



JEFFERSON COUNTY DEPARTMENT OF HEALTH

Public Comments on ABC Coke Draft Title V Renewal Permit & JCDH Responses

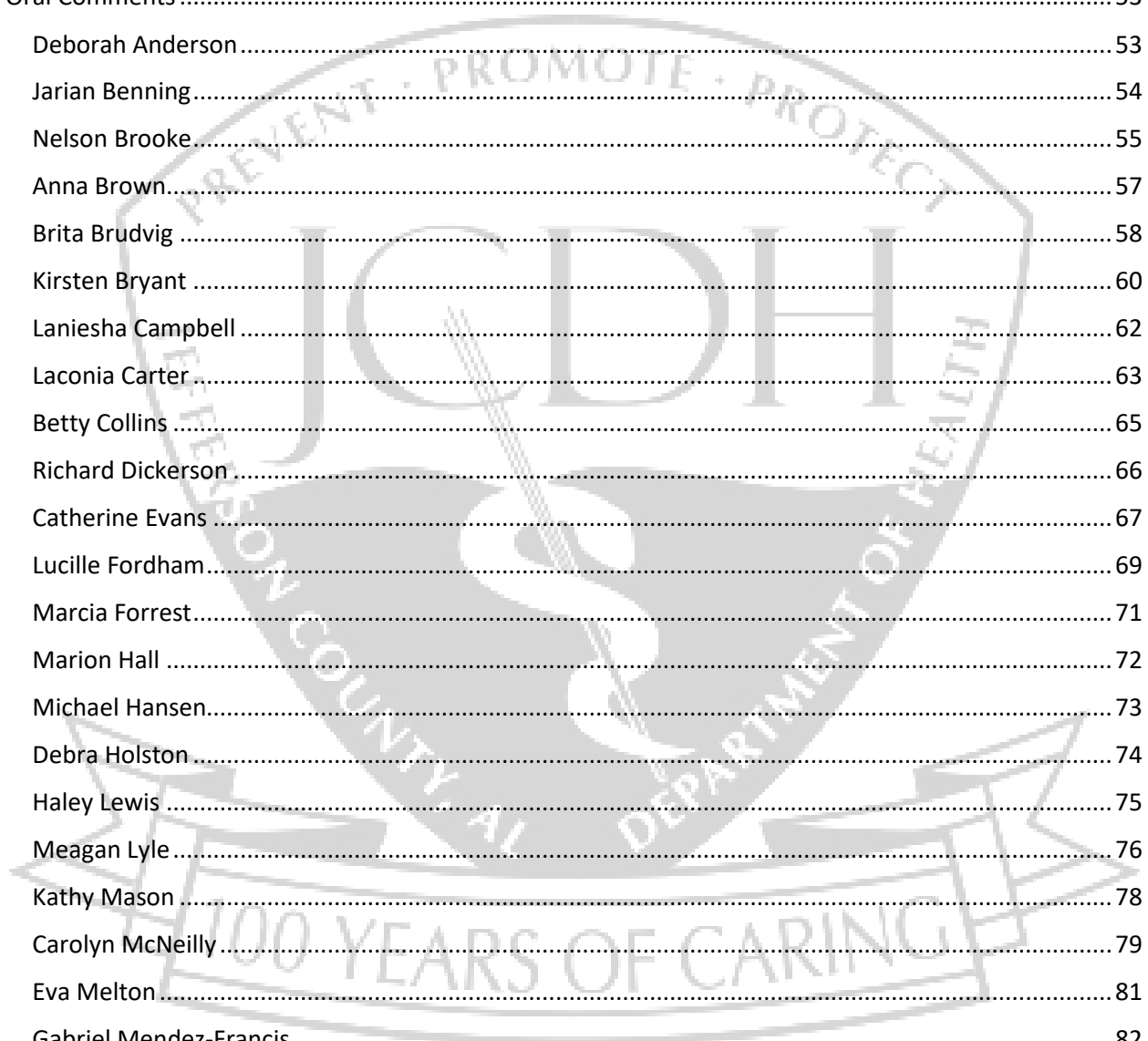
Comment Period August 19, 2018 through November 15, 2018

Draft Permit 4-07-0001-04
3-1-2019

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Written Comments

The following 36 written comments were received by email, United States Postal Service, and/or hand delivery. They are presented alphabetically according to the author. Any changes made to the (draft) permit in response to a comment will be identified specifically in the response.

T. Armstrong

abc licenses

tarmstrong3629@charter.net

Mon 8/27/2018 11:04 AM

To:airpermitcomments <airpermitcomments@jcdh.org>;

do not renew their their licenses

Thank you for your interest and participation in the public comment process.

A Title V Operating Permit includes all applicable regulations under the Clean Air Act (CAA) and provides for compliance monitoring. It is not a business license or a certification. Additionally, ABC Coke submitted the renewal application within the required timeframe, which allows them to continue to operate under the existing Title V Permit until a new permit is issued.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.



Ed Balthrop

5116 Dvalook Circle
Bessemer, AL 35022
August 24, 2018

Corey Masuca
Principal Air Pollution Control Engineer
Environmental Health Services
Air and Radiation Protection Division
Jefferson County Department of Health

Dear Sirs

It is my opinion that ABC Coke's
Title V operating Permit should
not be renewed.

Coke is used in steelmaking in
blast furnaces. It is my understanding
that the Birmingham area no longer
has a blast furnace.

Coke is a very clean-burning fuel.
The pollutants and toxins are
all removed at the production
site. Pollutants include benzene
and arsenic. These are known
human carcinogens.

Let's move ahead rather than trying to support an industry that no longer exists in our city. If Drummond Company has a continuing market for coke, let them relocate their production well away from our urban area.

ABC Coke's website includes no facts about the jobs they provide.

Please do not renew the permit for ABC Coke.

Thank you

Ed. Balthrop
ED BALTHROP

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population” (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The permitting process is not intended to assess external economic or business considerations, such as the “need” for an industry, local property values, noise or community support.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

Caroline Braswell

Drummond Coal Hearing

Caroline Braswell <caroline.w.braswell@gmail.com>
Thu 11/15/2018 10:06 AM
To:airpermitcomments <airpermitcomments@jcdh.org>;

Hi,

My name is Caroline Braswell, and my entire family lives in Jefferson County, which is why air pollution and helping to prevent it is important to me. While I have moved to the Atlanta area, my parents, my in-laws and sister's family all still live in Birmingham.

Multiple studies prove that air pollution is linked to cancer, lung disease, asthma, heart disease and more health problems. It's also toxic to the environment within Jefferson County and beyond. This permit renewal does not need to be swept under the rug or taken lightly like it has in the past.

As an aunt to four beautiful children who live and grow up in this community, it's extremely important that the JCDH takes into consideration what ABC Coke is doing to this community. People who live here are unknowingly putting their lives and health at risk because this issue has not been address by JCDH in the past.

I'm hoping this hearing changes that. the emissions ABC Coke emits into the air contain extremely toxic chemicals that children and older adults are more susceptible to. I want my nephews, niece, parents and in-laws to be able to grow up and grow old without having health issues caused by this company.

The EPA states that no group of people, including racial, ethnic or socioeconomic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial operations. Which is an important factor to take into consideration, especially in today's hostile climate.

The JCDH has an opportunity here to help make the lives better and healthier for people who tend to go unnoticed around these situations. I am urging you to look at what can help the greater good, and not the pockets of big corporations.

Please listen to those of us who are wanting our family, friends, neighbors and even strangers to live in an area that says they will protect their health and environment. Consider where you live, do you want any of these emissions in your families air?

Thank you,
Caroline Braswell
Current:
6498 Cherry Tree Ln
Atlanta, GA 30328
Previous:
307 Gran Ave
Birmingham, AL 35209

The Department appreciates your concerns; however, based on the Department's latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

100 YEARS OF CARING

John Caldwell, Residents of the Flats at Colebridge

Letter of Petition: Re: ABC Industries Permit Re-certification
The residents of The Flats at Colebridge
851 Bell Avenue
Tarrant, Alabama 35317

To: The Jefferson County Health Department
1400 - 6th Avenue South
Birmingham, Alabama 35233



August 28, 2018

Dear Jefferson County Department Representative:

This letter comes out of great concern for the residents of The Flats at Colebridge senior living and the surrounding community. It has come to our attention that the ABC Industry has come up for re-certification to continue their business. As you are well aware of the recent litigation that took place against one of our state representatives and others who have shown no mercy for the residence of our community, and the ongoing condition of this area, we write at this time to stand against the renewal of this company's license due to the great number of elderly citizen who live in this community with various health issues including lung diseases that survive with the assist of oxygen machines and CPAPS devices that helps them function during their daily living. We contend it would be a travesty to allow this company to continue existing in our community while the elderly and babies die prematurely for financial gain.

Dust is settling in our homes. Our vehicles are sprayed with the poisonous remnants that comes from this company.

Therefore, we are requesting that this company's license be revoked and any other company that threatens the health and well-being of our residents.

Please find enclosed, a signed petition from the residents here at Colebridge showing our sincere concern for this serious matter. Your consideration in this matter will be greatly appreciated.

A copy of this letter will be forwarded to the Jefferson County Commissioners and the Mayor's office.

Respectfully,

The Residents *J. Caldwell Chairman of Committee*
The Residents of The Flats at Colebridge

Petition: From Flats At Colebridge Senior Living: to revoke the license of: ABC Industries
Tarrant, Alabama 35317

1. Fab R Harris #305
2. John Irons
3. Bruce Geyer #302
4. Ruby Hamilton 308
5. John Irons 307
6. John Irons 307
7. St. ... 307
8. St. ... 307
9. Madeline P. White 301
10. Rupy Blewin 312
11. Ernest Queen 313
12. Ernest Queen 313
13. Ernest Queen 313
14. Ernest Queen 313
15. Ernest Queen 314
16. Ernest Queen 314
17. Ernest Queen 218
18. Ernest Queen 217
19. Ernest Queen 216
20. Ernest Queen 216
21. Ernest Queen 215
22. Ernest Queen #113
23. Ernest Queen #114
24. Ernest Queen #114
25. Ernest Queen #105
26. Ernest Queen #108
27. Ernest Queen #108
28. Ernest Queen #104
29. Ernest Queen #101
30. Ernest Queen #101



Dr. Wilson,
These are some of the petitioners that I
accidentally did not place in the
pressure letters of petition against ABC Inc.

A Title V Operating Permit includes all applicable regulations under the Clean Air Act (CAA) and provides for compliance monitoring. It is not a business license or a certification. Additionally, ABC Coke submitted the renewal application within the required timeframe, which allows them to continue to operate under the existing Title V Permit until a new permit is issued.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

Trina Cobb (Ware)

In Regards to the ABC Coke Plant

Trina Cobb <trina.e.cobb@gmail.com>
Thu 11/15/2018 10:27 AM
To:airpermitcomments <airpermitcomments@jcdh.org>;

To whom it may concern,

In regards to the ABC Coke Plant Pollution Permit being surprisingly renewed early this year, I'd like to take a moment to say a few words as a Homewood native. If this permit goes through without changing the ways that this company operates, what are we even doing trying to protect this Earth if we aren't considering it on a smaller scale? Our world is becoming more and more vulnerable and educated on what we ingest, but have we educated the community on what we inhale enough for the majority to show up this evening and represent what SHOULD be the outcome?

If this goes through, and ABC Coke continues to operate the way that they do have we as a Community and City done what we can in order to better it's Citizens? No, this would only mean that we disregarded the fact that air pollution is the number one preventable cause of death. I have grown up in Jefferson County and my entire family lives here, I have nieces and nephews and cousins. Do what's right for this community. Don't let this attempt to slip through the cracks to maintain their poorly regulated polluting ways get the best of us. Do better.

Thanks,
Trina Ware
Birmingham, AL 35212

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

Under JCDH regulations, all Title V facilities are required to submit renewal applications between 18 and 6 months before the expiration of their current permit. In this case, the application submittal window for ABC Coke is between February 10, 2018 and February 10, 2019. An application submitted during this window will allow a facility to operate under their existing permit after the expiration date even if the agency fails to issue a timely renewal permit.

ABC Coke made a timely application submittal on June 26, 2018. JCDH is required to issue a final Title V renewal permit before the current permit expires, if possible, and in any case not more than 12 months after the receipt of a renewal application. The 2014 renewal process for each of the local coke plants was contentious and there was no reason to expect this renewal to be less contentious. The public comment period is normally 30 days, however, JCDH held the comment period open for 3 months and held a 2-session public hearing to accommodate community concerns.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

David Cohen

ABC Coke permit renewal comment

thatdavidcohen@gmail.com on behalf of David Cohen <davecohen3@gmail.com>
Thu 9/20/2018 2:51 PM
To:airpermitcomments <airpermitcomments@jcdh.org>;

Hi,

I am writing to urge you to not renew the ABC Coke permit.

I believe there are serious health hazards to anyone exposed to the air and soil around this plant.

I am a resident of Jefferson County.

Please look after the well-being of us all.

Thank you,
David Cohen

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

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Elizabeth Corey

Concerning the ABC Coke permit renewal

Elizabeth Corey <elizabethdcorey@gmail.com>
Thu 11/15/2018 10:02 AM
To:airpermitcomments <airpermitcomments@jcdh.org>;

Good morning,

I am writing because I am not able to attend either of the public meetings being held today, but would like to express my concerns regarding the renewal of the ABC Coke plant permit. As a resident of Birmingham, I am sickened by the thought of our neighbors in Tarrant, a lower income area, being subjected to continual exposure of harmful emissions, including benzene, cyanide, and arsenic.

I am aware that there are measures in place to collect some of the emissions; however, they are insufficient and further, any level of harmful pollution in this community is intolerable. As I'm sure you are aware, there is plenty of scientific literature available (including a 2014 study that included UAB researchers) that cites the detrimental effects of living in a community near a coke plant. General higher mortality, lung cancer, and respiratory issues are the prices the population of Tarrant pays for living in a community deemed less meaningful.

This is an opportunity to send a message to ABC Coke and The Drummond Company to implore them to dramatically enhance and improve their technology to both monitor and reduce emissions. This is an opportunity to prove that we care about our environment and our neighbors.

Thanks so much for your consideration,

Elizabeth

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the

applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

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The referenced article "Spatiotemporal association between birth outcomes and coke production and steel making facilities in Alabama, USA: a cross-sectional study" by Travis R Porter, Shia T Kent, Heidi M Beck, and Julia M Gohlke, is available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4223752/>. To quote the last sentence of the conclusion: "The present analysis detected suggestive trends justifying further research on the potential compounded burden of social, economic, and environmental stressors, particularly for minority populations." The article does not establish a causal relationship between the coking process and either preterm births or low birth weights.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Jill Deaver

Coke Makes Sick, Harms, Kills

Jill Deaver <jilldeaverm@gmail.com>

Thu 11/15/2018 6:27 PM

To:airpermitcomments <airpermitcomments@jcdh.org>;

There is a wealth of medical information dating back to the early 1990s, perhaps before, to support that the pollutants emitted from plants like ABC Coke are harmful. Here are 22 articles from the last decade—it doesn't just happen in Tarrant, Alabama but you can see effects of Coke-related air pollution in neighborhoods around the globe—the air and soil are in different locations, but the

effects are the diseases are the same: https://www.ncbi.nlm.nih.gov/sites/myncbi/1p_Atq2Xp35K/collections/57091254/public/.

Please do the right thing for the people of Tarrant and make the necessary changes to omit the pollutants created by ABC Coke. Literally every cell of every person in that community, and surrounding communities, is affected.

The Department appreciates your concerns; however, based on the Department's latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

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Marcia Forrest

Marcia E. Forrest
1105 – 24th Avenue North
Birmingham, Al 35204

Corey Masuca, Principal Air Pollution Control Engineer
Environmental Health Services
Air and Radiation Protection Division
Jefferson County Department of Health
P. O. Box 2648
Birmingham, Al 35202

November 9, 2018

Dear Mr. Masuca

It has come to our attention that the current permit, 4-07-0001-03 issued on August 11th, 2014 is up for renewal. The Title V Renewal Permit for – ABC Coke plant

The plant location: ABC Coke, 900 Huntsville Avenue, Tarrant, Alabama 35217

The coke by-product production has been shedding emission over the years in the established neighborhoods in the area, exposing un-healthy emissions.

Emission leaks, dust, waste water and other hazardous air pollutants are of concern to the residents of North Birmingham and surrounding area.

As you conduct your evaluation and monitoring of details associated with the renewal permit of ABC Coke, along with other concerned citizens in the immediate area wish for the end of the foundry.

The health and welfare of residents have and are continuing to share over whelming burdens of poor health and standards of living. It is a challenge each and every day. Please consider our concerns before the permit is renewed.

Thanks for attention to this matter.

Concern Citizen
Marcia Forrest
Marcia Forrest

Tammie Smith
Tammie Smith

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population” (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

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Gabrielle Gordon

ABC Coke Permit 5

Gabrielle Gordon <gabrielle@gaspgroup.org>
Thu 11/15/2018 10:21 PM
To:airpermitcomments <airpermitcomments@jcdh.org>;

I am concerned citizen, I am student studying biomedical sciences we learn about the potential complications that the environment has on the body. With ABC Coke they are admitting various toxins into the air that will affect the human body for years to come. I have spoke to residents of Tarrant and they are frustrated and tired of the lack of support. With chemical irritants they affect, more than the respiratory system. They affect stress, chemical irritants will cause stress on the circulatory system can have long term affects. That long term effects can cause renal, and cardiac failure. People in North Birmingham are truly hurting and just want some answers.

Thank You,
Gabrielle Gordon

The Department appreciates your concerns; however, based on the Department’s latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens’ health will not be

adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Sherry Hendon

Keep Tarrant City Clean

Sherry Hendon <yakkyhen@yahoo.com>

Thu 11/15/2018 6:54 AM

To:airpermitcomments <airpermitcomments@jcdh.org>;

Please do not renew any permit for Drummond coal and it's affiliates.

Sincerely

Sharon Hendon Welch

7125 Cabin Lane

Pinson, Al 35126

Thank you for your interest and participation in the public comment process. ABC Coke is currently subject to Title V Operating Permit 4-07-0001-03, issued pursuant to the Clean Air Act. ABC Coke is also subject to environmental regulations and permitting for environmental concerns other than air.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

Zakez Jones

Air equality

Jones, Zakez C <zak1234@uab.edu>

Thu 11/15/2018 9:45 AM

To:airpermitcomments <airpermitcomments@jcdh.org>;

Hello, my name is Zakez Jones. I am a resident in Center Point, Al; which is about 5 min away from the city of Tarrant. Air equality is very important for everybody. It is the only involuntary thing that is humans can not stop doing . Humans can control diet, and lifestyle behaviors that may alter health, but breathing air is something none of us can stop doing. It is unfair to put this burden on citizens that did not ask for it. Coal ash has been proven to be a harmful thing, but big business choose to push this off on people that do not have as much power or money. Citizens should have the right to know what they are breathing. If I were to put coal ash and cyanide gas in you house without your knowledge, it would be a problem. So why is this not considered the same thing? You put this in the backyards of these people and they suffer because they have to breath this pollutant. Thank you and I hope you make the right decision.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population” (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens’ health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

Haley Lewis

Gasp Interim Comment on Draft Permit No. 4-07-0001-04

Haley Colson Lewis <haley@gaspgroup.org>

Wed 10/31/2018 3:30 PM

To:airpermitcomments <airpermitcomments@jcdh.org>; Masuca Corey.M <Corey.M.Masuca@jcdh.org>;

Cc: Howanitz, Jason <Jason.Howanitz@jcdh.org>; Stanton, Jonathan <Jonathan.Stanton@jcdh.org>;

1 attachment

[2018.10.31 FINAL Interim Comment.pdf](#)

Gasp's Interim Comment is attached.

Haley Colson Lewis
Staff Attorney, Gasp
205.701-4272 • haley@gaspgroup.org

Gasp Comment w/Appendices

Haley Colson Lewis <haley@gaspgroup.org>
Thu 11/15/2018 6:14 PM
To:airpermitcomments <airpermitcomments@jcdh.org>;

1 attachment

[Gasp Commen~.pdf](#)

8 MB [Open in browser](#)

Please find attached. Thank you.

----- Forwarded message -----

From: Michael Hansen <michael@gaspgroup.org>
Date: Thu, Nov 15, 2018 at 5:23 PM
Subject: CORRECTED Gasp Comment w/Appendices
To: Kirsten Bryant <kirsten@gaspgroup.org>, Haley Colson <haley@gaspgroup.org>

attached

For healthy air,
Michael

--

Michael Hansen
Executive Director, Gasp
office: 205.701.4270 • cell: 205.746.4666
email: michael@gaspgroup.org
address: 2320 Highland Ave. S., Ste 270, Birmingham, AL 35205
Become a member of Gasp today!

--

Haley Colson Lewis

The responses to the written comments from gasp are presented later in this document.

Patricia Dixon Marbury



10/10/18

To: Whom it may Concern
RE: ABC Coke Permit

The Reason for my writing is to request a fair hearing from the Environmental Health Services (Air & Radiation Protection Division) Jefferson County Department of Health

In addition please send me a copy of the draft permit.

Myself and my family would like to continue to be a part of these public hearings for it has affected my family greatly. I have had 3 relatives pass away from cancer. I believe it is due to environmental health. Smoke from the plants that we are surrounded by and the Quality of Air has polluted our very existence. Then to find out that the soil is no good either. We want to live too. It seems like as a people we continue to fight for what is right.

Please send any and all information concerning these matters to the address listed at the head of this letter.

Sincerely,
Patricia Dixon Marbury

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

However, based on the latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Alexandria MacKay

ABC Coke

Alexandria MacKay <alexandria.mackay@gmail.com>

Thu 11/15/2018 11:21 PM

To:airpermitcomments <airpermitcomments@jcdh.org>;

Good evening,

In response to the public hearing regarding the ABC Coke plant in Tarrant - I would like to reiterate the following points:

1. Citizens deserve to know exactly what is going into the air that their family breathes. Emissions may be higher than what ABC Coke estimates.
2. Pollution from ABC Coke is an environmental justice issue. JCDH has failed to determine how the surround communities health could be impacted by a result of air pollutant emissions. The EPA states that no group of people, including racial, ethnic, or socioeconomic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial operations.
3. Emissions from ABC Coke contain toxic chemicals. Foul odors and soot from ABC Coke are commonplace. Odor and soot also negatively affect property values making it difficult to enjoy life and property.

Please ensure that you are viewing the operation of this plant as a public health issue. Do not allow the Title V permit. Thank you for your time.

Alexandria MacKay

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

JCDH calculates emissions from ABC Coke and other major sources independently of the calculations submitted by the facilities. The Department uses emissions factors to estimate emissions in the following order of importance: site specific stack tests, AP-42 Factors and engineering judgement. In the interest of protecting public health, our emissions calculations rely on conservative assumptions that sometimes result in higher numerical values than those submitted by a facility.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

The permitting process is not intended to assess external economic or business considerations, such as the "need" for an industry, local property values, noise or community support.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Eartha McGoldrick

ABC Coke permit renewal

Eartha McGoldrick <emcgoldrick@gmail.com>

Thu 11/15/2018 8:55 PM

To:airpermitcomments <airpermitcomments@jcdh.org>;

I'm writing to voice my opposition to the renewal of ABC Coke's permit. The blatant corruption shown by Drummond is enough to warrant a full evaluation of the sight to assess the damage to the area, and then determine what steps the company needs to take to repair it and prevent further harm to our community before their permit should even be considered.

Sincerely,

Eartha McGoldrick
4171 Indian Valley Rd
Birmingham, AL 35217

Thank you for your interest and participation in the public comment process.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Andrew McLeroy

ABC Drummond Coke Permit Renewal

Andrew McLeroy <amcleroy1990@gmail.com>
Thu 11/15/2018 3:21 PM
To:airpermitcomments <airpermitcomments@jcdh.org>;

Hello, I am writing you today to urge a strengthening of the Title V permit of the ABC Drummond Coke plant to include stricter, ongoing, and continuous, emissions standards to protect the residents of Tarrant from harmful effects of air pollution- asthma, cancer, COPD, Heart failure.

As a concerned citizen, I feel strongly that this need to be implemented hastily and completely -- allowing the permit to continue in it's current form would result in a widespread and unjust negative impact on countless lives in the area and simply cannot be allowed.

Signed,
Andrew McLeroy
6748 Steeplechase Dr.
Huntsville, AL 35806
256-652-3061

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

JCDH does endeavor to incorporate all the applicable air pollution rules and regulations into every Title V permit it issues. These terms are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. The draft permits are reviewed by the public and by ADEM and EPA. This comprehensive review should prevent the omission of any air pollution control regulations which apply to ABC Coke and are authorized by the Clean Air Act.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

Eva Melton

Written Response to Title Five for ABC Coke

Eva Melton <evarmelton@gmail.com>
Thu 11/15/2018 10:03 PM
To:airpermitcomments <airpermitcomments@jcdh.org>;

To Whom It May Concern:

The ABC Coke Title 5 pollution permit should be denied. I am the pastor of The Firm Foundation Church in Avondale.

I reside in the Crestwood area but my attention is drawn to this ABC Coke pollution permit renewal because of its impact on the surrounding community of ABC Coke.

As I read my sacred text, I am consistently reminded of its constant reminder that I should care for my neighbor as much as I care for myself. It is my desire that my neighbor has the same level of access to clean air, health and longevity as I do

I value human life. Any amount of pollution that decreases the quality of life of a human being is too much pollution.

I have both a moral and social responsibility to seek the highest good for the people of Tarrant, Northern Birmingham and the Inglenook community. Not because I live here, but because their life span and quality of life matters to me & the faith community.

The communities in the vicinity of ABC Coke do not have to be martyrs for Greater Birmingham. Air Pollution has both short and long term adverse effects. I want to make it clear, no amount of financial gain to this region by the ABC Coke, could ever trump the value of human life.

--

Awaiting A Response,
Eva Melton, Pastor
The Firm Foundation Church
P O Box 773
Birmingham, AL 35201

Thank you for your interest and participation in the public comment process.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did

conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Gabriel Mendez-Francis

ABC COKE | A deep concern

Gabriel Mendez <mendezgabriel2000@gmail.com>
Sat 9/22/2018 5:46 PM
To:airpermitcomments <airpermitcomments@jcdh.org>;

Good evening,

As a life-long citizen of Tarrant City, I would like to make my comments noted in regards to the Drummond company's ABC Coke plant's request for a permit renewal on polluting the air.

