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Birmingham, AL 35216
GASPgroup.org

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Hon. Heather McTeer Toney, Regional Administrator
U.S. Environmental Protection Agency - Region 4
61 Forsyth Street, S.W.
Mail Code: 9T25
Atlanta, GA 30303-8960

July 1, 2014

Dear Ms. Toney,

Please find enclosed a petition for preliminary assessment of release of hazardous substances in Tarrant, Alabama.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stacie Propst', with a long, sweeping horizontal line extending to the right.

Stacie M. Propst, PhD

BEFORE THE
REGIONAL ADMINISTRATOR OF THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

**GASP, Dorothy Davis, and Eddie Jimmy
Hollaway,**

Petitioners.

**PETITION FOR PRELIMINARY ASSESSMENT
OF RELEASE OF HAZARDOUS SUBSTANCES**

Pursuant to 42 U.S.C. § 9605(d) and 40 C.F.R. § 300.420(b)(5), the Petitioners identified herein petition the Regional Administrator of the United States Environmental Protection Agency - Region 4 to direct the Agency to perform a preliminary assessment of the hazards to public health and the environment which are associated with the release of hazardous substances as described herein.

PETITIONERS

GASP is an Alabama non-profit membership corporation created on May 13, 2009. Its purpose is to further the conservation, preservation, protection, maintenance, improvement, and enhancement of human health and the environment on behalf of its members and in the public interest. GASP has members who reside in Tarrant, Alabama. GASP's address is 732 Montgomery Highway #405, Birmingham, AL 35216, and its phone number is (205) 541-3746.

Dorothy Davis resides at 1056 Overton Avenue in Tarrant, Alabama with her two daughters. Her residence is less than 700 feet from the ABC Coke facility boundary. **Figure 1.** She has resided there for approximately 28 years. She has resided in Tarrant, Alabama since

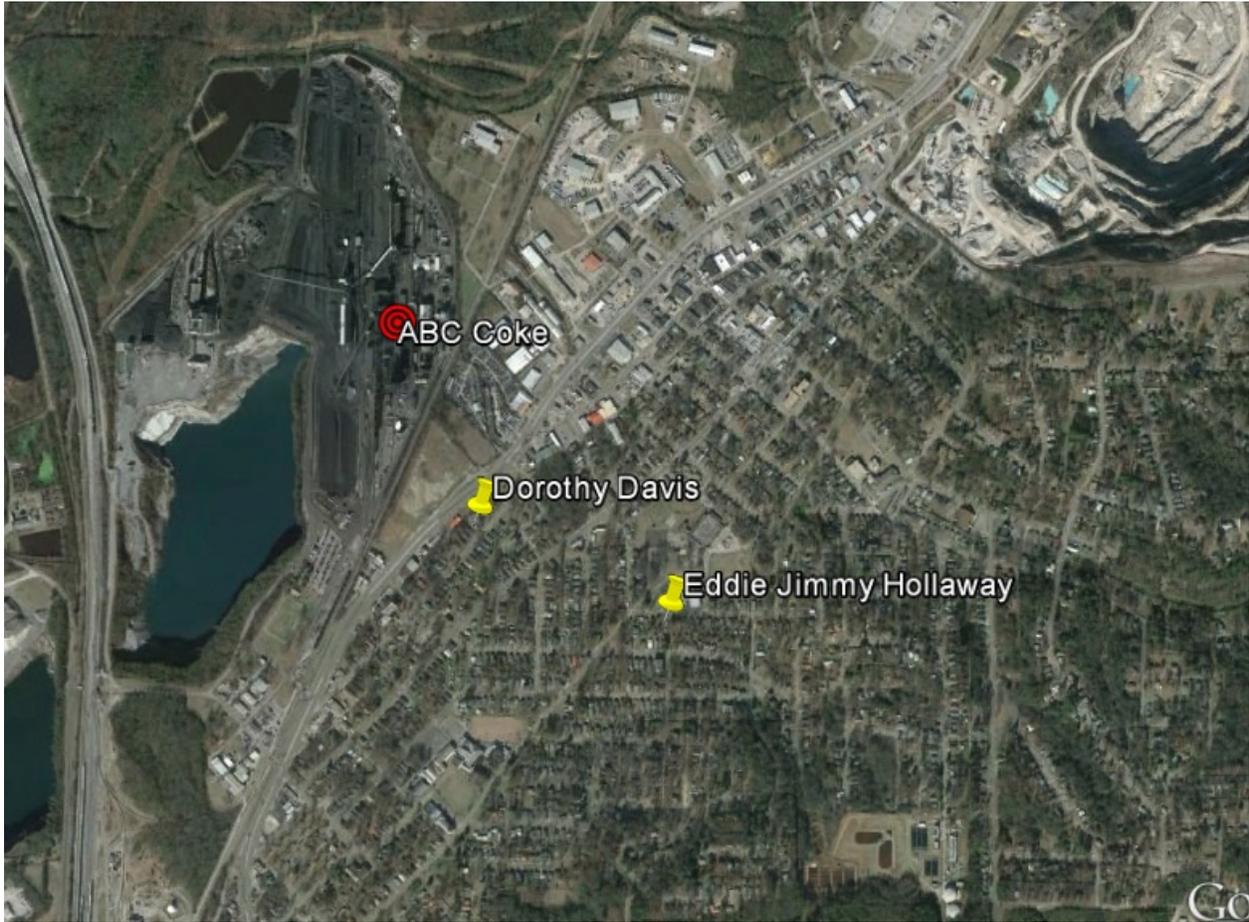
1951. Her residence is now owned by her daughter, Stella J. Davis. She has grown and eaten produce from a vegetable garden on her property, including string beans, okra, and tomatoes. She has also grown flowers, including roses, on her property. Her vegetable and flower gardening activities have resulted in contact with the soil. Her two grandchildren visit and play in her yard two or more times per week. Her phone number is (205) 841-5074. Ms. Davis is a member of GASP.

