

January 27, 2023

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

The City Council of the City of Athens, Alabama held a Special Called Meeting at the Athens Municipal Building, 200 Hobbs Street West, Athens, Alabama, on January 27, 2023 at 8:30 a.m. The meeting was called to order by Councilman Harold Wales, President of the City Council. Upon roll call, the following were found to be present: Councilmembers Harold Wales, James E. Lucas, Dana Henry and Wayne Harper. Councilmember Chris Seibert was absent. Annette Barnes-Threet, City Clerk, was present and recorded the minutes of the meeting. The Chairperson stated that a quorum was present and that the meeting was open for transaction of business.

Councilwoman Henry introduced the following resolution:

RESOLUTION NUMBER 2023 – 1866

A RESOLUTION STRONGLY OPPOSING ADEM’S ISSUANCE OF AN AIR PERMIT FOR AN ASPHALT PLANT ON MOYERS ROAD

WHEREAS, Grayson Carter & Son Contracting, Inc. has applied to the Alabama Department of Environmental Management (“ADEM”) for an Air Permit which would authorize the construction and operation of a 400 TPH drum-mix asphalt plant to be located at 18736 Moyers Road;

WHEREAS, the City Council finds that the placement of an asphalt plant at such location would be inappropriate;

WHEREAS, there is an established residential community within the city of Athens, Alabama, that is immediately adjacent to the site of the proposed asphalt plant, and that is a use of property that is entirely incompatible with such a heavy industrial use as an asphalt plant;

WHEREAS, the City Council finds that the presence of the asphalt plant at this location would result in odors and emissions that could be detrimental to the public health and welfare, and would constitute a public nuisance;

WHEREAS, the placement of an asphalt plant at this site will have a negative impact on the property values of the nearby residential owners;

WHEREAS, the City Council finds that Moyers Road and other related public roadways have not been designed to be, and would likely be damaged by the traffic inherently resulting from a 400 TPH drum-mix asphalt plant; and

WHEREAS, the City Council finds that there are a number of additional technical objections and concerns to the issuance of the permit, as stated in detail herein.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on January 27, 2023 at 8:30 AM, as follows:

1. For the reasons stated in this document, the City Council strongly opposes ADEM's issuance of an air permit for an asphalt plant at 18736 Moyers Road, and urges ADEM to deny that permit.

2. For the reasons stated in this document, the City Council calls upon Grayson Carter & Son Contracting, Inc., a longstanding and reputable business operating within the city for years, to reconsider its current plan in light of the concerns expressed in this Resolution, and to withdraw its application for an air permit for an asphalt plant at 18736 Moyers Road.

3. In addition to the matters stated above in the "WHEREAS" portions of this Resolution, the City Council also offers the additional technical objections relating to ADEM's Preconstruction Analysis documentation for this proposed air permit:

- Gencor Baghouse is used as a particulate matter filtration device of a stated efficiency of 99.96%. This is used throughout the ADEM documentation as a reference, but no supporting evidence or 3rd party reference is attached that verifies this assumption throughout.
- 16.98 lb/hr, which is shown as the NSPS, Subpart I, particulate emissions rate has another assumption of the amount of time the plant will operate and a max limit of gallons of oil 1.875 million gallons for a 12-month calendar. The City questions what entity would verify that the amount is within this tolerance, and asks whether, if exceeded, would this halt operation for the 12-month time frame? Again, there is an option for natural gas or recycled fuel oil, but no clarification is provided on the total amounts if either material is used, and since it is assumed that both methods would exceed the 100 TPY Title V threshold, the ADEM documentation should address these concerns.
- The fuel is required to have no ash content greater than 1%. The City questions who will verify this?
- The site is considered a Greenfield, but it also would permit development against established residential neighborhoods that would impact their land values, and in return property tax assessments.
- Appendix A provides calculations for the Gencor drum-mix asphalt plant, but no support of the assumption based on the control device for the Gencor Baghouse. The City asks (a) who will monitor the operation periods? (b) what is the disposal plan for the captured/controlled particulates? And (c) will there be monitoring stations associated with the permit to chart allowable versus expected emissions of SO₂? These must be addressed. Also, there is a broad assumption (without support) with PM10 emissions, NO_x emissions, CO emissions, and VOC emission that the limiting fuel usage will be limited per year.
- In addition to AP-42, the following flue gases can be identified from the combustion as seen from this quote in the documentation:

These emissions include all alkanes, alkenes, aldehydes, carboxylic acids, and substituted benzenes (e. g., benzene, toluene, xylene, and ethyl benzene). These compounds are not listed in the report depicting allowable versus potential.

These should at least be mentioned as a possibility within the report rather than VOC, which are not listed as allowable but will be present.

- The City asks that the update of May 2010 (AP-42, 1.3 Fuel Oil Combustion) be the latest table used in calculations related to the report. It would seem the tables are not referring to the correct AP-42 supplement, but this could be clarified by including the actual table referenced within the report.

- There is a potential damage of public roadways that are not designed to handle truck traffic coming to and from the plant.
- The air permit does not address fugitive dust from stored materials and/or construction activities, or the ability to address grievances by individuals or entities.

4. The City Clerk is directed to immediately send a copy of this Resolution to ADEM and to Grayson Carter

& Son Contracting, Inc.

ADOPTED this the 27th day of January, 2023.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

The motion was seconded by Councilman Harper and was unanimously carried.

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There being no further business to come before the meeting, Council President Wales declared the meeting duly and properly adjourned.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK