SPAIN & GILLON, LLC
THE ZINSZER BUILDING
2117 SECOND AVENUE NORTH
BIRMINGHAM, ALABAMA 35203-3753

TELEPHONE (205) 328-4100
FACSIMILE (205) 324-8866

Wade C. Merritt

Writer's Direct Dial:
(205) 581-6266

WCM@Spain-Gillon.com

September 3, 2015

VIA U.S. MAIL AND CERTIFED MAIL, RETURN RECEIPT REQUESTED
Director Velveta Golightly-Howell, Director
United States Environmental Protection Agency
Office of Civil Rights (Mail Code 1201A)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-1000

Re: *Complaint No. 08R-15-R4*
Jefferson County Department of Health

Dear Director Golightly-Howell:

Jonathan Stanton with the Jefferson County Department of Health (the "Health Department") received a letter (stamped August 10, 2015, attached hereto as Exhibit "A") stating that the EPA's Office of Civil Rights ("OCR") has chosen to accept for investigation a Title VI complaint against the Health Department (the "Complaint"). Your office is aware this firm represents the Health Department regarding this matter. Please direct future correspondence to my attention.

This response, and the information contained herein, is based on the limited information that your office has provided to the Health Department. The Health Department reserves the right to respond in more detail and/or amend its response at any time, including at such time after OCR provides the Health Department with the Complaint or any related documents or information, regardless of when those documents or information may be provided.

According to OCR's August 10 letter, the central issue of the Complaint is the Health Department's issuance (renewal) of Major Source Operating Permit No. 4-07-0355-03 (the "permit" or "Walter Coke's permit"). Walter Coke's permit is the subject of another adjudicative proceeding before the EPA. (b) (7)(A) [redacted] (b) (7)(A) (b) (7)(A) [redacted] (b) (7)(A)

Certified Article Number
9414 7266 9904 2017 2818 73
SENDERS RECORD

(b) (7)(A) [redacted]

I. OCR has Withheld the Complaint from the Health Department.

By letter dated April 6, 2015 (attached hereto as Exhibit "B"), your office informed the Health Department that OCR had received (on March 3, 2015) the Complaint against the Health Department. Your office did not include a copy of the Complaint, identify who filed the Complaint, or provide any information regarding the alleged discriminatory act. On April 8, 2015, I wrote OCR (a copy of the letter is attached hereto as Exhibit "C") and requested a stamp-filed, unredacted version of the Complaint. Despite the passage of almost five months since my letter was sent (and six months since the Complaint was filed), your office has failed to provide the Health Department with a copy of the Complaint. If there is any legal authority that allows your office to refuse to provide the Complaint to the Health Department, or would otherwise excuse OCR for failing to provide a recipient with a copy of a Title VI complaint filed against it, please identify any such authority.

II. The Health Department Reserves its Rights.

This response (and all participation by the Health Department in the handling of this case by the EPA) is without waiver of or prejudice to any and all legal, procedural, and factual defenses which may be available to the Health Department. To the extent that information or documents are or may later be provided to the EPA, such is or will be done pursuant to a showing of relevancy and need on the part of the EPA and in accordance with directions by the EPA. (b) (7)(A) [redacted]

(b) (7)(A) [redacted]

(b) (7)(A) [redacted]

III. The Central Issue of the Complaint is the Subject of Another Pending Administrative Matter.

According to your most recent letter, the Complaint alleges that the Health Department's issuance (renewal) of Walter Coke's permit "resulted in racial discrimination against African-American residents in the adjacent community."

Your office may be unaware that David A. Ludder, on behalf of GASP, filed a Petition for Objection with the EPA on or around December 2, 2014. The Petition for Objection requests the "Administrator of the U.S. Environmental Protection Agency (EPA) to object to the Title V Major Source Operating Permit No. 4-07-0355-03 issued by the Jefferson County Department of Health to Drummond Company, Inc. [sic] for operation of the Walter Coke Facility." A copy of GASP's

Petition for Objection (without the accompanying exhibits) is attached to this letter as Exhibit "D." The Health Department understands that GASP's Petition for Objection remains pending before the EPA.

