

Public Participation Plan for the Air Pollution Control Program of the Jefferson County Department of Health

December 15, 2022

Version 4

I. Introduction

The goals of the Jefferson County Department of Health (the “Health Department”) Air Pollution Control Program (the “Air Program”) are to achieve and maintain such levels of air quality as will protect human health and safety, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the social development of Jefferson County, and facilitate the enjoyment of the natural attractions of this County. The Air Program devotes resources to monitoring pollutant levels in the ambient air, inspecting and regulating industrial facilities, and investigating air complaints.

The purpose of this Public Participation Plan (the “Plan”) is to provide the public with opportunities to participate in the Air Program’s permitting process and regulatory activities. This Plan shall apply whenever the Air Program engages in a public participation process.

This Plan is not intended to amend or replace any statutes or regulations. To the extent there is any conflict between this Plan and any statute or regulation, the statute or regulation shall control.

II. Nondiscrimination in Public Participation

The Air Program will ensure that its public participation process, including this Plan, is available and accessible to all persons, regardless of race, color, national origin, disability, sex, or age. The public participation process will be available to everyone, regardless of whether a person has asserted rights guaranteed under Title VI, filed any complaint under Title VI, or participated in an EEOC proceeding. The Air Program will not retaliate against any person based on the substance of such person’s public comments.

When the Air Program begins any public participation process, it will take the following steps to ensure the process is available to everyone:

- A. develop a description of the community (including demographics, history, and background);
- B. provide a contact list of the Air Program’s relevant staff members, including phone numbers and email addresses;
- C. develop a list of past and present community concerns (including any complaints filed under the federal non-discrimination laws);

- D. develop and implement a detailed plan of action (outreach activities) the Air Program will take to address concerns;
- E. develop and implement a contingency plan for unexpected events;
- F. identify location(s) where any public meetings will be held (and consider the availability and schedules of public transportation);
- G. develop a list of contact names for obtaining language assistance services for limited-English proficient persons, including translation of documents and/or interpreters for any meetings;
- H. identify the contact person(s) for any questions regarding disability or accessibility issues;
- I. develop a list of appropriate local media contacts (based on the culture and linguistic needs of the community); and
- J. provide the location of the information repository.

III. Public Participation in the Permitting Process

The Air Program regulates sources of air emissions to ensure compliance with all federal and local air quality standards. In general, a source of air emissions is required to obtain a permit when the source plans to: (1) build a new facility; (2) renew an existing permit; and/or (3) modify an existing facility.

In general, there are three types of air permits the Air Program may issue. The opportunities for public participation may vary based on the type of permit and the circumstances regarding the particular facility.

A. Major Source

Generally, a major source is a source that emits (or has the potential to emit) 10 tons per year or more of any hazardous air pollutant. A major source also includes a source that emits (or has the potential to emit) 100 tons per year or more of any regulated air pollutant.

The Air Program publishes notice of a proposed major source permit in the newspaper (typically, the Birmingham News).

The Air Program makes a major source permit application and supporting documents available to the public. The Air Program also allows for at least 30 days for the public to submit comments. The public notice will include all necessary steps and information for the public to submit comments and/or request a copy of the application and supporting documents and/or request a public hearing on the proposed major source permit. The Health Department keeps a record of the commenters and the issues raised during the public participation process.

The Health Department may, in its discretion, hold a public hearing for the purpose of receiving comments regarding the proposed major source permit.

If the Health Department chooses to hold such a public hearing, it will give at least 30 days' notice of the hearing.

B. Synthetic Minor Source

A synthetic minor source is a source whose permit restricts the source's potential to emit to less than the thresholds for a major source. The Air Program publishes notice of a proposed synthetic minor source permit in the newspaper (typically, the Birmingham News).

The Air Program makes a synthetic minor source permit application and supporting documents available to the public. The Air Program also allows for at least 15 days for the public to submit comments. The public notice will include all necessary steps and information for the public to submit comments and/or request a copy of the application and supporting documents. The Health Department keeps a record of the commenters and the issues raised during the public participation process.

C. Minor Source

A minor source is a source whose potential to emit is less than the thresholds for a major source, regardless of the permit's restrictions on the source's emissions. The Health Officer, at his/her discretion, may require public notification for any permit application for a minor source. If the Health Officer chooses to require such notification, the public may submit comments to the Air Program for a period of at least 15 days following the publication of the public notice. The public notice will include all necessary steps and information for the public to submit comments.

