

# Appendix C

## Hearing Transcription Charlotte Pipe & Foundry Company, Inc. Title V Permit Renewal May 8, 2019

Leslie Rhodes: Good evening ladies and gentlemen and welcome. It's 6:00 now so we'll begin the public hearing. My name is Leslie Rhodes, I'm the director of Mecklenburg County Air Quality. Our purpose here this evening is to receive your comments for consideration in the title five operating permit renewal for Charlotte Pipe and Foundry Company Incorporated. The focus of the hearing is the proposed permit renewal and the applicability of air quality regulations. I want to thank you for being a part of this hearing and thank you for your interest in air quality. At this time, I'll review the public comment process that led to this evening's hearing. The 30-day required public notice for this proposed issuance of the Charlotte Pipe and Foundry Renewal Permit was published on February 11th, 2019 in The Charlotte Observer. On the same day, the notice along with the draft permit and supporting reviewed documents were posted on Mecklenburg County Air Quality's website, and have been available here at our offices at 2145 Suttle Avenue since that time.

Leslie Rhodes: These documents are also available here tonight for review at the registration desk just outside this room. Mecklenburg County Air Quality received one comment letter and request for public hearing during this comment period. As the director of Mecklenburg County Air Quality, I determined that a public hearing was in the best interest of the public so that additional comments on the renewal permit can be received. This evening both oral and written comments may be presented. All comment should be related to air quality and the renewal of the permit. At this time, I would like to introduce tonight's hearing officer Peter McGrath. Peter serves as the chair of our Air Quality Commission, a citizen advisory board to the board of county commissioners. I'll turn the hearing over to Peter so that he can review procedural requirements and begin taking comments.

Peter McGrath: Thank you Leslie. As Leslie mentioned my name is Peter McGrath and I'm the chair of the Mecklenburg County Air Quality Commission. I'm appointed by Leslie in her capacity as director of Mecklenburg County Air Quality to act as a hearing officer for this hearing. Our purpose here as Leslie said is to receive your comments, both written and oral for consideration on the renewal of the air quality permit for Charlotte Pipe and Foundry Inc. To provide time for everyone wishing to present comments, this meeting will be conducted in the following manner. We will receive comments from those persons who have registered to speak by completing a registration card indicating a desire to deliver oral comments. If you are here and have not registered to speak but wish to do so,

you may sign up at the registration table just outside that door. We'll an effort to recognize speakers in the order in which they registered.

Peter McGrath: To afford an opportunity for all persons desiring to speak, oral statements will be limited to a maximum of three minutes. Evan Shaw, senior environmental specialist with Mecklenburg County Air Quality, will be our timekeeper this evening. He will hold up a sign indicating when each speaker has 30 seconds remaining, and he'll hold up another sign when the speaker's time is up. I would ask each speaker to please make every effort to keep this time allowance. If you wish to provide written comments, please place them in the box at the registration table, in the boxes beside the speaker podium and we're actually going to be using this podium over here as the speaker podium. Or you can email your comments to [leslie.rhodes@mecklenburgcountync.gov](mailto:leslie.rhodes@mecklenburgcountync.gov). Leslie's business cards with her email address are available next to the speaker podium. They're actually on the table next to the box for written comments.

Peter McGrath: In addition to any comments received this evening, the hearing record will remain open through May 10th, 2019. Presenters are strongly encouraged to submit written copies of their presentation. Cross examination of the person presenting comments will not be allowed. However, as the hearing officer, I may ask questions for clarification. Questions directed to staff members will not be answered during this hearing. However, Mecklenburg County Air Quality staff members will remain and be available after the close of the hearing.

Peter McGrath: Based on the information received during tonight's hearing and through May 10th, a hearing officer's report will be made available summarizing this hearing. Additionally, a response to comments including a final decision on the permit will be prepared and sent to each commenter. Both documents will also be available on the Mecklenburg County Air Quality website. I ask you to respect each other's time by remaining quiet while others are speaking. I ask that you not applaud or offer verbal comments either in support or opposition while others are making their comments. Everyone who wishes to speak will be given an opportunity to do so. After everyone has been given an opportunity to comment, this portion for the public hearing will be closed.