I have been aware of the activities of the plant from a very early age. I knew that they were polluting the air and, while I understand that is just a side effect of what they produce, it has completely depressed growth and ruined the lives of far too many people. i have personally witnessed neighbors's health decline to the point where ambulance visits are commonplace, where people fear going outside, and where a smell only unique to Tarrant is coated on anyone that goes outside, even for a few brief minutes.

It shouldn't be this way. Kids shouldn't be afraid to go outside and play and adults shouldn't die on their own porches just because the Dummond Corporation prefers maximizing profits over people's lives. This plant has done no good to Tarrant and, in fact, it has hurt more than it has helped.

I will be seeing to this matter in the future and will pay very close attention to all of it's developments. I in no way wish to see ABC coke have their air pollution permit renewed after all the death and misery they have caused.

Sincerely,
Gabriel Mendez-Francis

This is it.

Gabriel Mendez <mendezgabriel2000@gmail.com>
Wed 11/14/2018 6:45 PM
To:airpermitcomments <airpermitcomments@jcdh.org>;

Good evening,

Eighteen years. I've been on the Earth for 18 years and only in the past year have I become aware of the situation around me. The smoke, ash, and byproducts that the ABC coke factory produces, a mere mile away from Tarrant elementary school and my house, has haunted me for years on end.

Coughing fits. Regular ambulances. A stench of rotten eggs. Acidic rain. People shouldn't be subjected to living in these conditions... The tower of smoke from ABC is a literal poison on the city. Businesses

don't want to move here. People don't want to stay here. The ones that do are dying from cancers caused by all of the air pollution.

This needs to end. This needs to stop. I'm leaving for college next year, but I don't want my childhood home to stay the way it is now. ABC coke is choking Tarrant to the very end.

Thank you for your interest and participation in the public comment process.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

John Morse

ABC Coke operating permit

John Morse <dystopos@yahoo.com>
Tue 8/21/2018 2:54 PM

To:airpermitcomments <airpermitcomments@jcdh.org>

I am writing to express my expectation that the Jefferson County Department of Health will be disinclined to accept any reporting from Drummond Corp. and its contractors without truly independent verification.

This expectation is based on the evidence of Drummond's efforts to mislead, intimidate and oppose regulating authorities which were presented in federal court. If independent verification of the company's reported emissions is impractical, I would expect at least enough sampling to judge of their reporting is at all trustworthy. Perhaps this is the case. I don't know for sure.

Thank you.

- John Morse
5th Terrace South
Birmingham

The Department reviews reports from all Title V facilities within Jefferson County for the purpose of determining compliance and assessing the quality of reported information. JCDH attends all baghouse stack tests and also conducts monthly Method 303 battery observations and pushing emission observations. JCDH conducts annual inspections of the by-products plant using an infrared camera which enables visual observation of organic vapor leaks. The Department's observations are not inconsistent with ABC's reports or with the observations of the independent contractors whose employees perform the monitoring required by the permit.

JCDH calculates emissions from ABC Coke and other major sources independently of the calculations submitted by the facilities. The Department uses emissions factors to estimate emissions in the following order of importance: site specific stack tests, AP-42 Factors and engineering judgement. In the interest of protecting public health, our emissions calculations rely on conservative assumptions that sometimes result in higher numerical values than those submitted by a facility.

Larry Mosley Jr.

ABC Coke Permit Renewal

Larry Mosley Jr. <LarryMosleyJr@hotmail.com>
Thu 11/15/2018 11:38 PM
To:airpermitcomments <airpermitcomments@jcdh.org>;

To JCHD

The ABC Coke plant title 5 permit should be either revised or revoked for the people of North Birmingham to live a long and happy life. This situation with the coking plant has been done in many other states and many other cities and has become a part of history for many people. Many time that history has turned out to be bad for all the people that have been involved in it and has killed many people , while other time great justice was done for the people and the city. So for the JCHD which side of history do you want to be on? The side that helps its own people or the side that harms them. Your Decision

Thank you for your interest and participation in the public comment process.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and

enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

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Katherine Pearson

Please limit dangerous pollution coming from Drummond Coal

Katherine Pearson <pearsonmk@me.com>

Wed 11/14/2018 2:39 PM

To:airpermitcomments <airpermitcomments@jcdh.org>;

I recognize that it can be difficult to stand up to powerful corporate interests, but keep in mind that your responsibility is to improve the health of ALL citizens of Jefferson County. I have seen evidence that leads me to believe that the lower-income families living near ABC Coke in Tarrant suffer real health problems caused by the pollutants from ABC Coke.

In the recent Federal court case, Drummond demonstrated that they put profits above the health of the neighborhood.

This is not a new, unproven situation.

If you allow Drummond to continue holding the health of its neighbors hostage while increasing Drummond profits, the health and deaths of those neighbors is on your watch as well.

Please find the courage to do the right thing.

Katherine Pearson
907 Conroy Rd
Birmingham AL 35222

The Department appreciates your concerns; however, based on the Department's latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

The Department reviews reports from all Title V facilities within Jefferson County for the purpose of determining compliance and assessing the quality of reported information. JCDH attends all baghouse stack tests and also conducts monthly Method 303 battery observations and pushing emission observations. JCDH conducts annual inspections of the by-products plant using an infrared camera which enables visual observation of organic vapor leaks. The Department's observations are not inconsistent with ABC's reports or with the observations of the independent contractors whose employees perform the monitoring required by the permit.

JCDH calculates emissions from ABC Coke and other major sources independently of the calculations submitted by the facilities. The Department uses emissions factors to estimate emissions in the following order of importance: site specific stack tests, AP-42 Factors and engineering judgement. In the interest of protecting public health, our emissions calculations rely on conservative assumptions that sometimes result in higher numerical values than those submitted by a facility.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

Phil Pearson

ABC Coke Permit Comment

Phil Pearson <phil8420@gmail.com>
Wed 11/14/2018 11:26 AM
To:airpermitcomments <airpermitcomments@jcdh.org>;

Corey Masuca, PhD

Environmental Health Services

Air and Radiation Protection Division

Jefferson County Department of Health

P.O. Box 2648

Birmingham, AL 35202

My name is Phillip Pearson, and I live in Tarrant about a 1/2 mile from ABC Coke. I can see the flame from my back window. As a child I was fascinated by the big flame when I drove by, but I had no idea of its horrible consequences.

Emissions from ABC contain toxins and cancer-causing materials, and with it being located in a densely populated urban area, these pollutants have covered Tarrant and surrounding neighborhoods. Drummond Coal orchestrated a bribery campaign, enlisting Oliver Robinson to convince residents of Tarrant and surrounding areas not to have their soils tested for these toxins, in order to avoid liability for the associated clean up. I have no idea how toxic my yard is, but I know I wouldn't grow vegetables in it.

I have had asthma since I was a child, and it has gotten somewhat worse since I moved to Tarrant. I can only blame the ABC Coke plant and its emissions for that. Though my condition is manageable, I know there are plenty of other Tarrant residents with breathing problems that may have a much tougher time than myself.

When the plant was built, the risk of toxins was not known. Today, however, we know that coke operations create pollution and toxins. It makes no sense to have this plant continue to operate in a densely populated urban area. Drummond Coal provides jobs and economic impact, but I don't believe that those economic benefits outweigh the impact the plant has on the health of Tarrant residents and those of the surrounding neighborhoods.

A comprehensive health assessment needs to be done to find out exactly the impact that ABC Coke has on the community, and testing should be done in the yards of residents to determine how bad the toxic problem is. The permit to operate should be denied until we can fully determine its impact.

As a resident of Tarrant, I implore the Jefferson County Department of Health to do its job and look after the health of residents, not after the profits of a mining company dealing in a 19th century fuel source.

Phillip Pearson
1221 Ford Avenue
Tarrant, AL 35217

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The permitting process is not intended to assess external economic or business considerations, such as the "need" for an industry, local property values, noise or community support.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air

toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Carol Propes

Drummond Coal Plant

Carol W Propes <cpropes@uga.edu>

Thu 11/15/2018 4:26 PM

To:airpermitcomments <airpermitcomments@jcdh.org>;

Air pollution is the number one preventable cause of death globally. Citizens deserve to know exactly what is going into their air. Children, the elderly and those suffering from existing health conditions are the most susceptible to air pollution exposure.

The Title V permit must require site-specific monitoring of emissions. The site should have continuous emissions monitoring at as many sources as feasibly possible. All of the monitoring must be made enforceable via a permit condition in the Title V permit.

Thank you for your consideration on this matter.

Carol Propes

The Department understands your concerns. If you are in the ABC Coke vicinity, we encourage you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

With respect to your concerns about the monitoring requirements included in the draft permit, JCDH has made every effort to include all applicable requirements and sufficient monitoring to assure compliance. These requirements are included in a manner such that they will be enforceable under Title V of the Clean Air Act. It is worth noting that the intensity of monitoring should be proportional to the magnitude of pollutants emitted and the variability of the process, among other concerns. Sufficient monitoring to assure

compliance often does not require continuous emissions monitoring systems even when they are commercially available.

Richard Rice

Opposition to ABC Coke Title V Permit Renewal - Richard Rice - Public Interest Attorney

Richard Rice <rrice@rice-lawfirm.com>
Thu 11/15/2018 9:17 PM
To:airpermitcomments <airpermitcomments@jcdh.org>;

Dear Jefferson County Department of Health member,

My name is Richard Rice and I am a Public Interest attorney. I live and work in the downtown Birmingham area. While I understand the arguments to support industry and further understand the role the coal industry has played, historically speaking, in the economy of Birmingham, I adamantly oppose the renewal of the permit for ABC Coke. Our most valuable "resource" is and always has been the people of our great City. We have an opportunity to put people first. For your review I am providing additional support for my position.

Due to the coal and steel industries, the Birmingham area has had long history of poor air quality. In addition, Birmingham ranks in the top 15 urban areas with the largest disparity in exposure to air pollution between whites and non- whites. This places an undue burden on people of color who live in the Birmingham metro.

Additionally, pollution from ABC Coke is an environmental justice issue. JCDH has failed to determine how the surrounding communities health could be impacted by a result of air pollutant emissions. EPA states that no group of people, including racial, ethnic or socioeconomic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial operations. We know that air pollution is the number one preventable cause of death globally. Citizens deserve to know exactly what is going into the air their family breathes. Emissions may be higher than what ABC Coke's estimates because we know that emissions from ABC Coke contain toxic chemicals such as benzene, cyanide, arsenic, naphthalene, toluene and more. Our children, the elderly, and those suffering from existing health conditions are the most susceptible to air pollution exposures. It is for these reasons that I am opposed to the renewal of the Title V permit for ABC Coke.

I am happy to discuss this matter further should such be deemed necessary.

Thank you for your attention to this matter.

Best Regards,
Richard Rice

-
Richard A. Rice
Attorney and Counselor at Law
The Rice Firm, LLC
<http://www.ricefirmllc.com>

420 20th Street North-Suite 2200
Birmingham, Alabama 35203
Office: 205.618.8733 ext 101
Mobile: 256.529.0462
Fax: 888.391.7193

RESULTS : INNOVATIVE : COMPASSIONATE

The Department appreciates your concerns; however, based on the Department's latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Under JCDH regulations, all Title V facilities are required to submit renewal applications between 18 and 6 months before the expiration of their current permit. An application submitted during this window will allow a facility to operate under their existing permit after the expiration date even if the agency fails to issue a timely renewal permit. ABC Coke has fulfilled this requirement.

The Department reviews reports from all Title V facilities within Jefferson County for the purpose of determining compliance and assessing the quality of reported information. JCDH attends all baghouse stack tests and also conducts monthly Method 303 battery observations and pushing emission observations. JCDH conducts annual inspections of the by-products plant using an infrared camera which enables visual observation of organic vapor leaks. The Department's observations are not inconsistent with ABC's reports or with the observations of the independent contractors whose employees perform the monitoring required by the permit.



100 YEARS OF CARING

Tammie Smith

NOV 13 11:09 AM
Marcia E. Forrest
1105 – 24th Avenue North
Birmingham, Al 35204

Corey Masuca, Principal Air Pollution Control Engineer
Environmental Health Services
Air and Radiation Protection Division
Jefferson County Department of Health
P. O. Box 2648
Birmingham, Al 35202

November 9, 2018

Dear Mr. Masuca

It has come to our attention that the current permit, 4-07-0001-03 issued on August 11th, 2014 is up for renewal. The Title V Renewal Permit for – ABC Coke plant

The plant location: ABC Coke, 900 Huntsville Avenue, Tarrant, Alabama 35217

The coke by-product production has been shedding emission over the years in the established neighborhoods in the area, exposing un-healthy emissions.

Emission leaks, dust, waste water and other hazardous air pollutants are of concern to the residents of North Birmingham and surrounding area.

As you conduct your evaluation and monitoring of details associated with the renewal permit of ABC Coke, along with other concerned citizens in the immediate area wish for the end of the foundry.

The health and welfare of residents have and are continuing to share over whelming burdens of poor health and standards of living. It is a challenge each and every day. Please consider our concerns before the permit is renewed.

Thanks for attention to this matter.

Concern Citizen
Marcia Forrest
Marcia Forrest

Tammie Smith
Tammie Smith

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population” (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The permitting process is not intended to assess external economic or business considerations, such as the “need” for an industry, local property values, noise or community support.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens’ health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

Matthew Song

Drummond coal plant air pollution

Matthew Song <msongau18@gmail.com>

Thu 11/15/2018 1:57 PM

To:airpermitcomments <airpermitcomments@jcdh.org>;

To whom it may concern,

I am writing as a concerned citizen and healthcare professional regarding the pollution coming from the Drummond coal plant. I am urging the JCDH to support stricter regulations on the title V permit and employ commonly used and widely available technology to do so. It is in the best interest of the public to ensure the safety and quality of our air as it affect so many things around us with one of greatest interests being healthcare. As the USA continues to struggle with increasing access while maintaining quality and timeliness, no-brained initiatives on the offending industries are desperately needed to ensure the sustainability of access for all in the future.

I appreciate your considerations.

Regards,

Matt Song, PharmD.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

However, based on the latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population” (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

With respect to your concerns about the air pollution control requirements included in the draft permit, JCDH has made every effort to include all applicable requirements.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens’ health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

Carrie Speegle

ABC Coke

Bellsouth <sp33gl3@bellsouth.net>

Wed 11/14/2018 7:09 PM

To:airpermitcomments <airpermitcomments@jcdh.org>;

I am writing to express my concern about the current conditions in the Birmingham area caused by pollution from the coke plant. I have seen the effects of his pollution on the nearby residents. Surely something can be done to help these people. Has the EPA or ADEM taken air samples to determine whether this coke plant is violating the clean air act? Please give this situation your attention.

Thank you.

Carrie Speegle

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

The Department has installed and operated a monitoring network throughout Jefferson County that demonstrates that our county is attaining the National Ambient Air Quality Standards (NAAQS). The nearest monitor to ABC Coke is the Tarrant monitor, located approximately one half-mile southeast of the coke ovens. JCDH attends all stack testing required under ABC’s Title V permit. JCDH conducts monthly Method 303 battery observations and pushing emission observations. JCDH conducts annual inspections of the by-products plant using an infrared camera which enables visual observation of organic vapor leaks. JCDH also conducts annual comprehensive inspections which include a facility-wide plant walk-through and records

review. Based upon the information gathered during these tests and inspections, ABC Coke is not violating the Clean Air Act.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Jerry Speegle

ABC Coke hearing on permit restrictions on discharge

Jerry Speegle <jspeegle@speeglehoffman.com>
Wed 11/14/2018 3:53 PM
To:airpermitcomments <airpermitcomments@jcdh.org>;

I am writing to ask that ABC Coke's permit to discharge particulate matter, organic or inorganic compounds, or other pollutants into the air be evaluated and adequate restrictions be placed in the permit. From the evidence I have observed, the particulate matter alone is very concerning. I own a residence, second home, in Birmingham and visit regularly. We all want good air and water quality. To that end, the current permit does not appear adequate to alleviate the pollution issues, or the permit restrictions are not being enforced.

The residents in this community do not have the economic power to fight this battle. It is up to EPA and ADEM to protect the air quality in this community. I trust you take this responsibility seriously and will work with GASP to protect air and water quality in this community.

Jerome E. Speegle
Speegle, Hoffman, Holman & Holifield, L.L.C.
Post Office Box 11
Mobile, AL 36601
Telephone (251) 694-1700
Direct Tel: (251) 338-4283
Facsimile (251) 694-1998
jspeegle@speeglehoffman.com

The Department understands your concerns. If you are in the ABC Coke vicinity, we encourage you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

However, based on the latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

JCDH does endeavor to incorporate all the applicable air pollution rules and regulations into every Title V permit it issues. These terms are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. The draft permits are reviewed by the public and by ADEM and EPA. This comprehensive review should prevent the omission of any air pollution control regulations which apply to ABC Coke and are authorized by the Clean Air Act.

The Department reviews reports from all Title V facilities within Jefferson County for the purpose of determining compliance and assessing the quality of reported information. JCDH attends all baghouse stack tests and also conducts monthly Method 303 battery observations and pushing emission observations. JCDH conducts annual inspections of the by-products plant using an infrared camera which enables visual observation of organic vapor leaks. The Department's observations are not inconsistent with ABC's reports or with the observations of the independent contractors whose employees perform the monitoring required by the permit.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

Sean Spiegelman

Restrict abc coke

Sean Spiegelman <sespiegelman@crimson.ua.edu>
Thu 11/15/2018 10:30 PM
To:airpermitcomments <airpermitcomments@jcdh.org>;

As an outdoor enthusiast, and as a general human on this planet, clean air is essential to living a healthy life. Please place necessary restrictions on abc coke to ensure they follow the most up to date air quality control standards.

The Department appreciates your concerns; however, based on the Department's latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

JCDH does endeavor to incorporate all the applicable air pollution rules and regulations into every Title V permit it issues. These terms are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. The draft permits are reviewed by the public and by ADEM and EPA. This comprehensive review should prevent the omission of any air pollution control regulations which apply to ABC Coke and are authorized by the Clean Air Act.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.



Daniel Thomas Esq.

Daniel Thomas Esq. 1314 32nd St. S. Birmingham, AL 35205

November 14, 2018

Corey Masuca, Principal Air Pollution Control Engineer, Environmental Health Services Air and Radiation Protection Division, Jefferson County Department of Health
P.O. Box 2648, Birmingham, AL 35202-2648

PUBLIC COMMENT

This public comment on ABC Coke's Title V pollution permit renewal application for the facility at 900 Hansville Ave., Tarrant, AL 35217, pertains specifically to 40 CFR 70.6(a)(3)(i) which states that every permit issued must contain monitoring requirements, (A) "to assure compliance with the permit terms and conditions," or (B) "yield reliable data [...] representative of the source's compliance with the permit."

The proposed permit should not be approved without modification because the monitoring plan is insufficient to meet these requirements. On Page 63 No. 7 Subpart B of the draft permit, the ABC Coke plant proposes to continue to rely solely on visual observation to monitor its particulate matter emissions as per its site specific monitoring plan under 40 CFR 60.48(b)(1)(7) (Method 22 and Method 9). Method 22 consists of an observer looking for the presence and frequency of emissions. Method 9 requires a trained and qualified observer to be physically present to look at the opacity of plumes and clouds being released into the air by the plant. Collectively Method 22 and Method 9 can be referred to as the Eye Test. The Eye Test is the bare minimum of available monitoring methods acknowledged in the regulations, and its limitations are recognized, "These variables [luminescence and color contrast] exert an influence upon the appearance of a plume as viewed by an observer, and can affect the ability of the observer to accurately assign opacity values to the observed plume" (40 CFR 60 Appendix A, Method 9). At night, especially between the hours of 2 and 5 a.m., the Eye Test is not accurate enough to assure compliance or yield reliable data.

The plant emits a high volume of particulate matter through the night. The Eye Test should not be the only method used to monitor the plant's particulate matter emissions between 2 and 5 a.m. for four reasons: 1) The lack of light 2) The lack of color contrast 3) The rarity of human observers keeping these hours 4) The likelihood of human error.

The care and exactitude with which acceptable standards of particulate matter emissions are developed, debated, and adjusted over time is rendered entirely mute if the methods used to monitor them are not sufficiently accurate and precise. In consideration of the readily available alternatives like LIDAR and COMS, which make use of state of the art technology and sophisticated instruments, continued reliance on the Eye Test is negligent.

All newly constructed significant emitters of particulate matter are required to implement instrument based monitoring systems, and any modernization or remodeling of the facility is required to include the addition of this technology. By continuing to "grandfather in" the permit without modification, the permitting authority is giving the older facility a competitive advantage in the market, and the development of industry is handicapped by a perverse incentive not to make upgrades and instead to continue using out-of-date or obsolete practices. The plant's proximity to population centers and the growth of the affected region over time should necessitate the reevaluation of the appropriateness of the plant's prior practices in comparison to the evolving industry standard.

Though this comment draws attention to the limitations of the proposed monitoring plan, it should not be construed to suggest that only continuous monitoring can assure compliance. The issue that needs to be addressed is the draft permit's reliance on the Eye Test, during the hours of 2 to 5 a.m., in particular, when human observation is ineffective, and a technological method which makes use of scientifically calibrated instruments should be put to use.

Daniel Thomas Esq.

Note: A copy of this comment was sent by email from daniel@thomasesq.com to airpermitcomments@jcdoh.org on November 14, 2018 at 2:56 p.m. This public comment may serve as 60 days advance notice of intent to pursue legal action under Title V of the Clean Air Act to address the public safety issues in preventing violations of the limitations on particulate matter emissions.

PUBLIC COMMENT ABC Coke Title V Operating Permit

Daniel Thomas <danielhubertthomas@gmail.com>
Wed 11/14/2018 2:56 PM
To:airpermitcomments <airpermitcomments@jcdh.org>;

Corey Masuca, Principal Air Pollution Control Engineer, Environmental Health Services Air and Radiation Protection Division
Jefferson County Department of Health
P.O. Box 2648
Birmingham, AL 35202

PUBLIC COMMENT

This public comment on ABC Coke's Title V pollution permit renewal application for the facility at 900 Huntsville Ave., Tarrant, AL 35217, pertains specifically to 40 CFR 70.6(a)(3)(i) which states that every permit issued must contain monitoring requirements, (A) "to assure compliance with the permit terms and conditions," or (B) "yield reliable data [...] representative of the source's compliance with the permit."

The proposed permit should not be approved without modification because the monitoring plan is insufficient to meet these requirements. On Page 63 No. 7 Subpart B of the draft permit, the ABC Coke plant proposes to continue to rely solely on visual observation to monitor its particulate matter emissions as per its site specific monitoring plan under 40 CFR 60.48(b)(j)(7) (Method 22 and Method 9). Method 22 consists of an observer looking for the presence and frequency of emissions. Method 9 requires a trained and qualified observer to be physically present to look at the opacity of plumes and clouds being released into the air by the plant. Collectively Method 22 and Method 9 can be referred to as the Eye Test. The Eye Test is the bare minimum of available monitoring methods acknowledged in the regulations, and its limitations are recognized, "These variables [luminescence and color contrast] exert an influence upon the appearance of a plume as viewed by an observer, and can affect the ability of the observer to accurately assign opacity values to the observed plume" (40 CFR 60 Appendix A, Method 9). At night, especially between the hours of 2 and 5 a.m., the Eye Test is not accurate enough to assure compliance or yield reliable data.

The plant emits a high volume of particulate matter through the night. The Eye Test should not be the only method used to monitor the plant's particulate matter emissions between 2 and 5 a.m. for four reasons:

- 1) The lack of light
- 2) The lack of color contrast
- 3) The rarity of human observers keeping these hours
- 4) The likelihood of human error

The care and exactitude with which acceptable standards of particulate matter emissions are developed, debated, and adjusted over time is rendered entirely mute if the methods used to monitor them are not sufficiently accurate and precise. In consideration of the readily available alternatives like LIDAR and COMS, which make use of state of the art technology and sophisticated instruments, continued reliance on the Eye Test is negligent.

All newly constructed significant emitters of particulate matter are required to implement instrument based monitoring systems, and any modernization or remodeling of the facility is required to include the addition of this technology. By continuing to "grandfather in" the permit without modification, the permitting authority is giving the older facility a competitive advantage in the market, and the

development of industry is handicapped by a perverse incentive not to make upgrades and instead to continue using out-of-date or obsolete practices. The plant's proximity to population centers and the growth of the affected region over time should necessitate the reevaluation of the appropriateness of the plant's prior practices in comparison to the evolving industry standard.

Though this comment draws attention to the limitations of the proposed monitoring plan, it should not be construed to suggest that only continuous monitoring can assure compliance. The issue that needs to be addressed is the draft permit's reliance on the Eye Test, during the hours of 2 to 5 a.m., in particular, when human observation is ineffective, and a technological method which makes use of scientifically calibrated instruments should be put to use.

Daniel Thomas, Esq.
1314 32nd St. S.
Birmingham, AL 35205

Note: A hard copy is being mailed to the above address, so this public comment may serve as 60 days advance notice of intent to pursue legal action under Title V of the Clean Air Act to address the public safety interest in preventing violations of the limitations on particulate matter emissions.

A hard copy postmarked November 14, 2018 was also received by JCDH.

In response to your specific comment about 40 CFR 60.48b and the use of Method 9 and 22 for demonstration of compliance with 40 CFR 60.43b(f) the Department offers the following:

JCDH is required by Title V to include "all monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements" by 40 CFR §70.6(a)(3)(A). In this case, JCDH has included the applicable requirements of 40 CFR 60, Subpart Db, which were developed by EPA for boilers and were subject to the public comment process. No COMS is required by 40 CFR §60.48b(a) of Subpart Db for Boiler 9 because it combusts cleaned coke oven gas and natural gas. This is because opacity is seldom observed from a properly functioning boiler combusting gaseous fuel.

On January 18, 2006, the Department received a letter from the Environmental Protection Agency (EPA) Region IV which stated that the EPA had received a proposed alternative for the COMS and based on a prior EPA Region III approval on a "similar alternative monitoring approach for a boiler in Monnessen, Pennsylvania," EPA Region IV approved ABC Coke's proposed alternative, which is part of ABC Coke's permit. This plan is more stringent than the minimum visible emissions observations requirements of §60.48(a) that would otherwise be required for a facility not required to use a COMS. §60.48b(a)(1)-(3) allows for Method 9 visible emissions observations to be performed at a frequency ranging from 45 days to one year, depending on the opacity observed during the previous observation.