(b) (7)(A)

[redacted]

V. The Permit Was Issued In Accordance With All Applicable State And Federal Law.

(b) (7)(A)

[redacted]

(b) (7)(A) [redacted]

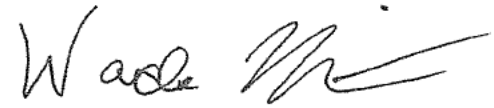
VI. Conclusion

The central issue of the Complaint is the issuance of Walter Coke's permit, which is the subject of another adjudicative proceeding before the EPA. The Health Department respectfully requests that OCR dismiss the Complaint (b) (7)(A) [redacted]
(b) (7)(A) [redacted]

If you have any questions concerning the Health Department's response, please contact our office.

Sincerely,

SPAIN & GILLON, LLC



Wade C. Merritt

WCM/dml
Enclosures
cc: Samuel Peterson, via U.S. Mail and Electronic Mail (Peterson.Samuel@epa.gov)

Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office

Kenneth Lapierre
Assistant Regional Administrator

Vickie Tellis
Assistant Regional Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

RECEIVED
AUG 13 2015
BY:

AUG 10 2015

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail# 7009 2820 0002 1759 1131

In Reply Refer to:
EPA File No. 08R-15-R4

Jonathan Stanton, PE
Environmental Health
Jefferson County Department of Health
1400 Sixth Avenue South
Birmingham, Alabama 35233

Re: Acceptance of Administrative Complaint

Dear Mr. Stanton:

The U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) has received, and is accepting for investigation, the March 2, 2015 administrative complaint, 08R-15-R4, filed against the Jefferson County Department of Health (JCDH). This complaint generally alleges that JCDH violated Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 United States Code §§ 2000d *et seq.*, and the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7, on October 3, 2014. Allegedly, JCDH issued a renewal of the Major Source Operating Permit Number 4-07-0355-03 to Walter Coke, Inc. which resulted in racial discrimination against African American residents in the adjacent community.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection or referral to the appropriate agency. *See* 40 C.F.R. § 7.120(d) (1). OCR accepts for investigation complaints that meet the four jurisdictional requirements described in the EPA's nondiscrimination regulations. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b) (1). Second, the complaint must describe an alleged discriminatory act that if true, may violate the EPA's nondiscrimination regulations (*e.g.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, the complaint must be filed within 180 calendar days of the alleged act. *See* 40 C.F.R. § 7.120(b) (2). Finally, the complaint must be against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

OCR has determined that the subject complaint meets the four jurisdictional requirements as stated above. First, the complaint is in writing. Second, the complaint describes an alleged discriminatory act that may violate the EPA's nondiscrimination

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regulations. Third, the alleged discriminatory act occurred within 180 days of the filing of the complaint. And finally, the complaint was filed against JCDH, a recipient of EPA financial assistance.

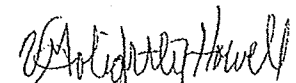
After careful consideration, OCR is accepting the following claim for investigation:

- Whether JCDH's October 3, 2014 issuance of Major Source Operating Permit Number 4-07-0355-03 to Walter Coke, Inc. resulted in discrimination on the basis of race against African American residents in the adjacent community in violation of Title VI.

The decision to investigate the claim in no way amounts to a decision on its merits. Rather, it means the complaint has met the jurisdictional criteria. EPA will begin gathering the relevant information and will discuss the matter further with both you and the claimant. If appropriate, we will then utilize OCR's internal procedures to determine the next steps. For example, the EPA's nondiscrimination regulations provide that OCR will attempt to resolve complaints informally whenever possible. *See* 40 C.F.R. § 7.120(d) (2). Accordingly, at any point in the process OCR is willing to discuss requests to informally resolve the complaint and may, to the extent appropriate, facilitate an informal resolution process with the involvement of affected stakeholders, including alternative dispute resolution (ADR) as described at http://www.epa.gov\civilrights\faq-adrt6.htm.

If you have questions regarding this letter, please contact Samuel Peterson of the OCR External Compliance Program at (202) 564-5393, via electronic mail at peterson.samuel@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460-1000.