Peter McGrath: We will now hear first from those in the audience who have indicated on the registration form that they would like to present oral comments. When your name is called, please make your way to the podium. To ensure that our records are complete, please clearly state your name and whom you are representing. Your comments will be recorded so please speak loudly and clearly into the microphone. After the speakers have finished, if others in the audience who would like to comment, they will then be given the opportunity to do so as time allows. I will do my best to pronounce your names and I apologize in advance for any errors. In order to save some time, I will announce the next speaker so they can also come to the front and be prepared to speak. Our first speaker tonight is a Calvin Cupini from Clean Air Carolina.

Calvin Cupini: Thank you very much. My name is Calvin Cupini. I'm from Clean Air Carolina. I have written statements that will be submitted as well and in them are some citations to county ordinance. I'll just list then the number of them while I'm speaking to save time.

- Peter McGrath: Very good.
- Calvin Cupini: My name is Calvin Cupini. I'm a program manager for the air keepers of Clean Air Carolina, a statewide nonprofit whose mission is to protect and improve air quality for all citizens in North Carolina. I'm writing to express concern for the renewal of the title five permit of Charlotte Pipe and Foundry for inconsistency with the MCAPCO Section 1.5500 Title five procedures and 1.5513 permit renewal and expiration.
- Calvin Cupini: Charlotte Pipe and Foundry has been one of the largest emitters in the county's history and is now more than ever a close neighbor to communities across Charlotte especially on the west side. Historically, Charlotte's north and west sides have been populated by minority and low income communities, who no fault of their own share a disproportionate burden of environmental hazards and air quality concerns. This region is specified by Mecklenburg County as a public health priority area due to social determinants of health, impacting the community's outcomes and affecting their quality of life.
- Calvin Cupini: The Charlotte Pipe and Foundry is one of the largest contributors to air pollution and represents an actionable nuisance to the community at large. MCAPCO 1.5109 nuisance, and the definition is the source shall not discharge any air contaminants or other material to cause injury, detriment, nuisance, annoyance or endanger the comfort, repose, health or safety of the public or property.
- Calvin Cupini: The foundry has a long history of odor complaints, which have been lobbied by the community. Over 240 have been recorded by Mecklenburg County, LUESA in their action item database. These complaints come from a variety of neighborhoods and callers. Some of these complaints go without onsite investigation by staff and some others are lumped together. The ordinance states that odor control procedures and equipment must be in place. However, since the start of 2017 there have been over a hundred new complaints about odor. This is clear evidence that the control requirements are not sufficient to prevent odorous emissions from creating an actionable nuisance in the community. 1.5109: nuisance control requirements.
- Calvin Cupini: One of the major components of the permit includes particulate matter emissions. Residents in the nearby community who have installed their own sensors at homes across the street from the facility as part of a citywide sensor network, have noticed multiple instances of readings higher than identical sensors stationed around the rest of the city. Until recent developments in widely adopted low costs particulate matter sensors, odor would have been the only actionable complaint a community member could report. Residents assert that this constitutes the best possible substantive complaint for actionable nuisance due to fugitive PM and dust emissions. Regulation 2.0540 particulates from fugitive dust emission sources.
- Calvin Cupini: According to the county ordinance permits must be revoked or modified if there have been changes in conditions such as, "Changes in surrounding land use, affected population or relevant documented advances in scientific medical or technical knowledge." I can submit the rest by writing. Thank you very much.