The Department has no recorded observations of any opacity issues for any of the boilers (since they share a common stack). If the boiler were not functioning properly, the NO_x and CO₂ monitors required by §60.48b(b) would serve as an indicator of poor combustion. Finally, Method 9 and 22 are EPA approved methods for opacity monitoring. No changes to the permit will be made.

David VanWilliams, Inglenook Neighborhood Association

November 14, 2018



Honorable Mark E. Wilson, M.D., Health Officer
Jefferson County Department of Health
1400 6th Avenue South
Birmingham, Alabama 35233

Attn: Corey Masuca, Environmental Health Services

Health Officer Wilson,

I write this comment to urge your caution as you consider the draft renewal Title V Permit for ABC Coke. My name is David VanWilliams, Secretary of the Inglenook Neighborhood Association. My comments will include excerpts from a letter written by the Mayor Randall Woodfin of Birmingham Alabama, dated August 7, 2018. Mayor Woodfin's letter was so persuasive to the acting administrator of the Environmental Protection Agency urging him to add the 35th Avenue Superfund Site to the National Priorities List (NPL). I can only hope that Mayor Woodfin provide more resources to help our Campaign to address Air Pollution in Birmingham. I purposely did not just say North Birmingham, because we all know air pollution travels. This fact is highlighted by the fires in California, the air pollution that has been created and how experts warn that the air pollution will affect air quality 100 miles away.

This is why we need to stop seeing this as just an air pollution problem over in those working class neighborhoods like my Neighborhood of Inglenook. Last time I checked, the surrounding Neighborhoods are less than a 100 miles away. We are asking our political, business and civic leaders along with the Medical Community to stop the denial and lets come up with solutions.

Speaking of Solutions, I have a solution I pray the Jefferson County Health Department would consider before they approve the renewal of the Title V Permit for ABC Coke.

I call it the "Great Compromise by ABC Coke". We do need to compromise, according to your own Health Department; there has not been any significant change in the operations of the facility, since the issuance of the last Permit granted to ABC Coke, four years ago. You would think there would be some effort to reduce the damage to the air quality by ABC Coke. What if ABC Coke took some responsibility and show they are a good corporate citizen of the United States of America by setting aside funds to clean and/or upgrade contaminated HVAC Systems in the affected Neighborhoods. If the air is contaminated the ventilation systems of our homes are contaminated. Too many people are suffering from breathing problems, like asthma, bronchitis, COPD etc. Some people have to pay their deductible before they can see a doctor. Surely there can be a fund to support people with health issues relating to air pollution. We know that ABC Coke is not the only polluter but they can take the lead in doing the right thing for the people of Birmingham Alabama, ABC Coke could also make an effort to cap their industrial exhaust. It may be costly but at what point is, too much pollution being dumped into our air. We have all heard of clean Coal, why haven't more effort been down to consider a cleaner way to do business. Yes, we understand making money for any corporation but you still have a responsibility to be a good corporate neighbor. ABC Coke executives you can do better. The Citizens have been very patient with you as a corporate neighbor, at what point will you give back to the people of Birmingham for enduring your waste for over a 100 years.

RECEIVED
NOV 15 2018
BY: *Hull* 11:36AM

The Jefferson County Department of Health with all its doctors, nurses and healthcare professionals we expect you to protect our air quality aggressively. The Hippocratic Oath states that "First Do No Harm", that's all we want is for the healthcare officials to speak truth to power. Please don't be a rubber stamp to ABC Coke, require some changes at the facility if they want their Title V Permit renewed. You can do this; we need you to do this.

Exert from City of Birmingham Mayor Randall Woodfin:

The case for North Birmingham to be placed on the National Priorities List (NPL).

A site may be include on NPL if it scores sufficiently high on the Hazard Ranking System (HRS), which is a mathematical formula that serves as a screening device to evaluate a site's threat to human health or the environment. As a matter of EPA Policy, those sites that score 28.50 or greater on the HRS are eligible for inclusion on the National Priorities List.

The North Birmingham 35th Avenue Superfund Site scored a 50 on the HRS – meaning it is almost twice as dangerous as the minimum requirements to be considered safe.

The Mayor goes on to say: Further, as I am sure you know, on July 19, 2018 a Federal Jury convicted a coal executive, an attorney who represented the coal company in a criminal conspiracy that included a State Representative, to prevent the North Birmingham 35th Avenue Superfund site from advancing to National Priorities List and to discourage other areas from testing their soil. This scheme included a massive Public Misinformation Campaign and Bribery. Additionally, Local, State and Federal Elected Officials signed and submitted letters opposing NPL placement for the North Birmingham Community. Letters that were given to them by the attorney convicted in this case. Apparently, this plot against the people of Birmingham worked, as NPL Status was denied.

As a result of these illegal actions, thousands remain at risk, including the 1,070 people living in 394 Federal Public Housing Units and the 751 Children attending Hudson K-8 School. The necessary remedies include, but are not limited to, Screening and Healthcare to address pollution related health issues, relocation and reconstruction of Hudson K-8 School, Non-Residential Redevelopment of the North Birmingham 35th Avenue Superfund Site and Reclamation of Village Creek.

In light of the recent revelations concerning the Public Corruption, we believe this situation demands a much more robust response. The United States Attorney has already done their part by exposing this criminal hoax and bringing those responsible to justice. Still these injustices continue until the North Birmingham 35th Avenue Superfund Site is placed on the National Priorities List and all necessary resources are provided to the people of this Community.

Exerts of Letter written by, Mayor Randall Woodfin Mayor of Birmingham, Alabama.

In closing I would like to see the Department in charge of protecting the health of the people of Birmingham, Jefferson County to protect us from polluters, don't be a rubber stamp. Thank you for allowing my oral and written comments to be included in the record.

David VanWilliams, Secretary

Inglenook Neighborhood Association

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

However, based on the latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population” (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The Title V permitting process is not intended to address the requirements of regulations outside the CAA, such as Superfund. The 35th Avenue Site was proposed for addition to the NPL on September 22, 2014, when EPA published a notice in the Federal Register and opened a public comment period. The EPA has received 246 comments (as of December 6, 2018) at <https://www.regulations.gov> for Docket EPA–HQ–SFUND–2014–0623. No final action regarding the proposed listing has been published.

JCDH would like to explain the statements that the plant has not been modified and that the renewal permit does not authorize any new emissions. When discussing the CAA, a modification means that an increase in potential emissions has occurred. Steps a facility takes to reduce emissions from existing operations are not defined as modifications under the CAA.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens’ health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

Jack West

Comments on ABC Coke's Permit Renewal

Jack West <jack.k.west@gmail.com>
Thu 11/15/2018 5:00 PM
To:airpermitcomments <airpermitcomments@jcdh.org>;

Dear Jefferson County Department of Health:

I appreciate the opportunity to provide comments on the renewal of the permit for ABC Coke's Tarrant facility. I am an attorney and entrepreneur in Birmingham and am commenting solely in my capacity as a resident of Jefferson County concerned about air quality and health in our region. Air quality affects every single resident of our county, both directly and indirectly. Certainly, the air we breath impacts our health and our children's health. Poor air quality also has detrimental economic effects on our region. Air pollution decreases property values and increases healthcare spending. Polluted air also affects whether businesses decide to locate operations in our county.

As my wife and I prepare to have children, we reflect on the health concerns in our region. We care about the safety of the water we drink and the quality of the air we breathe. We ponder the question of whether Jefferson County is a healthy place to raise a family.

In deciding whether to renew ABC Coke's permit, I ask that the Department:

1. carefully review how emissions are calculated under the permit and question whether it is appropriate to use AP-42 emissions factors in calculating the facility's potential to emit;
2. determine that the permit require emissions monitoring from all sources of emissions at the plant; and
3. require continuous emissions monitoring.

Only with continuous, site-specific monitoring will JCDH be able to determine whether the pollutants created by the facility are hazardous to human health.

In light of the recent failings of industry and state agencies to protect the quality of our air, it is more important than ever for our local government to safeguard the health of its citizens, particularly the most disadvantaged and vulnerable among us whose health is disproportionately impacted by air pollution. JCDH has the power to regulate emissions and give residents the clean air we deserve. I respectfully request that the Department use this power when considering whether to, and under what circumstances it would, renew ABC Coke's permit.

Sincerely,

John (Jack) K. West
(205)-746-8396
609 53rd Street South
Birmingham, AL 35212

The Department appreciates your concerns; however, based on the Department's latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

JCDH calculates emissions from ABC Coke and other major sources independently of the calculations submitted by the facilities. The Department uses emissions factors to estimate emissions in the following order of importance: site specific stack tests, AP-42 Factors and engineering judgement. In the interest of protecting public health, our emissions calculations rely on conservative assumptions that sometimes result in higher numerical values than those submitted by a facility.

With respect to your concerns about the monitoring requirements included in the draft permit, JCDH has made every effort to include all applicable requirements and sufficient monitoring to assure compliance. These requirements are included in a manner such that they will be enforceable under Title V of the Clean Air Act. It is worth noting that the intensity of monitoring should be proportional to the magnitude of pollutants emitted and the variability of the process, among other concerns. Sufficient monitoring to assure compliance often does not require continuous emissions monitoring systems even when they are commercially available.

Patti Westbrook

Coke renewal permit

Patti Westbrook <pattimeg@aol.com>
Wed 11/14/2018 11:10 PM
To:airpermitcomments <airpermitcomments@jcdh.org>;

I am concerned about the request for renewal of the Drummond

What is the reason for the early renewa; early. Does it normally take y4ar for the process/

What studies have been done to show there are not l'll affects on the public safety in the area.
What rwcth3 far reaching effects of pollution
What re they doing about the pollution] what new controls are in place to help reduce pollution
What are they do9ng to pay the neighbor hood back for Damage done. How re they investing in the neighborhood to offset health issues so the negative benefit to the neighborhood doesn6 justvget 2orsecaand worse.
What are they doing to ensure hiring well within the neighborhood are they paying a pay differential for th4cdanger involved.

Coke renewal permit did not mean to send

Patti Westbrook <pattimeg@aol.com>
Wed 11/14/2018 11:22 PM
To:airpermitcomments <airpermitcomments@jcdh.org>;

This was just a draft. These are my immediate thoughts.i will send tomorrow when I have better control of them. I apologize for wasting your time with an email that was not cohesive.

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

On Wednesday, November 14, 2018,
airpermitcomments@jcdh.org <airpermitcomments@jcdh.org> wrote:

I am concerned about the request for renewal of the Drummond
What is the reason for the early renewa; early. Does it normally take y4ar for the process/
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What are they doing to ensure hiring well within the neighborhood are they paying a pay differential for th4cdanger involved.

ABC Coke renewal permit

Patti Westbrook <pattimeg@aol.com>
Thu 11/15/2018 12:50 AM
To:airpermitcomments <airpermitcomments@jcdh.org>;

I am concerned about the request for renewal of the Drummond ABC COKE Permit. These are my initial concerns.

Are there any unmitigated outstanding requests for information, updates, or corrections in the works for Drummond, ABC COKE? Have they been in arrears with information requests and are they forthcoming as needed? Are they a positive force in the area or not? Do they work well with regulatory and consumer groups?

What is the reason for the request of the early renewal? Does it normally take approximately one year for the process of the renewal or is there another reason they are requesting early? What possible legislation or change in board members might be coming to make an early permit necessary?

What studies have been done to show there are no or limited ill effects on the air quality and public safety in the area.

What are the far reaching effects of pollution from the production of the plant? What is the dispersion movements in the air? How far reaching does the pollution travel? What length of time does the pollution last in the air? Does the pollution poison the surrounding area water and land?

What are they doing about the pollution being dispersed? What new technology is being used to mitigate any ill effects of the pollution in the air? What controls are in place to help reduce pollution? Is Drummond, ABC coke innovative with pollution controls?

These might be considered soft issues and there might not be any control over these things unless Drummond ABC Coke is innovative in these areas. What are they doing to pay the neighborhood back for any damage done to air land and/or soil? How are they reinvesting in the neighborhood to offset health issues so the negative benefit to the neighborhood doesn't just get worse and worse.

How they support education in the community?

What are they doing to ensure hiring well within the neighborhood? Are they paying a pay differential for any danger/ damage involved. What is their exit plan if they cease function at this location? What must be done to reclaim the area?

Thank you for your time.

Patti Westbrook

ABC Coke has been responsive in providing timely information, including reporting as required and responding to questions posed by JCDH. ABC has installed and operates the air pollution control equipment required by the applicable regulations included in their current Title V operating permit. Based on the latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

A Title V Operating Permit covers the air pollution control regulations which apply to a facility and are authorized by the Clean Air Act. ABC Coke is also subject to environmental regulations and permitting (by other regulatory agencies) for environmental concerns other than air. However, zoning issues and environmental regulations outside the Clean Air Act are not within the scope of a Title V permit renewal action.

Under JCDH regulations, all Title V facilities are required to submit renewal applications between 18 and 6 months before the expiration of their current permit. In this case, the application submittal window for ABC Coke is between February 10, 2018 and February 10, 2019. An application submitted during this window will allow a facility to operate under their existing permit after the expiration date even if the agency fails to issue a timely renewal permit.

ABC Coke made a timely application submittal on June 26, 2018. Agencies are expected to issue a final Title V renewal permit before the current permit expires, and in any case not more than 12 months after the

receipt of a renewal application. The 2014 renewal process for each of the local coke plants was contentious and there was no reason to expect this renewal to be less contentious. The public comment period is normally 30 days, however, JCDH held the comment period open for 3 months and held a 2-session public hearing to accommodate community concerns.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Travis Widner

Drummond coal plant pollution

Travis Widner <travis.w.widner@gmail.com>

Thu 11/15/2018 5:58 PM

To:airpermitcomments <airpermitcomments@jcdh.org>;

Wanted to email and tell you how reckless it is to have a plant like that one, unregulated, impacting everyone in a population center like Birmingham. Pollution like this can impact generations of people. Be responsible.

Travis

Thank you for your interest and participation in the public comment process. ABC Coke is currently subject to Title V Operating Permit 4-07-0001-03, issued pursuant to the Clean Air Act. ABC Coke is also subject to environmental regulations and permitting for environmental concerns other than air.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

Ralph Young

Drumond Coal, ABC Coke Public Commit

Ralph Young <ralphyoung@yahoo.com>

Thu 11/15/2018 4:30 PM

To:airpermitcomments <airpermitcomments@jcdh.org>;

I've been reviewing Drumond ABC's Title V application and paying particular attention to sulfur dioxide emissions. It seems worth noting that by combusting raw coke oven gas ABC produces 2,357 annual tons of SO₂, or 1.8 lb per MMBtu. For comparison, the Miller Steam Plant is permitted only 1.2 lb/MMBtu and is further reduced to 0.46 lb/MMBtu under the emissions trading program.

Drumond's application for 1.8 lb/MMBtu of SO₂ is unchanged from their 2014 application. Instead, other coke plants have successfully implemented COG Desulfurization Equipment that limits underfire emissions to 0.28 lb/MMBtu. Underfire conversion to natural gas is another opportunity to reduce SO₂ emissions. Whatever the solution, I request the JCDH reduce the permitted emissions in the interest of public health. The permit holder can then select the appropriate mitigation to satisfy the permit.

Additionally, I would like to see the Tarrant air monitoring station record sulfur dioxide levels. ABC producing 6 tons of SO₂ on a daily basis and that's too much in the air without independent monitoring.

Unrelated, but it's also worth noting that the permit does not assign a emissions unit number to ABC's coal crushing equipment nor does it appear to be permitted by this application. The EPA lists coal crushing as a significant contributor to PM₁₀ emissions and therefore should be regulated not unlike quarries and cement facilities.

I have found this document helpful:

<https://www3.epa.gov/ttn/chief/old/ap42/ch12/s02/final/c12s02.pdf>

Thank You for your consideration,

Ralph Young
718 Broadway
Homewood, AL 35209
205.202.9295

With respect to your concerns about SO₂ emissions from combustion of coke oven gas (COG), JCDH would first like to clarify that COG combusted to heat the batteries is cleaned by the by-product plant and is not "raw." Electric generating units at power plants are subject to more stringent federal regulations than the coke industry because, on a nationwide scale, there are more power plants creating more emissions than any other single industry. Some other states have included a limit on SO₂ emissions in their State Implementation Plans (SIP) to correct violations of the SO₂ National Ambient Air Quality Standards (NAAQS). Coke plants located in these areas need to use desulfurization to comply with the SIP limits. The Alabama Department Environmental Management has not identified an air quality need for more stringent SO₂ limitations as part of our SIP. The nearby Shuttlesworth air monitor, located within 2 miles of ABC Coke, records SO₂. Also, ABC Coke's actual SO₂ emissions are below the threshold at which EPA would require site-specific SO₂ monitoring under the SO₂ Data Requirement Rule (DRR).

With respect to your concerns about coal crushing, ABC purchases pre-crushed coal and does not have any equipment subject to 40 CFR 60, Subpart Y, "Standards of Performance for Coal Preparation and Processing

Plants.” Coal handling activities at ABC fall under Condition 6 for Coke Production, which includes the SIP requirements for the unloading and transfer of coal and coke. JCDH has not assigned an emission unit number to this relatively low-emitting activity (within the scale of the entire plant), however, it is not neglected for emissions calculations or compliance determinations.

Oral Comments

The following 34 oral comments were recorded during the November 15, 2018 public hearing, which was held in 2 sessions (10 AM – 11 AM, and 7 PM – 8:35 PM). They are presented alphabetically according to the author. Any changes made to the (draft) permit in response to a comment will be identified specifically in the response.

Deborah Anderson

MS. DEBORAH ANDERSON: Good evening. My name is Deborah Anderson. I live in Tarrant City right across the field from ABC Coke. If you want an example for a house, cars, come and see mine. I had a neighbor that died of cancer, a stepdaddy that died with cancer. But for an example for a house and cars, come and see my house. And I have remodeled my house, but the thing is, it's gone down.

When I come home, I have to sweep my porch. You don't see nothing but soot. My cars, brand new cars, their windows is totally messed up. The paint job is gone. But I keep on moving. And at night, I can hear when they change shifts because the beeping I can hear. Soot is in my windowsills and on the inside of my house. On the outside, when I pressure wash, nothing but soot. It's gone.

And right up across the street where ABC Coke sits, come across, that's Overton. I can give you an example. So -- but I have to do what I have to do. It is what it is. But I can smell it in the house at night. When I leave for work in the morning -- I work for Birmingham City School, 33 years. That beeping noise, that's my alarm system because it wakes me up. So I'm still an example. 1029 Overton Avenue.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

However, based on the latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population” (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The permitting process is not intended to assess external economic or business considerations, such as the “need” for an industry, local property values, noise or community support.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens’ health will not be adversely impacted. In addition, the Department conducts monitoring (including monitoring within the

vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Jarian Benning

MS. JARIAN BENNING: Hi. My name is Jarian Benning. I am a UAB public health student. And I just really want to talk from that standpoint. As a public health student, we're always constantly taught to look at new and inventive ways to handle health problems. We're taught about sustainability. We're taught about just paying attention to the problem as a whole and looking at different ways to handle it.

And we all have heard that the ABC Coke plant, it's not helping anybody in this community. We've heard that there are deaths. We've heard that there toxins. We've heard all of this, but I just want to talk from my standpoint as somebody who was four years ago so excited to embark on this journey in public health, to help the public, you know. Who wouldn't want to do that?

But listening to these stories, being here tonight, seeing these problems as I've spent my four years in Birmingham -- Birmingham alone, this isn't even the entire Alabama, the entire U.S., this is just Birmingham in hearing these problems -- they're not even just taking into consideration the entire Birmingham, just this one community or these few little communities that are being so affected.

I too was somebody who grew up having family members who had COPD or was near a plant. Unfortunately, my situation was in Tuscaloosa or in Chicago. I looked across the street. We had a plant right there. No one likes growing up seeing that. You can't go outside and play. You can't go out and have an enjoyable time. You have your cousins who have asthma and can't keep up with you or your classmates or whoever.

And so, for me, it was what really sparked me to want to be on this journey. And so he said to see a more -- I think it was justified -- not justified -- but something with Alabama. My goal in the long run is to see a better, healthier Alabama, but we have to start in our neighborhoods, in our community. Air affects all of us. We all breathe air. I mean, somebody was telling me about the -- I don't know how true that is -- but the air from California coming here and like the smoke and everything will be here in the next weeks.

I don't know how much of it we'll see, but we see that air travels, we see that this is a problem. And so for you to, Oh, this is a North Birmingham only issue. No. They're just the most affected by it. We're all affected by it. So I do not want to see this permit renewed.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

However, based on the latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Department conducts monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Nelson Brooke

MR NELSON BROOKE: Good morning. My name is Nelson Brooke. I'm the Black Warrior River Keeper and I'm president of the board of Gasp. I'm here also as a citizen of Birmingham that is affected by air pollution on a regular basis.

I'm concerned about my health. I'm concerned about the health of my family, raising young children here in Birmingham. Air pollution is my number one concern about continuing to be a resident of this great place as it should be on everyone's mind. Unfortunately, a lot of us are not acutely aware of what's going on and what we're having to breathe in every day.

We do not have the ability to treat that pollution and filter ourselves. So it's up to the companies that are producing the pollution and it's up to the regulatory agencies to require that companies meet the standards of the Clean Air Act and put permits and requirements in place that are protective of public health.

I don't think that's being done. I think we're all being exposed to unnecessary levels of pollution and that makes me susceptible to respiratory illness such as sinus infections and bronchitis on a regular basis, as my other family members, and I know many of you and people you know are experiencing much worse respiratory illness.

I'm exposed in my house. I live just west of the facility in Roebuck Springs, and when we get a west wind, I can smell the stench of this facility. It is undeniable. It's unbearable. It's a terrible smell. And I'm far away from it compared to many of you that live next door. I also work in the Tarrant area through my job as river keeper and I'm exposed to the stench that's coming from this facility whenever I'm in the area, and it is terrible. We're being exposed to toxic contaminants that cause cancer, and those can be better limited by the Health Department.

I'm concerned about impacts on water, groundwater, soil, and our community at large, particularly immediate communities around the facility. I would like to see a more strict permit and emissions monitoring put in place that's more protective of public health with better monitoring and limitations for a whole suite of toxic contaminants. I'd also like to see the Health Department look into radioactive pollutants that are being emitted by the facility. That is something that's being overlooked around the country, and I'm sure it's being overlooked here. Coal has radioactive constituents in it, and that needs to be seriously looked at because that's a major public health concern.

I have two particular concerns about the proposed permit. Condition 34 contains an emergency provision which allows the Health Officer, Dr. Mark Wilson, to have absolute discretion, to be the sole determiner of whether or not an emergency has occurred at ABC Coke.

Now, there are a lot of things that can be called emergencies and could basically allow him to not hold the facility accountable for emissions outside of the bounds of the permit. EPA has found this to be inadequate to meet the Clean Air Act requirement. So the Jefferson County Department of Health should remove the Health Officer discretion provision and do away with that.

Additionally, this is my last comment, the rules and regulations of the Health Department contain a provision that quote, "An emergency constitutes an affirmative defense," end quote. EPA found such provisions inadequate to meet Clean Air Act requirements, therefore, the Health Department should remove this provision. Thank you.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

However, based on the latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

A Title V Operating Permit covers the air pollution control regulations which apply to a facility and are authorized by the Clean Air Act. Environmental regulations outside the Clean Air Act are not within the scope of a Title V permit renewal action.

EPA has listed radionuclides as a hazardous air pollutant (HAP) and has regulated emissions of radiation to air for a few specific industries in 40 CFR Subchapter C, Part 61, National Emission Standards for Hazardous Air Pollutants, and 40 CFR Subchapter F, Radiation Protection Programs. However, none of these

regulations apply to coke plants. Consistent with CAA §101(a) and §122, the evaluation of radioactive pollutants is appropriately handled at the national level. JCDH will incorporate any additional regulations that EPA might in the future promulgate for coke plants, including any regulations pertaining to radioactive pollutants, consistent with 18.13.5 of the Rules and Regulations.

With respect to your comments about the emergency provision, JCDH is aware that the discretion provision and the affirmative defense provision are controversial, however they are still “on the books.” The draft permit contains a severability clause which prevents the remainder of the permit from being affected by the invalidity of a single provision. JCDH would also like you to know that the emergency provision is seldom, if ever, requested and would require an extreme event beyond the control of the facility to even be considered as an excuse for excess emissions.

Anna Brown

MS. ANNA BROWN: Good evening, everyone. My name is Anna Brown, and I am working with the North Birmingham Framework Committee and what we're doing is trying to improve our community. And part of improving our community is improving the air we breathe, the dirt that we have to live in, and everything else there.

I'm asking that this permit not be given to ABC Coke for the simple reason -- the Health Department, your job is to measure this air quality to see if they fit. If I have the process correct, your job is to carry out the process stated by the EPA that says that a company can get their permit or not.

My issue is this: You have a room full of people here and people have been telling you all along, we're dying in North Birmingham. We're actually dying in North Birmingham. Some of us are more blessed than others because we haven't been diagnosed. Some have been diagnosed, and others have gone home.

And the Jefferson County Health Department, your motto right here on this thing says, Prevent, Promote, and Protect. Who are you protecting? As a citizen of North Birmingham, I feel like you're protecting big business and the money that they pay you to do their permit instead of the people.

But this is something that needs to be stated also. Our tax dollars help support the Health Department, and if we the people can't be heard on this end of the spectrum in saying that these permits need to be torn up, they do not need to be renewed, if the Health Department don't want to listen to us on that end, maybe we need to gather up again and get with our representatives and say, Look, our tax dollars need to stop supporting the Health Department because they're not doing anything to protect us.

I know that there's data there. I know that people are dying, and you tell us the air is no worse than what it was before, nobody is dying. It's equal to some place over in Providence, which is over by Oak Grove. But air is air. It moves from one place to another. It don't skip over houses. It don't skip over neighborhoods. We're breathing that every day.

