

STB Story

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Dear Members of the Federal Surface Transportation Board,

The rail line ends abruptly, as if the builders suddenly grew tired, the high llano south of Antonito, Colorado looming ahead, windswept, bitter cold, seemingly barren and extending to the edges of the southern horizon, standing as an impediment to their determination to carry on. To this day you can see the raised earth as it snakes southward, across the llano, always straddling the highest ground possible. It is where the rail was intended to go; it was never built. The proposed line was to be called the chile line, its intended cargo the smooth green and spicy chiles of northern New Mexico. The train, like the raised earth where it was meant to travel, has always been an unfulfilled promise to the people of Antonito. So little has changed in the 130 years since the train first arrived. For awhile industry and commerce thrived, but those apparitions of a finer and long term relationship between the town and its rail line have long since disappeared, a wisp of smoke in the ever-present wind that surrounds this place. Some would argue that the town exists because of the railroad, and, to a certain extent, that is true. Therein lies the conundrum of our current situation, the right to exist with autonomy and the act of simply existing. The two are, all at once, similar and mutually exclusive. They are the difference between the hard and fast rails that terminate at the southern edge of our town and the spine of a ghostly line of raised earth, twisting south like a well intended promise never kept. The train and its owners have always been good at making promises. Sometimes those promises are small and seemingly benign. Other

times they are as ominous as a tumor, round and hard beneath the skin, growing and living as it drains its host of life.

In November 2009, black rail cars, nuclear gondolas, arrived near the terminus of the rail line. They sat silent as fallen snow, awaiting their cargo. The residents of Antonito were unaware of their arrival, at first anyway. More specifically, they were totally unaware of their intended cargo. When the “legacy waste” first arrived at the so called “transload” facility, an abandoned perlite mill, 30 years out of service, its walls eroded by wind and gravity, the steel of the structure long since cut up and sold as scrap to the highest bidder, the population of Antonito and its surrounding communities were completely unaware that their lives would be thrown into a upheaval, a modern rendition of David versus Goliath, four Goliaths, to be exact.

The corporations, San Luis & Rio Grande Railroad, Energy Solutions, Los Alamos National Laboratory and the Department of Energy had entered into an agreement to ship contaminated soil, via flat-bed trucks, in soft-sided containers, dubiously called “super sacks” to the railhead south of Antonito. None of the agencies or corporations heeded county or local regulations. They simply showed up, convinced of their right to be there. There was no public process, no public notice given; permits were not sought, and the nuclear gondolas were now ready to accept their intended cargo, the detritus of a war that ended in two brilliant bursts of light and fire, mushroom clouds extending violently toward a heaven that could not have possibly created such a violent and earth altering monster. The only witnesses to the arrival of the so called legacy waste was an elderly couple, their home a few hundred feet away from the black rail cars, their tops removed to accept the bags of contaminated soil filled with PCB’s, Radon, Uranium

234, 235 & 238, and other hazardous and toxic waste. From their home, the elderly couple could see the crane, flat-bed trucks, the four or five men with hard hats and the white bags being lowered into the gondolas. From their vantage point, directly across from the San Antonio River, they could not have known that the cargo had the ominous potential to alter, not only the river and the Rio Grande directly downstream, but the lives of the many families that have called Antonito home for more than eight generations.

At its closest point, the makeshift loading facility is mere feet from the river. At its furthest, even an elderly couple with failing vision could tell that the “facility” was much too close to the river. They did what their many years of life had conditioned them to do; they went to church and asked the priest for his guidance. The three of them went to the site and asked the simplest of questions.

“What is going on here?”

The response they were met with is indicative of what would unfold in the months to come.

“None of your business. You have to leave.”

Antonito is a poor community, one of the poorest in the country. It comes as no surprise to any of us that four giants of wealth and power would choose this place for the purpose of transporting nuclear waste. There is no genius in the simple logic of their decision. Poor and nuclear waste have become synonymous in the years following the devastation of Hiroshima and Nagasaki. There is no paranoia here. We are not the boy who cried wolf. History is our witness and our evidence; we were chosen, not at random or by some coincidence of geography where Antonito is supposedly the closest rail line to the clean up at Los Alamos. We have been assured, with small and grand gestures, that