Sincerely,



Velveta Golightly-Howell
Director

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office
(MC 2399A)

Kenneth Lapierre
Assistant Regional Administrator, (MC 9T25)

Vickie Tellis
Assistant Regional Administrator, MC 9T25

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

RECEIVED
APR 06 2015
BY:

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail # 7009-2820-0002-1759-0899

In Reply Refer to:
EPA File No: 08R-15-R4

Mr. Jonathan Staton, PE
Environmental Health
Jefferson County Department of Health
1400 Sixth Avenue South
Birmingham, Alabama 35233

Re: Notification of Receipt of Administrative Complaint

Dear Mr. Stanton:

This is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) received a complaint on March 3, 2015, alleging that the Jefferson County Department of Health (JCDH) violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 United States Code (U.S.C.) §§ 2000d *et seq.*, and the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

The OCR is responsible for processing and investigating complaints alleging discrimination by programs or activities that receive financial assistance from the EPA. Pursuant to the EPA's nondiscrimination regulations, the OCR will review the complaint for acceptance, rejection, or referral to another Federal agency. 40 C.F.R. §7.120(d)(1). Once this jurisdictional review is completed, the OCR will notify you about its decision.

The EPA's nondiscrimination regulations also provide that the OCR must attempt to resolve complaints informally whenever possible (40 C.F.R. §7.120(d)(2)). Accordingly, if your complaint is accepted for investigation, the OCR may discuss offers to informally resolve the complaint, and may, to the extent appropriate, facilitate an informal resolution process with the involvement of affected stakeholders.

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In the interim, if you have any questions about the status of this complaint, please contact Jeryl Covington of my staff at (202) 564-7713 or via e-mail at covington.jeryl@epa.gov.

Sincerely,

Jeryl W. Covington/for

Helena Wooden-Aguilar
Assistant Director
Office of Civil Rights

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office
(MC 2399A)

Kenneth Lapierre
Deputy Civil Rights Official, Region 4
(MC 9T25)

SPAIN & GILLON, LLC
THE ZINSZER BUILDING
2117 SECOND AVENUE NORTH
BIRMINGHAM, ALABAMA 35203-3753

TELEPHONE (205) 328-4100
FACSIMILE (205) 324-8866

Wade C. Merritt

Writer's Direct Dial:
(205) 581-6266

WCM@Spain-Gillon.com

April 8, 2015

VIA CERTIFIED MAIL AND U.S. MAIL
Ms. Helena Wooden-Aguilar
Assistant Director
U.S. Environmental Protection Agency
Office of Civil Rights
1200 Pennsylvania Avenue, N.W.
Mail Code 1201A
Washington, D.C. 20460

Re: EPA File No. 08R-15-R4

Dear Assistant Director Wooden-Aguilar:

The Jefferson County Department of Health (the "Health Department") has received a letter stating that the EPA's Office of Civil Rights ("OCR") received a complaint on March 3, 2015, that alleges the Health Department violated Title VI. The letter did not include a copy of the complaint, identify who filed the complaint, or provide any information regarding the alleged discriminatory act. Please provide a stamp-filed, unredacted version of the complaint that was filed against the Health Department. Please direct future correspondence regarding this matter to our attention.

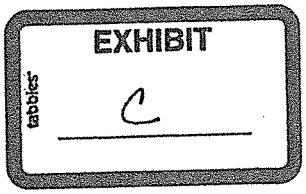
Sincerely,

SPAIN & GILLON, LLC

Wade Merritt

Wade C. Merritt

WCM/dml
cc: Jeryl Covington, via U.S. Mail and electronic mail



LAW OFFICE OF
DAVID A. LUDDER
A Professional Limited Liability Company

December 2, 2014

HEALTH OFFICER
DEC 05 2014

Hon. Gina McCarthy, Administrator
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Mail Code 1101A
Washington, D.C. 20460

Re: **Petition for Objection**
Walter Coke, Inc., Walter Coke Facility
Title V Major Source Operating Permit No. 4-07-0355-03
Jefferson County, Alabama

Dear Administrator McCarthy:

Enclosed for your consideration is a Petition for Objection to the above-referenced Title V permit submitted on behalf of GASP.

