Blue Ridge Environmental Defense League

Jeff Cole
North Carolina Division of Air Quality
Fayetteville Regional Office
225 Green Street, Suite 714
Fayetteville, NC 28301-5095

March 3, 2021

Re: Comments on draft permit for International Tie Disposal, LLC

Dear Mr. Cole:

I offer these comments on behalf of Blue Ridge Environmental Defense League (BREDL), our chapter Concerned Citizens of Richmond County (CCRC) and our North Carolina members. International Tie Disposal (ITD) is proposing to dispose of creosote railroad ties and other unknown types of "clean" wood by using a pyrolysis method in order to convert these waste products into "biochar."

Environmental Justice

Richmond County is not alone in being targeted by dirty industry; over the decades since the environmental justice movement began, low wealth communities and communities of color in North Carolina are repeatedly targeted by companies wanting to site toxic facilities which are then issued permits by our state agencies. Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin in their programs or activities. The Department of Environmental Quality (DEQ) receives financial assistance from the U.S. Environmental Protection Agency (EPA) and is subject to Title VI requirements. The Department, including its Divisions, must make environmental justice a priority, not simply a box to check or a public relations exercise.

Disposal or "Recycling?"

The State of California has determined that certain types of treated wood waste (TWW)—
including railroad ties— are hazardous and must be disposed of in a hazardous waste landfill,
unless a variance is obtained.[1] This decision was based on the Department of Toxic Substances
Control analysis of TWW. In addition to what are "known" contaminants, unknown substances
drip and are spilled on railroad ties every day. Appropriate characterization of any waste being
used for "recycling" should be part of any calculation of potential emissions. The method used
for analyzing such wastes is also crucial.

The Division of Air Quality (DAQ) has previously determined that using railroad ties to generate
energy makes it possible to avoid stricter rules required for incinerators (which is a questionable
decision). I could not locate a Non-Hazardous Secondary Material (NHSM) determination for
ITD on the DEQ NHSM web page. International Tie **Disposal** claims that their process is not
incineration and the DAQ agrees—based on what the company *says*. What is intended for this
biochar? Where it will be sold? Where will the railroad ties come from? Is there a demand for
bio-char made from creosote railroad ties? Will it ultimately end up in a solid waste landfill? Has
it been adequately analyzed?

Air Dispersion Modeling and Monitoring

This facility will bring a dubious, risky, polluting, and experimental process to another
environmental justice community. DAQ's assertion that air dispersion modeling is not required
for ITD is inconsistent with decisions the Division has made for similar facilities. Coupled with

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[1] California Department of Toxic Substances Control. "Fact Sheet: Management of Treated Wood Waste in
California." 22 December 2020. https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/12/2020-Treated-Wood-
Waste-Factsheet-Update.pdf

the lack of air monitoring, the community is justified in questioning the agency's commitment to protecting public health and the environment.

There are too many unknowns. What *is* known is that the ambient air quality of the surrounding community will be impacted. Also known-the Division of Air Quality has not used every tool available to them to protect public health and the environment. The permit for International Tie **Disposal** should be denied.

Sincerely,

Therese Vick

Therese Vick

North Carolina Healthy, Sustainable Communities Campaign Coordinator