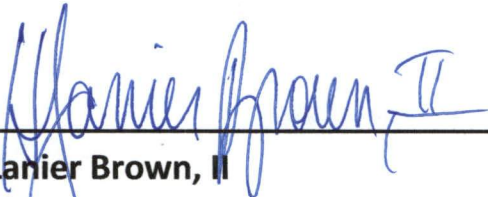


2/25/15

**Minutes**  
**Environmental Management Commission Meeting**  
**Alabama Department of Environmental Management Building**  
**1400 Coliseum Boulevard**  
**Montgomery, Alabama 36110-2400**  
**December 12, 2014**

**This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on December 12, 2014.**



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**H. Lanier Brown, II**  
**Chair**

**Alabama Environmental Management Commission**

**Certified this 20th day of February 2015.**

**Minutes**  
**Environmental Management Commission Meeting**  
**Alabama Department of Environmental Management Building**  
**1400 Coliseum Boulevard**  
**Montgomery, Alabama 36110-2400**  
**December 12, 2014**

**Convened: 11:00 a.m.**  
**Adjourned: 12:22 p.m.**

**Part A**

**Transcript**  
**Word Index**

**Part B**

**Attachment Index**  
**Attachment 1**  
**Attachment 2**

**Part A**

Page 1

1 \* \* \* \* \*

2

3

4 ALABAMA ENVIRONMENTAL MANAGEMENT

5 COMMISSION MEETING

6

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8 ALABAMA DEPARTMENT OF ENVIRONMENTAL

9 MANAGEMENT

10 Alabama Room

11 1400 Coliseum Boulevard

12 Montgomery, Alabama 36110-2400

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20 Taken by: Bridgette W. Mitchell,

21 ACCR 231

22

23

Page 3

1 CHAIRMAN BROWN: Good morning.

2 We will now call to order the

3 December 12, 2014 meeting of the Alabama

4 Environmental Management Commission. The

5 Chair acknowledges that we have a quorum

6 present today. In fact, all

7 Commissioners are present.

8 The first item on the agenda is

9 consideration of minutes held -- minutes

10 of the meeting held on October 17, 2014.

11 CHAIRMAN PHILLIPS: So moved.

12 CHAIRMAN MILLER: Second.

13 CHAIRMAN BROWN: All in favor say

14 aye.

15 (Unanimous.)

16 CHAIRMAN BROWN: If any oppose.

17 (No response.)

18 CHAIRMAN BROWN: Motion passes.

19 Next item on the agenda is elections

20 for the Personnel and Rulemaking

21 Committees. A proposed list of

22 nominations has been submitted for

23 Committee Chairs, and the Chair will

Page 2

1 \* \* \* \* \*

2 APPEARANCES

3

4 COMMISSION MEMBERS PRESENT:

5 H. Lanier Brown, II, Esquire, Chair

6 W. Scott Phillips, Vice Chair

7 Samuel L. Miller, M.D.

8 James E. Laier, Ph.D., P.E.

9 Mary J. Merritt

10 Terry D. Richardson, Ph.D.

11 Robert L. Carson, Jr., D.V.M.

12

13

14 ALSO PRESENT:

15 Robert Tambling, EMC Legal Counsel

16 Lance R. LeFleur, ADEM Director

17 Debi Thomas, EMC Executive

18 Assistant

19

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Page 4

1 entertain a motion for Personnel

2 Committee for Jim Laier as Chair with

3 Robert Carson and Sam Miller as members.

4 And for the Rulemaking Committee for

5 Scott Phillips' Chair with Mary Merritt

6 and Terry Richardson as members.

7 DR. RICHARDSON: Move to accept

8 the nominations as cited by the Chair.

9 CHAIRMAN BROWN: Is there a

10 second?

11 DR. CARSON: Second.

12 CHAIRMAN BROWN: All in favor say

13 aye.

14 (Unanimous.)

15 CHAIRMAN BROWN: Motion carries.

16 Next we will have our report from

17 the Director of the Department.

18 Good morning, sir.

19 MR. LeFLEUR: Good morning. Good

20 morning, Commissioners. And good morning

21 and welcome to all of you present for the

22 second scheduled meeting of the Alabama

23 Environmental Management Commission for

<p style="text-align: right;">Page 5</p> <p>1 fiscal year 2015 and the last AEMC  2 meeting of calendar year 2014.  3 Today's report will update you on  4 the operating budget and then focus on  5 the air dashboards and other developments  6 in the air arena. I will close with a  7 report on three personnel matters.  8 As you're aware, we are currently in  9 the first quarter of the FY2015 budget  10 cycle. At this point, the Department,  11 with our General Fund appropriation,  12 Federal Grants, and other generated  13 revenue, is able to meet all of our  14 financial obligations.  15 On November 1, the Department  16 submitted its FY 2016 budget request to  17 the State Department of Finance. In that  18 submittal, we requested an increase of  19 approximately \$1.3 million in General  20 Funds. The requested increase is  21 necessary to fund the Department's  22 Emergency Response program, the cost of  23 implementing the mandated State of</p>	<p style="text-align: right;">Page 7</p> <p>1 basis for informed discussion of issues.  2 Second, they provide a clear picture of  3 the performance of the Department  4 compared to EPA goals and other states so  5 the Commission and the public can make an  6 informed judgment of departmental  7 performance. Third, they can be used by  8 the Department to see where adjustments  9 may be needed in the operation of the  10 Department and thus promote corrective  11 action if necessary. Earlier this year,  12 we reviewed water and land dashboards.  13 Air media dashboards have just been  14 updated in the EPA database, so we can  15 now look at the most current data for  16 air.  17 Before I begin, there are two  18 important details to point out. First,  19 the air pollution control program in  20 Alabama, the Jefferson County and the  21 city of -- excuse me. The air pollution  22 program in Alabama involves the Jefferson  23 County Department of Health and the City</p>
<p style="text-align: right;">Page 6</p> <p>1 Alabama Accounting and Resource System,  2 or STAARS, new State of Alabama  3 Comptroller service charges, and  4 additional fringe benefits associated  5 with merit raises. Although it will be  6 difficult in the current atmosphere of  7 restricted budgets and growing statewide  8 deficits, we will continue to work  9 closely with the Governor's office and  10 the Legislature to first maintain our  11 FY 2015 level of funding and then to seek  12 the crucial increased funding to cover  13 these additional costs.  14 At three meetings per year, I  15 present to you the annually updated EPA  16 Interactive Visual Compliance and  17 Enforcement Metrics, or dashboards,  18 individually for air, land, and water  19 media. These statistical updates are  20 regularly presented for several reasons.  21 First, they represent data that is  22 standardized, consistent, and objective  23 which can be used by all parties as a</p>	<p style="text-align: right;">Page 8</p> <p>1 of Huntsville, which exclusively  2 implement the Clean Air Act in their  3 respective jurisdictions. The air  4 dashboards presented today combine the  5 data from these local programs with that  6 of the Department. These dashboards do  7 not, therefore, solely reflect the  8 Department's universe of regulated  9 facilities or its activities.  10 Second, these dashboards only  11 reflect information for federally  12 reportable facilities. To be federally  13 reportable, a regulated facility must be  14 a major source, a synthetic minor source  15 which is a facility that is capable of  16 being a major source but which has  17 elected to restrict its emissions to a  18 level below that which would put it in  19 the category of a major source, or any  20 minor source that had a federally  21 reportable violation during the most  22 recent fiscal year. The Department  23 actually reports compliance and</p>

<p style="text-align: right;">Page 9</p> <p>1 enforcement data for approximately 1300 2 of its regulated facilities, but all of 3 these activities are not classified as 4 federally reportable and, therefore, are 5 not reflected in these dashboards. 6 So with those caveats in mind, 7 please turn your attention to the screen 8 where I will walk you through a few of 9 the more than 50 air dashboards available 10 for the analysis of the air pollution 11 control program in Alabama. As is done 12 in each dashboard presentation, we will 13 look at the size of the universe of 14 regulated facilities, the rate of 15 inspections, the findings from those 16 inspections, and then the enforcement 17 actions taken where violations are found. 18 This first slide is EPA's 19 representation of Alabama's total 20 universe of federally reportable 21 facilities under the Clean Air Act. 22 Those facilities are classified as major 23 sources shown in dark blue, 356, a</p>	<p style="text-align: right;">Page 11</p> <p>1 reason the bars on the graph are less 2 than the 100-percent goal is that the 3 local programs in Jefferson County and 4 the City of Huntsville do not seek to 5 operate with the same self-imposed goal 6 to conduct compliance evaluations for 100 7 percent of federally reportable 8 facilities each year. 9 As you can see, Alabama as a whole 10 has consistently exceeded EPA's 11 requirement, which is at most every two 12 years, or 50 percent, as well as the FCE 13 national average across all states shown 14 as the dashed line in blue on the graph. 15 One interesting note, if any one of 16 the bars on any of these graphs is 17 clicked, the underlying detail data that 18 is included in that bar will be 19 displayed. For example, if the 20 individual bar for 2014 is clicked on 21 this graph, a complete list of the 612 22 full compliance evaluations done by ADEM 23 will be displayed.</p>
<p style="text-align: right;">Page 10</p> <p>1 decrease of five in the last year; 2 synthetic minor sources shown in yellow, 3 366; and minor or other sources shown in 4 light blue, 15. These numbers do not 5 include facilities exclusively regulated 6 by EPA. 7 In this second slide, you will see 8 an analysis of the percentage of full 9 compliance evaluations, or FCEs, 10 conducted on federally reportable 11 facilities in Alabama for the period from 12 2010 through 2014. Full compliance 13 evaluations are analogous to inspections 14 for the land and water media. Please 15 note that EPA does not require that 16 federally reportable facilities receive 17 an FCE each year. EPA requires an FCE 18 for major sources once every two fiscal 19 years and an FCE for synthetic minor 20 sources once every five years. However, 21 the Department's self-imposed goal is to 22 conduct an FCE each of the -- on each of 23 these sources every fiscal year. The</p>	<p style="text-align: right;">Page 12</p> <p>1 The dashboard graph shown on this 2 third slide reflects the percentage of 3 federally reportable facilities that were 4 found to have violated an applicable 5 federal requirement and received either a 6 notice of violation and/or an 7 administrative order with monetary 8 penalty. There are expected year-to-year 9 fluctuations in violation rates that 10 relate to the effective dates of new air 11 regulations. The data indicates that the 12 violation rate in Alabama is lower than 13 the national average across all states, 14 which is the dashed green line at the top 15 of the graph that ranges from about 14 16 percent down to about 11 percent. As you 17 see, Alabama ranges over time from about 18 eight percent down to five percent. 19 A reasonable explanation for this 20 lower violation rate in Alabama is that 21 the high compliance evaluation, i.e., 22 inspection rate, and compliance 23 assistance rate discourages violations</p>

<p style="text-align: right;">Page 13</p> <p>1 much like the inspections and informal 2 enforcement actions, a form of education, 3 work to reduce violations in, say, the 4 water program. 5 On this fourth slide, you'll see 6 displayed the percentage of high-priority 7 violations addressed in a timely fashion. 8 When a violation is identified, it is 9 important to address the issue as quickly 10 as possible. The EPA goal is to address 11 the HPV within 270 days. As you can see, 12 the 2014 bar shows that ADEM meets that 13 goal 90 percent of the time as compared 14 to the national average of 70 percent as 15 shown by the green dashed line. The 16 purple dashed line indicates that EPA 17 currently meets this goal about 25 18 percent of the time. 19 This graph clearly demonstrates that 20 the Department's process of graduated 21 enforcement achieves corrective action in 22 a timely fashion, especially in 23 comparison to other states and EPA.</p>	<p style="text-align: right;">Page 15</p> <p>1 percent of EPA's formal actions include 2 penalties. 3 This last dashboard slide 4 illustrates -- excuse me -- this last 5 dashboard slide illustrates why caution 6 is necessary in using some dashboards. 7 This slide reflects the percentage of 8 environment -- excuse me -- percentage of 9 enforcement actions that were reported in 10 a timely manner. This slide reflects -- 11 excuse me. I apologize. I emphasize 12 that this chart shows timely reporting of 13 enforcement, not timely enforcement 14 action. 15 Looking at 2010 through 2014, ADEM 16 has kept the database populated on a 17 timely basis, consistently meeting the 18 60-day goal. EPA Region 4 has just 19 recently improved their timely update of 20 the database, reaching the goal of 60 21 days 100 percent of the time as ADEM has 22 done for many years. This graph should 23 not be interpreted that ADEM has</p>
<p style="text-align: right;">Page 14</p> <p>1 On this fifth slide, you will see 2 displayed the percentage of formal 3 enforcement actions that include 4 penalties. ADEM has repeatedly 5 emphasized that corrective action or 6 other resolutions of environmental 7 violations can be effectively obtained by 8 the following three methods: 9 inspections, education, and penalties. 10 Inspections, along with education, are 11 far and away the biggest contributors to 12 compliance. Though penalties play a 13 lesser role, they are clearly necessary. 14 While the slide two before this one 15 showed a very low rate of violations in 16 Alabama compared to other states and EPA, 17 this dashboard clearly illustrates that 18 when formal enforcement is necessary, 95 19 percent of these enforcement actions 20 include penalties. The national average, 21 as shown by the dashed line in blue, is 22 slightly under 80 percent. The red 23 dashed line reflects that less than 20</p>	<p style="text-align: right;">Page 16</p> <p>1 necessarily been more timely in taking 2 enforcement action -- has been taking 3 more enforcement action effectively than 4 other states but rather that we have been 5 reporting the enforcement actions more 6 effectively. 7 As indicated by the red and blue 8 dashed lines, the other states and EPA 9 nationally have improved but have not 10 quite reached the goal of timely database 11 update. Although we are very encouraged 12 by the progress being made, since it 13 means comparisons will more accurately 14 reflect the current performance, these 15 updates are still behind the standards 16 set by ADEM and EPA Region 4, the point 17 being that some data comparisons across 18 the states and regions must be 19 interpreted with care and in conjunction 20 with other comparisons to obtain a 21 complete picture of performance. 22 Today we are focusing on the air 23 media, so I would like to make you aware</p>



<p style="text-align: right;">Page 17</p> <p>1 of some important recent developments in  2 this area. Alabama has just reached a  3 major milestone in air quality. EPA has  4 published in the Federal Register its  5 intent to designate Jackson County,  6 Alabama as attainment for the PM2.5,  7 fine-particle, air-quality standard.  8 Jackson County, a somewhat rural  9 Alabama county, was previously designated  10 nonattainment because it is in the  11 Chattanooga metropolitan area which  12 contains Hamilton County, Tennessee where  13 the city of Chattanooga is in a  14 nonattainment area. I will come back to  15 this concept a little later. This action  16 by EPA to designate Jackson County,  17 Alabama as attainment for the PM2.5  18 standard, coupled with new air-monitoring  19 data showing that Jefferson County has  20 just reached attainment for the ozone  21 standard, means Alabama is now in  22 attainment for all ozone and fine-  23 particle air-quality standards statewide</p>	<p style="text-align: right;">Page 19</p> <p>1 definitive standard until it issues the  2 final rule, it is unknown what the impact  3 will be on individual states until it is  4 too late to react with certainty. To  5 illustrate how wide the range of impacts  6 of the final standard can be, please  7 direct your attention to these next four  8 slides.  9 This slide shows the current  10 situation with the ozone standard of 75  11 parts per billion as reflected in yellow  12 at the top of the slide. It's a little  13 hard to see. The red areas on the map  14 represent counties that are currently in  15 nonattainment for the 75 parts per  16 billion ozone standard. In Alabama, you  17 see Jefferson County is shown as  18 nonattainment. However, as was announced  19 previously, the most recent data shows  20 that Jefferson County has now reached  21 attainment. The white areas of the map  22 are those counties where data exists to  23 show that they are in attainment. The</p>
<p style="text-align: right;">Page 18</p> <p>1 for the first time since the Clean Air  2 Act was passed in 1970. This is a  3 tremendous accomplishment. A tremendous  4 accomplishment. It is all the more  5 noteworthy because the standards for  6 ozone and fine particles have been --  7 have become progressively more stringent  8 over the years. It should be recognized  9 that this is the result of much hard work  10 by the regulated community, the  11 environmental community, and the  12 regulatory authorities.  13 On other air-related -- another  14 air-related matter, you may recall that  15 at our last meeting I reported that new  16 ozone standards from EPA were scheduled  17 to be announced on December 1, 2014.  18 However, rather than issuing a proposed  19 standard, EPA elected to take the  20 unprecedented step of requesting comments  21 on a standard falling in a range between  22 60 parts per billion and 75-parts-per-  23 billion. Since EPA will not designate a</p>	<p style="text-align: right;">Page 20</p> <p>1 dark gray areas represent those areas  2 that are not monitored so data does not  3 exist to designate them as either  4 attainment or nonattainment.  5 At the bottom of the slide are three  6 percentage measures from left to right  7 showing the percentage of the counties in  8 the nation that are in nonattainment, the  9 percentage of the nation's population  10 living in nonattainment areas, and the  11 percentage of the nation's manufacturing  12 jobs that are located in nonattainment  13 areas. The designation of attainment or  14 nonattainment is important for at least  15 two reasons. First, it can be an  16 indicator of air quality which impacts  17 public health. Second, since industrial  18 development is limited in nonattainment  19 areas, the designation can have -- can  20 impact the economic livelihoods of  21 citizens.  22 Under the current ozone standard of  23 75 parts per billion, you can see that</p>

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1 nationally five percent of the counties  
 2 are designated nonattainment, 32 percent  
 3 of the population lives in nonattainment  
 4 areas, and 29 percent of the  
 5 manufacturing jobs are in nonattainment  
 6 areas where further industrial  
 7 development is restricted.  
 8 This next slide shows what would  
 9 happen if the new ozone standard is  
 10 reduced to 70 parts per billion. The  
 11 yellow portions of the map are those  
 12 counties that would likely be designated  
 13 as nonattainment. In Alabama, Jefferson  
 14 County would fall back into nonattainment  
 15 and Shelby County would become  
 16 nonattainment. Nationally, the number of  
 17 counties designated nonattainment would  
 18 rise from five percent to 11 percent.  
 19 The percentage of the population in those  
 20 nonattainment counties would increase  
 21 from 32 percent to 48 percent, and the  
 22 percentage of manufacturing jobs in  
 23 nonattainment areas would increase from

Page 23

1 highlight only those counties that are  
 2 monitored and would be classified as  
 3 nonattainment. It is anticipated that  
 4 additional counties which are not  
 5 monitored but are in metropolitan areas  
 6 where monitored counties are classified  
 7 as nonattainment will also be classified  
 8 as nonattainment and, likewise, will be  
 9 subject to restrictions on industrial  
 10 development. As I mentioned earlier,  
 11 that was the situation in Jackson County,  
 12 Alabama, where it was classified as  
 13 nonattainment because it is in the  
 14 Chattanooga, Tennessee metropolitan area.  
 15 The next two maps illustrate this  
 16 point by showing all areas, both  
 17 monitored and nonmonitored, subject to  
 18 restricted industrial development for the  
 19 nation as a whole and individually for  
 20 Alabama if the 60-parts-per-billion  
 21 standard is enacted.  
 22 As you can see, at a 60-parts-per-  
 23 billion standard, more than 90 percent of

