

ALLEGHENY COUNTY BOARD OF HEALTH

MINUTES

May 1, 2019

Present: Lee Harrison, MD, Chair
Karen Hacker, MD, Secretary
Anthony Ferraro
Ellen Stewart, MD
Edith Shapira, MD (via phone)
Donald Burke, MD
Caroline Mitchell (via phone)
Kotayya Kondaveeti, MD
Joylette Portlock, PhD

Absent: William Youngblood, Vice Chair

1. **Call to Order**

The meeting was held at the Health Department office at 542 Fourth Ave. Dr. Harrison called the meeting to order and announced that an executive session was held to discuss litigation and personnel matters.

2. **Approval of Minutes from March 6, 2019**

Dr. Harrison asked if there were any comments or questions about the minutes. Dr. Stewart pointed out that in section covering adjournment, a typo listed her as Mr. Stewart instead of Dr. Stewart.

Action: Dr. Shapira moved to approve the minutes with the correction of Mr. Stewart to Dr. Stewart, Mr. Ferraro seconded the motion.

Motion passed unanimously.

3. **Public Comments on Agenda Items**

A. Matt Mehalik, Breathe Project, re: PM2.5 State Implementation Plan

Mr. Mehalik stated that he was pleased that ACHD is addressing the PM2.5 SIP issue and commended ACHD for ongoing improvements. He encouraged ACHD to pursue a goal in the SIP that is well below the line differentiating between lawfulness and unlawfulness.

4. **Old Business**

A. Environmental Health Programs Enforcement Update

Dr. Hacker stated that the lowest ever value of PM2.5 was measured at the Liberty monitor. She stated that she is proud of the progress that ACHD has achieved but noted that more work remains to be done.

Jim Kelly, ACHD Deputy Director for Environmental Health, provided an update to the Board on his bureau's enforcement actions. He stated that Water Pollution Control has 2 open enforcement cases. Regarding ALCOSAN, Mr. Kelly stated that the ALCOSAN consent decree is still with the Department of Justice. He stated that the consent decree could be signed any day, after which a sixty-day public comment period would begin.

The Food Program had 877 year-to-date complaints, has issued 6 year-to-date consumer alerts and 21 year-to-date permit suspensions and closures. Plumbing had 61 year-to-date complaints. Housing and Community Environment had 1,007 year-to-date complaints.

The Air Program had 5,071 year-to-date complaints, 561 of which were submitted directly to ACHD. The remaining complaints were submitted via the SmellPgh app. Mr. Kelly provided an overview of the Air Program's open enforcement actions. Such enforcement actions include a \$1.4 million dollar fine of the old Westinghouse facility, the fine is under appeal to Commonwealth Court; a final enforcement order was finalized for the case of MRIE, which is a fracking sand transfer station, Mr. Kelly stated that this facility has been pro-active; and that an order has been issued regarding Metalico, a scrap metal company.

Regarding US Steel, Mr. Kelly stated that 2016's consent order ended on March 24th, and that improvement was shown with the stack monitors. The joint Notice Of Violation that ACHD issued with the EPA is still with the Department of Justice, and Mr. Kelly noted that the EPA would like to conduct a site visit. Regarding the 2018 enforcement order, Mr. Kelly stated that a decision has not yet been made by the hearing officer. Regarding the fire at the Clairton site, Mr. Kelly stated that the desulfurization equipment was brought up by April 3th, but that additional repairs are needed. ACHD is still collecting data to determine penalties. ACHD is considering joining a complaint brought by the National Environmental Law Center. Dr. Portlock asked about a timeline regarding the issues with US Steel, and Mr. Kelly stated that would be hard to assess and that he didn't want to speculate as it needs to be done right.

