COUNTY AGENDA REQUEST

Department:	Board of Commissioners	Presenter(s):	Connie Biemiller Thomas
Meeting Date:	Thursday, March 22, 2012	Type of Request:	New Business

Wording for the Agenda:

Consideration of Connie Biemiller Thomas' request that Fayette County transmit a letter to the Fulton County Board of Commissioners urging Fulton County to take every measure possible to not renew Philip Service Corporation's permit that would allow use of Fulton County's sewer system for discharged wastewater.

Background/History/Details:

In 2006, citizens in north Fayette County and south Fulton County started smelling "onion-like" odors that contributed to syndromes such as vomiting, nausea, and respiratory problems. The source of the odor was discovered as chemical releases from the Philip Services Corporation (PSC) waste treatment plan, located on Georgia Highway 92 in Fulton County near Fairburn.

This odor and related medical concerns prompted strong citizen demand for the Fayette County Board of Commissioners to intervene. The citizens formed the South Fulton / Fayette Community Task Force which was headed up by Chairman Connie Biemiller Thomas. The Fayette County Board of Commissioners and county staff pressed upon Fulton County to take appropriate measures to protect the citizens, and to also protect Fayette County's water sources that were also potentially affected.

Philip Services Corporation, in agreement with Fulton County, ceased much of its operations in 2006 when it chose not to renew a permit that would allow use of the Fulton County's sewer system to discharge wastewater, however, the company is now eligible to apply for a new permit with an understanding to resume its former operations.

Connie Biemiller is requesting that Fayette County use its influence to stop the permit from being issued to Philip Services Corporation.

What action are you seeking from the Board of Commissioners?

Approval of Connie Biemiller Thomas' request that Fayette County transmit a letter to the Fulton County Board of Commissioners urging Fulton County to take every measure possible to not renew Philip Service Corporation's permit that would allow use of Fulton County's sewer system for discharged wastewater.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

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Onion odor lawsuit: 2,221 households get $4 million

By: Ben Nelms Tue, 09/23/2008 - 3:54pm

What started with symptoms of illness that some area doctors and health agencies attributed to psychological problems ended in a $4 million out of court settlement.

Nearly 800 residents of north and central Fayette County and south Fulton County were sickened in mid-2006 by what they insisted were chemical releases from the Philip Services Corp. (PSC) waste treatment plant on Ga. Highway 92 near Fairburn.

Lawyers for PSC and American Vanguard Corp. (AMVAC) agreed to payments to the 2,221 households within an approximate three-mile radius of the plant. Affected residents outside those parameters will receive nothing.

"Given the obstacles and issues it was a pretty good settlement," said lead attorney Scott Zahler with Atlanta firm Goetz, Pierce & Zahler.

Those obstacles and issues included trying to prove that long-term illnesses described by residents could be tied to the chemicals emanating from the PSC plant.

More than 770 residents in a 40-square-mile area of the Fayette and south Fulton communities began exhibiting symptoms such as prolonged nausea, vomiting, headaches and a variety of respiratory problems including first-time diagnoses of asthma and pleurisy subsequent to being exposed to the strong onion-like odor later identified as MOCAP "wash water," a combination of the organophosphate pesticide ethoprop and a chemical odorant propyl mercaptan.

While Material Safety Data Sheets (MSDS) for ethoprop and propyl mercaptan listed symptoms of acute exposure and chronic exposure as identical to those experienced by residents, Zahler accurately stated that no medical or scientific studies have been done to verify the claims.

In the days around late June and early July, state and local agencies numerous received complaints of an onion-like odor over a distance of approximately 200 square miles, from Fayetteville, Peachtree City and Sharpsburg on the south to Hartsfield Airport on the east, Fairburn on the north and Newnan to the west.

The source of the thick, even choking, "onion odor" quickly became evident. It was the PSC plant. While residents quickly formed the South Fulton/Fayette Community Task Force, others contacted attorneys to file suit in what turned out to be a very difficult case to prove.

Also adding to the complexity were the claims

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or many residents that they began to smell "onions" and manifest symptoms in May. Company originated documentation by PSC as required by state and county agencies indicated that the first shipment of entered the plant June 20 with the final shipment around the last day of June.