Sincerely,

David A. Ludder

cc:

Hon. Heather McTeer Toney, Regional Administrator
Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

C T Corporation System
Registered Agent for Walter Coke, Inc.
2 North Jackson St., Suite 605
Montgomery, AL 36104

Dr. Mark E. Wilson, Health Officer
Jefferson County Department of Health
1400 Sixth Avenue South
Birmingham, AL 35233

EXHIBIT
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9150 McDougal Court ◆ Tallahassee ◆ Florida 32312-4208 ◆ Telephone 850-386-5671
Facsimile 267-873-5848 ◆ Email DavidALudder@enviro-lawyer.com ◆ Web www.enviro-lawyer.com

BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF	)	
	)	
Walter Coke, Inc.	)	
Jefferson County, Alabama	)	**PETITION FOR OBJECTION**
	)	
Walter Coke Facility	)	
Title V Major Source Operating Permit	)	
No. 4-07-0355-03	)	
	)	
Issued by Jefferson County	)	
Department of Health	)	
	)	

Pursuant to section 505(b)(2) of the Clean Air Act ("CAA" or "Act"), 42 U.S.C. § 7661d(b)(2), and 40 C.F.R. § 70.8(d), GASP, an Alabama non-profit membership corporation, petitions the Administrator of the U.S. Environmental Protection Agency (EPA) to object to the Title V Major Source Operating Permit No. 4-07-0355-03 issued by the Jefferson County Department of Health to Drummond Company, Inc. for operation of the Walter Coke Facility. As required by these cited provisions, Petitioner is providing this Petition to the EPA Administrator, the Jefferson County Department of Health, and Walter Coke, Inc. Petitioner is also providing this Petition to the Regional Administrator of EPA Region 4.

(b) (7)(A) [redacted]

(b) (7)(A) [redacted] First, the permit does not comply with the provisions of Alabama's approved State Implementation Plan. Second, the Permit fails to assure compliance with and practical enforceability of the emission limits applicable to the Walter Coke

Facility. (b) (7)(A) [redacted]

(b) (7)(A) [redacted]

BACKGROUND

Walter Coke, Inc. applied to the Jefferson County Department of Health for reissuance of a Major Source Operating Permit on or about December 20, 2013. After a public notice and comment period, the Jefferson County Department of Health submitted proposed Major Source Operating Permit No. 4-07-0355-03 to EPA Region 4 for review on or about August 21, 2014.

During the public comment period on the draft Major Source Operating Permit No. 4-07-0355-03, GASP timely submitted written comments to the Jefferson County Department of Health on June 16, 2014. (Exhibit A). GASP raised all issues in this Petition in its comments to the Jefferson County Department of Health.

EPA received the proposed Title V Permit from the Jefferson County Department of Health on August 21, 2014. EPA's 45-day review period ended on October 4, 2014. (b) (7)(A) [redacted]

(b) (7)(A)) [redacted]

A) [redacted] The Jefferson County Department of Health issued Major Source Operating Permit No. 4-07-0355-03 to Drummond Company, Inc. on October 3, 2014. (Exhibit B).

(b) (7)(A) [redacted]

BASES FOR OBJECTION

A. General Permit Condition 14 does not assure compliance with particulate emission requirements of SIP

40 C.F.R. § 70.6(a)(1) mandates that a Title V permit "assure compliance with all applicable requirements." Applicable requirements include emission limitations on particulates necessary to achieve ambient air quality standards for PM10 and PM2.5. General Permit Condition 61 of Major Source Operating Permit No. 4-07-0355-03 does not assure compliance with Part 6.2 of the Jefferson County Air Pollution Control Rules and Regulations ("Fugitive Dust") or Ala. Admin. Code r. 335-3-4-.02 ("Fugitive Dust and Fugitive Emissions"). The latter rule is part of the Alabama State Implementation Plan to achieve ambient air quality standards for PM10 and PM2.5. General Permit Condition 61 does not assure compliance with emission limitations on particulates because it is unconstitutionally vague and unconstitutionally restrictive. In Ross Neely Express, Inc. v. Alabama Department of Environmental Management, 437 So.2d 82 (Ala. 1983), the Alabama Supreme Court struck down a nearly identical State rule governing fugitive dust. The Court held that the requirement to take "reasonable precautions" to prevent particulate matter from becoming airborne was unconstitutionally vague and the prohibition against causing the discharge of visible fugitive dust emissions beyond the lot line was unreasonably and unconstitutionally restrictive. *See Comments of GASP on Proposed Reissuance of Major Source Operating Permit No. 4-07-0355-03 to Walter Coke, Inc.* (June 16, 2014) at 41-42 (Exhibit A) (incorporated herein by reference). While some "reasonable precautions" have been identified in the final Permit, all unspecified "reasonable precautions" are unenforceable because they are unconstitutionally vague. Condition 61 also continues to include

the unenforceable and unconstitutionally restrictive prohibition against "the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate." Thus, General Permit Condition 61 of Major Source Operating Permit No. 4-07-0355-03 does not assure compliance with applicable requirements.

