaurant. There is a Mexican wastewater treatment plant proposed in Juarez on the border of Sunland Park and Anapra, Mexico, just 200-300 yards from the restaurant. The El Paso West side treatment plant can be smelled sometimes from Mt Cristo Rey. These Santa Teresa plant is 3 miles away by the railroad tracks, and he used to smell it when it was operational. Vol. 14, pp. 5606-5614.
- 4) The Ardovinos knew from the beginning that the area, including the Landfill, presented issues. He immediately decided not to open for lunch; there was no way he could ask people to drive in and out of the City during lunch time, as there are too many trash trucks. Weddings

are a main part of their business, and Mr. Ardovino has to assure that every patio includes a buffer so that people are not looking at trash trucks on barren hills. Vol. 14, pp. 5615-5616. Mr. Ardovino later clarified: trash trucks are not the only reason the restaurant is not open for lunch. Vol. 14, pp. 5682-5683.

- 5) Mr. Ardovino has had discussions with other business owners in Sunland Park about the impact of the Landfill. The manufacturing business owners are not concerned; they don't have a quality-of-life issue with it and don't mind the trucks. The Cristo Rey Restoration Committee members are neutral, because the Landfill has been helpful in providing machinery to grade the roads for the pilgrimages twice a year, when there are 20,000 to 30,000 people walking up and down the mountain in one day. It is those in the entertainment business who always have a concern, who have invested a lot of money, and who are trying to deal with it the best they can. Vol. 14, pp. 5616-5618.
- 6) Mr. Ardovino evolved into the contact person between the Grassroots Group and the Environment Department. The Group had tried to start getting the attention of people at the state, and started trying to hold rallies. The Governor was coming to town in late October 2006, and they decided that would be a good time to get his attention. They had a peaceful protest and presented him with a packet of information about environmental problems in the area, and a list of demands: due process of law, the removal of those concealing environmental hazards

from the decision-making process, complete disclosure, an environmental assessment of the community made by independent scientists and engineers, knowledge of the impact of the contamination on the health of the people in Sunland Park, and a voice, just as promised in the Environmental Justice order. Vol. 14, pp. 5619, 5622-5628.

- 7) A month after presenting the letter to Governor Richardson, Secretary Curry sent a response to the Group which did not address the exhibits that had been delivered to Governor Richardson, or the Group's request for independent assessments of the environment and community health. A month after the response, the Group sent an angry letter to Mr. Curry repeating the demands from the earlier letter and also demanding a moratorium on permits until the independent assessments could be completed. Vol. 14, pp. 5629-5634.
- 8) Mr. Ardivino does not believe that the Environment Department heard the Group's response to Mr. Curry, and hopes that it would be their job to address the Group's concerns, and the Group's allegations that they are concealing contamination. It is a big state with enormous resources and no one has addressed their letter head-on. Vol. 14, pp. 5638-5639.
- 9) His next communication with the Environment Department was a trip during the legislative session to Santa Fe to talk to senators, to Ms. Cottrell of the Governor's office and to talk to Ms. Padilla. He also sat

briefly with Mr. Curry. He gave all of these people the same packet, but none of the evidence in the packet was addressed. Subsequently, Ms. Padilla, Mr. Jim Norton and Mr. Ruiz went to Mr. Ardovino's restaurant, and met with 15 or 20 residents, but they did not address evidence that they were concealing contamination. Ms. Padilla made a promise to address the evidence and later sent a written response dated May 1, but the response did not address a Washington Post article dated April 28, 1982 about blood lead levels in Anapra, a handwritten memo, four soil samples taken from the water tower in 2001, or a New York Times article reporting that Asarco had secretly turned its smelter into a hazardous waste incinerator. Vol. 14, pp. 5640-5647.

10) Mr. Ardovino participated in a meeting in June 2007 at the Riverside School. A representative from EPA said they had tested soil in Anapra and would be removing soil from houses there. In August, soil was removed from 23 or 24 homes in Anapra. The Grassroots Group asked for results of the testing there, and the Group has made numerous attempts to get this information, but has never received it. Vol. 14, pp. 5649-5654.