- Peter McGrath: Thank you. Mr. Cupini. Next we'd like to hear from Daniel Parkhurst.
- Daniel Parkhurst: Good evening. My name is Daniel Parkhurst. I'm the policy manager at Clean Air Carolina. I think you've heard of what we cover and who we're representing tonight. And really I'd just like to speak for those citizens of Mecklenburg County specifically. As the largest title five polluter in the city of Charlotte, Pipe and Foundry has a unique responsibility to the communities that's lived next door, a responsibility that's underlined by the age of this facility. Families have grown up, raised kids and passed on legacies next to Pipe and Foundry, next door to those emissions. Now we know the deleterious effects of particulate matter, ozone and VOCs on health outcomes. PM and ozone have been shown to exacerbate heart disease, stroke, chronic lower respiratory diseases, worse birth outcomes, mental health issues such as anxiety, depression, metabolic diseases such as diabetes. Nearly one in five of our children in this state have been diagnosed with asthma, which has been directly linked to particulate matter and ozone.
- Daniel Parkhurst: An exposure to all of these over the course of your life, from childhood to your senior years, increases these risks. And that's the exact kind of longterm exposure that the surrounding communities have had for multiple generations. Exposures and effects based solely on where you live, solely on where you were raised. So now, Charlotte Pipe and Foundry has made steps to mitigate their emissions and to try and decrease odors coming from this facility, which is true. However, these efforts have not been absolute by any measure. Emissions continue, exposure continues, and the odor complaints have not stopped as we heard. In fact, apart from the dozens in 2018 the most recent one, I think was in April 30th. And if we drove by today with our windows down, we could smell it today even. So the odor definitely continues.
- Daniel Parkhurst: But for all of these reasons and more, it's really time for Charlotte Pipe and Foundry to be a better neighbor to the communities around them, and engage in a community benefits agreement. The signed agreement would outline and require specific amenities and mitigations to the local community and neighborhoods. Charlotte Pipe and Foundry's had a huge impact on her neighbors, and that's why it's critical that a CBA reflect the values of those communities and recognize the responsibility of Pipe and Foundry to promote the wellbeing of her neighbors. So we envision a CBA for the community that encompasses quality jobs, responsible businesses, affordable housing, safe neighborhoods.
- Daniel Parkhurst: Charlotte Pipe and Foundry's air Permit is about more than just the company and its workers. It's really about the residents, the school children, the merchants, the local business owners, the church-goers, the entire community around them is affected by their operations. And a strong CBA will help to reflect that. It's the result of the whole community coming together to decide what kind of place they really want to live in. So we're not here to stop business. I'm not here to vilify Charlotte Pipe and Foundry. I'm here to ask to work collaboratively for the common good to ensure that Charlotte Pipe and Foundry works for and with her neighbors to come together. Thank you so much.
- Peter McGrath: Mr. Parkhurst can I ask one question for sake of clarification.

- Daniel Parkhurst: Yes sir.
- Peter McGrath: The Community Benefits Agreement that you contemplate, would you intend that to include as a party, Mecklenburg County Air Quality or any other authority of the local government?
- Daniel Parkhurst: I would encourage Mecklenburg Air Quality to be an observer and to encourage this kind of communication and agreement between the community. I do not foresee them as a direct signer in any way. They should not be. This should be strictly between the community and Charlotte Pipe and Foundry. However, as it relates to the air permit as it relates to the entire community, I think the county should be aware and encourage this kind of action to move forward.
- Peter McGrath: Wonderful. Thank you very much. Next, I would ask out Maryann Lawler to speak please.
- Maryann Lawler: Thank you for the opportunity to testify on renewal of the air quality permit for Charlotte Pipe and Foundry Company Incorporated. Our condominium, The Trademark at 333 West Trade Street is affected by the emissions from Charlotte Pipe and Foundry Company. Our building manager has reported odors to the county several times. For many years we have experienced smokey or sulfury odors which have been attributed by many to the foundry. These usually occur in the morning. Our rooftop heating and cooling units pick up the odor and distribute it through the hallway events. We've had numerous reports internally of smoke-like or sulfur-like odors in the building. It is a nuisance. We are very concerned about emissions of nitrous oxides. They damage lung tissue.
- Maryann Lawler: This permit allows some of the emissions to continue, although limited per calendar day during certain seasons. We would like them eliminated altogether. We also strongly support the proposal by Clean Air Carolina for Charlotte Pipe and Foundry to be a good neighbor and invest in the communities that have breathed harmful emissions for decades. To do this, we urge the company to negotiate a Community Benefits Agreement with local residents detailing public commitments by Charlotte Pipe and Foundry to help the community stakeholders and others affected by their facility. I'm personally committed, as are my friends and several people have signed this letter, to environmental justice in Charlotte to historic west end, throughout Charlotte's historic west end. I'd also like to associate myself with the remarks of the previous two speakers. Thank you very much.
- Peter McGrath: Thank you very much. Next I would ask Jeffrey Dunbar to speak please.
- Jeff Dunbar: Good evening, and thank you for this hearing. My name is Jeff Dunbar. I'm representing the Wilmore neighborhood Association tonight. In my day job, I'm the director of Sustainability Consulting Services for CB Richard Ellis, but I have a master's in environmental science and I've been on the Wilmore Neighborhood Association Board for the past two years. In that time I've been heading up environmental issues for the board. I just want to say on behalf of the neighborhood association, I want to echo the comments of the previous speakers, we do respect the position of the foundry as a longstanding member

of, of our neighborhood and our community, a big employer and all those things are good. We're not here to shut down companies, but we are candidly hugely frustrated by the ongoing air quality issues that are attributable to the pipe foundry.

