

Specialty Product Proposed DAQ Title V Renewal - Virtual Public Hearing (2024-03-19 18:06 GMT-4) - Transcript

Attendees

+1 304-***-**91, Carrie McCumbers, Edward F Maguire, isabel rivero, Johanna Klein, Joyce Gentry, Julie Archer, Kate Fisher, Laura M Crowder, Maya Nye, Mike Tony, Morgan King, Nicole D Ernest, Nicole D Ernest's Presentation, Nikki B Moats, Pam Nixon

Transcript

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Nicole D Ernest: Good evening. My name is Nicole Ernest environmental resource specialist with the Department of Environmental Protections division of air quality. Welcome to the dep's public hearing for Specialty Products us llc's draft Title 5 permit renewal. With me tonight as staff from the division of air quality including director Laura Crowder Title 5 program manager, Carrie mccumbers and permanent engineer Nikki Motes. The purpose for this public hearing is to give you the opportunity to share your comments or information about the title 5 renewal application with the dep. If you have already provided a written comment to the agency, you do not have to provide it again during tonight's public hearing.

Nicole D Ernest: The division of air quality held an in-person meeting on Monday, March 11th, 2024 to provide information and answer questions about the application. Therefore tonight. We will only be accepting comments. While your comments mean to contain questions, there will be no responses or answers provided to comments this evening. The hearing is being recorded so that comments you share can be taken into consideration and entered into the public record for the application. A decision will not be made this evening all comments received by the agency prior to the close of the comment period including those provided here tonight will be reviewed and considered by the staff and you will receive a notification. Once the decision is made through the daq's response to comments the public comment period is scheduled to end at 5 pm on Friday, March 29th, 2024.

Nicole D Ernest: Please note that comments can be submitted via email to Nikki dot b dot moats at wgov or by regular mail to Nikki Motes wvdep division of air quality 601 57th Street Southeast, Charleston, West Virginia 25 304 and we'll also include this information in the chat box so that it is easily available To ensure we have an accurate record of everyone attending this evening for the official record and those in attendance to receive notification of the agency's final determination. We ask that everyone register for the hearing. If you did not pre-register, please add your name and contact information in the meeting You can access the chat by clicking the small chat bubble icon in the bottom right corner of your screen.

Nicole D Ernest: Each commoner will be given five minutes to speak. I will call on those who indicated they wish to speak on the registration form first and then open the floor. If there is time at the end, we will circle back to allow for additional comments. When you are called upon to give your comment, please

unmute your mic state your name and any organization that you represent. If you're calling in by phone, please press star 6 to your mic to ensure that we successfully achieve the purpose of this hearing. We ask that everyone be respectful and considerate of each other by refraining from using file language name calling and interrupting others while they are speaking. We also ask that you keep your comments on the topic of this application so that our time together is used efficiently. Thank you for bearing with me through those opening remarks and instructions. We will now call our first speaker.

Nicole D Ernest: Maya Nye please unmute your mic state your name and any organization that you represent.

Maya Nye: Thank you didn't expect to go first. But thank you. Hi, this is Dr. Maya Nye. I consider myself an impacted resident in the fact that I grew up on the fence line of The Institute facility and then I still have family that lives there and who have died on the fence line of that facility. I'm gonna be brief in my comments today. I'm also a longtime member. I'm just a member of people concerned about chemical safety, which is a long time environmental justice organization based in the Canal valley dedicated to protecting the health and safety of all of those who live work and reside near facilities like this institute one and

Maya Nye: So I'll be brief. I do want to compliment you all for having public meeting last week a week in advance of this public hearing. I thought that the concept behind it was great. I think that there's still a lot that could be desired as far as the execution of that because just to be completely honest. I don't feel a whole lot more prepared this week to provide you with well-informed comments based on that meeting. So I just wanted to share that. I would be happy to work with you all to improve those kinds of meetings that move that you have in the future to make them a valuable use not only of The community's time the people who show up who are trying to learn about these permits, but also for you all as well.

00:05:00

Maya Nye: So I'll just get straight to my points. I hope that one of the things we talked about in the meeting last week was this what does it mean facility wide versus I just want to be clear that I'm saying that I think that you will need to consider all of the emissions that are coming out of I don't care what owner owns what unit all of the emissions at The Institute facility. You need to take all of those into consideration in each of these individual Title Five permits. You have to think about all of those together because that's the way that the people who live work study play in the community around this facility is going to actually experience that those emissions.

