

Judge Allows Emissions Information to be Hidden from the Public

Although State and Federal laws, NC-DAQ and NC-EMC say Emissions Documents are Public Records

By Beverly Kerr

(League Line Fall 2012) Since 2006 Alamance County neighbors have been fighting for relief from a galvanizing plant that slipped into the neighborhood and started operating next to a child care center and private residences, creating concerns about air pollution, noise, chemical smell and traffic issues. Since then, environmental and public health concerns continue to be a source of stress to families in this rural community.

Soil Contamination Health Risk: At the request of citizens who live near the SAG plant, BREDL obtained a lab analysis of soil samples collected in the vicinity of the plant. The lab analysis confirmed soil conditions and concentrations of heavy metals cadmium, chromium, lead and zinc that clearly indicated a significant risk to human health. All four heavy metals are emitted from galvanizing plant operations. According to the EPA, soil contaminated with heavy metals can pose a public health risk, especially for children. With this information in hand, neighbors requested help from sources including Alamance County Health Department, Planning Board and County Commissioners, North Carolina Department of Air Quality and the EPA.

NEW BREDL Chapter forms: Even though no local help was provided, the campaign continued, not only for relief from SAG, but also to help Alamance County decision makers realize the importance of proper placement and regulation of polluting industries. In 2010, Neighborhood Environment Watch (NEW) formed a BREDL Chapter and continues to research the galvanizing process and to call for the enclosure of the plant and the permitting of the emissions.

Secret Documents Discovered by BREDL: In August 2011 BREDL staff discovered documents that revealed a secret pact between SAG and NC Division of Air Quality (NC-DAQ) to keep certain air emissions data confidential. BREDL called for that information to be released based on Federal and State law.

Legal Battle: On October 2011 NC Department of Air Quality agreed with BREDL that documents should not have been kept confidential and agreed to release them to BREDL for review. Soon after, SAG appealed to the NC Environmental Management Commission, who concurred with DAQ and BREDL. However, SAG then appealed to Superior Court and a hearing was held on June 4, 2012. Judge Howard Manning ruled for SAG and directed DAQ to return the documents to SAG. BREDL requested to intervene in the case and was denied.

Future Plans: Now, BREDL is considering other legal and administrative actions and calls for DAQ to appeal the case. BREDL and the affected communities call for NC-DAQ to uphold the law and not allow the documents to be returned to SAG and be destroyed. SAG's emission records must be made public in order to know the real exposures of those living nearby. Many other galvanizing plants have accepted their environmental responsibility and have implemented more sustainable business practices. These facilities show us that it is possible to reduce environmental impact, but SAG will never feel the need if they are allowed to continue to hide the truth from the public. The question that remains is this: Why has SAG spent so much money on keeping these emissions data covered up and what are they trying to hide? Is there more information buried at the DAQ that will give us a better picture of what is going on?

Positive Results from improper cover up: Although disappointed in Judge Manning's ruling, the outcome has led to positive results. The local news media has covered the campaign well and citizens have been made aware of the hazards of galvanizing. While there is appreciation for DAQ, The Attorney General's office and the NC Environmental Commission for their correct application of public records law to this case, neither the news media nor the citizens of Alamance County seem to appreciate the contrary order by Judge Manning. Although emissions information is clearly public information, Judge Manning's allowed the emissions information to be hidden from the public, despite State and Federal law. Those who were not previously interested are now expressing concern and speaking up for a more transparent and open government process. This is not the end of our concern, or our campaign. BREDL and NEW challenge citizens and especially young people to become aware of local environmental issues and to take action to heal and protect the earth. ♦