Eddie Jimmy Hollaway resides at 1315 Prosch Avenue, in Tarrant, Alabama with his wife and granddaughter. His residence is less than 2,500 feet from the ABC Coke facility boundary. **Figure 1.** He has resided in Tarrant, Alabama for four years. He has grown tomatoes at his residence. He has been exposed to the soil when laying on the ground to do vehicle maintenance and when operating the lawn mower. His phone number is (205) 637-5080. Mr. Hollaway is a member of GASP.

RELEASES

The facility known today as ABC Coke is located at Alabama Street and Huntsville Avenue in Tarrant, Alabama approximately 1.9 miles northwest of the Birmingham-Shuttlesworth International Airport (approximately Latitude 33.582714° North and Longitude 86.780429° West). It has been in operation since approximately 1918. Today it is owned and operated by Drummond Company, Inc. The ABC Coke facility produces coke and coke by-products that are sold or used in the coking process. ABC Coke is the largest merchant producer of foundry coke in the United States. The facility includes 132 coke ovens with an annual capacity of 730,000 tons of saleable coke. In 2012, ABC Coke produced 731,611 tons of coke.

FIGURE 1
Locations of ABC Coke and Petitioners' Residences



Throughout its operational history, the ABC Coke facility has emitted toxic and hazardous pollutants into the air. *See e.g.*, **Tables 1** and **2**. Among these pollutants are Arsenic, Lead and Polycyclic Organic Matter, including Benzo[a]pyrene and other Polycyclic Aromatic Hydrocarbons. Arsenic, Lead, and Polycyclic Organic Matter are designated as hazardous substances under 42 U.S.C. § 9602(a) and 40 C.F.R. § 302.4(a).

TABLE 1
Universe of Constituents of Coke Oven Emissions

CAS	Constituent	CAS	Constituent
99992	Benzene soluble organics	98828	Cumene
71432	Benzene	106990	Butadiene
74908	Hydrocyanic acid	463581	Carbonyl sulfide
108883	Toluene	91576	2-Methylnaphthalene
91203	Naphthalene	192972	Benzo(c)pyrene
1330207	Xylene (mixed isomers)	205992	Benzo(b)fluoranthene
7439921	Lead	7723140	Phosphorus
85018	Phenanthrene	7647010	Hydrochloric acid (HCL)
50328	Benzo(a)pyrene	7664393	Hydrofluoric acid (HF)
208968	Acenaphthylene	75150	Carbon disulfide
7440382	Arsenic	7440473	Chromium
7440020	Nickel	7440439	Cadmium
206440	Fluoranthene	108952	Phenol
7439965	Manganese	7440484	Cobalt
129000	Pyrene	7440360	Antimony
218019	Chrysene	132649	Dibenzofuran
86737	Fluorene	106445	Cresol, p-
7782492	Selenium	7440417	Beryllium
120127	Anthracene	7439976	Mercury
56553	Benz(a)anthracene	95487	Cresol, o-
83329	Acenaphthene	207089	Benzo(k)fluoranthene
193395	Indeno(1,2,3-cd) pyrene		

