

November 18, 2014

## Breathing the air of industry

---



### Cody Owens

Cody Owens is a staff reporter for Weld. Feel free to shoot an email at him... [cody@weldbham.com](mailto:cody@weldbham.com)

EXPERTS SAY INDUSTRIAL CONTAMINATION IN NORTH BIRMINGHAM IS SEVERE, STATE SAYS IT WILL NOT FUND CLEANUP.



PARTS OF NORTH BIRMINGHAM HAVE BEEN DESIGNATED AN EPA SUPERFUND SITE. PHOTO BY DAVID GARRETT.

In Fairmont, just north of downtown Birmingham, you won't see anyone hanging their clothes on laundry lines anymore, Marva Ingram said, her voice a little raspy. There is something nasty

in the air out there, she said.

As Ingram sat in her home in Fairmont on 28<sup>th</sup> Street North, she explained how much of her life revolves around “keeping that nastiness out.” It clings to the buildings. It crawls under her doors. “I have to put wet towels in all the window sills, but it still finds a way in here,” she said. “And it’s making me sick.”

In 2012, the Environmental Protection Agency designated a stretch of land in North Birmingham as a Superfund site — a federal program that cleans up uncontrolled hazardous wastes. The stretch of land is home to several large industrial facilities and also includes residential portions of Collegeville, Harriman Park and Fairmont. The Superfund designation was due to high levels of industrial pollutants such as arsenic, lead and benzo(a)pyrene found in soil samples taken in the area.

Ingram’s house is just outside the boundary of the federal Superfund site.

The EPA tested the yards of about 2,000 homes in the affected area. Although homes down the street from Ingram were tested, her home did not qualify because of the “arbitrary boundary” the EPA placed on the Superfund site, she said. “How,” she asked, “will they even know if my home is contaminated or not if they don’t even test my yard?”

In September, the EPA officially proposed the 35<sup>th</sup> Ave. Superfund site be added to the National Priorities Listing, which would provide more funding for the cleanup and also require the state to shoulder 10 percent of the cost for the EPA’s remedial action.

Alabama State Attorney General Luther Strange and the Alabama Department of Environmental Management are both arguing against North Birmingham’s 35<sup>th</sup> Ave. Superfund

site possibly being named to the NPL.

In an Oct. 23 letter written to EPA Regional Manager Heather McTeer Toney, Strange emphasized the state “will not allocate any funds to assist in any cleanup effort at the 35<sup>th</sup> Avenue Superfund Site.”

Strange’s letter argues that EPA officials did not go through the proper channels when requesting the site to be listed on the NPL.

“EPA failed to follow its own internal procedures, which it says ‘will be employed in cases where a regional office recommends proposing or placing a site on the NPL, but the state opposes listing the site,’” the letter states.

Strange’s letter refers to a July 25, 1997 memorandum from Timothy Fields Jr., who was then the acting assistant administrator for the Office of Solid Waste and Emergency Response.

The memorandum, which was written to EPA regional administrators, states that, “In situations where the state does not agree that listing a site on the NPL is appropriate, the relevant EPA regional office should work closely with the state to try and resolve the issue before raising it to EPA headquarters.”

There is no legal requirement for the EPA to get authorization from the state before adding a site to the NPL, however, according to an EPA spokesperson.

ADEM Director Lance LeFleur, in an email to EPA administrator Gina McCarthy, called the EPA’s decision to add the Birmingham site to the NPL “a most egregious breach in protocol in the long established working arrangement between ADEM and EPA.”

In the email, obtained by *Weld*, LeFleur lists the reasons ADEM is opposed to the 35<sup>th</sup> Ave. site being added to the NPL. One reason: “The air and land studies performed by the U.S. Agency for Toxic Substances and Disease Registry within the Centers for Disease Control determined there is no public health Hazard at the 35<sup>th</sup> Ave. site and therefore the studies do not support listing on the NPL.”

### **Neighbors of industry**

Marva Ingram moved into her home, located on a corner lot in Fairmont, in 1986. She was 36 at the time. “It’s just somewhere I could see myself retiring. It’s quiet, it’s nice and I could afford it,” she said. Now 63, Ingram suffers from adult-onset asthma, a condition that sent her to the hospital earlier this year with a collapsed lung.

“No one in my family has ever had a history of asthma,” she explained. “In my family, we get old, we get ugly and die,” she said, laughing a little. Ingram, who doesn’t smoke, said she couldn’t figure out why it was getting so hard for her to breathe.