And I feel like the responsibility of the Jefferson County Health Department is to look at the citizens of North Birmingham first, listen to what we are saying, and not, not give these people their permit. Just because things have been going like this for 100 years, don't mean it has to continue. At some point in time, you need to look at these faces and see these faces out here and then wonder how many are you going to see next year this time sitting in here in this condition because we're dying over there.

So you live up to your motto to protect us or else we're going to have to stand up and say we need to find somebody else to protect us with our tax dollars that we're paying. Thank you.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Brita Brudvig

MS. BRITA BRUDVIG: Hello. My name is Brita Brudvig. I have lived in Jefferson County for three years now. I want to start by saying I love this city and believe in it.

I would like to express my concern about the renewal of Drummond's Title V permit to operate the ABC Coke plant. I implore the Jefferson County Department of Health to deny this request on several grounds. It is a fact that the ABC Coke facility emits toxic pollution. The chemicals that they are releasing into our air include benzene, naphthalene, and arsenic. The proposed permit does not go far enough to protect the residents of Tarrant, Inglenook, and beyond. This permit needs to

include site specific monitoring of emissions. There also needs to be continuous monitoring of the plant's emissions.

I have heard firsthand from residents of the Tarrant area the ABC Coke smoke stacks become more active in the night and evening. We know this -- we need this monitoring to be enforceable and auditable. It is the public's right to know what's in the air we're breathing. The ABC Coke plant is less than a mile away from Tarrant Elementary School and just over a mile from Inglenook School. By not holding Drummond to higher standards, we are putting the children of these communities at risk.

There is a higher incidence of cancer in the area around the ABC coke plant, and you can't talk to anyone who doesn't have a close friend or family member with COPD. This is undeniably a public health issue, but it is also a civil rights issue. Birmingham ranks in the top 15 urban areas with the largest disparity in air pollution exposure between whites and nonwhites. We need to do better than this. Clean breathable air is a right and should not be determined by a person's race, economic status, or ZIP code.

There are so many factors affecting our environment that we don't have control over. This is not one of them. The technology exists to properly monitor and decrease air pollution. I do not believe that the Drummond Company cares about the communities they operate in. Recent legal proceedings are ample proof that this company has been involved in a systematic and despicable operation to keep the EPA out of North Birmingham.

The vision of the Jefferson County Health Department is, and I quote, a healthier Jefferson County for all. Denying this permit and demanding that ABC Coke follow stricter guidelines would be an excellent way to do exactly that. You have a responsibility to advocate for and protect the well-being of our county. I sincerely hope that you will prove that this body is not another thing that has been bought out by Drummond and Balch. Thank you.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

With respect to your concerns about the monitoring requirements included in the draft permit, JCDH has made every effort to include all applicable requirements and sufficient monitoring to assure compliance. These requirements are included in a manner such that they will be enforceable under Title V of the Clean Air Act. It is worth noting that the intensity of monitoring should be proportional to the magnitude of pollutants emitted and the variability of the process, among other concerns. Sufficient monitoring to assure

compliance often does not require continuous emissions monitoring systems even when they are commercially available.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Kirsten Bryant

MS. KIRSTEN BRYANT: Thank you for having me. I work with Gasp, a small nonprofit group that believes that everyone deserves to breathe clean air. We also believe that everybody's health should be the first priority when considering policies and permits that affect air quality. Gasp has submitted lengthy comments today in writing.

As a resident of Jefferson County, I submit the following comments. I have heard for years over and over that there are no health problems associated with the pollution coming from ABC Coke. It has been a theme at various meetings over and over for years, and I know a lot of people in this room have heard the same thing. I heard it at a meeting just a few weeks ago. I heard it from a convicted felon at his sentencing a few weeks ago.

Science has shown us quite clearly that breathing in air pollution is not good for our health. It is especially dangerous for the least vulnerable among us; our kids, the elderly, and those who have existing health problems. Science has also shown us. Researchers from investigations here at UAB have found small but significant association between preterm birth and residential proximity to coke and steel production facilities.

The studies suggest fugitive emissions from industrial point sources may increase the risk of adverse birth outcomes in surrounding neighborhoods. The study said that further research is needed to determine exposure to emissions in these neighborhoods surrounding industrial facilities and their combined effects on birth outcomes as needed.

I'm not a scientist, I'm not a medical professional, and I'm not an attorney, but it doesn't take any of those professions to understand that when you live in a neighborhood when you have to wash black soot off your car, your house, your property on a weekly or even daily basis, that your body is probably being exposed to that soot as well.

And it's not just the soot that we're talking about. You can visibly see that accumulating on property around ABC Coke, but there are many harmful invisible dangerous carcinogens such as benzene, toluene, naphthalene, and arsenic coming from that facility. We need to study how this pollution is impacting people's health. We need a health assessment to determine how the chemicals from ABC Coke and other sources around the communities are harming people's health.

In addition to hearing that there are no health concerns over and over, there's another theme that we have heard over and over. That ABC Coke is in compliance. Well, we have learned recently that the emissions estimates in ABC Coke's permit application are significantly deficient. There are significant problems here. How do we know that ABC Coke is in compliance if their emissions are not calculated and reported properly? Citizens deserve to know exactly what is in the air that they are going to breathe. The emissions may be higher than what ABC Coke is estimating. Significant air modeling needs to be completed so we understand what is in the air.

The Title V permit must require site specific monitoring of all emissions from the many sources at the facility and fence line monitoring. The Health Department can and must do better.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

However, based on the latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

The referenced article "Spatiotemporal association between birth outcomes and coke production and steel making facilities in Alabama, USA: a cross-sectional study" by Travis R Porter, Shia T Kent, Heidi M Beck, and Julia M Gohlke, is available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4223752/>. To quote the last sentence of the conclusion: "The present analysis detected suggestive trends justifying further research on the potential compounded burden of social, economic, and environmental stressors, particularly for minority populations." The article does not establish a causal relationship between the coking process and either preterm births or low birth weights.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population” (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

JCDH calculates emissions from ABC Coke and other major sources independently of the calculations submitted by the facilities. The Department uses emissions factors to estimate emissions in the following order of importance: site specific stack tests, AP-42 Factors and engineering judgement. In the interest of protecting public health, our emissions calculations rely on conservative assumptions that sometimes result in higher numerical values than those submitted by a facility.

With respect to your concerns about the monitoring requirements included in the draft permit, JCDH has made every effort to include all applicable requirements and sufficient monitoring to assure compliance. These requirements are included in a manner such that they will be enforceable under Title V of the Clean Air Act. It is worth noting that the intensity of monitoring should be proportional to the magnitude of pollutants emitted and the variability of the process, among other concerns. Sufficient monitoring to assure compliance often does not require continuous emissions monitoring systems even when they are commercially available.

Under Title V, JCDH cannot include permit conditions for fence-line monitoring unless there is an underlying applicable air regulation requiring such monitoring.

The responses to the written comments from gasp are presented later in this document.

Laniesha Campbell

MS. LANIESHA CAMPBELL: Good evening. My name is Laniesha Campbell, and I am a community volunteer with Gasp but I'm speaking on behalf of myself. I believe that everyone in this room, the Health Department included, knows of the health disparities that the toxic from ABC Coke permits. That's why I say today that they should not get their permit because if we allow them to review it, revise it, revisit, redraft it, we know they're going to continue to exploit the financial insecurities of our neighborhoods, diminish the property value of our neighborhoods, and the effects of pollution today, not only affect us now, but generations to come, infants, babies, and so on and so forth.

What the Health Department has allowed to happen and turn a blind eye to is nothing short of genocide of a class of people, not color but class of people, who have voices and who matter. So today I ask that the Health Department act in the health and the interest of the people and not the interest of their companies and not give ABC Coke that permit. Thank you.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

JCDH would like you to know that, although ABC Coke can review and comment on the draft permit in the same manner as the general public, they cannot “revise” or “redraft” it. ABC did not submit any comments on the draft permit. Presumably, ABC intends to comply with the conditions as written.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population” (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

The permitting process is not intended to assess external economic or business considerations, such as the “need” for an industry, local property values, noise or community support.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens’ health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Laconia Carter

MS. LACONIA CARTER: Hello. My name is Laconia Carter. I'm a recent citizen here in North Birmingham. And it just bothers me when I first moved back. Why is there so much blight? Where is the industry? You know, I'm an entrepreneur. I understand bottom line. I understand making money.

But what I don't understand is using people and using your facility to continue to harm people in their breathing, in their whatever, the health.

I don't think they should be permitted to have their permit until they improve the facility. This is 2018. Wait a minute? How long have we been watching Star Trek? Okay? You know, we can and they can and there are facilities in these United States that clean their processes, the process. And guess what it's going to take? It's going to take from the bottom line. If you want to continue to operate, then you have to improve your facility.

I worked with a company in 1986. They did that. When the Clean Air Act came out, the right to know information for each employee, each employee was counseled on this. If there were carcinogens in your work area, we want you to take the proper processes to protect yourself, your family. Okay. What was I going to say? 1986, 1981. 19 what? How long ago was that?

That brings together this thought that I had, and I'm a conspiracy theorist. The Tuskegee Experience? Where am I? In Alabama? Oh, my goodness. Is it still going on? We are taking data. Guess what? My husband, he had a stroke. Okay? The man loved statistics. And he would do it the old-fashioned way, and he taught adjunct at different colleges. He worked for three while he worked full time. And he traveled all over the place. The man loves math. And the numbers can be construed to say whatever you want them to say. You can make it work. All you got to do is work the statistics.

And we can call it what we want to call it, but if there are -- say a half person and they're receiving as much corrupt crap that's out here in this air. I have bronchitis. I visited the Collegeville area three and four times. I went past that spewing stack, and guess what I came down with? Uh-huh. Okay? And my husband is sick and I take care of him 24/7. He has not -- and it wasn't viral. I have to conclude, and my doctor said it too, it's an allergic reaction to something. Okay?

It is deplorable to have a company decide -- and I read that piece of paper we were given -- decide that they cannot take a broiler and clean up what it has -- huh-uh. That's -- I'm sorry. They should not be given a permit until they decide that they want to take care of people. And the God that I serve says He's looking at everything.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

However, based on the latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

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Betty Collins

MS. BETTY COLLINS: All right. My name is Betty Collins. And John did a sermon with eight words and I'm going to try to do this real quick.

I also agree that they shouldn't have their permit because I went to six funerals this year of young people, not old people only, but young people. A mother died. She's 38 years old. She left two kids, two, four and ten years old. And then my daughter-in-law died at the age of 41. Left three kids, and that was hard. My father-in-law, my mother, my sister. She had to move away from Alabama to New York, but she died at 55.

And this air is killing us. Every day somebody is dying, and they're not old all the time, they're young. My grandbaby has asthma real bad. She has to take her inhaler everywhere she goes. She's in college, but she has to take her inhaler everywhere. So people are dying. Don't fool yourself. They are dying, and when y'all go home tonight I want y'all to think about -- just put yourself in our place because what if it was your family? Your little niece, your grandchildren, maybe your daughter, maybe your son. I don't know who it might be, but we are dying, and they don't need that permit unless you all do something else about it.

But, just like the Health Department, stop using politics because them dollars don't help us at all. We don't even have a hospital over there in North Birmingham anymore. We used to. But I went to six funerals, six of them, and the little boy said, Why is my momma laying there and won't move? That killed me to my heart. This is a baby.

So we don't need that permit. Y'all need to do something else better because this is hard on all of us. We are dying. We don't need no watermelon, no chicken, no sandwich. We need some funds to help the people because we need to stop playing -- y'all need to stop playing politics with people's lives. Thank you.

The Department appreciates your concerns; however, based on the Department's latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

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productive capacity of its population” (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens’ health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

Richard Dickerson

MR. RICHARD DICKERSON: Good evening. My name is Richard Dickerson. I live on the Southside here in the city of Birmingham. I want the record to show that I used to be a senior political appointee at the Environmental Protection Agency during the Clinton administration. During that time I worked with Brownfield communities that are dealing with National Priority List, NPO, I've worked with Superfund sites, and I've dealt with a lot of communities on issues of air pollution.

I'm here tonight to oppose strenuously the granting of the permit for ABC Coke for a variety of reasons. I'm going to try to do this very quickly. The Health Department's mission statement says they're going to prevent disease, assure access to quality health care, promote healthy lifestyles, protect against public health threats, and for a healthier Jefferson County. That's what's on their mission statement on their website.

And in the communities surrounding ABC Coke, predominantly poor black communities, people are suffering and people are dying. They're dying. We've got particulate matter in people's homes. We've got lung disease. We've got diseases. We've got cancer. Property values are just being destroyed. People are dying. But in addition to the health issues, we've got other things going on that we need to talk about.

Yesterday, the Region 4 EPA administrator was indicted. He was indicted. Following the trial, he was involved with this. We've got letters written by people who have been convicted signed by Jefferson County commissioners, Jefferson County commissioners. Now, poor black people in these communities didn't write any letters that were signed by commissioners, not one letter. So we sit here tonight begging people with our tax dollars to do the right thing. Somebody said about politics. It is politics. It should be about health care.

And, finally, you know, I talked about environmental justice. You know, the Health Department gets money from the EPA. EPA is our money. Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, origin, or income. Now, have poor black people been fairly involved in the process? Didn't write any letters to the commissioners. They didn't sign any of our letters. They didn't submit any of our letters, part of resolutions demanding that EPA not do this.

So, you know, as I close with you tonight I just think we're -- understand that people die, and this is not normal for this level of people to be dying. We have health issues, we got corruption issues, and there is no way that the Health Department can tell us tonight or tomorrow that the health of people

who live in close proximity to the ABC Coke facility will not be negatively impacted. They can't do that. And nobody here gave any politicians \$50,000 contributions. Didn't do that either.

So I'm so glad to see so many people here, and I just hope that the Health Department does the right thing once for people. Put the politics aside. Forget about who wrote the checks. Think about the people who are dying. Thank y'all.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Catherine Evans

MS. CATHERINE EVANS: Good morning. My name is Catherine Evans, and I'm the vice president of Acipco-Finley, newly elected president, and I'm the chairperson of the public health. I'm here today --

they shouldn't give the coke plant the permit. My husband passed in that area. I was living over in that area when he was younger, and he passed with all the sickness from over there.

And now what is still happening in that area, they have put two recycling plants on Acipco-Finley. One across from Niki's and one a little further down, Jordan Recycling. We waited on a ruling from Carole Smitherman, Judge Carole Smitherman, but it's not right because it's still in this area. The cement plant, now, they withdrew their permit, but two recycling plants. I can show you a picture of what we're having to deal with in this area.

Because right across from Niki's, one of the recycling plants caught on fire. Look at that. It was always -- we have the farmers market up there, open produce. The water plant is not too far from there. So we're having it, and it was all the way from the farmers market -- I mean, the whole community. So they're continuously, continuously putting these contaminations in our area.

Now, Jordan tried to come maybe seven years ago, recycling plant, and I asked them, What are you recycling? He said, Well, stuff like government. He said bomb -- you know, bombing tanks. I said, Well, don't bombs go in that? And he said, Well, yes, ma'am. I said, Well, won't the residue from the bombs get in the air? He said, Well, ma'am, that's just my business. And another man, I said, Why don't you put it in the woods? He said they don't want to kill the animals and the trees. You know, what about us?

You know, so we're having to experience this, so you all do something to help us and don't let them -- and then they're bringing dirt over our way. We don't know where it's coming from. Piles of dirt, piles of dirt. They're dumping tires all in the community now. Piles of it. And the neighbors saying it's coming from Jordan. I don't know. I didn't see it. But that's what say. They see them. They dumping it over there. So they're using our area as a dumping ground.

Then we had the human waste trains staying up there by the driver's license place in Acipco-Finley for two weeks, two weeks. And I drove up there. And here the open produce. People going up there buying food, the train right there. You know, so what are they doing to us in this area, North Birmingham, all these communities over in that area? It's time for a change. It's time. And then when they're burning -- I got pictures of it, of Jordan claimed to have been burned. I have pictures of it burning. That metal processing, it is doing that. He was doing that. Which he say he wasn't, but he was doing that. I have pictures.

But then I couldn't even walk. I would walk every morning. I can't walk in my neighborhood anymore. So I done put on a little weight. So that done be something for my health. And another thing, I can't sit on my back porch. I can't -- you know, my whole way of living has changed. So if you're going to make it all industrial or all residential, give us fair market value for our homes, and let us go if that's what they want.

They're making billions and billions of dollars, and they don't want to help us. My husband is gone. His sister is gone from that sickness over there. So I know my time is up, but I just pray that something be done about that and you all have the heart to think, would you want to live like that. Just think of what we're going through.

Because I'm the president, vice president, people coming to me, Catherine, I can't sleep at night. What we going to do? How can we make it? How can we live over here? Elderly people, neighbor has got cancer and all kinds of diseases. Catherine, help us. Help us. I'm not able to come out, but you help us. I have to listen and all of that. Please help us. Thank you.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population” (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

Similarly, it would not be reasonable to deny or revoke ABC Coke’s Title V permit on the basis of the presence or conduct of any other facility.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens’ health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Lucille Fordham

MS. LUCILLE FORDHAM: Good evening, everyone. My name is Lucille Fordham, but everybody calls me Ms. Lucy and I kind of like it. But, you know, we don't have a racial problem. We have a people problem. I was raised in a household where we didn't look at color. We looked at the character of a person.

So, you know, people want to get rich by doing unscrupulous things, playing with people's health, but when they get through accumulating money, what does that money do for you? It kind of reminds me of a man that was rich. He was old, and he had a young wife. So he said, Wife, when I leave here, I

want you to bury my money with me. So she says, Okay. She kept the promise, but guess what she did? She wrote him a check.

So I'm attending this meeting thanking God He knew what He was doing when He placed me where He placed me. Now, I work for the Bell Company, and then it changed to AT&T, for years. So the shifts that I work, I was away from home most of the time, and so my kids were kept across town. So that kind of saved them from all the pollutions that others suffered from.

But my daughter told me something recently, and I said, Oh, my God. They don't -- and I have five kids. None of them smoked. None of them drink. Thank God for that. But my daughter told me something that kind of struck me. I says, I wonder if that condition she has came from the pollution? She told me recently. She said, Momma, when I went for my wellness checkup, they found something on my lungs. I said, Really? She said, Yes, ma'am. And I thought about it. When she was little, she made mud pies, and she ate some of that dirt. And I found out that that dirt has arsenic in it, a lot of chemicals that we shouldn't be breathing, let alone eating.

So I'm interested in how far -- and that's why I don't want these companies to pay off people to continue to do what they was doing. In other words, business as usual, and they looking at their bottom line. They'll tell you that we're going to control the pollution. But who is to oversee that to make sure they do it like they should?

I was reading the information on the sheets that we received, and it was talking about the equipment and what it's supposed to do. Some of that equipment is over 70 years old. That's ridiculous.

So I hope that they don't get their permit. That's all I have to say. Thank you.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

Marcia Forrest

MS. MARCIA FORREST: My name is Marcia Forrest. I am just a concerned citizen. It's a common scenario that high-priced housing and discrimination is rampant when we have African Americans attempting to get homes. Redlining is still persistent. These variables force low income and minority neighborhoods to cluster around ABC Coke and industrial sites such as truck stops, other pollutants that are hotspots all in Birmingham, Tarrant, North Birmingham, Acipco-Finley, et cetera.

The ABC Coke plant comes to mind as a firm that pollutes the community with fine particles concentrated and it manifests itself with asthma, respiratory, and other illnesses. We come here periodically pleading with the powers that be. We're dying. We're sick. But the interest of the population falls short repeatedly. So we'll continue to galvanize. We'll look at each here. We may change some phone numbers, but this movement is increasing. We're going into the 21st century, and we are not moving forward with addressing the situation.

So, again, let's continue step by step and make this happen. This Title V needs to go down, and we all know it. However, the African American community, poor whites who are struggling just like us paycheck to paycheck, we got to come together and do this. Thank you.

Thank you for your interest and participation in the public comment process.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The

Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Marion Hall

MS. MARION HALL: Good afternoon. My name is Marion Hall. I've been a resident of Jefferson County for a little bit over 60 years. I came this afternoon because one of my neighbors had just informed me -- on October the 2nd, I just closed on a new home where the City is promoting residents to move back into the neighborhood, move back into the areas, and there are some vacant lots there next to me. And I've been encouraging people to move back to the neighborhoods, but only after my home started to be built is when I found out about this situation.

So I was caught between a hard place, whether or not to not build or to build, but I'm in the area called Enon Ridge, which is not that far, but because these are still -- I'm a resident of Jefferson County. I'm still concerned because if they can do that in Tarrant and North Birmingham, I might wake up tomorrow and they'll be in Enon Ridge. So I'm here to ask you all not to pass this.

And I thought about what the young lady said there. If you got home this afternoon and had a letter in the mail that says you just won a vacant lot. They're going to build you a nice \$200,000 home on it, and it will be yours all free. And you decide to take it, and then you found out the next day it was across from ABC Coke. Would you take it? Think about if you woke up next week and heard some banging and looked out and realized that ABC Coke was building a plant right across the street from your house. Would you stay there? That's something for you to think about.

We don't need to wait until something comes and knocks on our door or on our doorsteps to be concerned about it because you are a citizen of Jefferson County, and for whatever reason, God has enabled you to be in a position to make a decision. Whether it affects your life or not, it affects other people. Think about it. You have children, and one day your child might be faced with this same thing. So think about it. It's not the decision that you make that affects somebody today, but it's the decision that you make will affect somebody for a lifetime.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

Michael Hansen

MR. MICHAEL HANSEN: Good evening. My name is Michael Hansen. I'm the executive director of Gasp.

Today, we've heard a lot from our staff and our board members and our volunteers and our interns and junior board members and, most importantly, our members, and I want to tell you a little bit about what we do. Our mission is to reduce pollution. It's that simple. And I know you all. I've worked with the Health Department on a number of different projects over the years.

And the reason Gasp exists is because air pollution is the number one environmental health risk factor for premature death and disease globally. Right? 6 billion people -- billion, with a B -- die every year because of exposure to air pollution. Our mission is to make sure that that number comes way, way down. We're doing better in the U.S. than we are across the globe, but we've still got a lot of room for improvement especially in places like Birmingham.

And I wanted to piggy back off of what Reverend Wilder said earlier about making sure that you know so you can make a better decision. I don't think you can say you don't know that there's a problem, and when we know something, we must do better. So you know better, you do better. So thank you Reverend Wilder for making that point.

And on that note, I want to hand over a paper copy of our comments that you received today via email. Lengthy recommendations on what you can do as the enforcement agency to make sure that the pollution is reduced and that people's health is the number one priority. And so, on that note, I'm not going to get too much into the leaves, but I do want to say -- quote Maya Angelou, who said, When someone shows you who they are, believe them.

And we've got no reason to believe Drummond Company is in compliance and should be believed, and our comments, I think, will show why we think that, and we're here to make sure that everyone in Jefferson County in Alabama has a healthier life. Our vision is a healthy, just, and sustainable state of Alabama, and we believe that we can do that in part by reducing pollution.

So we ask you to take our comments seriously and look at us as a partner in this process and consider all of these stories that you've heard today. Thank you.

Thank you for your interest and participation in the public comment process.

JCDH does endeavor to incorporate all the applicable air pollution rules and regulations into every Title V permit it issues. These terms are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. The draft permits are reviewed by the public and by ADEM and EPA. This comprehensive review should prevent the omission of any air pollution control regulations which apply to ABC Coke and are authorized by the Clean Air Act.

The Department reviews reports from all Title V facilities within Jefferson County for the purpose of determining compliance and assessing the quality of reported information. JCDH attends all baghouse stack tests and also conducts monthly Method 303 battery observations and pushing emission observations. JCDH conducts annual inspections of the by-products plant using an infrared camera which enables visual observation of organic vapor leaks. The Department's observations are not inconsistent with ABC's reports or with the observations of the independent contractors whose employees perform the monitoring required by the permit.

JCDH calculates emissions from ABC Coke and other major sources independently of the calculations submitted by the facilities. The Department uses emissions factors to estimate emissions in the following order of importance: site specific stack tests, AP-42 Factors and engineering judgement. In the interest of protecting public health, our emissions calculations rely on conservative assumptions that sometimes result in higher numerical values than those submitted by a facility.

The responses to the written comments from gasp are presented later in this document.

Debra Holston

MS. DEBRA HOLSTON: Good morning. How is everybody today? My name is Debra Holston, and I've yet to hear anybody mention the Pipeshop Quarters. If you're connected with Collegeville, then you know about the Pipeshop Quarters. I've lived in the Pipeshop for 63 years. The first three years of my life was on 29th Avenue in North Birmingham.

I don't know if you guys have ever seen a community wiped out by what ABC Coke is putting out. We grew up in it. We could dust our furniture, five minutes later, we could go back and write our names back in the furniture. They did not tell us that we were a dumping ground for their toxic waste. We plant food, grow vegetables. We were eating the toxic waste.

Fifty-five houses in the Pipeshop Quarters. Every house, every family, in the Pipeshop Quarters, including mine, cancer. It didn't skip one, one, skip one. Every house had someone with cancer. I'm a survivor, and my mother is a survivor. I had an aunt that died from lung cancer, never smoked, and some of these older people know, never dipped snuff. She lived right off of 29th Avenue in Collegeville.

You got to stop. Still people after we moved -- and we were forced to move out of the Pipeshop. If the house burnt down, we couldn't rebuild because ABC had eminent rights to that property. You've got to put a stop to it. Too many families -- and, I tell you, I'm tired of going to funerals. I'm tired of it. Because of ABC Coke, I lost a brother, I lost a father, I lost a grandmother, I lost a grandfather, I lost my mom's mother, my mom's dad. I've lost too many people to what ABC Coke is putting out.

You need to put a stop to it. We can't do it. We did not -- if we had known that we was a toxic waste dump for this company, but we didn't. It come up later. We had to move because of the flood. And I know ABC Coke had something to do with it because the insurance companies would not cover the people that had insurance. FEMA said if it had been done by nature, we would cover it, but it was done by man.

And I know my time is up, but please, you got to do something. You cannot let this continue. We beg you. It's in your hands, but this is not the last time you're going to hear from me.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

However, based on the latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

A Title V Operating Permit covers the air pollution control regulations which apply to a facility and are authorized by the Clean Air Act. ABC Coke is also subject to environmental regulations and permitting (by other regulatory agencies) for environmental concerns other than air. However, zoning issues and environmental regulations outside the Clean Air Act are not within the scope of a Title V permit renewal action.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

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Haley Lewis

MS. HALEY LEWIS: Good morning, everyone. My name is Haley Lewis, and I work for an organization called Gasp. We've been working a long time on the air pollution issues in the northern Birmingham communities and the Tarrant communities. ABC Coke is one of the facilities that contributes to the air pollution.