11) Moule and Polyzoides brought 14 to 22 highly qualified people, world-renowned urbanists, to conduct an engaging planning process in Sunland Park. He did see Dr. Turnbough and David Bergman talking, and then Dr. Turnbough alone, and did hear Dr. Bergman say later that

he felt like he was being threatened by the Landfill. It didn't seem important at the time, and he cannot say what happened between them. Vol. 14, pp. 5655-5657.

12) Mr. Ardovino received a lot of paperwork from FedEx right around Thanksgiving and worked hard to prepare for the hearing that began on December 5. The Group's request for \$5,000 to pay for an expert to help at the hearing was denied. Vol. 14, pp. 5657-5660.

13) The restaurant has 53,000 visitors a year. Mr. Ardovino made a substantial investment in the property in 1997, after it sat idle for 20 years. The Landfill was in operation at that time, as was Asarco. Vol. 14, pp. 5686-5688.

2. Oiga Arguelles

A. Ms. Arguelles described the plight of children in Anapra.

B.

1) Ms. Arguelles lives in Anapra, a subdivision of Sunland Park next to the Texas border located 3 miles from Asarco and 3 miles from the Landfill. Vol. 14, pp. 5690-5691.

2) La Casita, a small house used as a community center, sits in the middle of the community. Ms. Arguelles worked there as a volunteer for AmeriCorps and among other things organized the youth group. Vol. 14, pp. 5693-5694.

- 3) The majority of kids in Anapra seem not to have hope or faith. They are intelligent but they have a lot of health problems and when she was working with the youth group, most of the kids were learning disabled. Four buses are necessary to take the children to elementary school; just one bus is necessary for transport to the middle school and the high school because of all the dropouts. Vol. 14, pp. 5695-5696.
- 4) The community of Anapra is stigmatized. The kids growing up there tend to be aggressive, and have been profiled as delinquent. When they run into problems they are expelled; the system has no patience with them. They are supposed to get more one-on-one attention in the special education program, but that doesn't necessarily happen. A lot of them are promoted because of their age, not their ability. All of the kids participate in the federal program that provides food. After school, a lot of the kids head to La Casita, or they play at the park. La Casita has several computers, and the kids get help with their homework and a snack. Ten years have passed without one person from Anapra graduating from high school. Vol. 14, pp. 5696-5700.
- 5) The people in Anapra do not feel they get a square shake from the Sunland Park Police Department, the Sheriff's Department or the Immigration Service. Most of the boys and men in Anapra are in the system, either on probation or in prison. Very young girls get pregnant, which is not really new to Anapra. There are problems with despair and depression. There is a lot of self-medication in the community,

where people are either obtaining medication for which they don't have a prescription, or they are taking drink or drugs. Anapra is completely surrounded by a levee, and everything ends up in their backyard. Vol. 14, pp. 5700-5704.

- 6) Recently, EPA came into Anapra and removed soil from 24 houses. Ms. Arguelles gave them permission to test at her house, but they did not remove soil there. Her mother lives next door; they did remove soil there. The owner of that house is confused as to what EPA told him except that the results were very high and that they would take the soil away. Vol. 14, pp. 5705-5706.
- 7) New Mexico Border Health has a mobile testing vehicle that came to La Casita and did blood testing. They stopped at some point, after a meeting in which Tom Ruiz spoke with the promotoras and indicated that the people of Anapra had lead in their blood because of lack of hygiene and candy from Mexico. She had spoken with Mr. Ruiz about health problems in the community, including metals in the blood, young ladies with developmentally delayed problems, respiratory diseases and chronic fatigue. It is hard to keep the children on task and hard for them to remember things; they are hyperactive and aggressive. Her own children have allergies, poor eyesight, migraines, nosebleeds and intense growing pains. She herself was diagnosed with lupus when her daughter was born. Vol. 14, pp. 5708-5715.