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1 29 percent to 45 percent.  
 2 Tightening the standard further to  
 3 65 parts per billion would result in five  
 4 more counties in Alabama being designated  
 5 as nonattainment, bringing the total to  
 6 seven. Nationally, the number of  
 7 counties in nonattainment would be  
 8 17 percent and would include 59 percent  
 9 of the population and 50 percent -- 58  
 10 percent of the manufacturing jobs.  
 11 And, finally, if the standard were  
 12 lowered to the bottom of the proposed  
 13 range at 60 parts per billion, seven more  
 14 counties in Alabama would be designated  
 15 nonattainment, which would bring the  
 16 total to 14 counties in Alabama that  
 17 would have restricted industrial  
 18 development. Nationally, fully one in  
 19 five counties would be in nonattainment,  
 20 which would cover about two-thirds of the  
 21 nation's population and nearly two-thirds  
 22 of the manufacturing jobs in the country.  
 23 The maps we have just looked at

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1 the nation would be in nonattainment and  
 2 subject to restricted industrial  
 3 development.  
 4 As for the state of Alabama, all but  
 5 a small area in the western part of the  
 6 state would likely be classified as  
 7 nonattainment and subject to restricted  
 8 industrial development if a 60-parts-per-  
 9 billion standard is adopted. As these  
 10 maps illustrate, the new ozone standard  
 11 can have dramatic impacts on Alabama and  
 12 the nation.  
 13 The maps displayed today show  
 14 attainment and nonattainment given  
 15 various new standards assuming actual  
 16 current ozone levels. In the interest of  
 17 full disclosure, it is important to note  
 18 that EPA contends that other  
 19 environmental regulations already or soon  
 20 to be in place will lower ozone emissions  
 21 so many of the projected nonattainment  
 22 areas will be able to reach attainment at  
 23 a more stringent standard. Given the

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1 potential implications of the final ozone  
 2 rule, the public is encouraged to weigh  
 3 in on EPA's request for input on what  
 4 specific ozone standard should be  
 5 adopted.  
 6 Finally, I will report on three  
 7 personnel matters. Two are good news and  
 8 the other is sad news. At the last  
 9 Commission meeting in October, the  
 10 retirement of the Field Operations  
 11 Division Chief Steve Jenkins was  
 12 announced. Today I am pleased to  
 13 recognize our new Field Operations  
 14 Division Chief Scott Hughes who is with  
 15 us here. You may already be acquainted  
 16 with Scott. He has been with the  
 17 Department 25 years. Most recently he  
 18 has been wearing two hats. Scott has  
 19 been in charge of our 319 Non-Point  
 20 Source program that seeks to reduce  
 21 pollution from sources such as crop land  
 22 and urban runoff from impervious surfaces  
 23 throughout the state. He also has been

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1 the 319 program and will be the face of  
 2 ADEM to much of the outside world. Lynn  
 3 has served in the Air, Land, and Water  
 4 Divisions, so she brings a broad knowledge  
 5 of the departmental activities that will  
 6 be invaluable in dealing with inquiries  
 7 from external individuals and  
 8 organizations. Please join me in  
 9 welcoming Lynn.  
 10 (Applause.)  
 11 MR. LeFLEUR: On a sad note, I  
 12 wish to report the passing of a previous  
 13 Director, Jim Warr, on Saturday,  
 14 December 6, 2014. As many of you know,  
 15 Jim was with the Department and  
 16 predecessor organizations for 37 years  
 17 and served as Director for nearly ten  
 18 years. Many significant achievements  
 19 took place during his tenure, including  
 20 construction of the fine facilities we  
 21 now occupy. I would note that I am well  
 22 aware that I drink from wells I have not  
 23 dug, and I appreciate the work that Jim

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1 the face of ADEM to the electronic and  
 2 print media as our External Affairs  
 3 Branch Chief. In the 32-year history of  
 4 the Department, there have only been two  
 5 Field Operations Division Chiefs, and  
 6 Scott will now be the third. The  
 7 Department's blessed with what I often  
 8 refer to as a very strong bench of  
 9 seasoned professionals to fill vacancies  
 10 that occur. Please join me in  
 11 congratulating Scott.  
 12 (Applause.)  
 13 MR. LeFLEUR: We have high  
 14 expectations for his work and his Field  
 15 Operations Division's work that they will  
 16 be doing.  
 17 I'm also pleased to announce that  
 18 Scott's replacement as External Affairs  
 19 Branch Chief has been named from our  
 20 strong bench. Lynn Battle, a 24-year  
 21 veteran with the Department will be our  
 22 new External Affairs Branch Chief. Like  
 23 her predecessor, she will be in charge of

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1 has done in the past, prior to my joining  
 2 the organization. Jim was a respected  
 3 leader and friend to many of those in  
 4 this room and in this Department. I  
 5 extend heartfelt condolences to his  
 6 family and friends.  
 7 With that, once again, let me close  
 8 with my thanks to you for serving the  
 9 state of Alabama as Commissioners on the  
 10 Alabama Environmental Management  
 11 Commission and for allowing me to serve  
 12 the state in this capacity. If there are  
 13 any questions, I would be pleased address  
 14 them.  
 15 CHAIRMAN BROWN: Any questions  
 16 for the director?  
 17 (No response.)  
 18 CHAIRMAN BROWN: Thank you.  
 19 MR. LeFLEUR: Thank you.  
 20 CHAIRMAN BROWN: Next, report  
 21 from the Commission Chair. I have no  
 22 comments to make at this time. We'll  
 23 move on to the report from the Rulemaking

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1 Committee which met this morning prior to  
 2 this meeting. And I'll call on  
 3 Rulemaking Committee Chair Phillips for a  
 4 report.  
 5 VICE CHAIRMAN PHILLIPS: Thank  
 6 you, Mr. Chairman. The Rulemaking  
 7 Committee did meet this morning at  
 8 10 a.m. in the chamber here. It was a  
 9 very short but productive meeting. We  
 10 really wanted to move forward from our  
 11 review that we had reported at the last  
 12 Commission meeting to attaining solutions  
 13 to some of the concerns that have been  
 14 expressed about the rule. The way we  
 15 intended, or intend, to do that is by  
 16 putting out a notice that we will meet at  
 17 1 p.m. after the Commission meeting in  
 18 February, February the 20th, 2015, at  
 19 1 p.m., where we will have a session, a  
 20 working session, with the public where we  
 21 will go through those concerns. In the  
 22 announcement, we will make those concerns  
 23 known so that people can prepare their

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1 one thing at a time.  
 2 So with that, I will answer any  
 3 questions of the Commissioners.  
 4 CHAIRMAN BROWN: Any questions at  
 5 this time?  
 6 (No response.)  
 7 CHAIRMAN BROWN: The next item is  
 8 that -- following up on what Commissioner  
 9 Phillips said, we have a proposal or the  
 10 Chair will entertain a motion to refer  
 11 environmental justice policy to the  
 12 Rulemaking Committee as an item for  
 13 discussion.  
 14 VICE CHAIRMAN PHILLIPS: And I  
 15 would like to make that motion from the  
 16 Rulemaking Committee as the Chair in  
 17 response to the members of that  
 18 Rulemaking Committee's desire to really  
 19 discuss that topic and decide what to, if  
 20 anything, bring back to the  
 21 Commissioners. So I'll make that motion.  
 22 CHAIRMAN BROWN: Second?  
 23 DR. LAIER: Second.

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1 comments. We will be very proactive in  
 2 asking for comments even from those that  
 3 can't attend in providing those comments  
 4 between now and the time of that meeting  
 5 which we will put on the record.  
 6 Our intent, as the Commission has  
 7 asked us, is to look at this rule, see if  
 8 any changes are necessary or any  
 9 improvements can be made to enhance the  
 10 effectiveness of the rule. We believe  
 11 that that is the best way to do that  
 12 considering that the comments we got in  
 13 the past had some helpful information but  
 14 were much more about not removing the  
 15 public comment period. So we will -- we  
 16 will move forward with that.  
 17 The meeting also, in our other  
 18 business, we did bring up the issue that  
 19 you have next on your agenda relative to  
 20 environmental justice and the policy for  
 21 the state and desire to discuss that, but  
 22 really to do that sequentially after we  
 23 finish with the rule just so that we do

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1 CHAIRMAN BROWN: All in favor say  
 2 aye.  
 3 (Unanimous.)  
 4 CHAIRMAN BROWN: Motion carries.  
 5 Next item on the agenda is any other  
 6 business. Is there any other business  
 7 that any Commissioner thinks needs to be  
 8 raised?  
 9 (No response.)  
 10 CHAIRMAN BROWN: There being  
 11 none, Chair notes that we have proposed  
 12 meetings for 11 a.m. in this room for  
 13 February 20, 2015; April 17, 2015;  
 14 June 19, 2015; August 21, 2015;  
 15 October 16, 2015; and December 18, 2015.  
 16 And the Chair will entertain a motion to  
 17 adopt those proposed meeting dates and  
 18 times.  
 19 DR. RICHARDSON: So moved.  
 20 DR. LAIER: Second.  
 21 CHAIRMAN BROWN: All in favor?  
 22 (Unanimous.)  
 23 CHAIRMAN BROWN: Next we will