I'll be submitting lengthy written comments, so I'm not going to get into all of that. But I do just kind of want to echo something Mr. Smith said, and it's that I do think that as a permitting authority, the Health Department could do a little better. And you'll see in my very long comments that I'm submitting later today, I have a lot of suggestions for that and I hope that you guys can take it to heart within the bounds of Title V, what you can do.

I think there's a lot that can be done to alleviate some suffering. I think there's a lot that can be done to make these communities more livable and improve people's health, and I think the Health Department has the power to do that and I just hope that you guys embrace that and embrace your duty. Thank you.

Thank you for your interest and participation in the public comment process.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

The responses to the written comments from gasp are presented later in this document.

Meagan Lyle

MS. MEAGAN LYLE: Hello. My name is Meagan Lyle, and I'm an organizer for the Power Shift Network, which is a network of organizations across the country that support youth leadership in the climate and environmental justice movement.

We stand in solidarity with the community groups and individuals who are fighting for clean air and healthy neighborhoods in Birmingham, a Birmingham in which all residents can drive as our best selves. The toxins being released from the ABC Coke plant not only contribute to global warming and climate change from a global scale but they also have detrimental effects on the health of Birmingham and Jefferson County residents like everyone has said before me.

The ABC Coke plant threatens the health and safety of the workers and the surrounding communities most directly, but it also has impacts on air quality throughout Jefferson County, causing increased rates of asthma in children and heart disease. The chemicals being released have been connected to causing permanent brain damage in children, and a recent study I read this morning conducted by the UAB Department of Environmental Health and Sciences showed that exposure to emissions from industrial facilities, particularly coke and steel production facilities, is directly associated with adverse birth outcomes.

This violent and unsustainable practice of coke production must stop if we want to protect community health. There are alternatives to using coke or coke for producing steel. For example, using an electric arc furnace instead of blast furnaces that run on renewable such as solar and wind. EAFs are already responsible for 30 percent of the world's steel production.

Alternatively, we could be putting far more efforts into reclaiming the steel that has already been created. Steel, it's incredibly recyclable. It can be used over and over with little loss to mass, and furthermore, I would encourage us to think about our need for steel. Certain things we do need it for, other things we don't. All of these doctrines call into question the need for coking facilities like ABC Coke, which, again, is currently destroying the health and safety of residents in Jefferson County.

The emissions and exposure to toxic chemicals is disproportionately affecting black and brown communities, and like so many people have said before me, people are dying in North Birmingham. The Powers Shift Network calls for a just transition away from facilities that produce toxic chemicals and threaten our air and our water resources and contribute to a linear consumption model away from a world where we hold profit over people and a transition towards a cooperative economy that creates healthy sustainable well-paying job, and in that vision, ABC Coke is no longer needed nor wanted and has been shut down completely. In that vision, more efforts are put towards recycling, compost, and reusing materials instead of wasting natural resources, and the resources we do use are equally distributed and wealth is shared.

We call on the Jefferson County Health Department to reject this pollution permit. I call on the Jefferson County Health Department to reject this permit as a resident of Jefferson County. And it's not enough to reject the ABC Coke facility because raw materials that are used for coking come from other communities that are being devastated, and where this product is going is also contributing to community health issues.

So we not only call for the Jefferson County Health Department to reject the pollution permit but to also take further action to shut down the ABC Coke facility completely and create green jobs and clean jobs and well-paying jobs in its wake. Thank you.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population” (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The permitting process is not intended to assess external economic or business considerations, such as the “need” for an industry, local property values, noise or community support.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

The referenced article “Spatiotemporal association between birth outcomes and coke production and steel making facilities in Alabama, USA: a cross-sectional study” by Travis R Porter, Shia T Kent, Heidi M Beck, and Julia M Gohlke, is available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4223752/>. To quote the last sentence of the conclusion: “The present analysis detected suggestive trends justifying further research on the potential compounded burden of social, economic, and environmental stressors, particularly for minority populations.” The article does not establish a causal relationship between the coking process and either preterm births or low birth weights.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens’ health will not be adversely impacted. In addition, the Department conducts monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Kathy Mason

MS. KATHY MASON: Good morning, everybody. My name is Kathy Mason, and I live in North Birmingham and Rice Hill and over here in Tarrant for eight years, and the pollution has really got me. I have a lung disease, and I don't like to talk about it because I be want to be -- you know, like normal people -- you know, like ain't nothing wrong with you. But something is wrong with me. I'm really sick, sick.

And I feel as though that can't be nothing be done about the pollution, about this air that I have. I have to go to the doctor every two weeks. It was every week. And I'm telling you, I don't know whether I'm just a walking zombie because I have really actually took all -- every medicine they've given me.

Some days I'm weak. When the kids know that -- my grandkids know that my door closed, I'm sick. When it's opened, I'm sick. You know, I'm a little better, but I just -- sometimes just doing this right here. This illness has kept me from walking up the steps, giving out in my knees, having me not to clean up the way I do, but I'm a clean person. I love to cook. I love to clean. I love to take care of my grandkids, 12 of them.

But I have full grown kids, though. Hey, they got three or two each. So, hey, I tell you, I can't hardly do anything. I done took all kind of medicine that they've given me. I'm still going through shots. I'm still going through, you know, getting myself together. Every doctor in Birmingham knows something about me, about my lungs. And I be saying, God, I do not want to keep going to new doctors because everybody knows something about me.

Sometimes, I don't want nobody to know I've got a handicap tag. Can't walk to the store unless I'm given out of breath. Get too cold too, I'm sick. I get too hot, I'm sick. So, hey, I stick my head out the door, I'm sweating, so I already know I'm sick. So everywhere I turn or leave to do anything I have to time myself to do it. I constantly fumble all the time. So I don't know whether, you know, it's the medicine that I'm taking or -- you know, I'm a walking zombie because I've done tried almost 36 pills a day. That's no lie. I'm going to tell you the truth.

So, hey, if y'all can do something about it, y'all do something. If it's in God's hands, let him do it. But, hey, I just want to speak. I was not going to come today, and I said, no, let me come on and go because I might learn something myself about it. So, hey, I'm still here. When I put my foot on this floor, I like to look at it like I'm raising up on God's shoulders, another day give me strength to keep going, and let me know, hey, I got all my children, got all my grandchildren. So, hey, I can't ask for no more and no less.

So if this means anything, you know, to you, y'all do something, please. Because I had asked the doctor, Why I got lung disease? Why I got to keep having asthma? I never smoked. Never drank in my life. Never went to jail. Clean record. I know I had a disability because that is a disability. So I asked the doctor, What's the difference between my lungs and a little child's lungs? We're both breathing. Only difference is I'm -- I'm just older than a child the way I see it. So I'm not going to take up no more time, but please, do something, please.

Thank you for your interest and participation in the public comment process.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

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With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens’ health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

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Carolyn McNeilly

MS. CAROLYN MCNEILLY: Hi. My name is Carolyn McNeilly, and I'm more or less a life-long resident of Jefferson County, and I'm here to support pretty much everybody who I've heard speak so far.

I actually had this fantastic speech with lots of numbers and statistics, but I've been very moved today by what I've heard starting with Representative Moore down to Kirsten who just spoke so passionately. And I kind of just want to take a moment to highlight some of the things that were said so I can really, you know, remind everybody how truly important it is, and the thing that hit me most was how do we know that they are in compliance.

How do we know that ABC Coke is in compliance? I've heard that over and over again in the past hour, hour and a half, and it just floors me. As somebody who is coming into a situation as a

concerned citizen, how are we holding these people accountable? We have a packed room right now that's speaking to the people who decide whether or not this company gets the permit.

Are we going far enough? What else is there to do, and how do we continue to hold, not only our county but companies accountable? And we do that through action, through speaking out, through writing letters, and everything else that you guys have been doing, and I'm really here just to support everybody and say how concerned and how important this really is.

Over the past few days, I've learned that these -- the things in the air, these particulates, affect everything from preterm child birth to ADHD to lung cancer. Having a company proactively do this, to not only individuals but also a society, a culture, a group, is completely unacceptable. And I'll just say thank you for the time.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

The Department reviews reports from all Title V facilities within Jefferson County for the purpose of determining compliance and assessing the quality of reported information. JCDH attends all baghouse stack tests and also conducts monthly Method 303 battery observations and pushing emission observations. JCDH conducts annual inspections of the by-products plant using an infrared camera which enables visual observation of organic vapor leaks. The Department's observations are not inconsistent with ABC's reports or with the observations of the independent contractors whose employees perform the monitoring required by the permit.

Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

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While much is not understood about the causes of ADHD, there is a genetic predisposition for many people with it, along with other possible factors, mostly unproven. There is no known causal relationship between the coking process and ADHD.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Eva Melton

MS. EVA MELTON: I'm Eva Melton, a local minister and community organizer. Although, I reside in the Crestwood area now, I grew up in the northern Birmingham area, and my attention is drawn to this permit that I believe should be denied because of its impact on the surrounding community of ABC Coke.

And as I read my sacred text, I am consistently reminded of its constant reminder that I should care for my neighbor as I care for myself, and it is my desire that my neighbor has the same level of access to clean air, health, and longevity as I do. I value human life, and any amount of pollution that decreases the quality of the life of my neighbor is just too much.

I have a moral and social responsibility to seek the highest good for the people of Tarrant, Collegeville, Hooper City, northern Birmingham, and the Inglenook community, not because I live there but because their life span and quality of life matters to me and to the faith community. The communities in the vicinity of ABC Coke do not have to have been martyrs for greater Birmingham.

Air pollution has both short- and long-term adverse effects, and we want to make it clear that no amount of financial gain to this region by the presence of ABC Coke or Drummond Coal could ever trump the value of human life.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

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The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

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Gabriel Mendez-Francis

MR. GABRIEL MENDEZ-FRANCIS: Buenas noches, good evening. Let's see here. I didn't prepare anything necessarily before this, but I did put something down quickly on my phone. So I've been a citizen of Tarrant ever since I was born. I've lived here all my life. I've been to the school system all my life. And I'd like to make a couple of comments about this.

So I live just a mile away from this coke plant and I've seen the smoke and the fire and the ash from the factory every single day. And I get home from school and I see a pillow of black clouds rising from the smoke stacks, and I know not to spend too much time outside because the smell comes in. It's a smell of rotten eggs. It's very unpleasant especially when it rains, so -- when acid rains.

People tell me that ABC Coke is good for the community of Tarrant. They say that it's a good economic source, but I wouldn't say so. When I was younger, there used to be a Food Giant, there used to be a Wells Fargo back in town not too long ago. When I was younger, there used to be a thrift store. When I was older, I said, Hey, I'll go to the thrift store, and I'm now 18 and there's no thrift store now. I don't know what happened.

And it's affected my friends too. One of my friends used to live in Hoover. She moved down here to Tarrant, and she has asthma now. She can't run track anymore. My mom who has lived here for a quite a while too, she has bronchitis now. She never had that when she was living in Venezuela. I don't know. I don't understand. There are people that I even know who -- for the school system who tell me things that I don't believe are true whatsoever.

I believe that they're trying to keep up their image, their reputation. They care more about that than they do about the citizens of Tarrant, of their own students in the Tarrant City School System. That really bothers me. I've lost a lot of respect for a lot of folks who I used to trust.

Well, I know I really can't do anything. I just turned 18 like a month ago. I know I can't do all that much, but I hope that if I come to this hearing, I can make my comments heard. And I appreciate having the opportunity to do so.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

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The permitting process is not intended to assess external economic or business considerations, such as the “need” for an industry, local property values, noise or community support.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens’ health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

Mary Moore

MS. MARY MOORE: Thank you. I'm Representative Mary Moore. I represent both North Birmingham and Tarrant. And initially, I'm saying that we do not allow ABC Coke to be getting its Title V permit. And the reason is, in the area, we know that there's pollution, but the concern of the citizens there is that EPA, having done its report on North Birmingham, I don't feel as though they did due diligence.

Any time we know that there's a high level of pollution coming from these manufacturing plants, they have done nothing, presently nor in the past, to monitor their pollution, to look at the impact that it's had on our citizens, nor has the Health Department done its due diligence to look at the health hazards coming from the chemicals that emitted in the pollution coming from ABC Coke and other companies that are located in North Birmingham.

I do suggest that before and if the consideration is given to give them their Title V permit that they must do due diligence, they must test the soil, and also look at the deaths that are occurring in the Tarrant City and North Birmingham community that shows signs of cancers that could be related to the chemicals that are emitted in the air.

There was a time in the North Birmingham area we did do that before we filed our first application to have EPA to come in. And, unfortunately, we're still being told that there's a high level

of pollution, North Birmingham and Tarrant, yet it's still -- the Health Department is saying that we do not have an abnormal number of people who are dying and we see them every day.

We know our family members, we know our neighbors who have died of lung related illnesses. We know that children in the areas have high numbers of asthma and lung conditions in the area. Yet and still, we do not get conclusive information from our Health Department nor have we gotten satisfactory data from EPA to come to that same conclusion when on the other hand they say we are more polluted now than ever. So there's got to be some data, and it should be collected, and it should be collected in truth and exposed to the citizens of both Tarrant and North Birmingham.

And, again, I say I do not -- and I'm asking that they do not receive their Title V until that information can be gathered and properly disseminated to the citizens and that the chemicals being released ought to be compared to the deaths that are occurring in both of those areas. And I don't see where that has happened, so I am asking the Jefferson County Health Department to do their due diligence.

And there is a mechanism because all the death reports come here. And there is a way you can look at them, and I know on most of those death certificates, having worked in a hospital over 30 years, cause of death is there. And we know the areas that they live. 35207, at 35215. That they can collect their data and do a proper report to us the citizens that live both in North Birmingham and Tarrant. I'm asking that they not get their Title V permit.

Just to give you some historical data as it relates to -- somebody made the statement that the companies -- that we moved into the areas of these companies. When the industrial age began, it was Washington, D.C., that only allowed industrial companies to move into predominantly black neighborhoods. As far as filing complaints, the first one filed to Congress in Birmingham was in 1954. We filed another one in 1989. To let you know, we just didn't start because of -- but the citizens in North Birmingham have been fighting for years, and I was one of the youngest that joined that group in 1970. And they've been working. All of those men and women are dead now, but that's how I got interested as a young lady was because they started to fight many years before.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit covers the air pollution control regulations which apply to a facility and are authorized by the Clean Air Act. ABC Coke is also subject to environmental regulations and permitting (by other regulatory agencies) for environmental concerns other than air. However, zoning issues and environmental regulations outside the Clean Air Act are not within the scope of a Title V permit renewal action.

Under Title V, JCDH cannot include permit conditions for soil testing unless there is an underlying applicable air regulation requiring the regulated facility to perform soil testing.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

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Nina Morgan

MS. NINA MORGAN: Good evening. My name is Nina Morgan, and I live on the Southside of Birmingham. I've been living here going on seven years now, and I too am here as a concerned citizen opposing the approval of the ABC Coke Title V permit.

It shouldn't be approved because it's harmful, as everyone here has stated, and I am also part of a legacy of folks affected by the polluting industries such as ABC Coke. My father and people on his side of the family are from Collegeville, and many people have died of cancer and illnesses related to pollution.

So I stand in solidarity with people in this room that are part of this larger story that have been affected and that are working to address these issues in a productive way. Thank you for being here. And while it's true that there's people on the front lines in places like North Birmingham and Tarrant, this pollution and industries like this affect Jefferson County as a whole. So we should all be concerned and involved.

The Jefferson County Department of Health right now is in the process of facilitating a community-based strategic planning process which includes multiple areas of community assessment and input, and one of those is the community themes and strengths survey, which I believe is still circulating. I'm not exactly sure. But recently they have adopted a vision statement for the strategic planning process, and the statement is as follows: Jefferson County, Alabama, is an inclusive, thriving community of healthy and connected people.

And my question is, How? And long -- how will this vision be manifested if we have polluting facilities like ABC Coke, and how long are we going to wait until we obtain this vision, and what does it mean for the future for people like me who would like to continue to live in Birmingham and work and build community? So please do not approve this permit. Thank you.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population” (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

The Department’s Title V permitting program consists of several aspects which serve to advance JCDH’s Strategic Plan to improve community health. Issuing Title V permits which include all applicable air pollution regulations and requirements provides a basis for enforcement of these laws by the Department, EPA, and citizens. JCDH inspects Title V facilities, observes their operations, calculates emissions and evaluates each facility’s compliance with applicable regulations. These activities are complemented by JCDH’s air monitoring program that measures air quality for comparison to the National Ambient Air Quality Standards (NAAQS). Compliance with Title V permits and with the NAAQS helps to ensure cleaner air and a better quality of life for people who live in Jefferson County.

Charlie Powell

MR. CHARLIE POWELL: Good morning. My name is Charlie Powell. I am the founder and the president of PANIC, and I've lived in the neighborhood of Fairmont 43 of my 65 years. And there have been nothing but chaos out of all those years. I'm here to try to stop this permit.

What I don't understand is with all these people going to jail behind what's been gone on with us for years, how can y'all continue to let this go on. There's got to be a stopping point somewhere. Now, Fairmont and Harriman Park is sitting right in the mouth of that thing. Now, most of the peoples in Fairmont wants to move. You don't want to move us. You don't want to stop the permit. Something has got to give.

Me, myself, I've been to Washington, D.C., three times about this. Now, at some point, it got to be a stop. Peoples we believe in is going to jail. So what is our next stop? And the plant keeps running. My peoples told me they don't want to be there no more. So there's got to be a choice made.

The plant has been there for 100 years. Don't look like it's going nowhere. Don't look like we're going anywhere. But something has got to happen at this point, and what I can't understand to save my life -- and all y'all need to hear this -- why would they put a school and the government projects right in the mouth of that thing anyway? What were they thinking about when they did that? And they're still there. And the pollution going on. It's gotten a little better. We got a group there, Gasp. They toning it down pretty good, but any pollution is bad.

My house was 15 times contaminated. They dug up one-half side up and the other side with nothing. Wasn't nothing wrong with that. I guess we don't know no better. But, now, then we got a grant from the previous mayor to test the soil inside the house. I'll be dangd if it ain't contaminated

in the house. Now, they tell you to wash your feet before you go in the house, but it's already in there.

We would like to move. Ain't but two things got to happen out this here. You got to move the people or move the plant, and the plant can't go nowhere at this time in this age and this day and move 400 acres in any neighborhood; black, green, or white. And at one time, black peoples had a limited amount of places to stay. And that's why we were surrounded. Some fortunate enough to get away and some can't. Well, only thing them peoples is asking for is fair market value of their house. Because the plant ain't going nowhere. We wants to move. And I thank you for letting me talk.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit covers the air pollution control regulations which apply to a facility and are authorized by the Clean Air Act. ABC Coke is also subject to environmental regulations and permitting (by other regulatory agencies) for environmental concerns other than air. However, zoning issues and environmental regulations outside the Clean Air Act are not within the scope of a Title V permit renewal action.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

JCDH does not have the authority to regulate zoning, as in the location of an industrial facility, housing or schools. JCDH is aware that there are disparities between neighborhoods that were built in close proximity to then-existing industry and neighborhoods that were built after Birmingham was established to get away from the industrial center.

Jennifer Sanders

MS. JENNIFER SANDERS: Good evening. My name is Jennifer Sanders. I am a resident of Birmingham and the pastor of Beloved Community Church in Avondale.

I have members who live in the direct line of sight of the ABC Coke plant. I am also a registered occupational therapist and have worked directly for years in home health with people who live in North Birmingham and Tarrant who have been suffering from the effects of industrial pollution. It is clear that there are parts of this city that are disproportionately affected by emissions from industrial plants in the North Birmingham area.

I want to ask if this is acceptable, why is there no ABC Coke plant in Mountain Brook? Why is there no ABC Coke plant in Vestavia Hills? Why is there no ABC Coke plant in Hoover or Homewood? If the data is not showing problems, then something is wrong with the questions we are asking, something is wrong with the measurements we are choosing, and something is wrong with the data that's collected.

So I ask you to deny this Title V permit. The corruption alone in this case should cause us to pause and reconsider. If there is nothing to hide, then why in the world have people been working so hard

to hide things. That alone should give us pause, and I ask the Health Department not to be complicit further in this injustice. Thank you.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population” (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

JCDH does not have the authority to regulate zoning, as in the location of an industrial facility, housing or schools. JCDH is aware that there are disparities between neighborhoods that were built in close proximity to then-existing industry and neighborhoods that were built after Birmingham was established to get away from the industrial center.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens’ health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Jimmy Smith

MR. JIMMY SMITH: Thank y'all so very much. I'm Jimmy Smith. I live at 3504 34th Avenue North, Birmingham 35207. I'm a resident of the 35th Avenue Superfund site. I ask you men, you gentlemen, whomever, to please deny the Title V operating permit of ABC Coke, Tarrant, Alabama.

I have -- and you just stated it. I have some correspondence stated by Dr. Wilson, and to me, Dr. Wilson gave an eloquent reason why the permit should be denied. And I quote Dr. Wilson. "There have been no significant changes in the operations of the facility since the issuance of the last permit." In other words, I take that to mean, if there wasn't significant changes by the plant, then that means it was insignificant. Which means business as usual. Which means they don't have the gumptions to try to do something. They give a -- they really don't care if you don't do significant changes and one thing left that's insignificant, which means nothing. Which means they can go about they business.

I also have a comment from Mr. Jason Howanitz -- I guess that's how you pronounce it -- and this is what he said. I quote, "Since the existing permit was issued in 2014" -- listen at this -- "the plant has not modified the facility." The plant has not did anything. Business as usual. "And the renewal permit does not authorize any new emissions." Thank God for that. No new emissions.

Let me tell you what the old -- whatever you call it -- what it had did to old permits, has did to my family and my property. I have -- and I wish you people would accept this document for your record.

MR. MERRITT: Mr. Smith, we'll be happy to make that a part of the hearing record.

MR. JIMMY SMITH: Thank you so very much. This is what the old permits did. According to EPA, 15 deadly chemicals and poisons is on my property. Poisons such as and heavy metals such as arsenic, lead, cadmium, benzanthracene, benzopyrene, on and on and on. I have 15 on our property.

Now, as a result of that, what EPA found on my property is this: (Presents a photograph). Four lovely daughters raised up living in or living with arsenic, lead, and 15 other more deadly chemicals let out by ABC, US Pipe, other contaminators. Out of these four daughters -- one, two, three, four -- the eldest daughter dead with cancer. The number three daughter, taking cancer treatments every two weeks. Thank God she didn't die. The number three daughter, not dead, but she has told me, "Daddy, sometimes I wish I was with Teresa." She has -- I got it wrote down here -- numbness of the body from the head to the feet. Number four daughter, the baby, hyperpigmentation. She has to put on -- well, that ain't true that what she put on, but she has to put on things to hide or conceal, if you will, not normal skin.

Now, what are you going to do about it? Me and my family, we are citizens of the United States of America, the greatest country in the world. I am not a citizen of Russia. I am not a citizen of Syria. I'm not a citizen of North Korea. I'm a citizen of the United States of America. These countries, what they do? It's been stated that they poison their citizens just because they can.

MR. MERRITT: Mr. Smith, if you could --

MR. JIMMY SMITH: I am not a citizen -- I'll take some of his time that he left.

MR. MERRITT: You've already taken all that.

MR. JIMMY SMITH: Well, I'll take some more time then. This is urgent to me.

MR. CHARLIE POWELL: This man has cancer himself.

AUDIENCE MEMBER: Let him speak.

MR. JIMMY SMITH: Okay. Now, like I say, I'm not a citizen where you go out at their whim killing their citizens. But then I ask myself this question: What is the difference of being slowly and methodical poisoned by these plants against Russia, Syria, North Korea? They poison they folks, acute poisoning. Died right here. United States, we have this long suffering, but death and sickness is death and sickness by any means as a result of chemical poisoning. If it's long or if it's short.

Now, y'all can do something about this. Y'all can deny this blank permit, and I promise you when they get their message, they will clean up their act. But until the Health Department, the United States government, shut these folks down, they're going to keep on killing us. This is a new day, y'all. We can do better. Y'all can do better. If y'all keep on giving these folks permission to kill us, the blood of the people that they killing, it's going to be required at y'all's hands. Y'all have the power to stop it.

MR. MERRITT: Mr. Smith, I have a stack of cards of other people.

MR. JIMMY SMITH: Y'all have the power to stop it. Stop it. Remember these babies (indicating). I ain't the only one. All of them, if they didn't, they wouldn't be here. Stop it. We can do better, America, land of the free.

MR. MERRITT: Thank you, Mr. Smith.

MR. JIMMY SMITH: The home of the brave. Not the land of killing folks. Y'all got to stop it. Health Department, you can do better.

MR. MERRITT: Thank you, Mr. Smith.

MR. JIMMY SMITH: Thank you for listening and remember my babies.

MR. MERRITT: Yes, Mr. Smith.

MR. JIMMY SMITH: And the other babies who died as a result of chemical poisoning.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

JCDH would like to explain the statements that the plant has not been modified and that the renewal permit does not authorize any new emissions. When discussing the CAA, a modification means that an increase in potential emissions has occurred. Steps a facility takes to reduce emissions from existing operations are not defined as modifications under the CAA.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Tammie Smith

MS. TAMMIE SMITH: Good evening. I have heard so many positive things here tonight. Next time get a bigger room because, I mean, back in the days we might have not had this many people because they didn't know no better, but today, we're paying some attention and we know.

And we also know that y'all are -- that them plants are killing us. Everyone knows somebody who's got ADHD, Down Syndrome. My mother died from lung cancer last year, my sister died from a form of cancer last year four month apart. I'm mean, so I'm telling you, it's been going on for a long time. Y'all allow these companies to come in our areas and pollute our air, and y'all say they in compliance.

You got about 10 or 15 plants operating on the north side. Some operate 24 hours, and every one of them, some type of track run through them. So they carry in and out. So you got a track up in Norwood. They debris is 100 feet high, and they operate 24/7. And I know people that live around there. They're very sick. They don't even know why they sick.