B. Permit requirements do not assure compliance with prohibition against "air pollution" (toxic air pollutants, particulates, odors) in SIP

40 C.F.R. § 70.6(a)(1) mandates that a Title V permit "assure compliance with all applicable requirements." Applicable requirements include provisions of the Alabama State Implementation Plan, specifically Ala. Admin. Code r. 335-3-1-.08 ("Prohibition of Air Pollution"). *See also* Jefferson County Board of Health Air Pollution Control Rules and Regulations Part 1.13 (prohibition against causing "air pollution"). Major Source Operating Permit No. 4-07-0355-03 does not assure compliance with r. 335-3-1-.08 or Part 1.13 because it allows Walter Coke, Inc. to permit or cause the emission of toxic air pollutants in such quantities and duration as are, or tend to be, injurious to human health; to permit or cause the emission of particulates in such quantities and duration as are, or tend to be, injurious to welfare or would interfere with the enjoyment of life or property; to permit or cause the emission of odors which are unpleasant to persons or which tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or cause symptoms or nausea, or which by their inherent chemical or physical nature or method or processing are, or may be, detrimental or dangerous to health. *See Comments of GASP on Proposed Reissuance of Major Source Operating Permit No. 4-07-0355-03 to Walter Coke, Inc.* (June 16, 2014) at 26-40 (Exhibit A) (incorporated herein by reference). The evidence demonstrates that existing

pollution controls do not eliminate "air pollution," *i.e.*, toxics pollutants in such quantities and duration as are, or tend to be, injurious to human health, particulates in such quantities and duration as are, or tend to be, injurious to welfare or would interfere with the enjoyment of life or property, and odors which are unpleasant to persons or which tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or cause symptoms or nausea, or which by their inherent chemical or physical nature or method or processing are, or may be, detrimental or dangerous to health. *Id.* Thus, Major Source Operating Permit No. 4-07-0355-03 does not assure compliance with all applicable requirements.

C. General Permit Condition 45 does not assure compliance with prohibition against "air pollution" (odors) in SIP

40 C.F.R. § 70.6(a)(1) mandates that a Title V permit "assure compliance with all applicable requirements." Applicable requirements include provisions of the Alabama State Implementation Plan, specifically Ala. Admin. Code r. 335-3-1-.08 ("Prohibition of Air Pollution," including odors). *See also* Jefferson County Board of Health Air Pollution Control Rules and Regulations Part 1.13 (prohibition against causing "air pollution"). General Permit Condition 45 (Abatement of Obnoxious Odors) in Major Source Operating Permit No. 4-07-0355-03 does not assure compliance with r. 335-3-1-.08 or Part 1.13 because it allows Walter Coke to permit or cause the emission of unlawful odors when such odors have not been characterized as "obnoxious" by a Department inspector or when the Health Officer has not determined that such odors may be abated by measures that are "technically and economically feasible" for the company to implement. Thus, General Permit Condition 45 of Major Source Operating Permit No. 4-07-0001-03 does not assure

compliance with all applicable requirements. *See Comments of GASP on Proposed Reissuance of Major Source Operating Permit No. 4-07-0355-03 to Walter Coke, Inc.* (June 16, 2014) at 42-43 (Exhibit A) (incorporated herein by reference). In addition, the requirements of General Permit Condition 45 are vague and unenforceable.