B. Live Well Allegheny Update

Dr. Hacker stated that Live Well Allegheny now has 64 municipalities as members, the newest of which is Baldwin Township. She stated that Live Well, along with many partners, is working on the \$700,000 REACH grant from the CDC. The goal of the reach grant is to improve public health in African-American communities. She also stated that two new positions have been hired to work specifically in the Mon Valley, and that there is a search for appropriate space for a Mon Valley District Office.

C. Opioid Grant Update

Dr. Hacker informed the Board that the CDC's Overdose Data to Action program is a noncompetitive funding opportunity that will provide Allegheny County with five million dollars per year for three years. Funding will begin in September. Dr. Harrison noted that this is a huge grant. Dr. Hacker thanked Dr. Shapira for Giant Eagle's drug take back boxes, and she thanked ACHD's partners for this grant. The grant will assist with funding for improved surveillance, expansion of PDMP, case management, linkages to care, a harm reduction and anti-stigma campaign, academic detailing to pharmacies and providers, pre-arrest and pre-trial diversion police activities, quality metrics, expansion of MAT, and improved pain management alternatives.

5. New Business

A. Infectious Disease Update

Dr. LuAnn Brink, ACHD Chief Epidemiologist, gave the Board a presentation about measles. Measles is a highly contagious acute viral disease characterized by a fever and a maculopapular rash. The complications of measles in children include pneumonia, encephalitis, and death. Though measles was declared eradicated in 2000, 704 cases were reported in a national outbreak between January 1st and April 26, 2019. 71% of these cases were unvaccinated. The median age of these cases was five years old.

Dr. Brink stated that vaccine recommendations are for children 12 months or older to have two doses, the first at age 12-15 months and a second dose between 4-6 years; adults without evidence of immunity should get at least one dose of MMR; and healthcare personnel, college students, and international travelers should have two doses of MMR. Vaccine recommendations for international travel are that infants aged 6-11 months should have one dose of MMR; and that children 12 months of age and older should receive two doses of MMR, separated by at least 28 days. Vaccine recommendations for outbreaks include considering a second dose for children aged 1-4 years, or for adults who only had one dose; and infants aged 6-11 months can be vaccinated. Dr. Brink stated that the national coverage rate of two doses of MMR is 94.7% in children entering kindergarten, and that the rate in Allegheny County is 97.6%. She noted that this is an increase from the rate of 90.6% in 2011.

Dr. Brink did inform the Board of a case in Allegheny County, which is the first case in Pennsylvania in 2019. The case involved an Allegheny County resident who traveled internationally and who returned to Pittsburgh two weeks before the onset of a rash. The resident was treated and discharged from UPMC Shadyside Emergency Room on April 29th and is currently recovering at home. The individual was potentially contagious starting on April 25th, and potential exposures may have occurred at the Shadyside Giant Eagle Market District and at the Aldi on Baum Boulevard.

Dr. Kondaveeti asked if patients are immune after having the disease. Dr. Harrison stated that recurrent infection is rare. Dr. Hacker assured the Board that ACHD is monitoring the situation and will keep everyone informed.

B. Update on ALCOSAN Consent Decree Modification

Michael Parker, ACHD Solicitor, gave a presentation to update the Board on the modification of the ALCOSAN consent decree. He stated that the original consent decree was entered by federal court in January 2008 and resulted from a joint enforcement action brought by the EPA, PA DEP, and ACHD. The action was based on the Clean Water Act, Pennsylvania Clean Streams Law, and ACHD Article XIV violations due to wet weather discharges at over 300 outfalls along the region's rivers which caused approximately 9 billion gallons of untreated sewage and sewage-contaminated-stormwater overflows per year. The original consent decree was designed to promote a coordinated regional approach to wet weather discharges from the ALCOSAN system by requiring the submittal of a long-term wet weather plan in coordination with the 83 ALCOSAN municipalities. The wet weather plan must control wet weather discharges and ensure compliance with the NPDES permit and relevant laws. It also included a \$1.2 million civil penalty which was to be split between the agencies, stipulated penalties, and \$3 million in supplemental environmental projects. Key milestones of the consent decree were extended from 2012 to 2046.

