

EPA to investigate civil rights complaint against Jefferson County health department



Environmental Protection Agency On-Scene Coordinator Rick Jardine discusses the progress the agency has made in cleaning contaminated soil in North Birmingham during a public meeting at the Bethel Baptist Church, Collegeville, in Birmingham, Ala. on Thursday, August 20, 2015. (Dennis Pillion | dpillion@al.com)

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The U.S. Environmental Protection Agency's Office of Civil Rights has agreed to investigate a complaint filed by Alabama clean air advocacy group GASP against the Jefferson County Department of Health for alleged civil rights violations related to air pollution in Birmingham.

The complaint^[4] focuses on the issuance of an air pollution permit for the Walter Coke plant in northern Birmingham, which produces coke and mineral fibers for use in blast furnaces.

JCDH renewed the facility's permit in 2014, despite objections from GASP and nearby residents that air pollution from the facility was harming their health and requests that more pollution control devices be installed. GASP requested a hearing to appeal the decision to re-issue the permit and was denied.

GASP and local residents allege that the issuance of the permit violates Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal funds from discrimination on the basis of race, color, or national origin.

GASP claims the permit "adversely and disparately" affects African American residents living nearby without justification. The residential areas surrounding the Walter Coke plant are overwhelmingly populated by African Americans.

JCDH administers Clean Air Act permits in Jefferson County on behalf of EPA and has received millions in funding from EPA and other federal agencies.

JCDH spokesman Chris Osborne confirmed that the department received notification from EPA and described it as procedural in nature. He said EPA's decision to accept the complaint for investigation meant only that it met the jurisdictional requirements.

Osborne said the department is cooperating with the EPA's Office of Civil Rights completely, and is committed to promoting healthy communities and environments throughout Jefferson County.

Walter Energy, the parent company of Walter Coke, filed for bankruptcy in July^[5], limiting other legal options for GASP in contesting the air pollution.

The area surrounding the Walter Coke plant has also been designated as an EPA Superfund site due to soil contamination^[6] from a number of local industries.

"The health and well-being of people living in northern Birmingham neighborhoods have been ignored for generations," said Stacie Propst, executive director of GASP. "Primarily black and poor, these families are subjected to toxic contamination of their air, water and soil.

"In spite of ongoing appeals to our local health department to address the toxic air pollution in northern Birmingham, the problem continues unabated, so we turned to the EPA's Office of Civil Rights for relief."

A redacted copy of the complaint is embedded below:

GASP Title VI Complaint Against Jefferson County Department of Health (Redacted)^[7] by GASPgroup^[8]

Links

1. <http://connect.al.com/staff/dpillion/photos.html>
2. <http://connect.al.com/staff/dpillion/posts.html>
3. <http://twitter.com/dennispillion>
4. <http://www.scribd.com/doc/257685556/GASP-Title-VI-Complaint-Against-Jefferson-County-Department-of-Health-Redacted>
5. http://www.al.com/business/index.ssf/2015/07/walter_energy_files_for_bankru.html
6. http://www.al.com/news/birmingham/index.ssf/2015/08/epa_meets_with_residents_of_no.html
7. <https://www.scribd.com/doc/257685556/GASP-Title-VI-Complaint-Against-Jefferson-County-Department-of-Health-Redacted>
8. <https://www.scribd.com/GASPgroup>