TABLE 2
Toxic/Hazardous Air Pollutant Emissions from ABC Coke

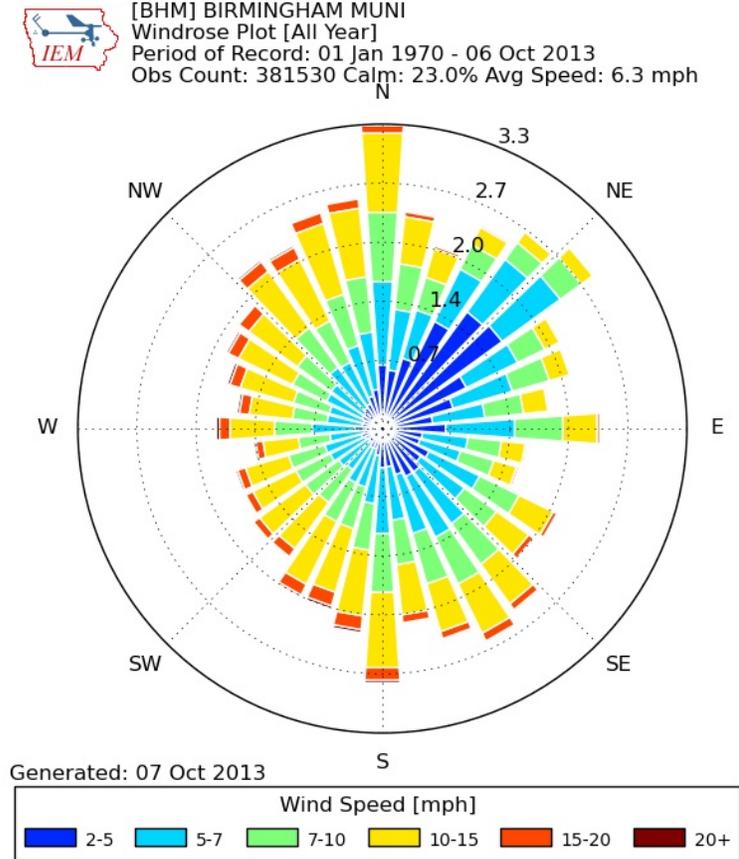
TOXIC ¹ /HAZARDOUS ² AIR POLLUTANTS		2011 (Tons/Year)			2012 (Tons/Year)	
		TRI	JCHD Web	JCDH Inv	TRI	JCDH Web
1,2,4-TRIMETHYLBENZENE ¹	95636	0	NR	NR	0.027	NR
AMMONIA ¹	7664417	8.177	8.063	8.063	7.377	8.063
ANTHRACENE ¹	120127	0.09	NR	NR	0.091	NR
ARSENIC/ARSENIC COMPOUNDS ¹²	7440382/N020	NR	0.002	0.002	NR	0.002
BENZENE ¹²	BENZENE/71432	8.6855	8.686	8.686	5.7475	5.854
CADMIUM/CADMIUM COMPOUNDS ¹²	7440439/N078	NR	0	0	NR	0
COAL TAR/COKE OVEN EMISSIONS ²	8007452	NR	7.628	7.628	NR	7.227
CYANIDE/CYANIDE COMPOUNDS ¹²	57125/N106	2.403	2.403	2.403	2.187	2.403
DIBENZOFURAN ¹²	132649	0.068	0.068	0.068	0.069	0.068
ETHYLENE ¹	74851	10.1055	NR	NR	8.8345	NR
ETHYLENE DIBROMIDE ¹²	100414	NR	0.086	0.086	NR	0.086
ETHYLENE OXIDE ²	75218	NR	6.787	NR	NR	0
HYDROGEN SULFIDE ²	7783064	NR	NR	NR	1.6305	NR
LEAD/LEAD COMPOUNDS ¹²	7439921/N420	0.0023	0.0023	0.0016	0.0016	0.0016
MANGANESE/MANGANESE CMPDS ²	13966319/N450	NR	0.003	0.003	NR	0.003
NAPHTHALENE ¹²	91203	2.445	2.56	2.56	2.204	2.671
PHENANTHRENE ¹	85018	0.3505	NR	NR	0.3525	NR
PHENOL ¹²	108952	0.63	0.63	0.63	0.561	0.561
POLYCYCLIC AROMATIC HYDROCARBONS/CMPDS/ORGANIC MATTER ¹	N590	0.6295	0.112	0.112	0.6325	0.626
PROPYLENE ¹	115071	1.411	NR	NR	0.898	NR
PROPYLENE OXIDE ¹²	75569	NR	0.843	0.843	NR	0
STYRENE ¹²	100425	0.0195	0.019	0.019	0.031	0.031
TOLUENE ¹²	108883	3.5835	3.583	3.583	3.0975	3.097
XYLENE (MIXED ISOMERS) ¹²	1330207	0.478	0.478	0.478	0.403	0.403

