

Lance LeFleur, Director
Ron Gore, Chief of Air Division
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, AL 36130-1463

Dear Director LeFleur and Chief Gore:

Alabama is one of the most biodiverse states in the country. Our remarkable ecosystems and beautiful scenery make Alabama an attractive destination for nature enthusiasts and drive our tourism industry. The state's economic abundance is intimately intertwined with our natural spaces, and we must do what is necessary to protect them. Unfortunately, Alabama is also one of the most polluted states in the nation. Industrial air pollution hampers scenic views and degrades the outdoor experiences that many flock to our state to enjoy. Furthermore, the same dirty air that obscures views in our parks and wilderness areas is actively harming the health of local communities.

Chief among Alabama's beloved outdoor areas is Sipsey Wilderness. Located in northwest Alabama, Sipsey is our state's largest and most visited wilderness area. Along with miles of trails and rivers, scenic waterfalls, and unique geology, Sipsey offers breathtaking views and overlooks where you can take in vistas to the horizon. In 2020, outdoor recreation in places like Sipsey generated over 55,000 jobs and over \$2 billion in wages and salary in Alabama.¹ Our treasured places and reliable recreation economy will dissipate if the Alabama Department of Environmental Management (ADEM) does not develop a stronger regional haze plan to protect air quality by holding polluters accountable.

The goal of the Regional Haze Rule, a part of the Clean Air Act, is to restore natural visibility - clean air and clear skies - to these special places. States are required to make progress toward achieving that goal in each planning period. The undersigned conservation and public interest organizations are concerned that Alabama will fail to meet this obligation if ADEM stays its course. Right now, ADEM has no plans to require substantive reductions under this program despite the tens of thousands of tons of haze pollution harming parks and people across the state.

Furthermore, ADEM is failing to address the disproportionate harms that haze polluters place on communities of color and Alabamians living below the poverty line. ADEM is not upholding its stated mission to "assure all citizens of the State a safe, healthful, and productive environment."

¹ Bureau of Economic Analysis - US Dept of Commerce. (2020). 2020—Alabama Outdoor Recreation. Outdoor Industry. from <https://outdoorindustry.org/wp-content/uploads/2015/03/ORSA-Alabama.pdf>

Beyond protecting our treasured places and our recreation economy, ADEM has both state and federal obligations under Title VI of the Civil Rights Act to meaningfully consider and advance environmental justice in its regional haze state implementation plan. Title VI is a statutory requirement that mandates that states may not discriminate based on race, color, or national origin while providing services, benefits, or programs. By not conducting an environmental justice analysis, ADEM is not fulfilling its obligations under the law nor under the EPA's suggestion to all states to consider environmental justice concerns in this round of haze pollution planning. According to the EPA's Environmental Justice Screen (EJSCREEN), there are several polluters in Alabama whose air pollution is harming communities of color and communities living below the poverty line - the same polluters causing hazy skies and vistas.

Alabama Power's James H. Miller Jr. Electric Generating Plant in Birmingham is a significant contributor to ozone concentrations which exacerbates respiratory problems. Likewise, sulfur dioxide emissions from Alabama Power's James M. Barry Electric Generating Plant near Mobile impacts Africatown and other communities nearby. Also, in Mobile, smaller facilities like Kemira Chemicals pose threat to community health. ADEM irresponsibly permitted haze pollutant emissions from the Kemira Chemicals facility based on an application with blank pages on pollution controls. Georgia Pacific Brewton LLC, a paper mill, pollutes Brewton with its smog and soot pollution. Drummond Company Inc., an iron and steel mill in Birmingham, impacts Tarrant and is in an area where 57% of residents are people of color and 39% are low income. These polluters also drive haze problems and need stronger emission controls to protect our parks and people.

ADEM should conduct complete reviews of these facilities and require new emissions controls in its upcoming regional haze plan. Under the haze rule, ADEM is obligated to address "a meaningful portion of the state's total contribution to visibility impairing to Class I areas" according to a recent memo from the EPA.² But currently ADEM only plans to address the emissions of Lhoist, a lime manufacturing facility in Shelby County, despite the heavy levels of emissions from the polluters. In only addressing one source, ADEM is actively ignoring seventeen other polluters that are significantly harming air quality in special places like Sipsey Wilderness. These polluters are emitting massive levels of nitrogen oxide and sulfur dioxide, which not only cause hazy skies in natural areas, but are also harmful to public health. ADEM must address Alabama's worst haze polluters to safeguard the state's natural resources, protect the health of overburdened communities, and fulfill their legal requirements under the Clean Air Act.

² EPA Memorandum from Peter Tsirigotis, Director, Office of Air Quality Planning and Standards, to Regional Air Division Directors, "Clarifications Regarding Regional Haze State Implementation Plans for the Second Implementation Period" (July 9, 2021) ("EPA July 2021 Memo"), <https://www.epa.gov/visibility/clarifications-regarding-regional-haze-state-implementation-plans-second-implementation>.

Sincerely,

Jack West, Policy and Advocacy Director
Alabama Rivers Alliance

Joi Travis, Chairperson
Alabama Sierra Club

Alice Evans, Executive Director
Alabama Sustainable Agriculture Network

Charles Scribner, Executive Director
Black Warrior Riverkeeper

Myra Crawford, Executive Director
Cahaba Riverkeeper

Michael Murray, Chair
Coalition to Protect America's National Parks

Bradley Davidson, Executive Director
Conservation Alabama

Justinn Overton, Staff Riverkeeper/Executive Director
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Monique Harden, Assistant Director of Law and Public Policy
Deep South Center for Environmental Justice

Daniel Tait, Executive Director
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Will Harlan, Executive Director
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Haley Lewis, Staff Attorney
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Wild Alabama