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1 move on to the public comment period. We  
 2 have a recommendation -- excuse me -- a  
 3 request by Stacie Propst on behalf of  
 4 GASP to address the addition of the -- or  
 5 proposed addition of the 35th Avenue site  
 6 to EPA's National Priority List. Chair  
 7 recommends that the Commission grant the  
 8 request and will entertain a motion.  
 9 DR. MILLER: I move that we grant  
 10 the request.  
 11 DR. LAIER: Second.  
 12 CHAIRMAN BROWN: All in favor?  
 13 (Unanimous.)  
 14 CHAIRMAN BROWN: Ms. Propst.  
 15 DR. PROPST: Thank you very much.  
 16 I appreciate the opportunity, obviously,  
 17 to be here today and appreciate your  
 18 attention. This is my first interaction  
 19 with you, and I hope it will be a good  
 20 one in the future.  
 21 So I want to talk to you a little  
 22 bit about the importance of putting the  
 23 Birmingham Superfund Site, which is the

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1 35th Avenue Superfund Site, onto the  
 2 national priorities list. The EPA has  
 3 recommended that it be put on the  
 4 national priorities list. That is  
 5 exactly what it says. It prioritized --  
 6 prioritizes the site for cleanup. It  
 7 allows the federal government to invest  
 8 more in how much they're cleaning up.  
 9 And we're at the point where that's  
 10 critical for the continuing cleanup of  
 11 the area and to work on the air-pollution  
 12 problems that are still in existence  
 13 there.  
 14 So the most important thing to  
 15 address here is that we -- the state  
 16 recently came out against the EPA's  
 17 recommendation to put the Superfund Site  
 18 on the national priorities list. That  
 19 was deeply concerning to us, obviously.  
 20 And there were some statements made  
 21 specifically by ADEM that were  
 22 inaccurate, and we want to be sure that  
 23 we address those with you and hope that

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1 in the future we can all be talking from  
 2 the same page.  
 3 In this case, Director LeFleur said  
 4 that the EPA and the ATSDR, which is the  
 5 Agency for Toxic -- excuse me -- for  
 6 Toxic Substances and Diseases Registry  
 7 claim that there was no health hazard.  
 8 That is absolutely not the case. There  
 9 is a short- and long-term health hazard  
 10 for people in sensitive populations; and  
 11 in this case many, many of the residents  
 12 of those communities are sensitive  
 13 populations. And we'll get to that in a  
 14 minute.  
 15 And I do want to draw your attention  
 16 to the fact that there is soot on these  
 17 homes and cars and businesses every  
 18 single day, this black soot, and the  
 19 people in those communities do know that  
 20 they're breathing it in.  
 21 And then it was stated that there  
 22 was no scientific basis for north  
 23 Birmingham to be put on the list, and

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1 that is also categorically not accurate.  
 2 And we'll talk about that in just a  
 3 moment.  
 4 So as I said, ATSDR's report shows  
 5 that people who are sensitive populations  
 6 are vulnerable. Now, that includes the  
 7 elderly, that includes children, that  
 8 includes pregnant women, that includes  
 9 anyone with heart disease, that includes  
 10 anyone with respiratory illness, that  
 11 includes anyone who has an immune  
 12 disorder, which is a large span of  
 13 disorders. And in particular, UAB  
 14 actually just published a report, a study  
 15 done by Dr. Gohlke and her team and the  
 16 school of public health there, that they  
 17 looked at the data, the public health --  
 18 the data provided by the Alabama Public  
 19 Health Department, showing actually that  
 20 infant preterm and low birth weight in  
 21 children living within five kilometers of  
 22 that industrial area, which is just three  
 23 miles north of downtown Birmingham, that

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1 they do have a higher rate of congenital  
 2 issues. And we know from spending the  
 3 last four years working in the  
 4 communities that the children who go to  
 5 those schools do have a very high rate of  
 6 respiratory illnesses.  
 7 We have been asking aggressively for  
 8 more health data and for Jefferson County  
 9 to do a full health assessment. That has  
 10 not occurred yet, but Dr. Wilson is on  
 11 the record for saying that we do not know  
 12 because we have insufficient information  
 13 right now. The data is not there  
 14 available to us to know if asthma rates  
 15 are higher in these communities than they  
 16 are in other communities, so that's  
 17 something that we're continuing to push  
 18 on and work on, to get that information.  
 19 So life in north Birmingham is quite  
 20 difficult. First, just a little  
 21 historical perspective. Last century,  
 22 the people who live in those communities,  
 23 the families generationally were actually

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1 in the absence of the state having any  
 2 role whatsoever, it's absolutely critical  
 3 that EPA is allowed to do the cleanup.  
 4 So on the face of remediation in  
 5 support of Dr. Gohlke's study, there's  
 6 another recent study from the National  
 7 Bureau of Economic Research demonstrating  
 8 that in superfund sites after cleanup  
 9 that the infant congenital abnormalities  
 10 actually do drop after cleanup. So there  
 11 is now evidence, and economically based,  
 12 that cleanup does improve public health  
 13 and actually improves economic viability  
 14 in those communities.  
 15 So the bottom line here is that  
 16 remediation is going to be limited unless  
 17 the 35th Avenue site is put on the  
 18 national priorities list. More funding  
 19 will be made available to remediate that  
 20 community and help the people who live  
 21 and are stuck there at this point. In  
 22 other words, remediation via superfund is  
 23 essential to the cleanup and the

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1 legally segregated into those  
 2 communities, so industrial and black  
 3 people were segregated together in the  
 4 north Birmingham area. And that's a  
 5 critical point here. So the property  
 6 values of those in the industrial regions  
 7 have been dropping for many, many  
 8 decades, and they're at the point now  
 9 where it's hard to imagine them going  
 10 lower. So the people who are left are  
 11 really the people who cannot afford to  
 12 get out. These are your most vulnerable  
 13 populations. Churches, leadership, I  
 14 mean, people are moving as quickly as  
 15 they can to get out because the risk of  
 16 disease there is incredibly present.  
 17 Now, this is a statement from  
 18 Mr. Strange, just recently quoted in  
 19 AL.com's article about this issue, and he  
 20 says the State of Alabama has been  
 21 unmistakably clear that there will be no  
 22 state money available to help clean up.  
 23 That also is very concerning to us. And

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1 revitalization of these communities.  
 2 So obviously what we're asking is  
 3 that you support EPA's role in cleaning  
 4 up and continuing to clean up. They  
 5 already are working in the communities  
 6 and have been for a little while. But  
 7 also to support them to continue to do  
 8 that and to bring more funds to bear to  
 9 rescue, to a certain extent, the people  
 10 who live in these communities.  
 11 And I'm happy to answer any  
 12 questions. Thank you very much for your  
 13 time. I appreciate it.  
 14 CHAIRMAN BROWN: Anyone have any  
 15 questions or comments at this time?  
 16 DR. RICHARDSON: Mr. Chairman. I  
 17 have a couple of questions regarding --  
 18 as to the priorities list.  
 19 DR. PROPST: Yes, sir.  
 20 DR. RICHARDSON: Based upon air  
 21 or soil?  
 22 DR. PROPST: It's actually all  
 23 three. It's air, soil, and water -- can

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1 be ultimately air, soil, and water. In  
 2 this case, the only data available right  
 3 now to base the remediation on is soil,  
 4 although there has been a plume out from  
 5 under Walter Coke, a benzene plume, that  
 6 has permeated the surface and the  
 7 groundwater. In addition, this region  
 8 has the highest cancer rates. I mean,  
 9 it's an interesting point because there's  
 10 only 14 coke plants left in the nation.  
 11 Two of them are within a mile of each  
 12 other; Walter Coke and ABC Coke are right  
 13 there together. And they are the source  
 14 of the major amounts of particle  
 15 pollution. We were just -- actually,  
 16 heard Director LeFleur talking about that  
 17 just -- just now. That particle  
 18 pollution gets down into the lungs and we  
 19 can't get it back out, so that is -- that  
 20 is a major problem. So, actually, all  
 21 three areas are engaged in this.  
 22 DR. RICHARDSON: But in this  
 23 case, the NPL decision is based on soil?

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1 DR. PROPST: Because -- yes,  
 2 because they had a score so high for the  
 3 soil that they didn't need to include air  
 4 and water, although in their report it is  
 5 very detailed the air and water  
 6 involvement.  
 7 DR. RICHARDSON: You state that,  
 8 on page 17, that the ATSDR concluded that  
 9 past and current exposure to contaminants  
 10 and particulate matter in the community,  
 11 coke, resulted in both short-term and  
 12 long-term harmful effects in sensitive  
 13 individuals. You did not point out that  
 14 that was specifically related to air  
 15 contamination, which the NPL was not  
 16 based upon, and when it was based -- when  
 17 considering the soils, which the NPL is  
 18 based upon, it does not present a public  
 19 health hazard.  
 20 This is reading directly from the  
 21 ATSDR report.  
 22 DR. PROPST: Yes. So the ATSDR  
 23 report is a little confounding, a little

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1 conflicting in and of itself. That is  
 2 fairly typical sometimes in a government  
 3 scientific report. We have experienced  
 4 that any number of times. The problem  
 5 here is that lead, arsenic, cadmium --  
 6 there are heavy metals in the soil. That  
 7 is what they are removing in an  
 8 emergency -- using emergency funding,  
 9 they are removing those soils out of --  
 10 from 500 homes. Okay? There were 50  
 11 that were so toxic they had to do it  
 12 immediately. There's another 400 or so  
 13 that they're working on to get rid of  
 14 those toxic metals. Those are poisonous  
 15 to children. So bottom line is that the  
 16 soil came first in what they needed to  
 17 attack and attempt.  
 18 We are working very closely with the  
 19 EPA and Jefferson County Department of  
 20 Health pushing hard, and the companies  
 21 pushing hard, to try to do something  
 22 about the ongoing air pollution that even  
 23 though it is not part of the original

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1 score to put the superfund site on the  
 2 NPL, the score was so high -- 50 is a  
 3 very high number in this case. It is so  
 4 high that they didn't need the air and  
 5 the water data to include. But they are  
 6 going to try to address air and water at  
 7 the same time.  
 8 So the idea that air and water is  
 9 not involved -- the soil contamination is  
 10 coming from the air and the water. Soil  
 11 wouldn't be contaminated if it weren't  
 12 for the contamination of the air and the  
 13 water. Do you see my point?  
 14 DR. RICHARDSON: I see your  
 15 point. I don't see any data to support  
 16 that. But I see your point. I'm more  
 17 concerned about the presentation of the  
 18 results and suggesting something other  
 19 than what might be, and that is that this  
 20 is an NPL listing based upon soil  
 21 analysis, and the soil analysis clearly  
 22 states, according to the ATSDR, that it  
 23 does not present a public health hazard.