Maya Nye: You need to revise the permit to reduce the cancer risk immediately. We know that the collaborative agreement that you've got. It's going to take at least two years for emissions to be lowered there and there's no acceptable cancer risk. You look at my list here. you all need To require fence line Flair and bag house monitoring and reporting that needs to be reflected in the permit.

Maya Nye: And exemptions. You need to get rid of that improper malfunction loophole that's in the permit currently in any kind of language such. that's like indicating that to take action to the greatest extent practicable or whatever. The language is that wiggle room language that allows for exemptions.

Maya Nye: Let me see where else. I think you all realize this facility and all of the owners of all of the units at The Institute facility. Is they're located in a legacy environmental justice community and really their need to be enhanced considerations for that in the permitting process and this action and as well as future actions and on that note. I think that you all are probably aware that the Hazardous organic Niche

or the Han final rule is due out the same day that this comment period closes on March 29th, and there could be implications in that rule.

Maya Nye: That would affect this permit and I strongly suggest you to extend the deadline of the comment period for this title five permit renewal to take into consideration. What's in the Han rule, so I think that that is the book of my comments and I'll just submit the rest and writing. Thank you.

Nicole D Ernest: Thank you Maya. The next person registered to speak is King Morgan, please on meet your Mike state your name and any organization that you represent.

Morgan King: Good evening. My name is Morgan King and I work with the climate reality project as their West Virginia Climate reality and tends to submit additional and more technical comments Beyond this verbal comment, but we wanted to make sure that we could share some strong concerns this evening. We have several concerns about the title five permit renewal for Specialty Products and Institute. West Virginia to admit ethylene oxide. It's been well established that there's a higher excess cancer risk in the area than it's deemed acceptable by the EPA and this disproportionate burden has been felt by the community since chemical Industries set up shop on the fence line. Of a majority black community and of an HBCU we're well aware.

Morgan King: From depe's own landing page on ethylene oxide that EPA deemed in 2018 that long-term exposure is the main concern with this chemical yet limited air monitoring and modeling has occurred the lack of continuous air monitoring and modeling of historic emissions from when ethylene oxide was first admitted in the area means we can't fully assess the long-term exposure impact and thus the potential for additional emissions to do m. At the information session hosted by you all last week. It was stated that the agency does not have the expertise like the EPA does to do test methods of more complex and thorough air quality monitoring. If this is true, we question how the dep can be equipped to adequately inspect the impacts and risk of the site suitable to fulfill their commitment to reduce ethylene oxide emissions as agreed upon in their collaborative agreement with Specialty Products and other ethylene oxide emitting facilities.

00:10:00

Morgan King: As such we urge the dep to drastically reduce ethylene oxide emissions at the site via more early and frequent engagement with community members. To implement continuous air monitoring at the fence line throughout the community and in an independent location known to lack ethylene oxide pollution. And to consider cumulative impact analysis in all permit considerations on site given the Legacy pollution in the area. And so this would include cumulative emissions from all units in the facility and retroactive air monitoring of Legacy emissions. Finally, we suggest that the dep extend the comment period to allow for community members and organizations to have adequate time to participate in this process. We applaud to having an information session a week ago. However, this is a complex topic as you all know, and it's important to have adequate time to address these concerns and dig through potential impacts.

Morgan King: Additionally we need to have more time for stakeholders to thoughtfully consider any changes given the previously mentioned Han rule that's required to be finalized by next week as such we urged EP to extend the comment period thank you for your time. And we look forward to building upon these high-level comments in written form.

Nicole D Ernest: Thank you gan. The next person that has requested to make a comment is Nixon Pam if you'll go ahead and I'll meet you Mike state your name and any organization you represent.

Pam Nixon: Yes. Can you hear me? Okay. All right.

Nicole D Ernest: Yes, ma'am.

Pam Nixon: Yes, I'm Pam Nixon and I'm representing the West Virginia in double act and I'm a member of the Grassroots organization people concerned about chemical safety. Thank you for giving a space to comment here this evening. In my comments also will be brief. We request that the West Virginia dep. we also request that West Virginia DP extends the comment period Beyond March 29 It is come to our attention that the comment deadline is the same as usepa.

Pam Nixon: to find its final air toxic standards for the Han Source category Pawn is hazardous organic National emission standards for head to this air pollutants in case anyone didn't know what that acronym was. Is the dep mentioned during the information meeting especially products? Us LLC is subject to polyester polyol standards as well as a number of Han provisions. By extending the dep common period will give the dep and the public time to review the EPA final toxic standards so that the public can make more complete informed comments.