My grandmother went over to Tarrant City last year, last year, because she was picking greens. This year she almost doesn't even know where she is because she just got in Tarrant and she done been a healthy 100-year-old woman. But as soon as she got in Tarrant, her health went down. It went down. Now she don't even know she in this world, and last year she was picking collard greens for the holidays. So we know it's killing us, and they keep denying.

But as long as we keep getting people that look like us, people like Oliver Robinson, and they keep -- politicians keep finding people who look just like us that go along with they dirt and they go down 280 and live and they don't have to deal with it, we're going to keep getting what we got. We got to get rid of all the robbers that we're dealing with because when they done come to our neighborhood and find somebody that looks like us and say, Hey, I need you to make sure these people don't do that. And they don't do it. They can do it because they use somebody who we would trust and they keep finding Oliver Robinson.

That's what makes me so mad about our leadership. They're selling this town out to hell in a handbasket while they killing us on this side. I mean, really, it's the truth. Go down anywhere five minutes from downtown you leave, it's deplorable conditions. Any area you go in. Except downtown. But over in north side who is going to raise someone in the north side? Would you? You don't see pretty greenery, no nice collard greens, cabbage, none of that over on the north side. My sister lives in Vice Hill Projects. Her son has Down Syndrome.

The back door of these plants. ABC Coke is just one of them. It's many more of them over there, and all of them, they say they're in compliance. Who said they're in compliance? The Health Department. ABC Coke donated \$50,000 to Kay Ivey's campaign. I mean, so I'm just saying, public information. I mean, we need some leadership in our areas that have our best interest at heart, not the one that wants to know something downtown.

People still live in North Birmingham, Collegeville, Harriman Park, Tarrant City. See, it's their homes. But ABC Coke and them, it don't mean nothing to them, but when they get through, they get in their fancy cars, go to their pretty house, and live their life while our people is dying. Everybody knows somebody that died recently. Not 20 years ago. I mean, it's happening all over. Everywhere on the north side. Acipco, Pipeshop, Jordan, Avondale. They want to send them from over there where they at. Where they want to send them to? On the north side. Everybody industrial.

They don't think we worth much. They just want to think industrial use. Industrial use do not mean a nice restaurant to take your family. It means to park their trucks. We got to learn the difference when they say industrial use. We want malls here. We want an avenue in North Birmingham. We want it back like it used to be, but it ain't going to happen because it's so polluted and nobody wants to come over there. So we can't keep letting them bamboozle us.

We got to get rid of the ones that look like us that they get to go along with their dirt because they keep finding them. Thank you.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

JCDH does not have the authority to regulate zoning, as in the location of an industrial facility, housing or schools. JCDH is aware that there are disparities between neighborhoods that were built in close proximity to then-existing industry and neighborhoods that were built after Birmingham was established to get away from the industrial center.

The permitting process is not intended to assess external economic or business considerations, such as the "need" for an industry, local property values, noise or community support.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance

with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

Similarly, it would not be reasonable to deny or revoke ABC Coke's Title V permit on the basis of the presence or conduct of any other facility.

While much is not understood about the causes of ADHD, there is a genetic predisposition for many people with it, along with other possible factors, mostly unproven. There is no known causal relationship between the coking process and ADHD.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Sarah Stokes

MS. SARAH STOKES: Good morning. My name is Sarah Stokes. I'm a senior attorney at the Southern Environmental Law Center. We have offices throughout the Southeast, and we have one here in Birmingham, and we use the power of the law to protect clean air and clean water and the South's natural resources.

And, as we know, coke plants are inherently dirty, and this one is not an exception. What they're doing is they're taking coal and burning it down to create a fuel that is used for steel making, and that process emits sulfur oxides, nitrogen oxides, volatile organic compounds, carbon dioxide, carbon monoxide, ammonium, particulate matter, and heavy metals.

We've hired an expert, Dr. Ron Sahu, to review this plant's history and file and his technical comments are attached and incorporated as their own. He has 27 years of environmental engineering experience including working for the EPA as a technical expert to evaluate coke plants. He points out that the projected emissions calculated in the permit application as sufficiently deficient, and the draft permit does not require adequate monitoring and recording of the emissions from the plant.

Without sufficient data, the Jefferson County Department of Health nor the EPA can adequately know whether this plant is in compliance with its permit. Without the data, you can't know whether

it's in compliance with federal regulations and the permit that is required under federal law. I'm not going to go into the federal regulations that require that, but I'll submit those as well.

So coke has been produced at this site, as we've heard, for over 100 years, and because of that and because of the number of people that have suffered in the surrounding area, the most stringent and reporting of emissions should be required, the most stringent. Instead, the Jefferson County Department of Health has not created an enforceable permit, and in essence, is giving ABC Coke a free pass. We ask the Department of Health to consider these comments seriously. Thank you.

The Department understands your concerns. If you are in the ABC Coke vicinity, we encourage you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

The Department reviews reports from ABC for the purpose of determining compliance and assessing the quality of reported information. JCDH conducts monthly Method 303 battery observations and pushing emission observations. JCDH conducts annual inspections of the by-products plant using an infrared camera which enables visual observation of organic vapor leaks. JCDH also conducts annual comprehensive inspections which include a facility-wide plant walk-through and records review. JCDH calculates emissions from ABC Coke independently of the calculations submitted by the facility. The draft permit incorporates all monitoring required under Title V.

The responses to the written comments submitted by the SELC are presented later in this document.

Roy Tate

MR. ROY TATE: Let me roll over here where y'all can see me. You know, it ought to be more blacks here than anybody, the ones who live out by that plant, and y'all need to live out there just for a few weeks. You know, take your vacation down there. Bring your whole family, and let them play ball out there in the streets and watch the smoke go up in the air. You won't come no more.

We have got to get better. We have got to get better with these people, like myself, with a little money, but you got to get it right. Where are those people living in the cities turning the roads bad? Water coming from the plant in the streets. It's sad. Y'all come on out there this summer -- no. Come over on Christmas, Thanksgiving. Bring your turkey on this street and eat. See what you see about it.

See, some of us don't speak up until something happens. I have seen a lot of death certificates signed. What do you mean? I'm going to tell you what. There's a funeral home on 29th. There's a funeral home on 26th. I let it run for 20 some odd years. I've seen more death certificates signed. A lot of times, cancer, strokes, and I don't mean shoot nobody up in here. The throat, they got a thing, talk wrong, because cancer ate them up from them damn plants over there.

And I want you people to carry it back the right way. And no black is going to sign nothing for you still there, nobody but a fool. See, now you might get some of them who don't have no money and want that bottle of wine, that want that crack. They might do it. But you got a one-legged man tonight who won't do it.

You all have got to get better for where you live. Make these people pay and get the stuff out where it is. That goes for my councilman, that who sits down there in city hall who we put in office. Because you can't find nobody that has made a mistake down there and never have. Some of them on the council ain't right, son. Some of them just inherited up there.

I'm 70 years old. I lived good. But y'all bring some death certificates here for some of these folks here who have these signed by a funeral director and carried to the Health Department and they keep a copy and see what it says. It ain't all about shooting nobody. It's about this, sir. I've seen breast ate up with cancer. I've seen the body parts ate up with cancer.

Up there in the city, it's bad there, but they can't do no better because of you all. Not us. You all. And I hope the one for the 9th District is sitting up in here because he helped run the place. He inherited where he is today. He inherited by his mother. He got to get better for my people, or we're going to ship him.

And she says my time up, but my time ain't up until God tell me mine up. Y'all say three minutes, but God gave me more time that you can't give me. And that plant over there ain't fixing to sit me down. Not anymore. I want y'all to get in your fancy car, Jeep, or whatever you got and go over there and talk to everyone. Go from door to door and see how they live and see the hell all around. Go do that. Don't bring your hot dogs and don't bring your drinks.

I love all of y'all, but I'm not doing this. You don't like what I said I don't care, but get right. I don't want to see any of my people sign nothing, not now. And then Saturday morning you get in your car and go sit in the graveyard and see what brought them there. I want old age to get me. But that air thing y'all got going on up there, Acipco too. I live where Acipico is. I can't be bought. Okay. You keep looking at your watch. I got one too. I'm going.

MR. MERRITT: Thank you, Mr. Tate. Your comments have been recorded.

MR. ROY TATE: I'm sure they was.

MR. MERRITT: They will be submitted as part of the hearing record as Exhibit A-26.

MR. ROY TATE: Send me a copy of it. Send me a copy. Send me a copy.

MR. MERRITT: Okay. If I can get your address.

MR. ROY TATE: I'm going to give it to you now.

MR. STANTON: Well, they'll have it in the back. Did you sign your address when you signed in out there?

MR. ROY TATE: I don't know. Let's make sure. 2024 29th Avenue North, Birmingham. I want to see it within seven days.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

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With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Webster Thomas

MR. WEBSTER THOMAS: Good morning, everybody. My name is Webster Thomas. I'm the chairman for the Economic Redevelopment in Industrial Technologies for the North Birmingham Framework Plan. Part of our job is to increase the economic base of the six neighborhoods in North Birmingham, which includes Collegeville that is very close to the ABC Coke.

Dr. Wilson came to one of the neighborhood meetings, October 15th. I posed a couple of questions to him then. He didn't have adequate answers. It's my understanding that the Health Department's main job is to monitor the air quality in that area. Like I said, Dr. Wilson told us that the Health Department is responsible, it's their monitors, to actually monitor the air quality in that neighborhood around ABC Coke.

The data is basically incomplete. It's not complete. So how is ABC Coke over years failed compliance, being out of compliance, get back into compliance, never had any enforcement done whatsoever, but yet, like the young lady said, consistently gets a free pass from this board. The Title V states that if that company is out of compliance -- which it has been filed, it's with the EPA -- how is this Title V still being considered at this point today?

It's hard enough to get businesses to come into an area that is basically contaminated or has a perception of being dirty and not marketable to other industries. I'm not going to hold up everything. Everything I have I will submit, but these are from the words of Dr. Wilson himself, the head guy at Jefferson. So, at this point, our recommendation is they shouldn't even be considered for the Title V at this point, and that's all I have to say. Thank you, sir.

MR. MERRITT: Mr. Thomas, do you have your written comments with you?

MR. WEBSTER THOMAS: No, sir. I've emailed it to Dr. Wilson.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

JCDH would also be happy to discuss the negative image that businesses may have related to our local air quality and where to find facts that may counter that image. JCDH conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

Note that Mr. Thomas has not submitted any additional material

Allison White

MS. ALLISON WHITE: Hi. My name is Allison White. I'm a resident of Jefferson County, and I am extremely concerned with the amount and types of pollutants being emitted from the Drummond Coke factory in Tarrant. I am asking that the Title V permit not be approved.

The plant emits toxic odors and several known carcinogens including benzene and arsenic, and it certainly is possible that the current emission levels that are being declared are actually much higher. The Title V permit, the approval should require continuous and enforceable monitoring of emissions at all sources with stringent oversight. Air pollution is linked to many illnesses like cancer, heart disease, COPD, and asthma, but it is preventable with appropriate regulations. Children and elderly are the most susceptible to the harmful effects of air pollution.

Further testing and research needs to be conducted to determine the full effects and scope of these pollutants from the coke plant are having on the human lives and the environment in North Birmingham before the permit is approved. This is where the Jefferson County Department of Health has failed its citizens. The Health Department has a duty to the residents of Tarrant and North Birmingham to protect them from known health hazards.

No one should have to bear a disproportionate share of the negative environmental effects from the coke plant emissions based on their income, race, or circumstance. The houses in this area are

covered in black soot, and the property values have decreased. The people in the community are suffering, and respiratory issues, cancer, and children are born with birth defects. Residents, loved ones are literally dying.

It's time for the Jefferson County Health Department to do what's right, enforce stricter regulations on the coke factory. Allowing the permit to pass with no changes is a complete and total disservice to the citizens of North Birmingham.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population" (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

With respect to your concerns about the monitoring requirements included in the draft permit, JCDH has made every effort to include all applicable requirements and sufficient monitoring to assure compliance. These requirements are included in a manner such that they will be enforceable under Title V of the Clean Air Act. It is worth noting that the intensity of monitoring should be proportional to the magnitude of pollutants emitted and the variability of the process, among other concerns. Sufficient monitoring to assure compliance often does not require continuous emissions monitoring systems even when they are commercially available.

Under Title V, JCDH cannot include permit conditions for additional testing and research unless there is an underlying applicable air regulation requiring the regulated facility to perform these things.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegetown, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all

causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Thomas Wilder

MR. THOMAS WILDER: As has been stated, my name is Thomas Wilder. I am the pastor of the Bethel Baptist Church in Collegeville where I have served for the past 30 years.

I looked at the statement for the renewal of the permit, and I noticed that ABC Coke has been in the community for 100 years and so have we. And we have served the community for that 100 years, and we plan to remain there for another 100 as God permits. One of the things that our church is known for is our fight during the civil rights movement. It was the Reverend Shuttlesworth who led the fight for civil and human rights.

One of the things that we have found out as we have examined history and asked people why they were not involved is that a lot of them said they didn't know. And as I stand tonight I want to make sure that the Health Department is not in that position. We want you to know. We want you to know what's going on in the community. We want you to know about the people that are dying. We want you to know about the people that are concerned. We want you to know about the trees even that are dying. We want you to know about the incidence of cancer. We want you to know about the meetings that we've had. We want you to know everything so that when it comes time for you to make a decision on each permit there won't be the statement that we didn't know because it is happening.

This room of people here is letting you know that it is happening, and we would like -- or I would like for ABC Coke to have to be subject to more stringent regulations when it comes to air pollution. Whenever you look around a community and there is black soot and even the trees are dying, it helps you to know something is going on. It's not just happening by itself. Whenever there are EPA leaders that are indicted and the other leaders that are indicted, when you look at the amount of money that's being spent to help things stay the status quo, that lets you know that something is going on, and we can't say we don't know and we can't say it's not happening because it is happening and we do know.

One of saddest things that I had to happen to me this past week. I was awakened early Saturday morning by a family member -- well, not a family member -- a family of our church who lived in Tarrant. The young girl had just hung herself. She was nine years old. She was diagnosed with ADHD and she had taken some medication and evidently she had been bullied at school, and she came home that day, that Friday, went into her closet, put a rope around her neck and hung herself. I'm not saying ABC Coke caused that, but I am saying that if they contributed, then we need to look at that. It needs to be examined. We can't just rubber stamp it and say business as usual. It needs to be examined.

We are here to ask you as a people that are representing us and protecting us, look at it, and if there is something that needs to be done, please don't say you don't know. But please take the action that is necessary for conscience's sake and for God's sake. Thank you.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

A Title V Operating Permit includes all of the air pollution control regulations which apply to a major source of air pollution and are authorized by the Clean Air Act (CAA). Congress established the CAA “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population” (quoting Section 101(b)(1) of the CAA). The USEPA has developed the applicable regulations based on science and technology in order to control emissions from facility operations to protect public health and welfare.

The CAA sets forth numerous requirements that must be met for a Title V permit to be issued. Most importantly, the facility must be in compliance with all applicable air regulations or include a compliance plan to achieve compliance within a reasonable time. Based on recent inspections, ABC Coke is in compliance with all applicable air regulations. There is no demonstrated air quality reason that compliance with all applicable air regulations is not sufficient to protect public health. JCDH cannot reasonably deny or revoke a Title V permit to a facility which has satisfied the requirements for a permit to be issued.

While much is not understood about the causes of ADHD, there is a genetic predisposition for many people with it, along with other possible factors, mostly unproven. There is no known causal relationship between the coking process and ADHD.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens’ health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

We also want to assure you are aware that, after hearing concerns from residents of the North Birmingham area about their health as it relates to area industry, the Jefferson County Department of Health did conduct a statistical analysis of birth and death records from a ten year period for Collegeville, Harriman Park and Fairmont, and found no increases in rates of birth defects, stillbirths or infant mortality, or age- and race-adjusted deaths from asthma or chronic lung disease, deaths from cancer, or deaths from all causes combined for people in these neighborhoods compared to the rest of Jefferson County. The Department also asked the Alabama Department of Public Health (ADPH) to conduct a statistical analysis of the Alabama Cancer Registry for the 35207 zip code. ADPH found no statistical increase in the age- and race-adjusted incidence rates of any cancers known to be related to environmental toxins among people in 35207 compared to people in the rest of Jefferson County or the rest of Alabama.

Teri Wright

MS. TERI WRIGHT: My name is Teri Wright, T-E-R-I, W-R-I-G-H-T. I've worked here in this building for 12 years as a public health nurse. I've been a nurse 35 years and I'm president of Eastwood Neighborhood. I was a member of PANIC, the original group, in what I call Unfairmont. Not Fairmont. It hasn't been fair, I don't think, ever. And I've been aware of the deaths and the suffering and all the meetings, meeting after meeting.

The government has been told. The local government, the federal government. We need change. We don't need more meetings. People are worn down and there would be a lot more people here,

but a lot of them are dead or they moved without being compensated for their homes. This is like Love Canal. Do you remember that? President Jimmy Carter finally came up with some moneys.

Well, our whole country has a problem with environmental health, and in my neighborhood, we had a horrible stench coming from the bottom of our apartments, 550, and it wasn't until the neighbors -- the neighbors got together with all the different organizations that would care about environment, and we, on our own, were able to confront each other and confront the people who were causing this problem.

And when I confronted the Health Department to please, you know, acknowledge that we've called you out many times, they said there was nothing that could be done except put lines. So we went ahead and came to the Health Department and we were getting our own samples to go to Montgomery and found out how dangerous this was, how much feces was in -- E. Coli was in the water, and finally, on our own, we were able to resolve this. With the new owners, they actually did the fixing, but I was told by the Health Department that nothing could be done, but we did it. Thank you.

The Department understands your concerns and encourages you to contact us as soon as possible at 930-1239 to file a timely complaint if you do see excess emissions or observe unpleasant odors.

However, based on the latest inspection, ABC Coke is currently in compliance with all applicable air pollution regulations and standards.

A Title V Operating Permit covers the air pollution control regulations which apply to a facility and are authorized by the Clean Air Act. Environmental regulations outside the Clean Air Act are not within the scope of a Title V permit renewal action.

With respect to your concerns about health, the applicable rules and regulations incorporated into the permit are meant to reduce, minimize, and/or eliminate pollutants so that citizens' health will not be adversely impacted. In addition, the Jefferson County Department of Health conducts its own independent monitoring (including monitoring within the vicinity of ABC Coke). Based on these monitoring results, the county is currently designated as meeting all federal standards for clean air. In addition, with respect to air toxics, concentrations of air toxics as measured at Tarrant Elementary during the School Air Toxics Monitoring campaign did not result in any unacceptable risks, as determined by the USEPA.

100 YEARS OF CARING

Southern Environmental Law Center (SELC) Comments

Introduction

The full text of comments submitted by the Southern Environmental Law Center (SELC) is not reproduced within this document. It is available from JCDH on request. Any changes made to the (draft) permit in response to a comment will be identified specifically in the response.

The gist of SELC's comment can be summed up by this quotation: "As it stands now, the draft permit does not require sufficient monitoring or reporting that can determine whether the permittee is in compliance with the limits set by the permit and federal law." SELC attached and incorporated comments by Dr. Ron Sahu, an expert with a 17 page resume appended to his detailed technical comments. The gist of Dr. Sahu's point by point analysis is that the potential emissions should be enforceable permit limits with monitoring requirements, even though they are, in his opinion, miscalculated and based on unsubstantiated assumptions.

JCDH will first address the central issues presented by the commenters on a holistic basis. Responses to specific comment issues relating to Dr. Sahu's comments which not covered under the general responses will follow where additional clarification is needed.

General Response

JCDH Treatment of Emissions Calculations Submitted by Facilities

JCDH performs independent calculations of source emissions and reviews source submittals on a comparative basis. JCDH applies engineering judgment based on knowledge of the facilities in our county when considering the appropriateness of emission factors for each source. JCDH does not consider it necessary to point out every discrepancy in competing calculations and reserves this effort for calculations that affect compliance, Title V fees, and/or regulatory applicability.

The Role of Potential to Emit Calculations for Title V Permitting

EPA's "White Paper for Streamlined Development of Part 70 Permit Applications," issued on July 10, 1995 and available on the EPA Title V Policy and Guidance Database, discusses the required content of Part 70 permit applications, including the role of potential emission calculations. EPA interprets the 40 CFR §70.5(c) requirement to "require at least a qualitative description of all significant emissions units," leaning on §70.5(c)(3)(iii) to support the premise that precise emissions estimates are not needed for a Title V application. For Title V, an insignificant emission unit has the potential to emit less than 5 tons/year of any criteria pollutant or 1,000 pounds/year of any listed HAP.

The purpose of the potential to emit calculation is to identify the applicable requirements and establish whether the source is in compliance or needs to submit a plan to achieve compliance with each applicable requirement. While no emissions estimate may be necessary for a pollutant with no numerical limit, more careful attention is required when a source claims an exemption to otherwise applicable requirements based on an emissions level cutoff. The paper explicitly states "Any required tpy estimates are not to be included as federally-enforceable part 70 permit terms, unless otherwise required by an applicable requirement or requested by the source to avoid one."

This same EPA white paper also states: (direct quotations)

The quality of emissions estimates where they are needed in the part 70 permit application depends on the reasonable availability of the necessary information and on the extent to which they are relied upon by the permitting authority to resolve disputed questions of major source status, applicability of requirements, and/or compliance with applicable requirements. In general, where estimates of emissions are necessary, reasonably-available information may be used.

Generally, the emissions factors contained in EPA's publication AP-42 and other EPA documents may be used to make any necessary calculation of emissions. [...]

[...] more accurate data are preferred if they are readily available.

It is common practice among facilities and consultants to build a little extra emissions into their estimation of potential to emit in recognition that additional emissions resulting from malfunctions may happen from time to time. Another common practice is to base a worst-case assumption for emissions from leaks on experience and engineering judgment. Unlike foreseeable startup and shutdown emissions that may be higher than a numerical emission limit that applies at other times, a malfunction is by definition sudden and unexpected. Whether it is appropriate to include emissions that may happen if a violation occurs is debatable. The inclusion of these somewhat speculative emissions in potential to emit may be useful when establishing an operational limit that will protect the source from exceeding an emissions threshold which would subject the source to requirements that could be legally avoided. In general, JCDH is comfortable with the possibility of the overestimation of emissions as being more protective of health.

In previous permit actions, some limits were established to prevent changes at ABC Coke from triggering new source review (NSR) by preventing any additional emissions from exceeding the pollutant specific thresholds for the prevention of significant deterioration (PSD) program and/or the non-attainment new source review (NNSR) program permitting requirements. In the absence of an identified previous error, a request to change established limits or a request to make a modification to the facility, it is not necessary to revisit these applicability determinations during the Title V permit renewal process.

It is not disputed that ABC is a major source for many pollutants under the applicable regulations. Any proposed increase in emissions would be evaluated under the PSD/NNSR programs, which include substantial penalties for failure to comply. Annual facility-wide inspections and calculations of actual emissions would identify unauthorized modifications. For these reasons, establishing a permit limit based solely on a capacity stated in a permit application or on a calculation of potential to emit is unnecessary.

Assumptions Used for Potential to Emit Calculations

JCDH uses the best available information, including but not limited to AP-42 factors, site-specific testing, testing performed at similar facilities, WebFIRE, and engineering judgment, to calculate emissions. Examples of when engineering judgment is used include but are not limited to assumptions about control efficiencies for sources that cannot be practically measured, and assumptions that parameters such as vehicle miles travelled or emissions from biological treatment will scale predictably with production or throughput. In some cases, assumptions are made that are expected to overestimate emissions to be protective of public health by avoiding understating emissions. This is especially true for small emission sources for which there are no regulatory requirements and the emissions calculation is either highly complex or hindered by the lack of appropriate emission factors.

When a numerical emission limit is present, it may be appropriate to use the allowable emissions as the potential to emit. Allowable emissions may overstate potential to emit where source testing can be used to demonstrate that the actual emissions rate is lower than the regulatory limit. It is appropriate to include a control efficiency required by a regulation in a Title V permit, but where a control efficiency is merely an engineering judgment-based assumption for emission calculations, the control efficiency cannot be an enforceable permit term.

Monitoring, Recordkeeping and Reporting for Title V Permitting

Title V requires each permit to contain “All monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements; [...]” at 40 CFR §70.6(a)(3)(i)(A). In §70.6(a)(3)(i)(B), it further requires:

Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to paragraph (a)(3)(iii) of this section. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph (a)(3)(i)(B) of this section; [...] (emphasis added)

JCDH reads the above provisions as indication that applicable SIP, NSPS and NESHAP requirements are sufficient for Title V. The above requirements also do not require monitoring and testing for any source which does not have applicable requirements.

Most monitoring, recordkeeping and reporting requirements included in the draft permit come directly from the SIP, NSPS or NESHAP. The commenters appear to doubt the sufficiency of the SIP, NSPS and NESHAP requirements, but did not identify any emission unit(s) with applicable requirements which lack the applicable monitoring, recordkeeping and reporting requirements.

The SELC's comment about monitoring and reporting implies that all emissions sources at ABC Coke should be required to have continuous monitoring systems for every pollutant for which such a system can be made. However, Title V of the Clean Air Act reads:

*CAA §504(b) MONITORING AND ANALYSIS. —The Administrator may by rule prescribe procedures and methods for determining compliance and for monitoring and analysis of pollutants regulated under this Act, but **continuous emissions monitoring need not be required if alternative methods are available that provide sufficiently reliable and timely information for determining compliance.** Nothing in this subsection shall be construed to affect any continuous emissions monitoring requirement of title IV, or where required elsewhere in this Act. (emphasis added)*

Additional Clarifications

II. Emissions Estimates at ABC Coke – General Considerations (beginning on page 2)

A. Lack of Reliability of Using AP-42 Methods and Factors at ABC Coke (pages 3 – 10)

While it is true that AP-42 factors vary in quality and that their proper application requires engineering judgment, they are generally the best available information for calculating emissions in the absence of site-specific test results. AP-42 factors may represent average conditions and fail to account for performance variabilities. Many AP-42 factors are based on testing that occurred many years ago. The actual emissions of any source may be higher or lower than calculated when using AP-42 factors. However, most emissions testing is performed to determine compliance with a numerical limit. EPA does not require or expect sources to conduct extensive emissions testing to be used solely for the calculation of potential to emit or annual emissions for Title V purposes. JCDH will evaluate any new or additional emissions factors which may be identified in the future for use in emissions calculations for sources at ABC Coke.