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1 In addition --  
 2 DR. PROPST: The report does say  
 3 that it is a hazard for sensitive  
 4 populations.  
 5 DR. RICHARDSON: It says that the  
 6 air contaminants are a hazard. It says  
 7 that --  
 8 DR. PROPST: And I --  
 9 DR. RICHARDSON: -- air could  
 10 result in harmful effects but not to the  
 11 general public.  
 12 DR. PROPST: Okay.  
 13 DR. RICHARDSON: Okay. And that  
 14 the air contaminants are within EPA's  
 15 target risk range. And these are  
 16 statements directly from the ATSDR  
 17 report. But I'm also concerned that --  
 18 and I'm not 100 percent clear here, but I  
 19 think that there's going to be the  
 20 requirement for EPA to do an NPL cleanup,  
 21 that there's going to be a requirement  
 22 for 10-percent match from the state. And  
 23 it sounds like the state is pretty clear

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1 Birmingham, not just that community,  
 2 because what's coming out of those --  
 3 that community is not staying in that  
 4 community. It's going everywhere. And  
 5 so the idea of being out of attainment is  
 6 a very important point. And I was  
 7 intrigued by Director LeFleur's  
 8 presentation, because we are going to go  
 9 right back, like he's talked about, right  
 10 back out of attainment. It's  
 11 economically damaging to the community,  
 12 but also from a public health point of  
 13 view. Jefferson County has the highest  
 14 risk of cancer rate in this state.  
 15 Alabama also has very high cancer risks  
 16 nationally. So we are not doing all we  
 17 can to make sure that we're not poisoning  
 18 ourselves to begin with, and that is what  
 19 we want to address here.  
 20 DR. MILLER: Where do you get  
 21 those figures that Jefferson County has  
 22 the highest cancer rate and the state has  
 23 a high --

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1 that it's not going to provide that  
 2 money, so EPA will most likely refuse to  
 3 do it without that match.  
 4 DR. PROPST: Actually, no.  
 5 The -- I agree with what your point is,  
 6 that it says 10 percent matched by the  
 7 state. However, in practice, what  
 8 actually happens is just like the EPA has  
 9 been unable to, up to this point, get the  
 10 companies to do their part, they often  
 11 waive the state's part as well. And the  
 12 EPA official -- number of EPA officials  
 13 have said that point-blank.  
 14 So the reality is that -- and this  
 15 is our biggest concern. We do not  
 16 believe that this community will be  
 17 remediated without the EPA doing it. I  
 18 mean, that's just plain -- that's just as  
 19 simple as it gets. That is -- that would  
 20 be a tragedy, because this has been going  
 21 on for a very long time and a lot of  
 22 people have suffered. And it actually is  
 23 a problem for the air quality of all of

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1 DR. PROPST: That is in our --  
 2 those are in our comments to all -- to  
 3 the ABC Coke and the Walter Coke permit.  
 4 They were recently Title V -- the Title V  
 5 permits --  
 6 DR. MILLER: I understand they're  
 7 in your comment, but where do you  
 8 purport --  
 9 DR. PROPST: They're national  
 10 data on census tracts. National health  
 11 data on census tracts, risk data.  
 12 DR. MILLER: Would you mind  
 13 providing those?  
 14 DR. PROPST: Happy to.  
 15 Absolutely.  
 16 DR. RICHARDSON: Based on what  
 17 you were just saying about the  
 18 nonattainment issue. I find it  
 19 interesting that Jefferson County  
 20 Department of Health study pointed out  
 21 that this specific area -- Collegeville,  
 22 Fairmont, Harriman -- doesn't have a  
 23 statistically different occurrence of



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1 many cancer issues, asthma, chronic COPD,  
 2 et cetera, compared to the rest of  
 3 Jefferson County.  
 4 DR. PROPST: Dr. Wilson has gone  
 5 on record to say that actually we don't  
 6 have enough data to know that's true.  
 7 The bottom line is, we have a paucity of  
 8 data. We have very little data. And we  
 9 don't collect data aggressively in that  
 10 way. The Alabama Department of Public  
 11 Health and the Jefferson County  
 12 Department of Health, we recommend doing  
 13 a full health assessment to really  
 14 understand what the risks are and what  
 15 the actual morbidity and mortality rates  
 16 are. The only thing he has available to  
 17 him are some mortality rates. He does  
 18 not have any morbidity rates. He does  
 19 not know the rate of asthma across  
 20 Jefferson County, whether it's different  
 21 in Mountain Brook than it is in north  
 22 Birmingham. We literally don't know  
 23 that. And that is a problem. That's a

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1 huge problem. We'd like to address it.  
 2 We'd work with anyone to address that  
 3 problem.  
 4 DR. MILLER: Well, I guess if you  
 5 don't have the data, how are you asking  
 6 the state to step in if you don't have  
 7 the data to prove it one way or the  
 8 other?  
 9 DR. PROPST: Well, we need the  
 10 data to prove it one way or the other.  
 11 Asthma rates, this is a different problem  
 12 than knowing that the soil was toxic. We  
 13 do know for a fact that the risk is very  
 14 high and that the soil is toxic and that  
 15 what the companies are reporting they're  
 16 emitting from their plants exceeds what  
 17 Jefferson County allows for cancer risk.  
 18 So we know those things. It would be --  
 19 VICE CHAIRMAN PHILLIPS: Say that  
 20 last part again that you just say you  
 21 know.  
 22 DR. PROPST: Yeah. So Jefferson  
 23 County has its own rules and regulations,

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1 and their cancer risk that they allow in  
 2 their rules and regulations is being  
 3 exceeded already. So we know --  
 4 DR. MILLER: Cancer risk or --  
 5 I'm not following what you're trying to  
 6 say.  
 7 DR. PROPST: Yeah, cancer risk.  
 8 It is cancer risk.  
 9 DR. MILLER: Based on what?  
 10 DR. PROPST: Based on the  
 11 emission, based on the self-reported  
 12 emission rates. And we can help you --  
 13 DR. MILLER: And who makes up  
 14 what the rates should be? I'm not quite  
 15 following you.  
 16 DR. PROPST: Well, Jefferson  
 17 County -- well, the board of health  
 18 itself. The board of health. Just like  
 19 you, you're the overseeing body of ADEM.  
 20 The board of health oversees the  
 21 Jefferson County Department of Health.  
 22 And so they have a panel just like you,  
 23 all physicians, and they set those rules.

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1 DR. RICHARDSON: Well, one last  
 2 comment that I simply want to make, and  
 3 that is my albeit limited but my exposure  
 4 with EPA and superfund sites is that I  
 5 won't disagree that it might get the  
 6 process started, but I'm really concerned  
 7 at how long it's going to take it to  
 8 happen. EPA does not have a great track  
 9 record in moving forward and expediting  
 10 cleanup and getting these things done in  
 11 a very timely fashion whatsoever. Would  
 12 the state do any better with the local  
 13 stakeholders in the area, Walter Coke, et  
 14 cetera, be able to do something? I don't  
 15 know. I don't know the answer to that.  
 16 But I know that if history is a good  
 17 teacher for us that it's probably going  
 18 to be a very long, drawn-out process.  
 19 DR. PROPST: Well, the good news,  
 20 Dr. Richardson, on that front is that  
 21 they're already there. They're already  
 22 working on it, and this is just an  
 23 escalation. So the process has begun on