A review by The Citizen of thousands of documents contained in Fulton County archives revealed that county guidelines did not require a listing of the exact chemicals discharged into the sewer system.

And as for PSC's required annual submission to Ga. Environmental Protection Division (EPD) of the products brought into the plant, EPD told The Citizen that it had not received and had not asked for the annual report from any owner of the Hwy. 92 facility since it was sold to private business by Fulton County in 1990.

These inconsistencies by government agencies, the absence of scientific research to back up residents' claims and other factors led to an agreement to settle the case. Zahler said the three law firms working for residents wanted a five-mile radius for those affected. Attorneys for PSC/AMVAC wanted a one-mile radius. They compromised at three miles.

Payment will be made per household rather than per resident. The settlement amount diminishes in amount the further the home is situated from the plant. Those situated 0-.25 miles will receive $6,000, .26-.5 miles will receive $4,000 and .51-.75 miles will receive $2,000. Those .76-1.5 miles will get $1,150, 1.51-2.0 miles will receive $800 and those 2.01-3.0 miles will get $700.

The small number of residents that initially filed the suit will receive approximately $25,000 each, Zahler said. Residents' attorneys will receive 33 percent of the settlement.

A settlement hearing in the case is set for April 17, 2009. Settlement information and claim forms will be sent to the identified households within the next week, Zahler said, adding that residents should check their mailboxes and return the forms within the specified time frame. Those residents that opt to take the settlement cannot file suit at a later date, Zahler said.

PSC officials did not agree that residents illnesses, especially those that claimed long-term conditions, were connected to the exposure. Federal Agency for Toxic Substances and Disease Registry (ATSDR) apparently disagreed, but only up to a point.

The subsequent Health Consultation study of the affected areas of Fayette and Fulton determined that residents had experienced short-term adverse effects but no long-term illnesses.

Many residents were outraged at the study results and to the fact that little weight was given to the simultaneous illness and deaths of several dogs and cats in the immediate area and that no relevance was assigned to the pronounced absence of birds, bees and butterflies that had populated in area in summer months for decades. For many, it was the Fayette/Fulton version of Rachel Carson's "Silent Spring."

Commenting Monday, South Fulton/Fayette Community Task Force Chairman Connie Blemiller said the settlement does not alter the need to revise laws to protect citizens statewide.

"We continue to stand together as a community. This settlement alone is a testament to the power of an united citizens voice. We look to promote changes in Georgia State laws with regard to pesticide containment and hope that Senator Ronnie Chance will continue to open that door for our voices to be heard," Blemiller said.

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The South Fulton and Fayette community is committed to doing all we can to put a stop to environmental poisonings. It is our deepest wish that no other community ever endure a tragedy of this kind."

Regardless of the settlement and the extreme difficulties proving long-term adverse illnesses, many inside and outside the three-mile radius have long maintained that various aspects of their overall health were severely impacted after they began breathing the onion odor.

One of those was Clare Hindman. Her home is situated approximately 2,300 feet due east of the PSC plant. Her husband and task force member Earl Hindman has been outspoken about the link he believes exists between the onion odor that began in May 2006 and the immediate onset of Clare's illness. Just prior to the onion odor and her illness the couple had visited their family doctor for a physical exam. The doctor told us we were two of his healthiest seniors, Earl said.

But things changed once Clare started breathing the "onions." Her speech began to slur, leaving doctors to initially conclude that the 64-year-old had had a stroke. For Clare, things got worse. After mystifying a number of physicians, she was finally diagnosed with Lou Gehrig's Disease, amyotrophic lateral sclerosis (ALS). Clare Hindman died a few weeks ago, in late August.

"We can only have justice when those who have not been injured by an injustice are as outraged by the injustice as those who have been injured," Earl said.

PSC, in an agreement with Fulton County, ceased a major portion of its operations in late 2006 when the company opted not to renew the permit that would allow use of the county's sewer system to discharge wastewater. EPD Solid Waste Manager Derrick Williams said Friday the agency has approved a plan that would remove the processing pit and back fill it with clean soil. Samples collected under the pit are currently being analyzed, Williams said. Once that is done the only activity at the plant will be the presence of a roll-off type storage unit.