D. Permit lacks monitoring and reporting requirements sufficient to determine compliance with prohibition against "air pollution" (toxic air pollutants)

40 C.F.R. § 70.6(a)(1) mandates that a Title V permit "assure compliance with all applicable requirements." Applicable requirements include provisions of the Alabama State Implementation Plan, specifically Ala. Admin. Code r. 335-3-1-.08 ("Prohibition of Air Pollution"). *See also* Jefferson County Board of Health Air Pollution Control Rules and Regulations Part 1.13 (prohibition against causing "air pollution"). Prohibited air pollution includes the emission of toxic air pollutants in such quantities and duration as are, or tend to be, injurious to human health. Major Source Operating Permit No. 4-07-0355-03 lacks monitoring and reporting requirements sufficient for the public and government regulators to determine whether the Walter Coke facility is in compliance with r. 335-3-1-.08 and Part 1.13 because it fails to require the measurement of air toxics that are emitted by the Walter Coke facility and the measurement of air toxics to which the public are exposed. *See Comments of GASP on Proposed Reissuance of Major Source Operating Permit No. 4-07-0355-03 to Walter Coke* (June 16, 2014) at 26-34; 40-41 (Exhibit A) (incorporated herein by reference). Thus, Major Source Operating Permit No. 4-07-0355-03 does not assure compliance with all applicable requirements.

E. Jefferson County Department of Health did not comply with procedural requirements of Clean Air Act.

On April 23, 2014, GASP submitted to the Jefferson County Department of Health a written request to review the Walter Coke permit application, emissions testing data, emissions estimates and bases, application and company-provided analyses, and other documents. *See Comments of GASP on Proposed Reissuance of Major Source Operating Permit No. 4-07-0355-03 to Walter Coke* (June 16, 2014) at 46. In response, the Department provided Walter Coke's Title V permit application to GASP with nearly all emissions data and signatories redacted. These redactions are not permissible under Jefferson County Air Pollution Control Regulations, Part 1.6; the Alabama Air Pollution Control Act, Ala. Code § 22-28-20; and the Clean Air Act, 42 U.S.C. §§ 7414(c) and 7661b(e).

On May 12, 2014, GASP demanded that the Health Officer provide GASP with Walter Coke's justification for the redactions made in the application. GASP also requested that the Health Officer provide a copy of his determination that the "showing" made by Walter Coke, Inc. is "satisfactory." *See Comments of GASP on Proposed Reissuance of Major Source Operating Permit No. 4-07-0355-03 to Walter Coke* (June 16, 2014) at 46. No response has been received from the Health Officer.

Until the application – with the unlawful redactions removed – has been made available and the public has had a fair and meaningful opportunity to comment on the application, (b) (7)(A) [redacted]

CONCLUSION

(b) (7)(A) [redacted]

DATED: December 2, 2014

Respectfully submitted,

David A. Ludder
Attorney for GASP
Law Office of David A. Ludder, PLLC
9150 McDougal Ct.
Tallahassee, Florida 32312-4208
Phone: (850) 386-5671
Fax: (267) 873-5848
Email: davidaludder@enviro-lawyer.com

CERTIFICATE OF SERVICE

I, David A. Ludder, hereby certify that I have served the foregoing "Petition for Objection" on the following persons by placing the same in the U.S. Mail, postage prepaid and addressed as follows:

Hon. Gina McCarthy, Administrator
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Mail Code 1101A
Washington, D.C. 20004

Hon. Heather McTeer Toney, Regional Administrator
Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

C T Corporation System
Registered Agent for Walter Coke, Inc.
2 North Jackson St., Suite 605
Montgomery, AL 36104

Dr. Mark E. Wilson, Health Officer
Jefferson County Department of Health
1400 Sixth Avenue South
Birmingham, AL 35233

Done this 2nd day of December, 2014.

David A. Ludder

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
AIR, PESTICIDES & TOXICS MANAGEMENT DIVISION
61 Forsyth St., S.W.
Atlanta, Georgia 30303
Fax Number: 404-562-9019

Electronic Transmission

MEMORANDUM

Date: October 3, 2014

To: Jonathan Stanton, P.E.
Director, Environmental Health Services
Jefferson County Department of Health

From: Randy Terry, Environmental Scientist
Air Permits Section, Air Planning Branch
U.S. EPA, Region 4

Subject: Review of Renewal Title V Permit
Walter Coke

cc: Heather Ceron, Air Permit Section Chief, EPA Region 4

(b) (7)(A)

[redacted]

EXHIBIT
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