our community was not targeted because of its poverty, high concentration of ethnic minorities, and its supposed absence of anything industry would consider valuable; apparently none of these things even entered into their thinking. We are not naïve nor are we so sheltered that we believe their protestations of innocence. Perhaps Shakespeare said it best “[they] doth protest too much, methinks.” Put another way, we are not rich in the socio-economical sense; that train literally rolled out of Antonito nearly 80 years ago with the onset of the Great Depression. What we know is our wealth. The ways we have learned to fight opponent after opponent, all of who are bigger and richer than us, is our strength. We have seen our rivers poisoned by mining industries, their subsidiaries promising us oversight and clean-up, only to pack up their operations in the tent of bankruptcy and leave cyanide to leach into the headwaters of our rivers. We know that the term “safety” is simply another way of asking for our complacency as big industry grows richer off of our community and its many natural resources. Make no mistake about it. This is not a case of Federal Preemption. This is a case of profit, the stakes of which are measured in the billions of dollars. The zoning laws of Conejos County are not being ignored because a federal law supercedes them. They are being ignored because profits will be cut into by any semblance of decency or courtesy, a NEPA study, an Environmental Impact Study, a public hearing, any semblance of transparency in the process will delay the shipment of nuclear waste from Los Alamos to Clive, Utah, and the cliché “time is money” is never more true than it is here, in Antonito, Colorado. Profit, not federal law or the environmental rights of American citizens, is the real impediment to any public process.

Is the transfer site within mere feet of a major water source? Yes. Is the facility actually a long abandoned, decrepit and defunct conveyor belt surrounded by falling cinder blocks? Yes. Has the supposedly safer option of rail travel been beset by recent derailments and lost cargo, two major spills of perlite and one of barley within the last decade? Yes. Has the rail line had numerous and less damaging derailments in the very recent past? Yes. Has every study given as evidence of said “safety” been more well-suited for rail travel on the eastern seaboard as opposed to the high windswept mountains of Colorado? Yes. Has the railroad made verbal agreements with the community and backtracked on them, seemingly on a whim? Yes. Have the “super sacks” in use been patented to be used in conjunction with steel containers (not the open-air, flat-bed truck option being currently employed)? Yes. Have the companies and agencies involved all balked at using these semi-permeable sacks with their intended steel containers? Yes. Have the residents of Antonito been witness to mislabeled shipments of waste? Yes. Have all the corporations and agencies involved refused to provide any sort of environmental impact study? Yes. The list of failures, refusals, and missteps of basic human decorum are, seemingly, limitless. In truth, we cannot even get our most basic questions answered without being bombarded by talking points, assurances of a safety we know to be false (the derailments alone substantiate our skepticism), and an array of logical fallacies that call into question everything from our patriotism to the love we have for our community. United States law, unfortunately, recognizes corporations as akin to actual people, affording them the same rights as every American citizen. United States law also affords these same industries the protection of such antiquated, yet sometimes relevant, laws such as Federal Preemption. In short, they are doubly protected, by our

legal system and then further insulated from accountability by their wealth and power. Simply put, there is, apparently, no soul or compassion for a community that only wishes to be in control of its own processes and land use codes. Our regulations are not unreasonable, nor are they an impediment to industry. They are there for the sole purpose of protecting our community from any possible danger or infraction. Our community simply wants a modicum of respect and decency.

Long ago, a decision was reached; the rail line would not extend further south into New Mexico. Antonito would be the place where the rails ended, as though hope was also meant to expire there. People always point to our poverty, the literal and fallen pieces of it as a reason for things such things as legalized gambling, privatized prisons, and now as nuclear transfer facilities. All of the supposed solutions, whether people want to admit it or not, are threats to the only pieces left standing, our heritage, culture, language, water, agrarian economy, tourism, wilderness and open spaces. Antonito is not here because the railroad gave up here, laying the last few meters of their track outside of town. Antonito is here because it persisted and persevered through struggles and abandonment that would have relegated lesser places to the status of ghost town. We are not opposed to the San Luis & Rio Grande Railroad, Energy Solutions, Los Alamos National Laboratory and the Department of Energy simply because they did not include us in any public process or follow any of our established land use codes. Those things are symptoms of a larger problem, one where poor people and their last bits of autonomy are viewed as invisible and irrelevant. We are aware of the fact that the Surface Transportation Board is the arbiter of all things railroad. We know that their role in this process is to be objective. We also know that The Clean Railroads Act is a point of great

contention when it comes to your decision regarding Antonito and the future of the nuclear transfer facility. We only ask that the STB consider our stance, not as a stance of unfounded resistance, but as one of relevant, legal, and moral high ground. Please view our opposition to the transfer for what it really is, an attempt to be heard and recognized on issues that will permanently affect our livelihoods, culture, way of life and our community for many generations to come. We implore you to consider all the facts surrounding this case. You will see that our claims are legitimate and have the best interest of our community, environment and people at their heart.

Respectfully,

Aaron A. Abeyta – Conejos County Citizen