"Our task force wanted so much more for our community," said Biemiller. "We recently mourned the loss of Clare Hindman, who bravely fought the ravages of our poisoning and many continue to suffer with physical illness to this day. It is our hope that a future lawsuit might be filed so that those that have suffered health loss might be adequately compensated."

A community meeting to further explain the settlement is expected soon. The date and location for the meeting was not set by press time.

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I didn't enter this lawsuit

Submitted by suggarfoot on Thu, 09/25/2008 - 5:33am.

but I know something was coming out of that place. I live 3.5 miles from it and when I first moved here, I stayed in the doctors office with every weird skin rash possible.

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PUBLIC COMMENT:
Members of the public are allowed up to five minutes each to address the Board on issues of concern other than those items which are on this evening's agenda.

Connie Biemiller: Connie Biemiller, 480 Lees Lake Road, Fayetteville remarked on the very strong onion odor that was occurring in her area. She said she was representing the deeply concerned citizens of Fayette and South Fulton Counties. She said they had all recently been made aware that the very strong onion odor in their area that everyone had been smelling was actually a toxic chemical known as Propyl Mercaptan which was used in pesticides. She said most of them had no idea that a toxic waste plant was actually in their neighborhood, however, that all made sense to them now. She said their animals were no longer wanting to go outside for any length of time and several of the pets had

suddenly died in the past few weeks due to bleeding disorders. She said they themselves were having nose bleeds, severe headaches, nausea, increased allergy symptoms and heightened asthmatic responses. She also added that before she left for the meeting tonight she learned that some of the children had blood in their urine.

Ms. Biemiller said she was a clinical social worker and worked with people on a daily basis and could attest to the fact that this was not sympathetic hysteria by any means. She said her community only began to share their stories on Monday afternoon one by one during an impromptu petition signing. She said more than 250 signatures were collected within a four hour period and she was presented this petition to the Board tonight. A copy of the petition, identified as "Attachment No. 6", follows these minutes and is made an official part hereof. She said the citizens were asking the Commissioners to be advocates for this community. She said they were asking the Commissioners to band with them to help and guide their neighborhood's safe return to a healthy environment where their children could run and play outside and where everybody could enjoy a quality of life that was the right of every citizen. She said she was proud to call Fayette County her home and truly felt this had been one of the greatest blessings of her life to live here. She said she would do everything in her power to make sure that this feeling remained within her and that of her neighbors.

Ms. Biemiller said the citizens were specifically requesting that the Fayette Commissioners advocate for the citizens in the following ways: (1) conduct an independent study of the nearby streams, soil and air near the Phillips Service Facility; (2) open the Health Department to begin treating and documenting illnesses relating to the toxic incident; (3) hold meetings with South Fulton Commissioners and State Representatives to ensure that Phillips Service Corporation was disposing of toxic substances in a lawful and safe manner; (4) conduct further research as to the appropriateness of having such a waste site in a residential community; and finally (5) follow up by implementing a meeting with Fayette County residents to inform them of the above results and lead the citizens with further advocacy to the State officials. She said they would like to request that this meeting take place no later than July 28, 2006 due to the immediatecy of this matter. She said she was just informed before this meeting that there would be a Town Hall meeting scheduled at Bethany United Methodist Church on Wednesday, July 19th at 7:00 p.m. and various government agencies would be involved in that meeting. She said the citizens would like to thank the Board in advance for its recognition of this urgent matter and its courage and leadership in the days ahead.

Earl Hindman: Earl Hindman said he was the Vice President of the Fife Community Association. He expressed concern over the strong odor coming from a nearby plant. He said this was not the first time that they have had to deal with this plant. He said in 1992 the Fife Community Association was formed specifically to fight the odors coming from this plant. He said at that time it was a smell of very bad open sewer and it permeated

everything. He said the odor got into a locked car, the seat fabric and even the clothes in their closets. He said they fought the personnel at this plant and at first they thumbed their noses at the citizens. He said there were even people in the community who had to up and leave their homes because the odor absolutely permeated everything. He said their lives were ruined. He remarked in April, 1992 they retained a law firm to help them in this fight. He said to begin with the plant had an open tank and they were processing the grease from restaurants. He said there were also septic tank trucks. He said the odor was really bad. He remarked now the plant was licensed by the State to handle industrial waste. He said through negotiations with the attorneys they did put domes over the tanks and the odor got a little better. He said from time to time this odor occurs and now it had spread to an area of approximately 200 square miles.