Jeff Dunbar: I would say we have made fairly heroic efforts as a community and as a neighborhood to try to report those complaints and we've frankly felt like most of those complaints have fallen on deaf ears. So that's been hugely disappointing. And since I joined the board in the past two years, we actually took it on ourselves to begin to track the complaints coming out of our neighborhood. Of the 600 homes in our neighborhood are so, that are actively participating in a neighborhood association tool called next door that we use, over three month period, we logged 36 complaints from 18 different people on 17 different days. All complaining about air quality issues associated with the pipe foundry. And it's from people all over our neighborhood. It's not just one street, it's not just board members, it's not just a handful of people, two or three people who complain every day. It's not that.

Jeff Dunbar: And these aren't complaints saying, "Oh gosh, it smells kind of funny in the air." These are people saying, "I have a headache." Or, "My kid is coughing today." That kind of thing. In response to that, kind of knowing what the scope of the problem was, we are one of those neighborhoods that actually worked with Clean Air Carolina to install purple air monitors. I believe it's the right way to say it. And I wanted to hold up in my hand some evidence of the kinds of monitoring data that we're collecting every 18 seconds now in our neighborhood. And so here is an example of... We have two monitors within four blocks of the pipe foundry. And this is a screenshot from my iPhone of the air quality monitoring data that's coming in. And on the purple layer website, it's showing that in Wilmore we've got a hotspot of a reading of 99. Okay. Compared to other readings at other spots around the city that are all much lower, and this is during commuting times.

Jeff Dunbar: These other spots are on major commuting thoroughfares, I-77, 2-77, et cetera. So don't think we can attribute this necessarily just to car traffic and that sort of thing, but we are absolutely collecting real time data now and we're going to be working with Clean Air Carolina to evaluate that data and better understand when is this happening, and how bad is it. And we would like to submit that as part of the public record as well. So I've got several screenshots and many more to come. Thank you.

Peter McGrath: Understood. Thank you very much. Next, I would ask Steve Weber to speak please.

Steve Weber: Good evening. Mr Chairman, Director Rhodes, county staff. I'm here on behalf of applicant, Charlotte Pipe and Foundry Company. We appreciate county staff who organized this hearing this evening. We also appreciate county staff giving the community the opportunity to learn more about the air permitting process and to provide comments on Charlotte Pipe's air permit application and draft permit. County staff already posted information on its website regarding Charlotte Pipe's air permit application and the draft permit. So I'll not spend time going over those items. We wanted to take a few minutes to introduce

ourselves and provide a few additional comments. First, a few words of background. Charlotte Pipe is headquartered here in Charlotte, has seven facilities across the United States. Charlotte Pipe is the nation's leading producer of cast iron and plastic, pipe and fittings for plumbing applications. Charlotte Pipe has been in continuous operation in Charlotte in this community since 1901. Currently, Charlotte Pipe has a total of 1500 employees in all of its divisions.

Steve Weber: Each year Charlotte Pipe makes significant contributions to the Charlotte community through payroll and charitable contributions. Charlotte Pipe's charitable giving arm, in fact, The Dowd Foundation donates approximately three to three and a half million dollars each year to education, human arts, human service, arts-related organizations in Mecklenburg County and other surrounding counties. Charlotte Pipe is applying to renew its existing air permit that was first issued by the county many years ago. Federal and local law require all industries with the existing air permits to renew those permits every five years. Charlotte Pipe submitted an application to renew its air permit to Mecklenburg County Air Quality last summer.

Steve Weber: Mecklenburg County Air Quality reviewed Charlotte Pipe's application and made two determinations. The first determination was that the application is complete, meaning that it contains all necessary information. And number two, the application complies with federal and local air quality statutes and regulations that apply to the facility. Charlotte Pipe is pleased that Mecklenburg County has made these determinations and looks forward to completing the permitting process. Again, we appreciate Mecklenburg County Air Quality's work reviewing Charlotte Pipe's application and preparing a draft permit. We also have appreciated the opportunity to participate in the hearing this evening. Thank you.

Peter McGrath: Thank you Mr. Weber. Next I'd ask Steve Rundle to speak please.