As a certified nurse, Ingram works at Northway Health and Rehab. Earlier this year, while she was at work, she suffered from a severe asthma attack and had to be hospitalized for two days. The doctors told her she had a collapsed lung and bronchitis, and that she was anemic.

“They asked me if I worked at a factory. I said, ‘No, but I can look out my bathroom window and see Walter Coke,’” Ingram said. “The doctors told me it was something I’ve been breathing for a long time. Ever since then I have noticed more than ever all the black soot that builds up all over my home from the plant down the road. I just can’t keep it out.”

Representatives for Walter Coke, one of the companies named by the EPA last year as a

Potentially Responsible Party for the industrial pollution in North Birmingham, declined to comment.

Ingram started noticing that she was getting sick more often in 2007, about 21 years after moving into her home in Fairmont. “I started coughing and just feeling sick all the time. It was about then that I started to notice nobody was hanging their laundry out to dry anymore,” Ingram said.

“I’ll never forget my old neighbor, when I was looking at this house, he said to me, ‘You sure you want to move in there?’ I thought he was kidding at the time, so I just kind of shrugged it off. I just didn’t know any better. I wasn’t educated on why living so close to a plant could be bad for your health. I just thought I had found a good deal on a house I could retire in,” Ingram said.

Now she can’t sell her home, and has even considered just leaving the key on the table and walking out the door for good.

Birmingham City Councilor William Parker represents portions of North Birmingham, including Ingram’s neighborhood. He agreed that some residents have been suffering from illnesses similar to what Ingram described. He said that one possible step towards solving that issue is building more community health clinics.

“We need a health clinic in that immediate area. I think if we can provide healthcare that



MARVA INGRAM HAS DEVELOPED SEVERAL SERIOUS ILLNESSES WHILE LIVING NEAR INDUSTRIAL PLANTS IN NORTH BIRMINGHAM. PHOTO BY DAVID GARRETT.

addresses those concerns and people don't have to travel across town, that would alleviate some of the issues," Parker said. "Right now we are just trying to figure out a funding source."

With regard to the current cleanup, Parker said, "I think we've seen steady progress. They've identified the 400 homes out there that they need to remediate. Right now they are in phase-two and have identified about 40 homes where women and children live. So the cleanup of those homes should be done by February. We're working to make sure funding is available to the remaining 300 or so homes."

Parker mentioned that the EPA has extended the comment period (which was set to expire Nov. 21) for the 35<sup>th</sup> Ave. Superfund site being added to NPL until Jan. 20, 2015. He said it's important that stakeholders in the community voice their opinions about the potential listing.

"My job is to not only remediate the soil, but also focus on how to redevelop the North Birmingham community," Parker said. And that starts with making sure people are healthy, he added.

Parker also touted recent improvements that communities in North Birmingham have seen over the last year. Maclin Park, he said, is set to undergo a facelift in the coming months. "So having parks and places like that really add to the health and well-being of the community," Parker said.

"I guess you've seen my picture," he said, gesturing to a large photo propped up on a table in his office. In the photo, Parker is shaking hands with Bill Clinton. "Any time you have a former President of the United States reference Collegeville in an op-ed piece that he wrote for the *Huffington Post*, I think you could say we're making progress."

## **What goes up...**

Dr. Shaun Crawford, an environmental and industrial hygiene consultant, has been working in North Birmingham's neighborhoods for several years now with his consulting firm CRAWSA.

He has seen firsthand the impact that pollution can have on those living under the clouds of industry in North Birmingham.

"We've really gotten nowhere," Crawford said of the cleanup process in North Birmingham.

"The EPA has come out and dug up some soil and replaced some grass, but honestly it still hasn't made any real difference to the people who live out there. And as far as I'm concerned, as an exposure scientist, it hasn't really done much to reduce the potential threat to the residents out there. With arsenic and lead in the soil, you may have some exposure to that, but it's not going to be every day. And...what the EPA is really focusing on is the soil aspect," Crawford said.

The real threat, Crawford explained, is the air pollution that can be seen caked onto the sides of houses in North Birmingham. "My primary concern, if I lived out there, would be the air pollution," Crawford said.

Crawford initially opposed the 35<sup>th</sup> Ave. Superfund site listing on the NPL. "I didn't think we needed to go into the NPL over soil contamination. I know that it's done, but I just thought it was more of a reaction by the EPA to the people instead of a reaction to an imminent health threat. It seemed like they were placating," Crawford said.

After attending an EPA meeting several weeks ago, Crawford said he changed his mind because the NPL would provide more funding for the cleanup process. "Believe it or not, the EPA kind of

swayed my opinion on it. At the very least we could get more funding in here to investigate and clean up,” Crawford said.