The commenter also objects to the application of the post-NESHAP emissions factors instead of the pre-NESHAP emission factors included in AP-42. Post-NESHAP factors assume compliance with the requirements of 40 CFR 63, Subpart L. The NESHAP requires daily inspections using EPA Method 303. The data from these inspections is entered into a spreadsheet supplied by EPA to obtain a 30-day rolling average (or for charges only, a 30-day rolling logarithmic average) for comparison to the NESHAP limits. The averaging of 30 days of data avoids over-penalizing sources for day-to-day performance variability. The AP-42 factors for the NESHAP were developed using this 30-day rolling average. ABC Coke reports the daily results of Method 303 and the required 30-day rolling averages. This data indicates that the NESHAP limits have not been exceeded. The AP-42 factor is appropriate to use for emissions calculations.

JCDH performs monthly inspections for compliance with the State Implementation Plan (SIP) limitations. Portions of these emissions observations were cited by the commenter as an indication that the post-NESHAP emission factors should not be used. Although JCDH also uses EPA Method 303, this monthly observation does not account for day-to-day performance variability. It is not appropriate to use data which is not collected on a daily basis to assess compliance with the NESHAP.

Specific Comments on the Potential to Emit Estimates (Attachment II, Permit Renewal Application) (pages 10 - 19)

1. Enforceability of Process Assumptions (beginning on page 10)

No additional response.

2. Coke Oven Emissions – Charging (beginning on page 10)

Charging emissions are properly read by EPA Method 303, as required 40 CFR 63, Subpart L. Subpart L was subject to public scrutiny before it was promulgated in 1993. On December 22, 2003, EPA published “Risk Assessment Document for Coke Oven MACT Residual Risk.” Amendments to Subpart L, also subject to public scrutiny, were published on April 15, 2005. The requirements of Subpart L are included in the draft permit as required by 40 CFR §70.6(a)(3)(i)(A). There is no regulatory basis on which to require the observation of every charge on every battery using a method different from the method required by Subpart L.

JCDH believes that Walter Coke and ABC Coke purchase substantially similar coke and that the tested lead content for one facility is valid for the other. The actual lead content for ABC would need to be at least 2 orders of magnitude higher than the value used in the calculation to make reportable difference in lead emissions, currently estimated at zero. (Here, JCDH uses reportable to mean 0.00001 tons/year, which is the smallest quantity which can be reported in our emissions database.)

3. Coke Oven Emissions – Door Leaks (beginning on page 12)

There are two places from which a Method 303 observer can read door leaks. It is more common to read doors from the yard, at a distance typically exceeding 20 feet and at an elevation lower than doors. It is more hazardous to read doors from the bench, due to the close proximity of the ovens and the presence of moving equipment. It should be obvious that some leaks observed from the bench would not be observed from the yard. The AP-42 equation for BSO emissions for door leaks includes a term which is intended to estimate door emissions made from observations taken on the bench on a basis equivalent to reading door emissions from the yard to allow both types of reading to be compared to the standard on the same basis. Most, if not all, doors observations are performed from the yard at ABC. When using the EPA-provided spreadsheet for Subpart L, the leaking percentage is presented in yard-equivalent terms. Unless door leaks are actually read from the bench and not incorporated into the leak rate at an earlier step, there is no harm in leaving out the portion of the equation which compensates for it.

Emissions of NO_x and SO₂ from door leaks occur concurrently with the particulate matter emissions from door leaks. The composition of the pollutants which are emitted from door leaks is not changed by reducing the number of door leaks. It is a reasonable assumption that NESHAP reductions would apply equally to concurrent leaks.

4. Coke Oven Emissions-Topside (beginning on page 13)

No additional response.

5. Soaking (beginning on page 14)

Soaking emissions are subject to work practices under 40 CFR 63, Subpart CCCCC. Compliance is demonstrated by recordkeeping. Subpart CCCCC was subject to public scrutiny before it was promulgated in 2003. The requirements of Subpart CCCCC are included in the draft permit as required by 40 CFR §70.6(a)(3)(i)(A). There is no regulatory basis on which to require the periodic testing for the quantification of emissions.

6. Pushing (beginning on page 15)

The capture efficiency of the pushing emission control system has been calculated using the methodology set forth on page 4-88 of the May, 2008 "Emission Factor Documentation for AP-42, Section 12.2, Coke Production, Final Report." EPA defined non-green pushes as pushes with visible opacity less than 30%, moderately green pushes having 30% to less than 50% opacity, and severely green pushes as having 50% or greater opacity. EPA states, "It was estimated that 90% of the emissions from non-green pushes were captured by the hoods, 40% of the emissions from moderately green pushes were captured and only 10% of the emissions were captured from severely green pushes." One of the stack tests EPA used in developing this factor took place at ABC Coke. JCDH believes this to be a reasonable means to accommodate variations in plant performance when pushing observation data is available.

7. Quenching (beginning on page 15)

Page 4-109 of the May, 2008 "Emission Factor Documentation for AP-42, Section 12.2, Coke Production, Final Report" provides the following information: "Values are given for clean quench water (500 mg/L TDS or less) and dirty quench water (about 1,500 mg/L TDS or more). Tall towers are about 120 ft or taller." The Wilputte quench tower is 178.8 feet high and the Beckers quench tower is 56 feet high. Both are subject to a limit of 1,100 mg/L TDS.

In this instance, JCDH is skeptical of the different emissions factors assigned to quench towers based on height by AP-42. JCDH has not been able to locate the referenced document, B. Bloom and J. D. Jeffrey, Review of Coke Plant Quench Tower Particulate Emission Rates, Environmental Protection Agency, circa 1982. Other differences in the tested towers may better explain different test results than tower height. There is an available article in which 3 quench towers were tested using clean water, recycled water, and using recycled water while operating baffle sprays: Gerald L. Ertel (1979) Quench Tower Particulate Emissions, Journal of the Air Pollution Control Association, 29:9, 913-916, DOI: 10.1080/00022470.1979.10470880. According to Ertel, quench tower emissions reductions can be maximized by increasing the baffle angle, increasing the gas velocity and increasing particle growth through the use of baffle sprays.

8. Underfire Stacks (page 16)

No additional response.

9. Emissions from Storage Tanks (beginning on page 16)

Details of tank construction are included on Form 108 of the application. Storage tanks which have a listed control efficiency are equipped with gas blanketing, a system which uses clean coke oven gas to fill the space above the liquid surface. Blanketing COG which is displaced when liquids flow into a tank remains part of a closed system. These tanks are monitored as required by 40 CFR 61, Subpart L, "National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants." It is likely that the stated control assumptions lead to overestimation of emissions.

10. Fugitive Hydrocarbon Emissions (page 17)

These components are monitored as required by 40 CFR 61, Subpart L, "National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants." It is likely that the assumptions used in this potential to emit calculation lead to overestimation of potential emissions. The emissions unit is not subject to a numerical emission limit and a more accurate emissions calculation is not necessary for the permit application.

11. Liquid Loading (page 17)

Details of liquid loading operations are included on Form 108 of the application.

12. Flare Emissions (beginning on page 17)

A limit on the time of operation of the emergency/bleeder flares could have the unintended consequence of creating a violation of 40 CFR 63, Subpart CCCCC, which requires the combustion of any raw COG which must be vented on an emergency basis.

The Department and EPA have evaluated the flare at ABC Coke as part of a national flare enforcement initiative and no issues were discovered. This included looking at the flare with an optical gas imaging

camera and confirmation that the flare meets 40 CFR §60.18. Generally, the Department and EPA has accepted a destruction range in the 98.5 to 99% range.

13. Boiler Emissions (page 18)

No additional response.

14. Particulate Emissions from Solid Materials Handling and Storage (page 18)

No additional response.

15. Particulate Emissions from Vehicle Traffic (beginning on page 18)

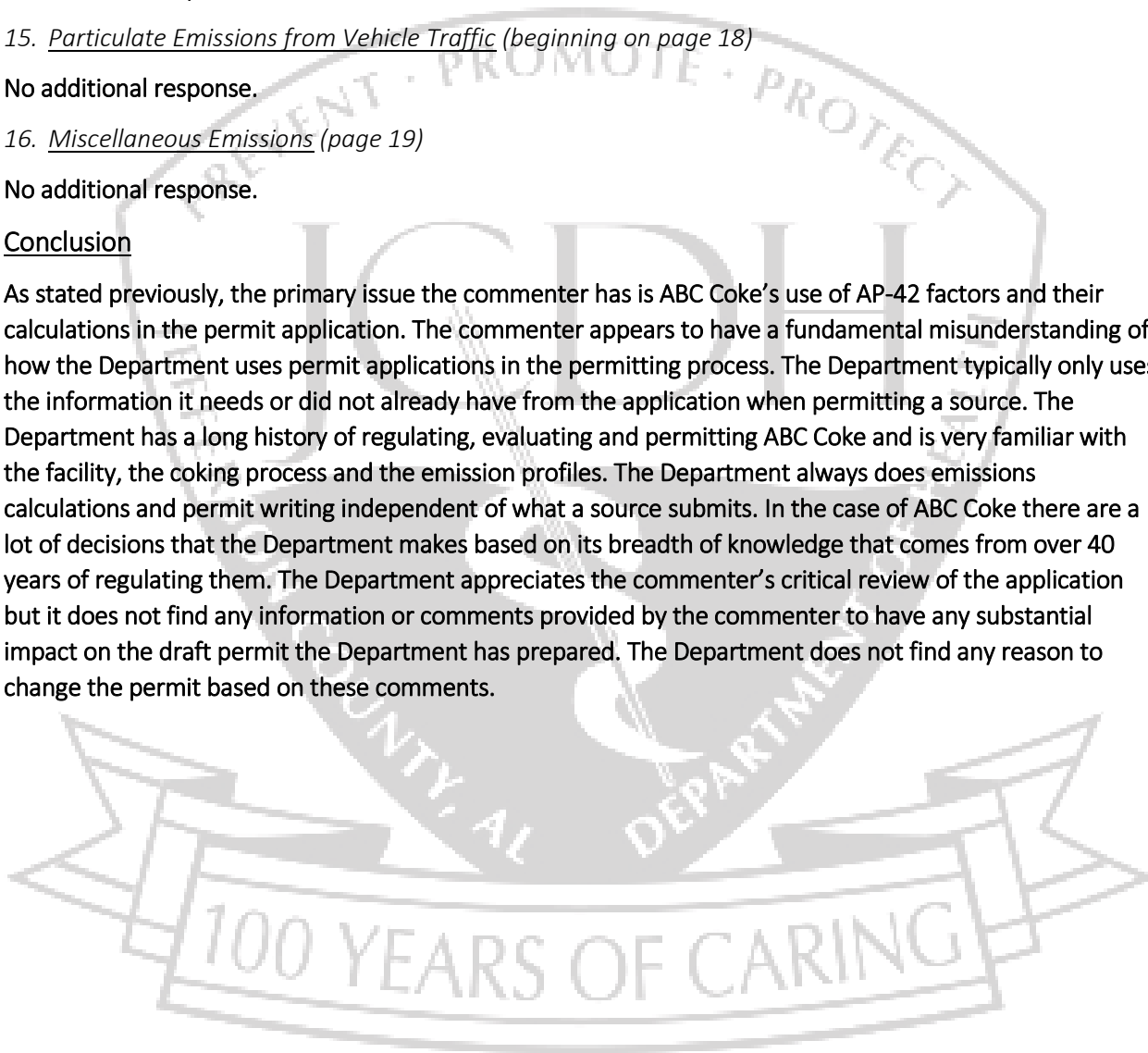
No additional response.

16. Miscellaneous Emissions (page 19)

No additional response.

Conclusion

As stated previously, the primary issue the commenter has is ABC Coke's use of AP-42 factors and their calculations in the permit application. The commenter appears to have a fundamental misunderstanding of how the Department uses permit applications in the permitting process. The Department typically only uses the information it needs or did not already have from the application when permitting a source. The Department has a long history of regulating, evaluating and permitting ABC Coke and is very familiar with the facility, the coking process and the emission profiles. The Department always does emissions calculations and permit writing independent of what a source submits. In the case of ABC Coke there are a lot of decisions that the Department makes based on its breadth of knowledge that comes from over 40 years of regulating them. The Department appreciates the commenter's critical review of the application but it does not find any information or comments provided by the commenter to have any substantial impact on the draft permit the Department has prepared. The Department does not find any reason to change the permit based on these comments.



gasp Comments

Response to Comments on Draft Permit No. 4-07-0001-04 from gasp dated October 31, 2018

The full text of comments submitted by the gasp is not reproduced within this document. It is available from JCDH on request. Any changes made to the (draft) permit in response to a comment will be identified specifically in the response.

The interim comment discussed the same “completeness” issues as the second Section I.A of the November 15, 2018 comment. Please refer to page 113 of this document and the response to “A. ABC Coke’s permit application could not be deemed complete because Forms 103, 104 and 105 are not the current APCP forms required by JCDH for permit applications.”

Response to Comments on Draft Permit No. 4-07-0001-04 from gasp dated November 15, 2018

The full text of comments submitted by the gasp is not reproduced within this document. It is available from JCDH on request. Any changes made to the (draft) permit in response to a comment will be identified specifically in the response.

I. Issues with Certification (beginning on page 1)

A. Jay Cornelius does not meet Part 70 requirements to serve as the Responsible Official for ABC Coke. (beginning on page 2)

JCDH believes that Jay Cornelius is qualified to serve as ABC Coke’s responsible official. Although not a corporate officer, Mr. Cornelius performs policy and decision-making functions for ABC Coke regarding the principal business function of environmental compliance. Gasp does not agree that environmental compliance is a principal business function, and question whether Mr. Cornelius may be recognized as an authorized representative. If JCDH had believed that Mr. Cornelius was not qualified to sign Title V submissions, JCDH would have communicated this to ABC Coke when Mr. Cornelius began signing certifications. Mr. Richard Owens, President of ABC Coke division of Drummond Company, is aware of gasp’s concern, and stands behind all documents signed by Jay Cornelius. Mr. Owens will begin signing Title V submissions starting with the annual certification due in December of 2018 since the matter has been questioned by gasp.

B. Because Jay Cornelius is not a Responsible Official, the application cannot be certified. (beginning on page 3)

Refer to the response to Item I.A directly above.

C. The permit must incorporate enforcement orders. (beginning on page 3)

JCDH is not aware of any consent decrees, court judgements, administrative orders or other enforcement orders which have been issued against ABC Coke at the time of this draft permit which are not properly addressed in the permit. However, on the cover page of the (draft) permit, the first sentence below the emission unit listing reads:

This Permit is issued pursuant to and is conditioned upon the compliance with the provisions of the Jefferson County Board of Health Air Pollution Control Rules and Regulations, the applicable requirements of the Clean Air Act implementation plan for

Alabama approved or promulgated by the United States Environmental Protection Agency (EPA) through rulemaking under title I of the Clean Air Act (identified in 40 CFR 52, Subpart B) and other applicable requirements as defined in section 18.1.1(e) of the Jefferson County Board of Health Rules and Regulations, Section 18 of the Alabama Air Pollution Control Act of 1971, Act No. 769 (Regular Session, 1971), Section 22-28-16 of the Alabama Air Pollution Control Act as amended, Orders of the Jefferson County Board of Health, Orders of the Director of the Alabama Department of Environmental Management (ADEM), and any applicable local, state or federal Court Order. (Emphasis added.)

JCDH will incorporate any future applicable requirements as necessary and consistent with Part 8.13 of the Rules and Regulations for permit modifications or amendments.

I. The Draft Permit and permit application contain multiple issues of completeness (or rather, lack thereof). (sic, beginning on page 3)

A. ABC Coke's permit application could not be deemed complete because Forms 103, 104 and 105 are not the current APCP forms required by JCDH for permit applications. (beginning on page 4, see also gasp's interim comment, 2 pages)

JCDH does not agree with gasp's interpretation of 40 CFR §70.5 "Permit applications." Gasp would like for application forms to be a strictly enforced requirement with harsh consequences for a wide range of perceived infractions. In this section, gasp alleges that the permit application was incomplete or became incomplete because JCDH revised its application Forms 103, 104 and 105 which were posted on the JCDH website. JCDH disagrees that the updated forms created any need to supplement ABC's application the following reasons:

- Historically, JCDH forms have been printed in a manner that requires the person filling out the application to either hand-write the information or use a typewriter. In many cases, consultants and facility personnel have transposed previous JCDH forms into Word by to enable them to save their work and make neat, efficient corrections or updates. JCDH has not rejected any form submitted in this manner.
- The Department is in the process of revising existing application forms to put them into a format that can be filled in by the applicant using Adobe Acrobat Reader. Forms 103, 104 and 105 were posted on the website without any announcement of the new convenience to facilities. Other forms will be revised and posted as the engineer's workload allows.
- The content that facilities must provide in the forms has not changed in any way that would affect the Department's ability to identify the applicable requirements and prepare the permit.
- It would be unreasonable to require a facility to fill out a new set of forms every time we change a form for convenience, particularly when the timing of the posting of fill-in forms relative to the timing the submitted applications was very close in time and would literally require the re-typing of over 100 pages of information that has not changed.

B. Multiple attachments are not actually attached to the permit application. (beginning on page 5)

JCDH does not agree with gasp's interpretation of 40 CFR §70.5 "Permit applications." Gasp would like for application forms to be a strictly enforced requirement with harsh consequences for a wide range of

perceived infractions. In this section, gasp alleges that ABC's application is not complete because process flow diagrams were not attached, and are therefore "not publicly available." Gasp also alleges that the permit would not be enforceable by citizens unless the process flow diagrams are included in the permit application.

JCDH has standard application forms which apply to Title V sources and request more information than is listed as required to be included at 40 CFR §70.5(c). These standard forms are intended to be suitable for evaluating existing facilities and for proposed facilities or modifications before construction begins. Because one form is intended to address every situation, each form asks for more information than is necessarily required to evaluate any individual facility. Process flow diagrams serve as an aid to identify applicable requirements, particularly for new or modified sources, but are not specifically listed as required to be included in an application by 40 CFR §70.5(c). Additionally, a process flow diagram is not required to be included in a permit by 40 CFR §70.6 and is not a source of emission limits or other regulatory requirements. Gasp's conclusion that the presence or absence of a process flow diagram in a permit application has a bearing on permit enforceability is erroneous.

Additionally, referencing previous permit applications or compliance certifications, where information is unchanged, is acceptable consistent with EPA's "White Paper for Streamlined Development of Part 70 Permit Applications." This document was issued on July 10, 1995 and is available on the EPA Title V Policy and Guidance Database. This paper also supports JCDH obtaining information to supplement an application without directly involving the permittee. JCDH does compare Title V renewal applications to previous applications on file from the same facility and also has first-hand knowledge of this existing facility.

JCDH did in fact send the process flow diagrams which were included in previous permit applications in response to an information request by gasp dated October 29, 2018. It is disingenuous to claim that such information is not publicly available simply because a specific request needed to be made.

C. Multiple "plans" referenced in the Draft Permit are attached neither to the Draft Permit nor permit application, and thus not publicly available, which run afoul of federal enforceability requirements. (beginning on page 5)

JCDH does not agree with gasp's interpretation of 40 CFR §70.5 "Permit applications." Gasp would like for application forms to be a strictly enforced requirement with harsh consequences for a wide range of perceived infractions. In this section, gasp alleges that, because neither ABC's application nor the draft permit include copies of plans which ABC is required to have and/or implement by applicable regulations, that the plans are not publicly available (quote) "so that a citizen reviewing the draft permit and permit application can determine whether ABC Coke is implementing the plan."

Gasp has prepared a table on page 6 of their comments listing specific plans which were not attached to the draft permit or permit application. JCDH will address each in turn, organized according to the underlying regulation requiring the plan. JCDH prepared the following information by referring directly to the underlying regulations, listing those specific requirements which apply to ABC Coke without discussing those requirements that apply to equipment not present at the site.

Plans Required by 40 CFR 63, Subpart CCCCC, "National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks"

- Startup, Shutdown and Malfunction (SSM) Plan per §63.6(e)(3); §63.7310(c), §63.7341(c)(4) & §63.7341(d)

- Work Practice Plan for Soaking; §63.7294 & §63.7327(d)
- Operation and Maintenance Plan for battery operations; §63.7300(b), §63.7295(b)(2)(i), §63.7328(a), §63.7335(a), §63.7335(d)
- Operation and Maintenance Plan for capture and control systems; §63.7300(c), §63.7331(a)(6), §63.7328(a), §63.7335(b), §63.7335(b), §63.7335(d)
- “Source test plan” is for baghouse performance testing, §63.7322(b)(4)

ABC is required to develop an SSM Plan, to follow the plan during SSM events, to make records demonstrating compliance during SSM events, and to report compliance or noncompliance with the plan during any SSM events which occur, but the plan itself is not required to be submitted to JCDH or EPA unless specifically requested. Pertinently, 40 CFR §63.6(e)(3)(ix) states: “The title V permit for an affected source must require that the owner or operator develop a startup, shutdown, and malfunction plan which conforms to the provisions of this part, but may do so by citing to the relevant subpart or subparagraphs of paragraph (e) of this section. However, any revisions made to the startup, shutdown, and malfunction plan in accordance with the procedures established by this part shall not be deemed to constitute permit revisions under part 70 or part 71 of this chapter and the elements of the startup, shutdown, and malfunction plan shall not be considered an applicable requirement as defined in §70.2 and §71.2 of this chapter.”

ABC was required to submit a copy of the work practice plan for soaking as part of their initial compliance demonstration. The soaking plan was included in the “Operations and Maintenance Plan and Startup, Shutdown, Malfunction Plan for 40 CFR 63, Subpart CCCCC” which was received by JCDH on April 7, 2006.

For the O&M Plans, ABC was required to certify in the Notification of Compliance Status (NOCS) for Subpart CCCCC that the plans had been prepared. ABC must maintain a current copy of the O&M Plans onsite and available for inspection upon request for the life of the affected source or until the affected source is no longer subject to the requirements of Subpart CCCCC. ABC must also maintain copies of superseded versions for at least 5 years. Compliance is demonstrated by performing the actions required by the plans, recordkeeping, and reporting. However, there is no requirement that the plans be submitted at any time.

The source testing plan for 40 CFR 63, Subpart CCCCC is required to be submitted as part of the notification that a periodic performance test of a baghouse will occur. 40 CFR §63.7322(b)(4) requires that a method of determining how much coke is pushed during the test be included in test plans.

Plans Required by 40 CFR 63, Subpart L, “National Emission Standards for Coke Oven Batteries”

- Startup, Shutdown and Malfunction (SSM) Plan §63.310(b)
- Work Practice Plan (for each battery); §63.306, §63.309(g)

ABC is required under §40 CFR 63.310(b) to develop “a written startup, shutdown, and malfunction plan that describes procedures for operating the battery, including associated air pollution control equipment, during a period of a startup, shutdown, or malfunction in a manner consistent with good air pollution control practices for minimizing emissions, and procedures for correcting malfunctioning process and air pollution control equipment as quickly as practicable.” §40 CFR 63.310(g) further states: “To satisfy the requirements of this section to develop a startup, shutdown, and malfunction plan, the owner or operator may use the standard operating procedures manual for the battery, provided the manual meets all the

requirements for this section and is made available for inspection at reasonable times when requested by the Administrator.” ABC was required to include a “Statement, signed by the owner or operator, certifying that a written startup, shutdown, and malfunction plan has been prepared as required in §63.310” in their notification of compliance status by §40 CFR 63.311(b)(2). ABC is not required to submit a copy of this plan to the Department unless JCDH makes a written request consistent with §40 CFR 63.6(e)(3)(v).

ABC was required to prepare and submit a copy of a work practice plan for each battery designed to achieve compliance with visible emission limitations for coke oven doors, topside port lids, offtake systems, and charging operations under Subpart L, and to submit any revisions. The original plan was stamped as received by JCDH on November 15, 1993. ABC Coke is required to “implement” the provisions of the work practice plan pertaining to a particular emission point following the second independent exceedance of the visible emission limitation for the emission point in any consecutive 6-month period. ABC would be required to continue to implement such plan provisions until the visible emission limitation for the emission point is achieved for 90 consecutive days. Compliance with plan requirements is determined by the enforcement agency based on review of records and inspections. Daily inspections using EPA Method 303 are entered into a spreadsheet prepared by EPA which calculates the 30-day averages for comparison to the Subpart L standards. ABC has not exceeded the applicable limits for any emission point during the time for which JCDH has records on file. Therefore ABC has not been required to “implement” this plan.

Emissions Reduction Plans

Consistent with 40 CFR 51, Subpart H, “Prevention of Air Pollution Emergency Episodes,” the State Implementation Plan (SIP) includes ADEM regulations chapter 335-3-2 (JCDH Chapter 4), which allows the Department to require a facility to prepare and submit a standby plan to reduce emissions during episode alerts, warnings and emergencies. The regulation defines ambient air pollution levels which are higher than the NAAQS for SO₂, PM₁₀, CO, NO_x and ozone. Jefferson County is designated attainment for the NAAQS. JCDH has not requested a standby plan from any facility within at least the last 5 years.

Availability of Plans

40 CFR §70.7(h) requires JCDH to provide adequate procedures for public notice, including that the public notice must provide a means by which “interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, ... and all other materials available to the permitting authority (except for publicly-available materials and publications) that are relevant to the permit decision; ...” JCDH does not interpret this requirement to mean that all materials available to the permitting authority must be attached to the draft permit or the statement of basis. JCDH is required to provide supplementary materials in the Department’s possession which are not readily available from another source on request.

JCDH did in fact send the plans named above in response to an information request by gasp dated October 19, 2018.

“Implement”

The 40 CFR 63, Subpart L Work Practice Plan, available to the public from JCDH on request, is the only plan for which the underlying regulation uses the term “implement.” In general, with the visible emission limits of Subpart L are achievable through proper operation and maintenance. This plan is intended to include measures which go beyond the everyday procedures to bring the emission point back into compliance and are only required in the event that the visible emission limits of Subpart L are exceeded until compliance is

restored and demonstrated (documented) for a period of time. The other plans cover everyday requirements and/or foreseeable events that are not the result of improper maintenance and operation. Presumably, the underlying regulations for the other plans do not use the term "implement" because there is no trigger and no endpoint for when they are required.

