



August 7, 2020

Via Electronic Mail to: [DAQ.publiccomments@ncdenr.gov](mailto:DAQ.publiccomments@ncdenr.gov)

Mr. Davis Murphy  
N.C. Division of Air Quality  
450 West Hanes Mill Road, Suite 300  
Winston-Salem, NC 27105

**RE: Carolina Sunrock LLC's North Burlington Asphalt and Concrete Batch Plant Draft Air Quality Permit**

Dear Mr. Murphy:

We submit the following Comments on the above-referenced draft Air Quality Permit on behalf of the Anderson Community Group, noting and incorporating by reference the following:

1. Our April 22 request to extend the April 30 deadline for public comment until after the COVID-19 Executive "Stay at Home" Order is lifted, Caswell County's Environmental Impact Ordinance has been fully complied with, DAQ has issued a full Environmental Justice Report which assesses **"assess[es] the potential impact on communities surrounding the proposed construction and operation of the facility under application"** as required by the Public Participation Plan,<sup>1</sup> and a public hearing has been held; and
2. All comments previously submitted by Anderson Community Group leaders Bryon Shoffner, Caroline Lauer and/or Anita Foust, including those submitted on or about May 26, 2020.

The Anderson Community Group consists of residents of Anderson Township in Caswell County and also includes those residents along Hughes Mill Road who live in Alamance County. Anderson Community members include the "fenceline community" that will be most harmed by Sunrock's Burlington North concrete and asphalt plant. The Hughes Mill Road community consists of over one hundred residents and is predominantly low-wealth and African American—a fact which is not reflected in DEQ's "EJ Snapshot."<sup>2</sup> Hughes Mill Road residents are an "underserved community" as defined by DEQ's Public Participation Plan and therefore must be afforded the "enhanced engagement methods" that Plan prescribes.

While DEQ's "EJ Snapshot" notes that, according to a 2019 report by the University of Wisconsin Population Health Institute and the Robert Wood Johnson Foundation, out of all 100 counties in North Carolina (with 1 indicating the healthiest), Caswell County ranks 71st in health factors and 64th in health outcomes, that report fails to adequately inform DEQ/DAQ's

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<sup>1</sup> DEQ's Public Participation Plan, at 7, available at <https://files.nc.gov/ncdeq/EJ/Public-Participation-Plan.pdf>.

<sup>2</sup> Because it uses only the larger Census tract unit of measurement, DEQ's "EJ Snapshot" fails to show race and health data for residents living within the one-mile buffer.

assessment of potential impacts of Sunrock's proposed operation. To conduct that assessment, DEQ must consider the actual, existing vulnerabilities of the residents living in the buffer zone.

DAQ has been given multiple opportunities to conduct the requisite assessment but has failed to do so. As documented in the Anderson Community Group's multiple previous communications with DAQ, DEQ and the North Carolina Dept. of Health and Human Services (DHHS) over the last few months, the Hughes Mill Road residents, as well as residents living within the one-mile buffer to the north of Sunrock's proposed facility, suffer from serious health conditions which make them particularly vulnerable to particulate air matter pollution, including lymphoma, lung cancer, asthma, emphysema, COPD, Myastheria Gravis, Multiple Chemical Sensitivity Syndrome, Rett syndrome and tonic-clonic epileptic seizures. The high levels of formaldehyde, mercury, nickel, arsenic, benzene, and cadmium that DAQ would allow Sunrock's plant to emit pose a significant increased health risk to this vulnerable population. Additionally, neither the draft permit nor DAQ's EJ Snapshot consider the additional emissions from trucks going in and out of the plant, passing through the Hughes Mill Road neighborhood, and idling for long periods of time at the plant.

As DEQ and DAQ are aware, the Anderson Community Group, as well as the Public Health Director of Caswell County's Health Department, have requested DHHS's assistance in conducting a health risks assessment of the residents within the buffer area around Sunrock's proposed concrete/asphalt plant. We appreciate that DHHS, while not able by the August 7, 2020 public comment deadline to conduct a health risks assessment, did submit a summary review of research concerning the health impacts of similar operations. However, DEQ and DAQ must allow more time for DHHS to complete the health risks assessment of the vulnerable and predominantly African American community that makes up the majority of residents within the buffer area. We believe that assessment is critical to fulfilling DEQ's obligation to assess the potential impact of Sunrock's operation on residents within the buffer area.

Not only does DAQ have an obligation to not issue permits which cause an unlawful and racially discriminatory impact, DEQ also has an obligation to act consistently with the policy it instituted in 2000 (attached hereto as Attachment 1), which, requires it to "Address environmental equity issues in permitting decisions for projects potentially having a disparate impact on communities protected by Title VI of the Civil Rights Act of 1964." **No permit should issue unless and until DAQ has determined that it will not cause a discriminatory impact based on race and/or ethnicity.**

In DEQ's Public Participation Plan, the agency acknowledges its obligation to comply with anti-discrimination laws, including Title VI. Quoting the EPA compliance guideline's definitions of "fair treatment" and "meaningful involvement," the Plan states:

**Fair treatment** means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies, and;

**Meaningful involvement** means

- people have an opportunity to participate in decisions about activities that may affect their environment and/or health,
- the public's contribution can influence the regulatory agency's decision,

- community concerns will be considered in the decision-making process, and,
- decision-makers will seek out and facilitate the involvement of those potentially affected.<sup>3</sup>

DAQ has further reason to extend the public comment period and perform a full EJ analysis because Caswell County has not approved Sunrock's proposed operations, nor held the required public hearing, under its Environmental Impact Ordinance. See Caswell Code § 14-69(b)(4). In fact, in response to its citizens' outcry about the risks to their health and environment Sunrock's planned operations would cause, last December, Caswell County issued a year-long moratorium on industrial development in the area. We believe that the express terms of N.C. G.S. § 143-215.108(f)-- "The Commission shall not act upon an application for a permit under this section until it has received a determination from each local government" regarding compliance with local ordinances-- is further reason to stop the permit process now.

Thank you for your consideration.



Elizabeth Haddix



Mark Dorosin

Enclosure

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<sup>3</sup> DEQ's Public Participation Plan is available at <https://files.nc.gov/ncdeq/EJ/Public-Participation-Plan.pdf>.