Mr. Parker stated that the consent decree modification process was initiated in January 2013 when ALCOSAN requested an 18-month extension of time to study flow reduction alternatives, such as green infrastructure. The parties to the consent decree have been actively negotiating potential modifications since 2013. A draft modified consent decree has been completed and is awaiting agency approval. Once the draft consent decree modification is approved by the agencies, then it will be lodged in federal district court. Lodging will institute a public comment period during which members of the public can provide input on the draft consent decree modification. Once public input has been accounted for, the modified consent decree will be entered by the court as final and the document will go into effect.

C. PM2.5 State Implementation Plan – Request for Public Comment Period

Jim Kelly, ACHD Deputy Director for Environmental Health, stated that this was a request for a public comment period on a revision to ACHD's PM2.5 State Implementation Plan. He noted that 2018 was the cleanest year on record for PM2.5 and that Clairton had the fewest violations since 2015. Mr. Kelly informed the Board of the elements of the SIP and listed the control strategies for local major sources. He noted that PM2.5 is a difficult issue due to regionalization and the need to work with other states to curtail PM2.5. He also noted that Allegheny County is uniquely challenging due to its topography and unique sources of emissions. He stated that contingency measures could be implemented if attainment or reasonable further progress is not achieved by the end of 2021. He stated that general measures of the plan include a new, enhanced wood burning curtailment program for wood burning emissions controls

throughout the County and additional enforcement actions if local source culpability is determined. Mr. Kelly stated that the timeline was to request the Board to approve a public comment period, to be conducted in May and June; then to review and revise as needed in June and July; then to have a review by the Air Advisory Committee in August; then to submit the final SIP to the Board in September; then in September or October to forward to the PA DEP for submittal to EPA Region 3 before EPA's November 7th deadline.

Dr. Kondaveeti asked if ACHD has any control over pollution from other areas. Mr. Kelly stated that ACHD can not control that but can be helped by the EPA. He stated that upwind states can be sued under Provision 126 of the Clean Air Act, but that the state would need to initiate that. Mr. Ferraro asked if we have been sued. Mr. Kelly stated that we have not been. Dr. Portlock asked about the impact of out-of-state pollution on the models. Mr. Kelly replied that question would need to be posed to the modelers. Dr. Burke asked for a reminder about how the decisions is made regarding monitor locations. Mr. Kelly stated that the EPA has specific criteria for that but noted that monitor locations are a political football. He stated that he wasn't a part of the process for selecting the location. Dr. Burke asked to see documents regarding this query. Dr. Burke also asked if some types of PM_{2.5} are worse than others. Mr. Kelly stated that yes, diesel is worse than others.

Action: Dr. Burke moved to approve the public comment period for the PM_{2.5} State Implementation Plan, Dr. Stewart seconded the motion.

Motion passed unanimously.

D. Proposed Regulation: Sulfur in Fuel – Request for Public Comment Period

Mr. Kelly stated that this regulation pertains to industrial fuel, not fuel for on-road use. He stated that the state is moving towards this exact language and that this regulation makes something more stringent.

Action: Mr. Ferraro moved to approve the public comment period for the Sulfur in Fuel Regulation, Dr. Stewart seconded the motion.

Motion passed unanimously.

E. Clean Air Fund Request: \$150,000 for Emission Reduction Projects

Mr. Kelly stated that ACHD would like to release a new RFP seeking \$10,000-\$30,000 projects related to pollution prevention. Such projects will likely be in line with previous expenditures and include contracts for tree plantings and retrofits, among other projects. The total maximum award will be \$150,000 for all proposals in the grant cycle.

Action: Dr. Shapira moved to approve the CAF request for \$150,000, Dr. Kondaveeti seconded the motion.

Motion passed unanimously.

F. Food Safety Fund Request: \$2,000 for Training

Mr. Kelly requested \$2,000 for two individuals to be trained over four days in current national food safety applications. Dr. Portlock asked about the status of this fund. Mr. Kelly stated that the fund had a few hundred thousand dollars. Mr. Ferraro asked if this training was for new hires. Donna Scharding, ACHD Food Safety Program Manager, replied that it was not.

Action: Mr. Ferraro moved to approve the Food Safety Fund request for \$2,000, Dr. Stewart seconded the motion.

Motion passed unanimously.

6. **Director's Report**

Dr. Hacker had nothing additional to report.

7. **Announcements**

There were no announcements.

8. **Public Comments on Non-Agenda Items**

A. Dave Smith, Clean Air Council, re: Clairton Coke Works

Mr. Smith stated that there is a massive amount of illness in Clairton and that there were many funerals and deaths in Clairton. He stated that the health concerns of residents go back decades, prior to the recent fire. He thanked ACHD for stepping up with enforcement and encouraged ACHD to remember to see the human element.

B. Miracle Jones, re: Clairton Coke Works

Ms. Jones stated that she has been working with Mr. Smith to speak with Clairton residents. She stated that Clairton residents have grown up with pollution and that they are asking for clean air and futures for their children and grandchildren.

C. Dmitra Gideon, re: Clairton Coke Works

Ms. Gideon stated that she is an intern with the Clean Air Council. She stated that she can taste the air in Clairton and had a headache after five minutes. She stated that monitors are not needed to know that this is wrong and needs to stop. She stated that Clairton residents struggle to breathe. She also stated that it is unacceptable that economic interests are valued over human life.

D. Don Nevills, re: Clairton Coke Works

Mr. Nevills stated that he is a Navy veteran, a business owner, and a resident of Clairton. He stated that he can not understand the argument against clean air. He stated that Clairton has come part way to cleaner air, but there is more way to go. He stated that Clairton has a cancer rate that is twenty times the national average. He stated that US Steel profits at the expense of residents' health and minimal fines are not working. He urged ACHD to hold US Steel

accountable by updating coke oven regulations and requiring US Steel to replace the batteries in Clairton.

E. Rita Derrick, re: Clairton Coke Works

Ms. Derrick stated that she is a new resident of the Clairton area. She stated that she was horrified by the change in air quality after moving from Brookline to Clairton. She encouraged ACHD to continue putting pressure on US Steel.

F. Mark Dixon, re: Clairton Coke Works

Mr. Dixon stated that he was confused as to why the Clairton Coke Works was not an agenda item and that this leaves citizens to speculate. Mr. Dixon compared the penalties that US Steel is required to pay as analogous to the price of a pizza for a household with an average income. He stated that US Steel's unwillingness to not idle shows their disrespect to the community and to ACHD. Mr. Dixon stated that he wants to see reports regarding US Steel's repairs and stated further that US Steel's criminal behavior must be stopped.

G. John Detwiler, re: Air Quality

Mr. Detwiler was not present to offer his comments.

H. Fred Bickerton, re: Clairton Coke Works

Mr. Bickerton stated that his family has been present in Clairton since the early 1800s. He stated that generations of his family have had health problems due to US Steel. He also stated that the penalties are a joke and that US Steel should modernize its equipment or shut down. Mr. Bickerton stated that he is asking for ACHD's help for clean air.

I. Melanie Meade, re: Clairton Coke Works

Ms. Meade stated that she is a Clairton resident and has been a caregiver for twelve years. She stated that her relatives have died from chronic heart failure and lung cancer. Ms. Meade asked for ACHD to move more quickly. She stated that US Steel has money for better technology.

J. David Meckel, re: Clairton Coke Works

Mr. Meckel stated that 'the proof is in the pudding' and proceeded to show the Board what he said was sulfur dioxide on a dirty paper towel that had been used to wipe his window ledge. He asked who will pay for Clairton residents' property damages. He stated that US Steel is chemically attacking residents and noted that trees are dying, and the color of house shutters is changing. Mr. Meckel stated that we all deserve to breathe clean air.