Regarding *Waterkeeper Alliance, Inc. v. United States Environmental Protection Agency*, 399 F.3d 486 (2nd Cir., 2005)

Gasp cites the above case, henceforth Waterkeeper, which challenged a Clean Water Act (CWA) regulation for water pollutant discharges from concentrated animal feeding operations (CAFO) under the National Pollutant Discharge Elimination System (NPDES) permitting program. Under the 2003 revisions to the "CAFO Rule" EPA required CAFO to develop and implement a site-specific nutrient management plan (NMP) to reduce the discharge of pollutants to the maximum extent practicable but did not require the NPDES permitting authority to review the NMP. This regulatory scheme allowed each CAFO to prescribe its own discharge rate without demonstrating that such discharges would meet the maximum practicable reduction standard or even disclosing the type and magnitude of pollutants which would be discharged under the plan. The court found that the terms of the NMPs are "effluent limitations" as defined by the CWA and held that failing to require the inclusion of the NMP terms in NPDES permits violated the CWA requirements for agency review and public participation.

Waterkeeper did not address the Clean Air Act (CAA). EPA promulgated the plan requirements for coke ovens under §112(d) of the CAA, which requires EPA to set emission standards that provide for the maximum achievable degree of HAP emissions reductions. These applicable emissions standards, often referred to as Maximum Available Control Technology ("MACT") standards, were subject to the public participation requirements of the CAA prior to their issuance. Gasp appears to argue that MACT emission standards could reasonably be considered functionally equivalent to effluent limitations under the CWA.

However, the plans required by the (draft) permit are not functionally equivalent to the NMP required for the CWA. The plans required by the (draft) permit do not set any emission standard or define the amount of HAP emitted. Instead, they require coke plants to make written plans detailing actions and procedures for coke plant employees to follow to minimize emissions and to assure or restore compliance with the emission standards provided by the underlying MACT regulations.

II. General Conditions (beginning on page 7)

A. Certain general conditions are missing or misstated in Draft Permit No. 4-07-0001-04, which violate federal requirements and thus must be revised. (beginning on page 8)

1. The Draft Permit does not specify a permit term. (beginning on page 8)

JCDH agrees that the 40 CFR §70.6(a)(2) requires a fixed permit term of 5 years from the date of issuance for this Title V permit. JCDH uses a standard title block on its Title V permits, which includes an issuance date and an expiration date. These will be filled in properly when a permit is issued. Since the matter has been brought to our attention, JCDH does believe that including, going forward, a statement that Title V permits have a fixed 5-year term in the standard title block at the draft stage would aid members of the public in understanding the permitting process. For final permits, JCDH believes that no statement of the 5 year duration beyond the dates printed in the title block is needed.

2. The Draft Permit does not contain a condition for a claim of confidential information. (beginning on page 8)

JCDH will change the language in General Condition 25 to more closely match 40 CFR §70.6(a)(6)(v).

3. Condition 44. Submissions of Reports and Notifications misstates the general condition for certification of all documents. (beginning on page 9)

JCDH will change the language in General Condition 44 to more closely match 40 CFR §70.5(d).

4. The Annual Title V Compliance Certification condition does not require submittal to the Administrator. (beginning on page 9)

All 3 of ABC Coke's previously issued Title V permits required them to submit their annual compliance certifications to both JCDH and EPA Region IV (by name and address). ABC's first annual compliance certification was due in 2004, and the correctness of sending the document to EPA Region IV has not been questioned until now. However, now gasp reads 40 CFR §70.6(c)(5)(iv) literally, apparently assuming that "Administrator" can refer only to the EPA Administrator whose office is at EPA headquarters. Part 70 does not include a definition of "Administrator" but EPA has posted some guidance as to which offices review Title V submissions at the following website as copied and pasted below.

<https://www.epa.gov/title-v-operating-permits/basic-information-about-operating-permits> (as of November 20, 2018)

Clean Air Act Part 70 Programs

State and local permitting authorities have primary responsibility for running part 70 permitting programs, including reviewing permit applications and issuing permits.

[EPA Regional Offices](#) have oversight responsibilities over state programs, including:

- Review of state program submittals and revisions to state programs,
- Periodic review of state programs,
- Review and comment on draft state permits, and
- Review of monitoring or other reports required by the permit.

EPA's Headquarters Office:

- Reviews public petitions asking the EPA to object to state-issued part 70 permits, and
- Develops national rulemakings, policy or guidance for parts 70/71.

JCDH does not see a reason to change General Condition 44 from the current wording, which has been effective for many years.

5. The Draft Permit does not contain a condition for records of required monitoring. (beginning on page 9)

JCDH agrees that it would be appropriate to add "monitoring" to the listing at General Condition 43.B.

B. The Emergency Provision contained in General Condition 34. is unlawful and should thus be removed. (beginning on page 10)

The emergency provision located at ADEM 335-3-14-.03(1)(h)2. (equivalent to JCDH as 2.3.1(h)(2)) is indeed subject to SIP call as described in this comment. General Condition 34, however, cites a Title V provision, JCDH 18.11.2. This requirement is derived from 40 CFR §70.6(g), but with the pertinent difference that the federal rule states: “(4) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.” The local versions read: “The Health Officer shall be the sole determiner of whether an emergency has occurred.”

On June 14, 2016, EPA proposed to remove the 40 CFR §70.6(g) emergency provisions, “because they are inconsistent with the enforcement structure of the Clean Air Act (CAA) and recent court decisions from the U.S. Court of Appeals for the D.C. Circuit. The removal of these provisions is consistent with other recent EPA actions involving affirmative defenses.” (81 FR 38645, June 14, 2016) The comment period for the proposed deletion ended on August 15, 2016. The proposed rule and 40 comments posted by citizens are included in Docket ID No. EPA–HQ–OAR–2016–0186. However, to date EPA has not finalized the proposed revisions. The draft permit is consistent with all current federal regulations. JCDH agrees that permit requirements citing JCDH 18.11.2 will become invalid after EPA has taken final action removing 40 CFR §70.6(g). The other provisions of the permit are protected by a severability clause, General Condition 22 citing JCDH 18.5.5, which prevents the entire permit from being invalidated due to a legal challenge of a portion of the permit.

C. Fugitive Dust (beginning on page 12)

General Condition 42 was written as a facility-wide fugitive dust condition that lists specific measures to be used to control fugitive dust at identified sources of fugitive dust at ABC Coke. These conditions were restated from the current Title V Permit No 4-07-0001-03, and include the requirements of JCDH 6.2 (State Implementation Plan) and specific provisions identifying what type of actions qualify as “reasonable precautions” in light of the Administrative Order for 5 Georgia Power plants discussed by gasp in this section of their comments.

The draft permit also includes an additional fugitive dust provision specific to the unloading and transfer of coal and coke at Condition 6 for Coke Production. Condition 15.C for Coke Production specifies that monitoring for SIP compliance is to be performed according to Method 22 of 40 CFR 60, Appendix A. Condition 32.F for Coke Production requires ABC to include the average water and surfactant application rates and total annual surfactant use.

JCDH 6.2.3 provides that “When dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such a manner and amount as to cause a nuisance or to violate any rule or regulation, the Health Officer *may* order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.” (Emphasis added.) Gasp points out that this SIP provision as restated in General Condition 42.C does not “affirmatively impose a duty on the Health Officer to order the tight closing or ventilation.” A Title V permit is intended to present all the requirements applicable to the permittee in one document, not to define the duties of the regulatory agency. Gasp also states “JCDH could better protect public health and the environment by creating requirements beyond the

rules.” JCDH does not have the statutory authority to create requirements beyond the rules or to impose conditions written for the primary and secondary lead smelting industries on a different industrial source.

III. The Startup, Shutdown and Malfunction Plan provisions does not assure compliance with all applicable requirements as mandated by 40 C.F.R. §70.1(a)(1). (beginning on page 13)

A. The Startup, Shutdown and Malfunction (“SSM”) Plan is not attached to the permit application nor the draft permit, and thus has not been made available to the public, violating the requirements of Part 70. (beginning on page 13)

Gasp states that “Absent an attachment of the SSM plan to the permit application or Draft Permit, or otherwise made publicly available, the public cannot be sure such a plan, in fact, exists.” The specific plan to which Gasp refers is required by Condition 20 for Coke Production, and is intended to satisfy the requirements of 40 CFR 63, Subpart L, “National Emission Standards for Coke Oven Batteries.”

40 CFR §70.7(h) requires JCDH to provide adequate procedures for public notice, including that the public notice must provide a means by which “interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, ... and all other materials available to the permitting authority (except for publicly-available materials and publications) that are relevant to the permit decision; ...” JCDH does not interpret this requirement to mean that all materials available to the permitting authority must be attached to the draft permit or the statement of basis. JCDH is required to provide supplementary materials in the Department’s possession which are not readily available from another source on request.

Additionally, ABC is not required to submit a copy of an SSM Plan unless JCDH makes a written request consistent with §40 CFR 63.6(e)(3)(v). JCDH does not have a copy of the SSM Plan for Subpart L in our records. JCDH did not rely on the contents of any SSM Plan in preparing the permit, although JCDH has verified that ABC maintains an SSM Plan for Subpart L during inspections.

B. The SSM plan contains discretionary exemptions that are inadequate to meet CAA requirements. (beginning on page 14)

Gasp states: “JCDH Rules and Regulations contain the provision allowing discretionary exemptions during startup, shutdown or load change. As previously stated in Section III.D (*sic*) of this comment, EPA found that this provision is substantially inadequate to meet CAA requirements. As such, it should be removed from the Draft Permit (and the SIP and JCDH Rules and Regulations). If this provision is retained, it must be corrected to stipulate that all emissions constitute violations.”

The header for this comment begs the question: how does gasp know what the SSM Plan contains after gasp just said they are not sure such a plan exists? This comment appears to address the SIP regulations.

Gasp discussed the SIP call in Section II.B (beginning on page 10). On June 12, 2015, EPA issued a final action titled “State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction.” (80 FR 33840-33985, June 12, 2015) EPA identified 3 general objections to SIP SSM provisions for a total of 36 states: blanket exemptions for excess emissions, provisions that appear to limit court and citizen enforcement for excess emissions, or grant an affirmative defense for excess emissions during SSM events. The EPA addressed only SIP provisions under CAA §110 this rulemaking, deliberately not addressing SSM provisions located within

New Source Performance Standards (NSPS) under CAA §111 and National Emission Standards for Hazardous Air Pollutants (NESHAP) under CAA §112 in this action.

The affected provisions of the Alabama SIP are Ala Admin Code Rule 335–3–14–.03(1)(h)(1) and Ala Admin Code Rule 335–3–14–.03(1)(h)(2). (80 FR 33962) The equivalent provisions of the Rules and Regulations are located in Subparagraphs 2.3.1(h)(1) and 2.3.1(h)(2). None of these provisions require an SSM Plan, and the draft permit does not include a blanket exemption for SSM per 2.3.1(h)(1).

IV. Comments Pertinent to Individual ABC Coke Emission Units (beginning on page 14)

A. The Permit Application is Incomplete for Failure to Properly Identify and Physically Characterize all Site Flaring Equipment (beginning on page 14)

In this section, Gasp states that the information about the emergency bleeder flares and excess COG flare in the permit application, statement of basis and draft permit was inadequate.

The emergency bleeder flares are part of the collecting mains, and serve to reduce emissions by combusting raw coke oven gas when flow from the collecting mains is interrupted. Like the collecting mains, they are an integral part of the batteries and JCDH does not see a reason to list them as a separate emissions unit. Gasp does list (without citing) the requirements of Condition 17 for Coke Production. An evaluation for the compliance of the emergency flares with the requirements of 40 CFR 63 Subpart L would have been performed when Subpart L took effect and would not be revisited during a Title V permit renewal in the absence of changes to the regulation or the installed equipment. (See also the discussion at Section IV.C below.)

EPA's "White Paper for Streamlined Development of Part 70 Permit Applications," issued on July 10, 1995 and available on the EPA Title V Policy and Guidance Database, discusses generic grouping of emissions units and activities on pages 13 and 14 as scanned. It also discusses short term activities on pages 14 and 15 as scanned. "For such activities, the application and permit would not include emissions unit specificity but instead would contain a general duty to meet all applicable requirements that would apply to any qualifying short term activity."

Gasp also requests to denote cubic feet for matters of COG fuel gas as "Dry Standard Cubic Feet (DSCF) in order to eliminate source discretion on fuel gas volumetric reporting units." There is not enough variability temperature and pressure of the fuel gas within the system to warrant measurement of water content and further calculation to adjust to "standard" temperature and pressure. The COG volume is measured on the same actual basis when it is collected for H₂S and heat content testing as when it is combusted by plant equipment.

Gasp claims that the permit application is not complete without a process flow diagram or coke oven gas flow attached. See the response above for the section "I.B. Multiple attachments are not actually attached to the permit application."

B. ABC Coke's permit application does not reveal whether ABC Coke's By-Product facility incorporates any flare units and flare-controlled closed vent systems other than the excess COG flare for controlling VOCs and HAPs from the By-Product plant process equipment. (beginning on page 15)

Gasp questions how VOC/HAP emissions collected by the closed vent system for the by-products plant are disposed. The answer is that all vapor collected is directed back into the system to be (re-)processed because it is still a valuable product. The function of the excess COG flare is to combust clean COG when

the instantaneous production rate exceeds the amount needed to fuel plant operations (battery heating and boilers) to prevent system gas pressures from exceeding design limits.

Gasp claims that the permit application is not complete without a process flow diagram attached. See the response above for the section "B. Multiple attachments are not actually attached to the permit application."

C. ABC Coke Failed to Provide a Proper APCP Form 103 Emission Characterization and Identification of the 4 Battery Emergency Flares. (beginning on page 15)

Estimating potential to emit from a source such as an emergency flare (or an emergency generator) has been treated in varying ways over the course of the Title V program. The presentation of zero emissions on the Forms 105 for the battery operations reflects the expectation that the emergency flares will seldom be operated and not operated deliberately. The basis of the non-zero estimated emissions in the potential to emit section 6.1, "Coke Battery Emergency Flares," is an estimated release of eight minutes per year of raw coke oven gas released at the maximum gas generation rate for all batteries combined using AP-42 factors which are based on the amount of coal charged. This estimation reflects the concept that a worst-case scenario should be assumed for every activity that might happen, including those activities whose emissions are not expected to reach or exceed the Title V "insignificant activity" threshold (5 tons per year of any criteria pollutant or 1,000 pounds per year of any single HAP per JCDH 18.1.1(o)).

Providing no estimate, or a zero estimate, for emissions from the emergency bleeder flares is acceptable consistent with EPA's "White Paper for Streamlined Development of Part 70 Permit Applications." This document was issued on July 10, 1995 and is available on the EPA Title V Policy and Guidance Database. This paper discourages agencies from requiring emissions estimates that are not needed to determine the applicable requirements for an emission unit and are not needed to establish a limit to avoid requirements for which a threshold has been established. JCDH does not believe there is any harm in including the estimate in one place or in leaving it out in another. (See also the discussion at Section IV.A above.)

D. ABC Coke's permit application is incomplete because it does not provide a showing or demonstration that both the excess COG flare and the 4 battery emergency flares comply with maximum tip velocity requirements of 40 CFR §60.18(c)(3). (beginning on page 16)

The emergency bleeder flares for the batteries are subject to JCDH 8.27 and to 40 CFR §63.307 of Subpart L (promulgated in 1993 and not revised). 40 CFR §63.311(b)(1) required that the initial compliance certification include certification that the installed devices meet the requirements of 40 CFR §63.307. The adequacy of these flares would have been determined prior to the issuance of the ABC's first Title V permit. There have been no physical or regulatory changes that would trigger a need to re-evaluate these flares. EPA's "White Paper for Streamlined Development of Part 70 Permit Applications," issued on July 10, 1995 and available on the EPA Title V Policy and Guidance Database, states on page 29 as scanned: "Companies are not federally required to reconsider previous applicability determinations as part of their inquiry in preparing part 70 permit applications."

Additionally, 40 CFR §60.18(a)(1) reads "This section contains requirements for control devices used to comply with applicable subparts of 40 CFR parts 60 and 61. The requirements are placed here for administrative convenience and apply only to facilities covered by subparts referring to this section." 40 CFR §63.307 has detailed flare requirements specifically written for this exact situation that do not refer to any section of 40 CFR 60. Similarly, JCDH 8.27 does not refer to 40 CFR §60.18 and there is no reason to

assume that compliance with the requirements of 40 CFR §63.307 would be inadequate to assure compliance with 8.27. Because 40 CFR §60.18 is not an applicable requirement for the emergency bleeder flares, no demonstration for §60.18(c)-(f) is required.

E. Condition 17 of the Draft Permit shows that its provisions are to be applied to the 4 specific Battery Emergency Flares that are not listed in the Emission Unit Table and the permit application does not contain any demonstrations or showing that the 4 Battery Emergency Flares comply with the requirements of Condition 17, and 40 CFR §§307 and 309 for battery bleeder stacks. (beginning on page 17)

Refer to Sections IV.A, IV.C and IV.D above regarding 40 CFR §63.307.

The compliance demonstration of 40 CFR §63.309(h) requires monitoring of a pilot flame if an electronic igniter is not installed and also requires visible emissions observations by EPA Method 22 for a period of 2 hours without specifying any frequency for monitoring. Emissions from the emergency flares would be higher than emissions from normal operations, therefore it makes little sense to require that these emergency flares be operated for 2 hours solely for the purpose of observing visible emissions. However, visual observations would be expected to be included in the malfunction report submitted subsequent to any operation of these flares.

F. ABC Coke failed to properly address soaking hydrogen sulfide and/or total reduced sulfur emission unit characterization in their permit application when addressing annual 2017 and PTE emission characterization. (beginning on page 18)

Gasp cites a permit application package for the U.S. Clairton Coke Oven Works for the premise that H₂S and/or total reduced sulfur (TRS) emissions from soaking should be included in the permit application for ABC. This permit application to replace Clairton's Batteries 7, 8, and 9 with a new Battery C, entitled "Installation Permit Application for the Proposed C Battery Project," was received by the Allegheny County Health Department Air Quality Program on February 28, 2008. The PSD and New Source Review Applicability Analysis does list H₂S and TRS emissions in Tables 3-5 and 3-6. However, there is no information in the application package about the source of the emissions factor used in the analysis. The Emission Factor Documentation for AP-42 Section 12.2 Coke Production and section 12.2 itself do not include emission factors for H₂S from soaking. Moreover, in Appendix A, Allegheny County Health Department Installation Permit Application Forms, on page A-14 of "Permit Form A Process Operations" for C Battery (page 114 as scanned), all actual entries in the H₂S columns on the form are "NA" for soaking emissions.

JCDH checked the 2014 National Emissions Inventory (NEI) for the 18 plants in the United States which reported coke oven emissions for 2014. Only facility-wide emissions are available. Of these, 8 facilities did not report emissions of H₂S for CY 2014, 7 facilities reported emissions of 1.5 tons or less of H₂S for CY 2014, 2 facilities reported 16 to 46 tons for CY 2014 and USS Clairton Works reported over 130 tons of H₂S for CY 2014. JCDH will not alter the emissions assumptions which have been used to calculate soaking emissions for ABC.

G. ABC Coke has not characterized site VOC and HAP emissions from wastewater treatment equipment and vented sewers in VOC/HAP wastewater service. (beginning on page 18)

The emissions from wastewater treatment are labeled "Biological Treatment Facility" within the application in Section 10 of the emissions calculations and on the table of facility-wide potential to emit. These emissions do include VOC and HAP.

V. Comments Pertinent to Multiple ABC Coke Emission Units and/or Source-Wide, and effect of those on surrounding communities. (beginning on page 19)

A. Presently allowed Methods for ABC Coke's sulfur dioxide emissions monitoring based on non-continuous, infrequent coke oven gas (COG) fuel gas analysis do not assure compliance with sulfur dioxide emission limitations and cannot accurately and properly validate required annual sulfur dioxide emission inventory reporting. (beginning on page 19)

Monthly sampling and testing of the sulfur content of the coke oven gas using the Tutwiler Method (and testing for heat content using a calorimeter) has been required since the first Title V permit was issued in 2003. Years of testing ABC's coke oven gas for sulfur and heat content has demonstrated very little variability in the gas. The coke oven gas distribution system maintains the same system pressure, with the excess COG flare combusting COG when pressure would otherwise exceed operating limits, and with the COG holder (a pressure vessel for storing COG for later use) releasing fuel into the distribution system when needed to maintain the proper operating pressure. The sampling point is located to be representative of the fuel gas. Quoting ASTM's statement of the scope of the method, "This method is for determining hydrogen sulfide in gas mixtures. Mercaptan sulfur and carbonyl sulfide, if present, are determined as hydrogen sulfide." The sulfur and heat content are used in conjunction to calculate the potential sulfur emissions rate in lb/MMBtu. For new boilers subject to 40 CFR 60, Subpart Db and combusting COG alone or in combination with natural gas, weekly testing for the potential sulfur emissions rate may be reduced to monthly or quarterly sampling per §60.49b(r)(2)(iv). JCDH will more specifically identify ASTM UOP9-85 Hydrogen Sulfide in Gases by the Tutwiler Method but does not find the current monitoring requirements to be insufficient.

B. In Determining COG fuel gas combustion unit sulfur dioxide PTE emissions, ABC Coke did not properly follow the required definition of "Potential to Emit" contained in the BOH Rules and Regulations, and ABC Coke's SO2 PTE emission determination must be regarded as erroneous as submitted and not approvable. (beginning on page 20)

JCDH did not re-evaluate the applicable regulations for Boiler 9 on the basis of an estimate of potential to emit. This boiler is subject to a New Source Review (NSR) limit determined prior to its construction to prevent the emissions from the new boiler from exceeding the emissions from the coal-fired boiler it replaced. Boiler 9 is also subject to a New Source Performance Standard that is based on age and capacity. These requirements have not changed since previous permitting determinations, and new potentially applicable requirements have not been promulgated. EPA's "White Paper for Streamlined Development of Part 70 Permit Applications," issued on July 10, 1995 and available on the EPA Title V Policy and Guidance Database, discusses emissions estimates in permit applications on page 10 as scanned, "The EPA interprets the tpy estimates to not be required at all where they could serve no useful purpose [...]." Even if the submitted potential to emit calculations were erroneous or if they were omitted, JCDH would not require the permit application to be updated for a calculation which was not needed for any purpose within the scope of this renewal permit action.

The H₂S grain loading "limit" which gasp discusses appears to be back-calculated from the NSR limit and an assumed heat content. It can be used as a guideline for the point at which natural gas must be combusted in conjunction with COG in order to keep emissions from Boiler 9 from exceeding 1.11 lb/MMBtu of SO₂ (the NSR limit re-stated based on the 174 MMBtu/hr capacity of the boiler), but serves no purpose as a standalone limit. The average potential SO₂ emission rate for COG combustion alone using the results of

sampling taken from 2010 through 2017 is 0.87 lb/MMBtu of SO₂. If more accurate potential to emit calculations were needed, it would be appropriate to use the sampled rate.

C. ABC Coke's SO₂ PTE emission characterization for the underfire stacks and the excess COG flare failed to include emission calculations for SO₂ emission per MMCF Factors and used numerically different factors for underfiring and the flare when the emission determination assumed both units to be burning the same COG fuel gas at the same H₂S grainloading rate. (beginning on page 21)

See the responses to comments V.A and V.B above, which are equally applicable to all units combusting COG at the facility. (See also the discussion at Sections IV.A and IV.C above.)

VI. The Title V permit should include monitoring sufficient to ensure compliance. (beginning on page 22)

A. The CAA Requires Title V Emission Sources to Have Sufficient Periodic Monitoring to Ensure Compliance. (beginning on page 22)

In this section, gasp states that "JCDH should implement additional ambient monitoring near or at the fenceline of ABC Coke." Specifically, gasp would like to require benzene monitoring similar to the requirements of 40 CFR §63.658 from Subpart CC, "National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries." There is no national ambient air quality standard (NAAQS) for benzene and JCDH does not have statutory authority to apply 40 CFR 63, Subpart CC to a facility which is not an affected source as defined by the regulation.

B. JCDH erroneously asserts in its Statement of Basis facts and findings not present in the permit application submitted by ABC Coke as to compliance with Compliance Assurance Monitoring ("CAM"). (beginning on page 23)

In this section, gasp states "JCDH is without proper authority to make findings on the record where ABC Coke made no submission or admission regarding CAM verification and exemption. It is, at best, improper for JCDH to create a decision about applicable requirements and exemptions that are binding on ABC Coke absent a specific request and submittal by ABC Coke, including the required certification and verification of such requests by a responsible official."

Apparently, gasp regards detailed statements regarding the applicability of enhanced monitoring under 40 CFR 64, "Compliance Assurance Monitoring," as an action of (inappropriate) agency discretion. On Form 103 of ABC's application, for each emission unit, ABC indicated the compliance status with the subject program requirements was "NA," presumably for "Not Applicable." The original determinations of applicability with CAM, originally promulgated in 1997, would have been made before this Title V renewal action. A statement regarding the applicability of 40 CFR 64 for regulated emissions units is generally expected in a Statement of Basis for a Title V permit. JCDH regarded the details which were included in the Statement of Basis regarding CAM applicability as an aid to help the reader understand the underlying rules and facts in the same manner as the discussions of other applicable requirements. The Statement of Basis will not be revised.

See response to comments Items I.A and I.B regarding the responsible official.

C. Ambient air monitoring data, and the absence of adequate monitoring generally, suggest that local, nearby-facility, community area compliance with the Primary, health-related National Ambient Air Quality Standards (“NAAQS”) for the 1 Hour NAAQS is threatened by ABC Coke’s SO₂ emissions. (beginning on page 24)

In the section, gasp describes SO₂ modeling activities that it recommends in response to SO₂ monitoring at the nearby Shuttlesworth air monitor. Regarding ABC Coke, gasp would like JCDH to specifically provide for reopening the permit in the event that SO₂ modeling indicates a need for more stringent emission limitations. JCDH believes this situation is effectively covered by General Permit Condition 5, “Compliance with Existing and Future Regulations.”

Gasp also incorporates by reference the comments submitted by the Southern Environmental Law Center. The comments submitted by the SELC were addressed earlier in this document. Please refer to that section as needed. The full text of these comments have not been included in this document but are available from JCDH on request.