Steve Rundle: Thank you. Hi, I'm Steve Rundle. I am the environment in green jobs development chair for the Charlotte Mecklenburg NAACP here on the ground. And obviously because Charlotte Pipe and Foundry, the emissions affect the Wilmore neighborhood, Wesley hills, Westover hills, depending on which direction the wind's blowing that day. And because you have communities of color that are disproportionately effected in a lot of those communities, the NAACP has a concern in seeing that the community has a say and a voice in the process with Charlotte Pipe and Foundry. So we would echo the call for a Community Benefit Agreement between Charlotte Pipe and Foundry and the local neighborhoods there to literally address what the neighborhood is finding in the way of ongoing problems, odors, et cetera, and to see what benefits can be derived to the neighborhood to offset some of the impact that they're clearly undergoing on an ongoing basis. So we again would support a Community Benefits Agreement and urge you to include that if you can in your licensing. All right. Thank you.

Peter McGrath: Thank you Mr. Rundle. That is all the registration forms that I have received so far. Is there anyone else who has not registered and would like to offer any oral comments? Thank you. If no one... I'm sorry.

Adam Burg: Good evening everybody. My um. My name is Adam Burg, very impromptu as I was going to speak tonight. I'm also a neighbor. I live in the Wilmore neighborhood, I have for the past six years. And everything that we have heard from the previous speakers have of West Trade Street, the Clean Air Carolina, NAACP, I'm here to just tell you all that the tests and all of that, it is very much true. I moved here six years ago and on a monthly basis I hose down my front porch and it is dark sediment. Large, dark sediment the size of a pinhead, if not larger, is what we're breathing and what's coming around in the air and it's contributing to all of these issues. And so the only thing I really ask is that we have been told over the last six years, the neighborhood association, that we have partnered with Charlotte Pipe and Foundry. They've been very, very gracious with sharing information. They've been very great partners. But what they're telling us is that whatever they have in place with the filters and the stacks and all these other things that are way above my pay grade, meet these parameters and these guidelines set forth by the EPA or other government entities as yourself.

Adam Burg: My only question to you is how do we know those parameters are enough? I can sit here and I can hose down every house and every porch in probably a mile radius and you'll get the sentiment. So clearly the parameters and the guidelines in place today are not enough. So my question is when do we revisit those, and maybe raise the bar? And in the meantime, perhaps further partner with Charlotte Pipe and Foundry to put a halt on what they're trying to renew until we get to the bottom of the data and the facts. Something of this magnitude needs to be data driven, which I think we have shown through all the institutions that have been here today. And I think we need to continue that conversation until a renewal is met. Thank you very much.

Peter McGrath: Thank you. Thank you. Did you fill out a card, or a registration? I just want to make sure we have your information. Could you leave that in the-

Adam Burg: Yes, I will.

Peter McGrath: ... in the box. Okay. Thank you. Is there anyone else who would like to speak who is... Oh yes, okay. Thank you.

Joseph Williams: Hello. Good evening. My name is Joseph Williams. I'm also a resident of the Wilmore neighborhood, a concerned resident of the Wilmore neighborhood. I'm also the father of two small children. I have deep concerns over the current operations of Charlotte Pipe, and these concerns are from numerous days walking out my front porch and walking through the neighborhood and smelling that sulfuric, noxious, very pungent odor. Some days it can give you a headache, and feeling the effects of that. And a lot of times making those calls to Mecklenburg Air Quality to lodge those complaints. A lot of times it's after hours and there's nothing that really can be done with that. Hopefully with the Community Benefits Agreement, whatever it is, trying to push the pipe foundry to do more, to be a better neighbor and to be a better citizen of Charlotte and Mecklenburg County, try to help us out as a neighborhood so we aren't seeing all these effects.



Joseph Williams: I also own a white car and we talk about washing off soot from porches. And owning a white car you can see how that's slow accumulation of particulates and soot starts to turn your car gray after a couple of days depending on how the wind blows. And so that's kind of a real visual impact of if it's doing that to my car, what is it doing to the ground that my kids play on? Just worried about all of that so... Thank you.

Peter McGrath: Thank you. If you could leave your contact information with us as well.

Joseph Williams: Yeah. I want to finish filling this out.

Peter McGrath: Okay. Pretty good. Thank you. Is there anyone else who would like to speak? Anyone who's registered or who is not registered? If no one else wishes to speak, I would like to thank all of you for your attendance this evening and for your interest. I will take this time to remind you again that written comments will be accepted until 5:00 PM on May 10th. At that time the comment time will expire and the record will be closed. Based on the information received during tonight's hearing and through May 10th, the hearing officer's report will be made available summarizing this hearing. Additionally, a response to comments, including a final decision on the permit will be prepared and sent to each commenter and both comments will also be available on the Mecklenburg County Air Quality website. With that, I hereby adjourn this public hearing. Thank you.