

Circuit Court Reverses Board of Health Decision Denying Request for Hearing



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Today, the Circuit Court of Jefferson County, Ala., reversed a decision by the Jefferson County Board of Health denying Gasp's Request for Hearing on the reissuance of ABC Coke's operating permit. Finding that Gasp adequately followed Board of Health rules, Judge Joseph Boohaker's ruling remanded the case back to the Jefferson County Board of Health to consider the merits of Gasp's Request for Hearing.

ABC Coke is owned by Drummond Company and located in Tarrant, Ala. It's one of five facilities identified by the U.S. Environmental Protection Agency as a potentially responsible party for contamination in the North Birmingham Environmental Collaboration Project^[2].

The Jefferson County Department of Health re-issued ABC Coke's Title V Operating Permit on August 11, 2014 without significant improvements to protect public health. Fifteen days later, Gasp appealed that decision^[3], requesting a hearing before its governing body, the Jefferson County Board of Health. The BOH ruled^[4] April 8, 2015 that Gasp lacked standing to request a hearing. Gasp then appealed that BOH order to Circuit Court.

Interim Executive Director Michael Hansen said, "Gasp intervened on behalf of our members — truly, all residents of Jefferson County — to improve protections to public health by reducing toxic emissions from one of the worst polluters in Alabama: ABC Coke."

"This is a meaningful victory, and we hope to work with the Jefferson County Department of Health in the future to find workable solutions to reduce the enormous health burden toxic pollution puts on the nearby communities of northern Birmingham and Tarrant."

Links

1. http://gaspgroup.org/wp-content/uploads/2014/10/ABC-Coke_timeplapse-still.png
2. <http://circuit%20court%20reverses%20jefferson%20county%20board%20of%20health%20denial%20of%20hearing%20on%20abc%20coke%20permit/>
3. <http://gaspgroup.org/gasp-petitions-board-health-disapprove-abc-coke-permit-requests-hearing/>
4. <http://gaspgroup.org/board-of-health-dismisses-gasps-request-for-hearing-on-abc-coke-permit/>