<p style="text-align: right;">Page 53</p> <p>1 the soil remediation. This is an 2 escalation to provide more money, 3 literally to provide more -- 4 DR. MILLER: How long have they 5 been there? 6 DR. PROPST: About a year and a 7 half. 8 DR. MILLER: How many yards have 9 they done? 10 DR. PROPST: They're still on the 11 first 50, but they were studying it prior 12 to -- obviously they come in to study 13 prior to that. And the reason -- I mean, 14 you know, ultimately I'm not going to 15 disagree about the length of time. You 16 know, nobody's happy/is perfectly pleased 17 with how long it takes those kinds of 18 things to happen, especially when 19 people's health is at risk, when people 20 are in danger. You know, a lot of the 21 toxic metals that we're talking about are 22 neurodegenerative type of things and so 23 for pregnant women and infants, you know,</p>	<p style="text-align: right;">Page 55</p> <p>1 What I'm trying to understand, 2 though, is -- and Commissioner Richardson 3 alluded to this -- this NPL is about soil 4 contamination, and you provided us with 5 the ATSDR when you report -- 6 DR. PROPST: Correct. 7 CHAIRMAN BROWN: And as you can 8 tell, we actually read it. 9 DR. PROPST: That's great. 10 That's fantastic. 11 CHAIRMAN BROWN: And the one 12 thing I noted in there is that with 13 regard to soil, which this NPL is based 14 on, is it said that it doesn't provide -- 15 present a public health risk except to 16 people who have disorders that would 17 cause them to eat large amounts of the 18 dirt. And, I mean, that's what you sent 19 us. And so I'm really looking at where 20 is it that you say the Director's 21 comments were wrong? 22 DR. PROPST: Well, saying that 23 there's no public health threat is not</p>
<p style="text-align: right;">Page 54</p> <p>1 it is damaging lifelong. So what we're 2 asking is try to not restrict the help 3 that is being offered, because it is 4 critical to get this accomplished one way 5 or the other. And what matters is that 6 they have the money to invest in it, and 7 they've recommended to use that money to 8 invest in helping these communities. And 9 we desperately ask that you support them 10 in doing that or not block, not try to 11 block the effort. 12 DR. RICHARDSON: No further 13 comments, Mr. Chairman. 14 CHAIRMAN BROWN: Well, I do. I 15 guess when the -- when I got your 16 proposal to speak, I felt it was 17 something that the Commission needed to 18 address because you were taking the 19 position that the Department, through the 20 Director, had advocated a position that 21 was contrary to the public health, and I 22 think that's something this Commission 23 should address.</p>	<p style="text-align: right;">Page 56</p> <p>1 what the ATSDR report says. It says that 2 there is a public health threat for 3 sensitive populations. Now, you know, 4 it's really important, again, to note 5 that the soil can't be contaminated if 6 the air and the water are not 7 contaminated. That's not possible. So 8 here we have legacy problems that have 9 been going on for a very long time and we 10 have ongoing problems. And I encourage 11 you to visit the community. I think you 12 would know in five seconds the problem. 13 CHAIRMAN BROWN: I've been all 14 through there from childhood up. 15 DR. PROPST: Okay. So there's a 16 desperate need to address what is a real 17 problem, and here we have for the first 18 time EPA willing -- and the federal 19 government -- willing to spend money to 20 help this community clean up historic and 21 ongoing contamination. 22 CHAIRMAN BROWN: And I guess what 23 I understand you to say, though, is most</p>

<p style="text-align: right;">Page 57</p> <p>1 of the data and the comments that you 2 have made pertain to air as opposed to 3 soil, but what I hear you saying is that 4 while the soil might not be a problem 5 per se, the air is, and if we clean the 6 soil, nothing changes.</p> <p>7 DR. PROPST: Right. The soil is 8 a problem, because it's contaminated 9 right now. It's contaminated with toxic 10 metals. And there's a plume of water 11 from underneath contaminated with 12 benzene, and that is seeping up through 13 into those people's yards and 14 contaminating their soil. So, yes, from 15 the air -- from both directions the soil 16 is being contaminated, by the air and the 17 water. And that is coming from those 18 industrial facilities.</p> <p>19 DR. CARSON: Can you -- excuse 20 me. Those heavy metals that you're 21 making reference to, those have probably 22 been deposited in that soil over a very, 23 very long period of time, and they don't</p>	<p style="text-align: right;">Page 59</p> <p>1 both. I mean, that's what we would very 2 much like to see happen. We would love 3 for everybody to come together and work 4 in the same direction to try to create, 5 you know, a solution for this. I mean, 6 it hurts obviously the health of the 7 whole city ultimately. The other piece 8 is, economically, it's highly damaging. 9 I mean, even -- I'll throw this out 10 there, but even the Department of 11 Transportation didn't want to drop a ramp 12 in there because they said it was too 13 contaminated. And that's our own 14 Department of Transportation.</p> <p>15 So I understand the conflicting 16 information, because it does feel that 17 way; but without a doubt, this is a major 18 historical and ongoing issue that we 19 desperately need to address not just for 20 those communities, although that's the 21 important reason, for the entirety of the 22 Birmingham region.</p> <p>23 DR. RICHARDSON: Well, not to try</p>
<p style="text-align: right;">Page 58</p> <p>1 deteriorate with time either. But I 2 think my concern is we know that soil is 3 contaminated, but is it continuing to be 4 contaminated? Is the air and the water 5 continuing to provide that contamination 6 or did this soil contamination that's 7 been documented, did this occur 20 years 8 ago, 30 years ago?</p> <p>9 DR. PROPST: Both. I believe 10 that both are the case.</p> <p>11 DR. CARSON: Do you have evidence 12 that there's ongoing contamination 13 happening today, right now?</p> <p>14 DR. PROPST: Yes. I mean, from 15 the point of view of the surface of that 16 soot and what's in it, yes, there is 17 contamination going on. It is not 18 possible that those toxins are not coming 19 out still. The benzene plume has still 20 not been addressed, and that is an 21 ongoing problem. So there are historical 22 for sure and ongoing, for sure, issues, 23 and so the idea is obviously to address</p>	<p style="text-align: right;">Page 60</p> <p>1 to put words in -- or anything else into 2 the mouth of the Director, but the way I 3 read this, if he was referring 4 specifically to the National Priorities 5 List listing and that was based on soils, 6 his comment that there is no public 7 health risk is based upon the contents of 8 the ATSDR report and, therefore, I don't 9 find his comments in error as you suggest 10 they are.</p> <p>11 DR. PROPST: Well, it may be that 12 we're talking past each other. And I 13 hope that we can -- that's part of the 14 reason to come here, is to find out if 15 we're -- getting on the same page means 16 exactly that, getting on the same page. 17 So I would never throw aspersions at 18 anyone. There were quotes in -- and I 19 had never met Director LeFleur. There 20 were quotes in the paper, and we just -- 21 you know, we were deeply concerned and 22 wanted to come straight to you, and 23 that's what we did.</p>

<p style="text-align: right;">Page 61</p> <p>1 DR. RICHARDSON: And I think 2 you're -- I think you're absolutely 3 correct. I think that's probably what's 4 happened. I think he's talking about one 5 thing specifically. And, again, I'm not 6 trying to put words in his mouth, but I 7 think he's talking about one thing 8 specifically, you're talking about a 9 bigger, broader issue.</p> <p>10 CHAIRMAN BROWN: That's -- yes.</p> <p>11 DR. RICHARDSON: And I do think 12 that had you come to the Director in a 13 sit-down face-to-face, as I would like to 14 see more people do, I think you could 15 have come to this conclusion without 16 having to bring it before the Commission.</p> <p>17 DR. PROPST: Well -- okay.</p> <p>18 DR. RICHARDSON: It's not bad 19 that the Commission hears this. I 20 understand that. And that's fine.</p> <p>21 DR. PROPST: This all happened in 22 a very short time frame for sure, and we 23 wanted to be sure that it was of public</p>	<p style="text-align: right;">Page 63</p> <p>1 MR. LeFLEUR: Well, I would like 2 to respond to a couple of things. 3 Jason, do you have that? 4 In looking over the presentation a 5 bit, I did want to bring up a few points 6 just for information for those present. 7 I think we're all in agreement that 8 there's contamination on this site as 9 there are on virtually any site that 10 human beings have come in contact with. 11 As far as the Department's concerned, we 12 have to rely on others to tell us whether 13 there is a human impact. We are not 14 epidemiology certified, so we have to 15 rely on those who are experts in the 16 field. 17 And a number of the references were 18 to a correspondence that has been made 19 available to the public, my e-mail to 20 Gina McCarthy, the administrator of EPA. 21 And it's almost impossible to read on 22 this screen, but this is the actual 23 e-mail that went to Gina McCarthy. And</p>
<p style="text-align: right;">Page 62</p> <p>1 record, which is very important to us. 2 It's also important ultimately to have 3 the state collectively hear this message, 4 not just one person. And so it was 5 really important to us to do this.</p> <p>6 DR. RICHARDSON: And I agree. I 7 think having it part of the public record 8 and all that is good. And I think that 9 you would find that Director LeFleur's -- 10 I won't say his office is always open, 11 but his door is open and he's amenable to 12 speaking to anyone that has concerns of 13 this nature, especially on comments he 14 may or may not have made. But I thank 15 you for your time and your presentation.</p> <p>16 DR. PROPST: Thank you very much.</p> <p>17 CHAIRMAN BROWN: We do appreciate 18 it. Thank you.</p> <p>19 DR. PROPST: Thank you. Can I 20 sit?</p> <p>21 CHAIRMAN BROWN: Yes, you may.</p> <p>22 CHAIRMAN BROWN: May we please 23 hear from the Director on these issues?</p>	<p style="text-align: right;">Page 64</p> <p>1 in that e-mail, I indicated several 2 things, but in particular I mentioned 3 that EPA has not provided any support for 4 their rationale of proposing this for an 5 NPL site. They have been on the site 6 since 1989 and have been collecting data, 7 but they have -- we have requested the 8 data, but they have not provided it as of 9 the time of this e-mail. They have 10 subsequently provided it after it was 11 proposed to go on the NPL. So at the 12 time, we had no scientific basis on which 13 to concur or not concur with EPA from a 14 scientific basis.</p> <p>15 DR. MILLER: You're telling us 16 they have been collecting data for 25 17 years?</p> <p>18 MR. LeFLEUR: Well, I don't know 19 that -- how much data they've collected 20 in all of that time and when they did or 21 did not collect it, but they have been on 22 the site since 1989, and my presumption 23 is that they have been collecting data</p>