The Greater Birmingham Alliance to Stop Pollution (GASP), has been working closely with people who live in the affected neighborhoods of North Birmingham. GASP Communication Specialist Michael Hansen said they are encouraging citizens to support the EPA’s potential addition to the NPL.

“The main thing that I would say is that it’s essential that the city of Birmingham fully support EPA’s efforts to prioritize the North Birmingham Collaborative Project, as the EPA now calls it — or the 35th Ave. Superfund site. We have been facilitating comments from community members, GASP members and others with a vested interest in clean, healthy air,” Hansen said.

“I haven’t seen any comments from the city of Birmingham yet, but hopefully they will come out in support of the NPL recommendation. The 60-day extension of the public comment period was requested by ADEM and granted by EPA. It’s absolutely crucial that folks weigh in,” Hansen said.

Crawford believes that just replacing the soil in contaminated yards is not enough, and that the EPA should also address air pollution. “I’ve talked to enough adults who live out there who have adult-onset asthma as they got older. And that’s just something I have never heard of before. I’ve also talked to pulmonologists and pediatricians who have done work out there that say the asthma rates in children are just astronomical.”



PHOTO BY DAVID GARRETT.

## **Feds trump state**

There are roughly 1,300 active Superfund sites on the National Priorities Listing, according to the EPA's NPL Coordinator Jennifer Wendel.

She said that in order for a site to be eligible for the listing, it must score greater than 28.5 of the EPA's Hazard Ranking System. That number, she said, was determined "a while ago" after Congress requested the EPA's top 400 "most at-risk" Superfund sites. "They all scored greater than 28.5 using that system. And throughout time, it has remained true that if a site scores

greater than that, it is a high caliber site and one the EPA will need to follow up on,” Wendel said.

How is the score determined? “It is a numerically based screening system that uses information from initial, limited investigations — the preliminary assessment and the site inspection — to assess the relative potential of sites to pose a threat to human health or the environment,” according to the EPA’s website.

The 35<sup>th</sup> Ave. Superfund site scored a 50 on the EPA’s Hazard Ranking System, Wendel explained.

Once a site is placed on the NPL, “The removal program, which is more short-term, mitigates the immediate health concerns. So that’s what you see happening right now on the 35<sup>th</sup> Ave. site. Using [a] different funding mechanism, the immediate threat is removed. The remedial program is more of the long-term investigation and cleanup program. Placing the site on the NPL signals a need for more of a long-term investigation. Also, under the Superfund law, the only way to access taxpayer dollars for any remedial action cleanup is if a site is placed on the NPL,” Wendel explained.

Despite Strange and ADEM arguing against the state allocating any funding toward the cleanup, Wendel said even if the state does not approve their action, the EPA has the final say.

“The EPA likes to get approval from the state before placing a site on the NPL. We send a letter to the governor saying we would like to place a site on the list, and solicit their response. There are procedures in place where we work with the state if they dispute us from doing that and we will try and resolve those issues, but it is ultimately the EPA’s decision whether to pursue the site or not,” Wendel said.

“If a state is opposed, we ask them to tell us how they are going to get the site cleaned up and possibly seek another option that way,” she said. “That’s the process we like to have with the state.”

Scott Hughes, an ADEM spokesperson, said that with regard to North Birmingham, ADEM’s chief priority is the health benefit to the community.

“ADEM, as well as other state agencies and elected officials, have been actively working to address a wide range of issues in the North Birmingham area. Our top priority has been, and continues to be, the protection of the health and welfare of all the citizens in the Birmingham area as well as other citizens across Alabama,” Hughes said.

“While ADEM focuses on good science to support NPL listings, there are other legitimate factors that must be considered,” he said. “Potential declines in property values, possible adverse impacts on redevelopment efforts and negative impacts on job opportunities can all be associated with this proposed action. An unwarranted NPL listing can be just as detrimental as failing to add an area to the NPL when conditions warrant.”

A listing to the NPL will not ensure a timely cleanup process, Hughes explained. Other Superfund sites within the state have been put on the NPL and after decades of remedial inactivity, those sites are still waiting to be cleaned up, he said.

As the cleanup effort continues in North Birmingham, it is unclear how much progress can be made without more funding, Crawford explained. He said a lot of people — just like Ingram — are suffering because there is not enough money to test all the properties that may be contaminated. Even if the Superfund site is not listed on the NPL, Crawford hopes the cleanup efforts can continue without “more bad government science and bureaucratic red tape.”