IV. Public Participation in the Rulemaking Process

The Health Department occasionally amends its Air Pollution Control Rules and Regulations (the "Regulations"). The Health Department holds a public hearing before it adopts, amends, or repeals a substantive regulation. The Health Department publishes notice of the hearing in the newspaper (typically, the Birmingham News) at least 20 days prior to the hearing. The public notice will include the date, time, place, and purpose of the hearing. In addition, the public notice will include all necessary steps and information for the public to request documents or information regarding the proposed changes to the Regulations. The public is welcome to attend the hearing and submit comments (written or verbal) regarding the proposed changes to the Regulations.

V. Publicly Available Information

A. Health Department Website

The primary website for all information regarding the Health Department's services can be found at www.jcdh.org.

B. Permits and Regulated Facilities

Any member of the public may review the Air Program's public records regarding a regulated facility. The public may also review any permit issued by the Air Program. The Air Program will provide one copy of a permit (per person) free of charge. Public records other than a permit are subject to a copying and/or search fee. All such requests should be submitted to:

Jonathan Stanton, P.E.
Director, Environmental Health Services
Jefferson County Department of Health
1400 Sixth Avenue South
Birmingham, Alabama, 35233
Jonathan.stanton@jcdh.org

In addition, public notices and copies of draft permits may be viewed at:
<https://www.jcdh.org/SitePages/Programs-Services/Scores-Lists/Air/AirPollutionControl.aspx?AQTab=Notices>.

C. Air Quality Data

The Health Department operates a complex network of air monitoring stations throughout Jefferson County. These monitors analyze the levels of six criteria pollutants: (1) Ozone; (2) Particulate Matter; (3) Lead; (4) Carbon Monoxide; (5) Nitrogen Dioxide; and (6) Sulfur Dioxide. The Health Department's air monitoring data is readily available upon request at:

Jason Howanitz, PE
Environmental Health Services
Air and Radiation Protection Program
1400 Sixth Avenue South
Birmingham, Alabama 35233
(205) 930-1284
Jason.Howanitz@jcdh.org

In addition, air monitoring data is available to the public at the following websites:

www.birminghamairquality.com

www.airnow.gov

www.epa.gov/outdoor-air-quality-data

D. Web-based Presentations

The Department has offered several web-based information sessions that are available to the public:

Title V Permitting Process – The Proof Is In the Permit

<https://www.youtube.com/watch?v=zT0fAH-D37o&feature=youtu.be>

Participation in the Title V Major Source Permitting Process

<https://www.epa.gov/title-v-operating-permits/participate-permitting-process>

The Health Department will also post a training it conducted on October 21, 2019, which will provide an overview of the permitting process, among other topics.

VI. Documents and Information for Individuals with Limited English Proficiency

The Air Program strives to provide information to every individual in their preferred language. The Health Department intends for all aspects of its public participation process to be fully available to all individuals, including individuals with limited English proficiency. Any member of the public may request the Health Department interpret or translate any information or document referred to in this Plan. If you request that any information or document referred to in this Plan be translated or interpreted, please contact:

Dolores Johnson
Nondiscrimination Coordinator
Jefferson County Department of Health
1400 Sixth Avenue South
Birmingham, Alabama 35233
(205) 930-1577
nondiscrimination@jcdh.org

VII. Information Regarding Disability and Accessibility Issues

The Air Program intends for all aspects of its public participation process, including public meetings and public hearings, to be fully available and accessible to all individuals, including individuals with a disability. If you have questions or concerns regarding any disability or accessibility issues, please contact:

Dolores Johnson
Nondiscrimination Coordinator
Jefferson County Department of Health
1400 Sixth Avenue South
Birmingham, Alabama 35233
(205) 930-1577
nondiscrimination@jcdh.org

VIII. Permitting and Regulatory Mailing List

The Air Program maintains a mailing list for individuals who wish to receive notices and information regarding the Air Program's permit actions and rulemaking activities. Any individual who wishes to be added to this mailing list may contact the Air Program [(205) 930-1276] and provide their mailing and/or email address.

IX. Primary Contacts

Comments Regarding Draft Permits

Jason Howanitz, PE
Environmental Health Services
Air and Radiation Protection Program
1400 Sixth Avenue South
Birmingham, Alabama 35233
(205) 930-1284
Jason.howanitz@jcdh.org

Permitting Process

Jason Howanitz, PE
Environmental Health Services
Air and Radiation Protection Program
1400 Sixth Avenue South
Birmingham, Alabama 35233
(205) 930-1284
Jason.howanitz@jcdh.org

Disability/Accessibility and Language Accommodations

Dolores Johnson

Nondiscrimination Coordinator

Jefferson County Department of Health

1400 Sixth Avenue South

Birmingham, Alabama 35233

(205) 930-1577

nondiscrimination@jcdh.org

Permits and Public Documents

Jonathan Stanton, P.E.

Director, Environmental Health Services

Jefferson County Department of Health

1400 Sixth Avenue South

Birmingham, Alabama, 35233

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