



732 Montgomery Highway #405
Birmingham, AL 35216
gaspgroup.org

Corey Masuca
Jefferson County Department of Health
PO Box 2648
Birmingham, AL 35202

February 24, 2014

Dear Mr. Masuca,

The purpose of this letter is to formally request a **public informational meeting** concerning the permit renewal of Drummond Company, Inc. (ABC Coke). Drummond is implicated in the toxic contamination of surrounding communities as a result of its operation of the ABC Coke facility located at Alabama Street and Huntsville Avenue, Tarrant, AL 35217. The citizens of Jefferson County and particularly the residents who live in and around the 35th Avenue Superfund Site need your agency to properly inform them about the permit renewal and their options to engage in the process.

There are a multitude of reasons why a public informational meeting is needed, including:

- According to EPA's, [Risk-Screening Environmental Indicators](#) program, ABC Coke exceeds all other facilities in Jefferson County for risk from toxic air pollution.
- The proximity of ABC Coke to the 35th Avenue Superfund Site warrants additional attention and opportunities for citizen engagement.
- Residents of the 35th Avenue Superfund Site were not notified in a timely fashion of this critical permit renewal.
- Incorrect information was disseminated at the North Birmingham Community Coalition meeting on February 17, 2014 regarding the public comment period. The informational binder incorrectly states the public comment period is significantly longer than it is, causing confusion.
- The online notice was posted on February 9th, 2014, the same week Birmingham experienced a snow event, reducing the number of business days available for communication.
- ABC Coke emits large amounts of benzene, a significant risk driver in the 2013 Air Toxics report.

- The permit should be explained to residents affected by the pollution it will allow. It should be made clear the opportunities for the public to participate in the permitting process, how the permitted emissions are monitored and the pollution control technologies the company could employ.
- As a recipient of financial assistance from EPA, JCDH is obligated to comply with Title VI of the Civil Rights Act. (see attachment A)

Jefferson County citizens and members of the North Birmingham Community Coalition have been assured that transparency and public engagement is a top priority for both the Jefferson County Health Department and EPA. Recently, EPA administrator Gina McCarthy stated that, “efforts to reduce urban air toxics” is a priority of her tenure. To honor this commitment, the JCDH should host a public informational meeting for the ABC Coke draft permit.

Thank you for your time and consideration of this important matter.

For clean and healthy air,

A handwritten signature in cursive script, appearing to read "Kirsten Bryant".

Kirsten Bryant
Outreach Director, GASP
Resource Partner, North Birmingham Community Coalition

Attachment A

[EPA recommends...](#)

As a recipient of financial assistance from EPA, local agencies should consider integrating the following activities into permitting programs to help identify and resolve issues that could lead to the filing of Title VI complaints:

Encourage effective public participation and outreach—To provide permitting and public participation processes that occur early, and are inclusive and meaningful;

Encourage meaningful public participation and outreach - early, inclusive, and meaningful public involvements in the permitting process will likely help to reduce the filing of Title VI complaints alleging that the public participation process for a permit was discriminatory. It is possible to have a violation of Title VI or EPA's Title VI regulations based solely on discrimination in the procedural aspects of the permitting process without a finding of discrimination in the substantive outcome of that process, such as discriminatory human health or environmental effects. Likewise, it is possible to have a violation due to discriminatory human health or environmental effects without the presence of discrimination in the public participation process.

An effective public participation process:

- Seeks out and facilitates the involvement of individuals who will be potentially affected by permitting decisions;
- Ensures that the public is involved early in the process;
- Provides participants in the process with the information they need to participate in a meaningful way;
- Ensures that public concerns are appropriately considered; and
- Communicates to participants in the process how their input was, or was not, used.

More specifically, an effective public participation process is one that:

- Is early and inclusive:
 - Engages the public during the pre-permitting process, as well as during the permitting process, whenever possible;
 - Includes community participants that represent the spectrum of views;
 - Uses communication methods likely to reach the affected community (e.g., insert information with utility bills; place public service announcements on local radio shows; and place notices on bulletin boards in grocery stores, houses of worship, community newspapers, and community centers);
 - Schedules meeting times and places that are convenient for residents who work and those who use public transportation;
 - Schedules meeting places that are accessible to persons with disabilities; and
 - Avoids creating schedule conflicts with other community or cultural events, whenever possible.

- **Is meaningful:**
 - Uses an open and transparent process;
 - Provides understandable information necessary for effective community participation (writing user-friendly documents and other guidance on how to write in plain language are available from the [Plain Language Action Network \(PLAN\)](#));
 - Provides supplemental technical information (e.g., trend and comparison data, background on types of health effects, concepts of exposure assessment) and technical assistance to make data more meaningful;
 - Takes reasonable steps to communicate, in written documents as well as orally, in languages other than English, when appropriate for the community;
 - Provides clear explanations and reasons for the decisions made with respect to the issues raised by the community.

There are a number of publications describing effective public participation techniques. The publications listed below may provide useful information as you assess your Title VI activities:

- The Model Plan for Public Participation developed by the EPA National Environmental Justice Advisory Council, a Federal Advisory Committee to the U.S. EPA. (For more information on the EPA National Environmental Justice Advisory Council, contact the EPA Office of Environmental Justice (OEJ) at 202-564-2515, or visit the [OEJ website](#);
- Report of the Title VI Implementation Advisory Committee: [Next Steps for EPA, State, and Local Environmental Justice Programs](#);
- EPA's 1998 [Final Supplemental Environmental Projects Policy](#) contains information on the public's opportunity to participate in the consideration of Supplemental Environmental Projects;
- EPA's 1998 [Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses](#) contains a discussion regarding public participation in Section 4 (pages 39-43); and
- EPA's 1996 Resource Conservation and Recovery Act (RCRA) [Public Participation Manual](#) explains how public participation works in the permitting process and also contains useful information for public participation in non-RCRA environmental activities.