Pam Nixon: When the dep performed the monitoring for excelling oxide emissions and release the family report in February 2023. The data could not calculate long-term cancer risk, but yet I am assuming the information you gathered allowed you and the companies to conclude with some confidence that the ethylene oxide admissions needed to be significantly reduced. The communities were never informed what you estimated the cancer risk. To be however, the communities want the dep to ensure that these collaborative reductions are lower than the cancer risk. to our Lord so that the cancer risks are well below the 100 in a million King's risks for cancer.

Pam Nixon: Which that way? But the epa's acceptable level is one in a million not 100 in a Million. So we expect this cancer risk level to be well below the 100 and a million. especially Specialty Chemicals or Specialty Products concluded it could reduce ETO emissions be somewhere between 18 to 24 months. The West Virginia double-a-cp. And as a member of packs, we recommend that the West Virginia dep set interim limits for Specialty Products. That will reflect at least. or

00:15:00

Pam Nixon: I'd rather not at least but at most the 48 times per year of actually missions from their 2020 report. at least until New limits are in place rather than allowing up to the 0.7 times per year as requested in the draft permit, especially since we still don't have the fence line monitoring in place. And since the area affected is mostly environmental justice Community. We recommend that the West Virginia dep apply increased focus on this permitting action to ensure the potential for a release in this area is drastically reduced as well. Thank you for allowing me time to comment. Thank you.

Nicole D Ernest: Thank you so much Pam at this point. We have reached the end of The commenters Who registered ahead of time. Are there any additional attendees who wish to make a comment? If so, please use the raised hand feature or unmute your mic state your name any and any organization you represent?

+1 304-***-***91: hello.

Nicole D Ernest: Yes. Yes, ma'am.

+1 304-*-**91:** Can you hear me? Okay, I'm sorry. I did register but I registered a little late. Maybe it didn't show up for you guys. But my name is Kathy Ferguson and I am a resident of The Institute district and I have had major concerns about contaminants and pollutants in my area At concerns about the health for myself and my neighbors and the long-term consequences of daily exposures to chemicals. in our area there are multiple companies doing hazards and toxins into our air, it's not just one company like Specialty Products. There are many and the cumulative effects are not being investigated nor research adequately.

+1 304-*-**91:** Because we are an unincorporated area. We have no government sort of intercede on our behalf and make the petition and speak for us as a collective. And therefore we look for dep to make sure that they have strong rules that they are taking guidance from us to make sure that our community remains they especially product is one of two chemical manufacturers currently that are emitting high amounts of ethylene oxide. on the campus of alchavia It's a known carcinogen. And of course it's often referred to as EPO. And my hope is that the VP will work quickly to reduce. The significant can caused by Specialty Products

+1 304-*-**91:** That myself and my community members have to Pursuant to the 2023 collaborative agreement especially products has stated that it will be making changes the facility to reduce ETO emissions, but this will take up to two years. So I'm asking that the dep please revisex permit now to set lower ETO limits or at least get interim lower limit until Specialty Products complete that's reductions. This is vitally important to the community that is often and her is marginalized and placed on the periphery things are often done to it and Forest without any really

+1 304-*-**91:** Community participation, I mean thought meaningful not just putting a notice in the paper, but actually being able to go door to door and let people know what's happening. So I'm just asking that you all please pump the brakes with this permit. Please try and make our community a safe as possible, and please consider extending the comment periods so that people can actually be informed and be able to participate in the processes. Thank you.

Nicole D Ernest: Thank you so much Cassie. Is there anybody else who was just to make a comment? That didn't register?

00:20:00

Nicole D Ernest: going once

Nicole D Ernest: going twice

Nicole D Ernest: Since there are no more comments for Specialty Products us llc's proposed Title 5 permit renewal. We will now close the hearing as a reminder. The comment period will close at 5 pm on Friday March 29th, 2024 written comments can be submitted via email to Nikki dot b dots at go by regular mail to Nikki Motes wvdep division of air quality. 601 57th Street Southeast, Charleston, West, Virginia 25304 Again, please make sure your name and contact information are in the hearing chat if you did not register for the hearing. Thank you so much for your interest and for taking time to attend this hearing have a good evening.

Meeting ended after 00:21:44 🙌