Between ABC Coke and the Airport lies a densely populated residential area outlined in red in **Figure 2**. The 2010 Census indicates that this residential area has a population exceeding 8,000, including more than 2,400 children. For decades, the hazardous substances released from the ABC Coke facility have been carried by wind currents and deposited onto the soil, structural surfaces, and gardens of residential properties in Tarrant, Alabama. **Figure 3** shows a wind rose plot for the nearby Birmingham-Shuttlesworth International Airport (BHM) for the period 1970 to 2013.

FIGURE 2
Drummond Co. Inc., ABC Coke Division and Neighboring Residential Area



FIGURE 3



Human exposure to Arsenic-, Lead-, and Benzo[a]pyrene-contaminated soil poses a significant threat to public health. Ingestion and inhalation are the primary pathways of exposure. Another pathway of exposure is ingestion of garden produce that has absorbed the contaminants or has airborne deposition of the contaminants. Arsenic and Benzo[a]pyrene are classified as carcinogenic contaminants. Lead can affect almost every organ in the body but is especially a concern for young or unborn children. Lead affects the mental and physical growth of these most vulnerable people. Continued exposure to concentrations of Arsenic, Lead, and Benzo[a]pyrene may pose chronic health effects, including increased incidence of cancer, to persons living in impacted communities.

Less than one-mile southwest of the ABC Coke facility is a similar facility that manufactures foundry and furnace coke as well as coke by-products. The facility, which has 122 coke ovens, is now owned and operated by Walter Coke, Inc. It has been in operation since approximately 1919. Throughout its operational history, the Walter Coke facility has emitted toxic and hazardous pollutants into the air, including Arsenic, Lead, and Polycyclic Organic Matter, including Benzo[a]pyrene and other Polycyclic Aromatic Hydrocarbons. For decades, the hazardous substances released from the Walter Coke facility have been carried by wind currents and deposited onto the soil, structural surfaces, and gardens of residential properties in the Collegeville, Fairmont, and Harriman Park Neighborhoods. After performing a site assessment in these Neighborhoods, the U.S. Environmental Protection Agency determined that soils in the Collegeville, Fairmont, and Harriman Park Neighborhoods are contaminated with Arsenic and Polycyclic Aromatic Hydrocarbons including Benzo[a]pyrene to a degree that this contamination poses a threat to public health and requires a time-critical removal action. *See Memorandum from R.J. Jardine to Franlin E. Hill Re: Request for a Time-Critical Removal Action at the 35th Avenue Site, Birmingham, Jefferson County, Alabama, Sep. 25, 2013, available at <http://www.epaossc.org/sites/6845/files/Action%20Memo%2025SEP13.pdf>.* The contamination site, known as the “35th Avenue Superfund Site,” surrounds the sources of the contamination - primarily the Walter Coke facility. **Figure 4.**

FIGURE 4
35th Avenue Superfund Site



The Petitioners believe that contamination similar to that found in the Collegeville, Fairmont, and Harriman Park Neighborhoods surrounding the Walter Coke facility are likely to be found in the residential areas of Tarrant shown in **Figure 2** near the ABC Coke facility.

Request

For the foregoing reasons, Petitioners request that the Regional Administrator of the United States Environmental Protection Agency direct that the Agency perform a preliminary assessment of the hazards to public health and the environment which are associated with the release of hazardous substances by the ABC Coke facility in the residential area shown in **Figure 2.**

Respectfully submitted,



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