At this time, Mr. Ferraro excused himself and left the meeting.

K. John Perryman, re: Clairton Coke Works

Mr. Perryman stated that he moved to Clairton twelve years ago. He stated that his doctor has advised him to move away from Clairton. He stated that the coke works should be fixed or shut down. He stated that he often feels ready to pass out and that US Steel should accept responsibility for what they do to the community.

L. Doreen Luft, re: Clairton Coke Works

Ms. Doreen Luft was not present to offer her comments.

M. Katie Luft, re: Clairton Coke Works

Ms. Katie Luft was not present to offer her comments.

N. Patricia Amstead-Daniels, re: Clairton Coke Works

Ms. Amstead-Daniels stated that she has been a resident of Glassport for two years. She also stated that she is a retired nurse and that she worked for ACHD for seven years. She stated that she deals with bad air daily and can not garden or open her windows. Ms. Amstead-Daniels stated that she is asking for clean air.

O. Hanna Beightley, Women for a Healthy Environment, re: Lead Safe Allegheny

Ms. Beightley thanked ACHD for their collaboration regarding Lead Safe Allegheny. She specifically thanked the efforts of Dr. Hacker, Dr. Brink, and the Housing & Community Environment Program.

At this time, Dr. Kondaveeti excused himself and left the meeting.

P. Jeremy Richter, Ryco Incorporated, re: Journeyman and Master Plumbing Examination

Mr. Richter stated that Ryco Incorporated is a plumbing company located in McKeesport. Mr. Richter stated that the County plumbing examination was moved from South Park to the union hall of Local 27. Mr. Richter stated that the union was not to engage in solicitation during the examination. Mr. Richter complained that agreement was not honored and that two Ryco employees were solicited by the union. Mr. Richter requested that the examination be relocated to a neutral site and suggested The Palisades in McKeesport.

Q. Thaddeus Popovich, re: Air Pollution and AQI

Mr. Popovich was not present to offer his comments.

R. Marianne Marnich, re: MRIE

Ms. Marnich stated that she is from McKees Rocks and now lives in Stowe Township. She stated that she lives one hundred feet from MRIE. She stated that, since 2006, MRIE has been hauling silica graphite for fracking. She stated that, in 2017, her brother and her partner both died from silicosis. She stated that she would appreciate having an air monitor in her area and noted that the permit for MRIE is still pending.

S. Christa Gaugler, re: Clairton Clairton Coke Works

Ms. Gaugler stated that she lives less than five miles from Clairton Coke Works. She stated that every evening there is a spike of over 100 on the PM2.5 scale. She stated that children can not play outside. Ms. Gaugler further stated that US Steel is not compliant and urged ACHD to take a stronger stand for residents with stronger regulations.

T. Kurt Barshick, US Steel, re: Restart of Desulfurization

Mr. Barshick stated that he is the General Manager of US Steel's Mon Valley Works. He thanked Dr. Shapira, Dr. Harrison, and Mr. Ferraro for visiting the Clairton Coke Works and invited other members of the Board of Health to visit. He stated that the Number Two Control Room has been repaired ahead of scheduled and that other equipment has been upgraded. Mr. Barshick stated that there have been zero exceedances since the restart and further noted the downward trend of PM2.5 at the Liberty monitor. He stated that US Steel has certified the compliance of all ten batteries under the 2016 consent order, has met the terms of 2018's consent order for quarter one, and is committed to doing more.

Dr. Portlock asked about the amount of penalties that ACHD can set. Dr. Hacker stated that he legislature has been asked to raise the daily rate and noted that ACHD has implemented its new civil penalty policy.

9. **Adjournment**

Dr. Stewart moved to adjourn the meeting, Dr. Burke seconded the adjournment.