<p style="text-align: right;">Page 65</p> <p>1 that entire time. I don't know. Some of 2 our Land Division folks may have a better 3 idea. 4 MR. DAVIS: Potentially so. They 5 have been working with the industry, one 6 in particular there, since, as you said, 7 the late '80s. 8 MR. LeFLEUR: So the bottom line 9 on that particular point is that we have 10 not been privy to the data that they are 11 supposed to be basing their 12 recommendation to put it on the NPL. And 13 we would be remiss if we were to concur 14 without having a basis for concurrence. 15 We also in this e-mail reference 16 these ATSDR studies that have been talked 17 about a bit here and some other studies 18 and several other matters, and this 19 e-mail is available to anybody who would 20 like to have it. But I would like to at 21 least present a copy of the conclusions 22 that have been referred to by a number of 23 the Commissioners, the conclusions that</p>	<p style="text-align: right;">Page 67</p> <p>1 indicate that it's not likely to result 2 in harmful noncancer health effects. 3 Item No. 4 says it is, as Dr. Richardson 4 mentioned, is within the target range, 5 EPA's target risk range, and so on. And 6 I think it's important to look at all of 7 the conclusions that are in the air study 8 even though as has been mentioned, the 9 soil was the basis for EPA putting it on 10 the NPL. The soil study, which is here 11 and unreadable, also -- 12 CHAIRMAN BROWN: What page is 13 that? 14 MR. LeFLEUR: That would be 15 page 19 out of their study. The prior 16 one was page 77 out of their study. 17 Page 77. And the -- as far as the soil's 18 portion, which is relevant to the NPL 19 listing, identifies arsenic and 20 benzo(a)pyrene, which is a product of a 21 coking operation, that the samples -- 22 CHAIRMAN BROWN: Hold on one 23 second.</p>
<p style="text-align: right;">Page 66</p> <p>1 are in both the air study and the soil 2 study that was done by ATSDR. Now, once 3 again, ATSDR is arguably the most 4 qualified epidemiological organization in 5 the world. They are part of the Centers 6 for Disease Control. 7 VICE CHAIRMAN PHILLIPS: You're 8 going to read this to us; right? 9 MR. LeFLEUR: Well, let me put my 10 glasses on and I'll read a hard copy that 11 I've got or at least some portions of the 12 hard copy. 13 But the air study, as was mentioned 14 earlier, does indicate that there is a 15 possible impact to certain sensitive 16 individuals, but the rest of the quote 17 says, but not to the general public. And 18 they have five conclusions in this. The 19 conclusions go on. (2) says that -- that 20 the fine-particle prevalence is not -- 21 does not have harmful effects to general 22 public although in certain sensitive 23 individuals it may. Likewise, they</p>	<p style="text-align: right;">Page 68</p> <p>1 VICE CHAIRMAN PHILLIPS: I'm not 2 finding it. 3 MR. LeFLEUR: I'm not sure. You 4 may just have the air study if you pulled 5 it from -- 6 CHAIRMAN BROWN: I think we do; 7 we just have the air study. 8 MR. LeFLEUR: You just have the 9 air study. 10 CHAIRMAN BROWN: We just have the 11 air study. 12 MR. LeFLEUR: Right. I did not 13 provide -- I certainly would have and 14 will provide you, if you're interested, 15 the soil study. But on page 19 of the 16 soil study, they address the two high- 17 concentration materials that potentially 18 provide a health impact, and the 19 highlighted portions say "do not present 20 a public health hazard." That's the part 21 that's been highlighted in there. 22 And so these are the two studies 23 that we referenced in the e-mail to the</p>

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1 administrator. And like I say, we have  
 2 to rely on those who are experts in the  
 3 area and their published studies. We are  
 4 not equipped to second-guess what ATSDR  
 5 comes up with.  
 6 There was a third study that was  
 7 referenced in the correspondence with  
 8 Administrator McCarthy, and it was a  
 9 study that was done by the Jefferson  
 10 County Department of Health. And this  
 11 one is a little more readable. But it  
 12 did an analysis of this area that was  
 13 being proposed for the NPL and they  
 14 determined that the death rates for  
 15 various types of cancer, all of the  
 16 cancers that they looked at, were  
 17 statistically the same for this area as  
 18 they were for the rest of Jefferson  
 19 County. Now, obviously we want the  
 20 cancer rate to be as low as possible in  
 21 all circumstances; but in this case, it  
 22 is not material -- it is not  
 23 statistically any different than the rest

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1 But there are obviously problems  
 2 here. The question is what is the cause  
 3 of those problems and how can they best  
 4 be addressed. The -- this is also -- I  
 5 wanted to use this, if I may, as a  
 6 teaching moment to help people understand  
 7 this process for NPL listing. EPA does  
 8 not need concurrence of the state to list  
 9 a site on the National Priority List. It  
 10 is not required that the state concur in  
 11 order for it to be put on the list.  
 12 There are three methods that it can be  
 13 put on the National Priority List. One  
 14 is EPA can perform an arithmetic analysis  
 15 which is called a hazardous ranking  
 16 system study and that can be done  
 17 completely independent of the state.  
 18 They do not require state concurrence to  
 19 put it on the NPL.  
 20 Second, the state can request that a  
 21 site be put on NPL. And, third, ATSDR  
 22 can determine that there is a human  
 23 health hazard and that it should be

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1 of the county. The same goes for asthma  
 2 and chronic obstructive pulmonary  
 3 disease, COPD; they were statistically  
 4 the same. And infant mortality,  
 5 stillbirths, and birth defects were  
 6 statistically the same. So in every  
 7 case, they were statistically the same.  
 8 We were aware of no studies that  
 9 indicated this site proposed human health  
 10 hazards that would bring it to a level  
 11 where we could, with justification,  
 12 concur that it should be listed on the  
 13 NPL as a result of a human health hazard.  
 14 There's a UAB study that was referenced  
 15 also and that study clearly indicates  
 16 that there are increased incidents of  
 17 some ailments in the area. It did  
 18 indicate, though, that other factors  
 19 needed to be studied, things that are  
 20 normally associated with impoverished  
 21 communities, such as this is, things such  
 22 as alcohol, tobacco, drug use, prenatal  
 23 care, things such as that.

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1 listed on the NPL to be remediated.  
 2 Now, there are two ways that EPA can  
 3 obtain remediation once it's on the NPL.  
 4 The first way that they can do it is they  
 5 can find a responsible party or  
 6 responsible parties plural. To date, EPA  
 7 has not been able to identify a party  
 8 that is determined to be a responsible  
 9 party. If a responsible party is found,  
 10 that responsible party will pay the cost  
 11 of the cleanup. That's in the  
 12 regulations. That's the way it's  
 13 written.  
 14 A second method that a site can be  
 15 cleaned up is if it is what's called a  
 16 fund lead, which means the funds to clean  
 17 up the site are available through the  
 18 superfund that was created. Now, this is  
 19 where a responsible party cannot be  
 20 identified. The first priority is to  
 21 find a responsible party and get them to  
 22 pay for the cleanup. Second, if they  
 23 can't find that, is to use superfund

<p style="text-align: right;">Page 73</p> <p>1 funds, federal money, to do that. The  2 regulation is crystal clear that in order  3 for funds to be used out of the superfund  4 fund the state must pay 10 percent of the  5 cost of the cleanup and assume the  6 maintenance cost of the site. If the  7 Department were to concur in the listing  8 of the site as an NPL site, that would  9 obligate the state to pay those -- that  10 10-percent portion and to assume the  11 maintenance of the site. That act of  12 concurrence obligates the state. I am  13 not authorized, the Department is not  14 authorized, to obligate the state to that  15 financial commitment. The Governor's  16 office and the Legislature are the  17 keepers of the pursestrings, and they are  18 the ones that will authorize or not  19 authorize funding to clean up.  20 We cannot concur if we do not have a  21 source of funding that's been put in  22 place to pay the 10 percent. Remediation  23 cannot occur -- remediation cannot</p>	<p style="text-align: right;">Page 75</p> <p>1 parties, and we are hopeful that this  2 will be a path that will be endorsed by  3 others. But at this moment, we think the  4 probabilities of cleanup using only  5 federal money is limited. Remediation --  6 likelihood of remediation is limited.  7 Now, remediation is a specific term.  8 It's a defined term. They do have  9 emergency removal opportunities, but  10 remediation of the site requires certain  11 things to have happened.  12 CHAIRMAN BROWN: Can I interrupt  13 you for a second, please?  14 MR. LeFLEUR: Yes.  15 CHAIRMAN BROWN: Ms. Propst  16 mentioned that some homes or homesites  17 were being remediated. What is the  18 vehicle that that's being accomplished  19 under?  20 MR. LeFLEUR: EPA has a limited  21 amount of funding available for removal  22 action, which is a defined term, and this  23 is where it has not been listed on the</p>
<p style="text-align: right;">Page 74</p> <p>1 occur -- unless there is a source of  2 funds to clean the site. And, once  3 again, either a responsible party  4 provides them or it's a combination of  5 federal and state. But if the state  6 doesn't have its share, it cannot -- the  7 regulation will not allow EPA to expend  8 federal money for remediation of the  9 site.  10 Given the situation that we're in  11 right now with the state not providing  12 the 10 percent and a responsible party  13 not identified, if the site is listed on  14 the NPL, it will sit on the NPL, and  15 remediation -- we see no clear path for  16 remediation to take place.  17 Recognizing that this is the  18 situation, the Department has been  19 endorsing an alternative approach that we  20 believe is a path more likely to lead to  21 actual results, and it's a path that we  22 have, on several occasions, proposed to  23 both EPA and the potentially responsible</p>	<p style="text-align: right;">Page 76</p> <p>1 NPL but that removal is considered to be  2 in the best interest of the site. Once  3 again, you know, we have nothing that we  4 have seen or have access to that tells us  5 that there is a human health hazard that  6 requires emergency action. That's  7 EPA's -- they have their own set of  8 things that they look at to try to  9 determine that.  10 And I do want to be sure to not fail  11 to mention that our hearts go out to the  12 people in this area. They are an  13 impoverished group of people. They have  14 numerous health issues caused by a number  15 of different things, not the least of  16 which is the scourge of poverty. Our  17 heart goes out to anybody who has any of  18 these diseases that affect the  19 population, whether it be asthma, COPD,  20 low birth weights for babies. It is --  21 it's a very difficult situation for  22 people, and if we -- we would like to see  23 a productive path to assisting these</p>

<p style="text-align: right;">Page 77</p> <p>1 people, and that's what we are proposing 2 to do. 3 CHAIRMAN BROWN: Thank you. 4 DR. MILLER: Would it be an 5 accurate statement to tell Dr. Propst 6 that you're available to discuss this? 7 MR. LeFLEUR: Oh, absolutely. 8 Absolutely. We hold meetings three times 9 a year with any interested environmental 10 groups. 11 We've invited your group many times 12 over the years and we would very much 13 love to talk with you any time that you 14 have an issue that comes up, as we would 15 with anybody else. 16 DR. PROPST: Thank you, Director 17 LeFleur. We're a health advocacy 18 organization. And I appreciate that. I 19 really do, and we'll set that up. 20 MR. LeFLEUR: Thank you so much. 21 DR. RICHARDSON: And is it also 22 fair to state that some of the comments 23 that you've made that Dr. Propst had</p>	<p style="text-align: right;">Page 79</p> <p>1 prospect right now, or limited prospect, 2 without that prospect of cleanup works to 3 the disadvantage of the people in that 4 area rather than the advantage. Now, if 5 it ultimately is cleaned up, then people 6 certainly are better off both financially 7 and to the degree that there's a health 8 impact already, healthwise. But having 9 it on the NPL in and of itself does 10 nothing to help the people. 11 DR. RICHARDSON: Thank you. 12 CHAIRMAN BROWN: But the 13 Department is proposing in working with 14 others on alternative -- 15 MR. LeFLEUR: Oh, absolutely. 16 CHAIRMAN BROWN: -- methods to 17 try to rectify the situation? 18 MR. LeFLEUR: We are banging on 19 the door of EPA regularly. 20 CHAIRMAN BROWN: Thank you. Any 21 other comments or questions of the 22 director? 23 (No response.)</p>
<p style="text-align: right;">Page 78</p> <p>1 issue with were made at a time when you 2 didn't -- had not been provided with 25 3 years' worth of assessment from the site 4 by the agency responsible for the 5 listing? The only epidemiological study 6 that you had available to you were 7 studies that did not suggest at least a 8 substantial public health risk, not from 9 air to general public and not from soils, 10 period, and also predicated at least in 11 part on the fact that understanding your 12 agency did not have the authority to 13 obligate the state to this amount of 14 money and that putting it on the NPL list 15 was liable to more or less impede things 16 than to help progress go through by this 17 alternative route that you're speaking? 18 MR. LeFLEUR: And your last point 19 is one that needs to be understood by 20 folks, that putting it on NPL does not 21 help people. Cleanup helps the people. 22 Putting it on the list without the 23 prospect of cleanup, which there is no</p>	<p style="text-align: right;">Page 80</p> <p>1 CHAIRMAN BROWN: Thank you. 2 MR. LeFLEUR: Thank you. 3 CHAIRMAN BROWN: There being no 4 further business, the chair will 5 entertain a motion to adjourn. 6 DR. RICHARDSON: So moved. 7 DR. LAIER: Second. 8 CHAIRMAN BROWN: All in favor of 9 adjournment. 10 (Unanimous.) 11 CHAIRMAN BROWN: We're adjourned. 12 13 14 15 16 17 18 19 20 21 22 23</p>



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**Part B**

## **Attachment Index**

**Attachment 1      Agenda**

**Attachment 2      Order to adopt motion to accept nominations to committees  
as cited by Chair  
(Agenda Item 2)**



**Attachment 1**

Amended 12/8/14

AGENDA\*  
MEETING OF THE  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: December 12, 2014

TIME: 11:00 a.m.

LOCATION: Alabama Department of Environmental Management (ADEM) Building  
Alabama Room (Main Conference Room)  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2400

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PUBLIC COMMENT PERIOD	2 & Attachment

\* The Agenda for this meeting will be available on the ADEM website, [www.adem.alabama.gov](http://www.adem.alabama.gov),  
under Environmental Management Commission.

\*\* The Minutes for this meeting will be available on the ADEM website  
under Environmental Management Commission.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON OCTOBER 17, 2014

2. ELECTIONS

The Commission will elect Chairs and Members of the Commission's Personnel and Rulemaking Committees.

3. REPORT FROM THE ADEM DIRECTOR

4. REPORT FROM THE COMMISSION CHAIR

5. REPORT FROM THE RULEMAKING COMMITTEE AND COMMISSION REFERRAL OF ITEM TO THE RULEMAKING COMMITTEE

The Rulemaking Committee Chair will provide a report on the Committee's meeting held that morning prior to the Commission meeting. The Commission will consider referral of environmental justice policy to the Committee as an item for discussion.

6. OTHER BUSINESS

7. FUTURE BUSINESS SESSIONS

**PUBLIC COMMENT PERIOD**

(The Request from the public to address the Commission is attached to the agenda.)

Stacie M. Propst, Ph.D., on behalf of GASP

SUBJECT: Addition of the 35th Avenue Site to EPA's National Priority List (NPL)

(Chair Brown will recommend that the Commission grant the Request. The full Commission will vote on whether or not to grant the Request prior to moving to the Public Comment Period.)



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

November 26, 2014

**BOARD OF DIRECTORS**

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**VIA FACSIMILE TRANSMISSION**

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P.O. Box 301463  
Montgomery, AL 36130-1463

**Re: Request to Speak at December 12, 2014 Commission Meeting**

Dear Chairman Brown,

I respectfully request permission to address the Commission at its December 12, 2014, meeting on behalf of GASP on the following topic:

**ADDITION OF THE 35TH AVENUE SITE TO EPA'S NATIONAL PRIORITY LIST (NPL)**

Intent: remediation of the 35th Avenue Site in North Birmingham  
Reality: little to no remediation without Superfund  
Fix: support addition of the 35th Avenue Site to the NPL

GASP is concerned that the Director's correspondence with the EPA, which erroneously asserts there is "no public health hazard at the 35th Avenue Site and therefore studies do not support listing on the NPL," could limit remediation at the 35th Avenue Site. The Commission should advise the Director to support the NPL designation as it will make additional federal funding available and better ensure a timely cleanup process of toxic pollutants found at the 35th Avenue Site. I intend to include a visual presentation and will provide it to the Commission seven days in advance of the meeting.

Sincerely,

Stacie M. Propst, PhD  
Executive Director  
GASP  
202-297-9234  
732 Montgomery Hwy #405  
Birmingham, AL 35216  
stacie@gaspgroup.org



**Attachment 2**

BEFORE THE  
ENVIRONMENTAL MANAGEMENT COMMISSION  
OF THE  
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Accept nominations to committees as cited by Chair

ORDER

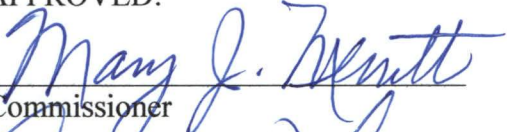
This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

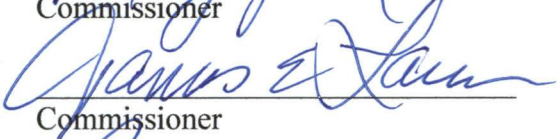
1. That the above motion is hereby adopted; and
2. That a copy of the list of committees is attached and made a part hereof; and
3. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

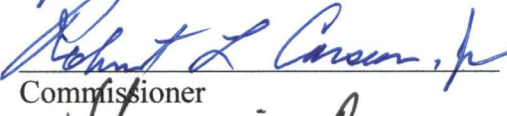
Environmental Management Commission Order  
Page 2

ISSUED this 12th day of December 2014.

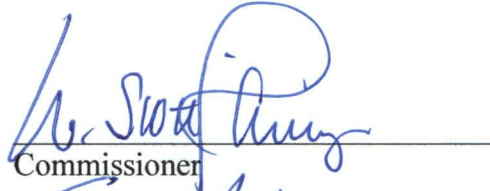
APPROVED:

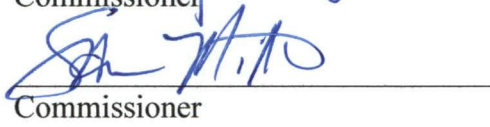
  
Commissioner

  
Commissioner

  
Commissioner

  
Commissioner

  
Commissioner

  
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Commissioner

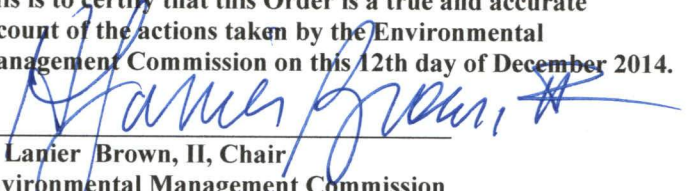
DISAPPROVED:

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

This is to certify that this Order is a true and accurate account of the actions taken by the Environmental Management Commission on this 12th day of December 2014.

  
\_\_\_\_\_  
H. Lanier Brown, II, Chair  
Environmental Management Commission  
Certified this 12th day of December 2014

12/12/14

## Alabama Environmental Management Commission 2015 Committees

### Personnel Committee

Chair: Jim Laier

Members: Robert Carson  
Sam Miller

### Rulemaking Committee

Chair: Scott Phillips

Members: Mary Merritt  
Terry Richardson