Mr. Hindman remarked that the dome on a tanker truck was approximately 13 feet tall. He questioned if the lid on a tanker truck was raised and a little vapor escaped would the smell actually last for four weeks. He said the citizens in the area began smelling this odor in the middle of June. He said their community had initiated the calls to the E.P.A. and E.P.D. He said they had called every day and sometimes several times every day. He said the residents were told by plant officials that they had gotten a truck from Alabama. He said when the truck was opened, it smelled bad and the plant officials closed the truck back up and sent it back to Alabama. He said the citizens had watched trucks coming in and out of this plant day and night. He said they had documentation of the personnel washing down the parking lot, washing down the trucks and washing the trees. He said he had pictures of all of that taking place. He said if this was just a little vapor, then why were they washing everything. He said he also had pictures of the personnel scooping up dirt around the parking lot and putting it in several dump trucks and hauling it away. He said one of the community members actually followed the dump trucks and now they knew where they were taking it. He asked the Board to think about this and he felt the citizens did not have the whole story. He said the citizens felt like there had been a massive spill. He said now that Lake Horton had been built, Whitewater Creek was the drinking water for the citizens. He said from what he had seen on television, the citizens were not getting the whole story.

Dennis Chase: Dennis Chase, 290 Crabapple Road, Fayetteville said he was the President of the Line Creek Homeowners Association. He remarked on several soil samplings that had been taken above and below the sewage treatment plant during the last couple of years. He said he had been involved in sampling along Whitewater Creek in this part of Fayette County and South Fulton County since the Spring of 2004. He said this had come up because the Atlanta Regional Commission was coming down to hold a public hearing for Fayette County for a violation of the total maximum daily load for Whitewater Creek for sediments. He said he had sampled above and below this sewage treatment plant and there was a confirmation of what the State had found and what Fulton County had found as well and that was that the stream had been hit pretty hard at least biologically. He said he had also been doing on a very regular basis with sewage spills

from the Latham Road pump station which dumps into Trickum Creek. He remarked that Fayette County was receiving an awful lot of stuff from Clayton County and Fulton County. He said Fayette County was being asked to fix problems that it did not create. He said during the Atlanta Regional Commission's public meeting he asked the question what they expected Fayette County to do about problems that were being created in South Fulton County. He said the A.R.C. said that Fayette County would have to firstly prove that other counties were creating the problem. He said he presented his report to them proving this situation. He said the A.R.C. later told him that his report was better than anything they had. He said at the end of this meeting the A.R.C. representatives said if the City of Fayetteville, Fayette County or any other government agency here has a problem with what was going on, the Atlanta Regional Commission would step in and be a mediator. He remarked that the A.R.C. said they would hold the meetings, help find the answers and call in whatever expertise was needed to do some of the very things that the Board was being asked to do here tonight. He felt this was the Board's best option in addition to attending the meetings and hearing what the citizens have to say. He said Fayette County had put a lot of money in the A.R.C. organization and the County should allow them to do some good for it now. He said the Board should asked the A.R.C. to step in and check on this situation. He said anything that had been done on this situation before now had run directly into the Environmental Protection Division who was finding every possible reason that it could not to do something. He said this was the same thing that he had come up against regarding the TMDL's on Whitewater Creek and the violation of TMDL's on the Flint River coming out of Clayton County. He reminded the Board about the issues that were faced when the deicing spill occurred a few years ago. He said at that point he and others had tried to get the State to get the Airport to do samples of what was going on and they wouldn't even listen to them. He said in both cases he had sampled the streams because the E.P.D. would not. He said he had found that there were some very severe problems out there. He said he was aware that these problems were there and the A.R.C. needed to step in and help to bring in a consulting firm to demonstrate what had actually gone on. He said yesterday he had spent some very tough hours at the site and walked through some very difficult swamp area. He said he did not see much of anything that could tell anyone one way or another but notably what he did not see were the tracks of any animals. He said he had been on sites that had been contaminated in the past and the animals in many ways were a lot smarter than humans. He said in these kinds of situations, animals stay away. He said the nearest he saw any deer tracks was approximately a quarter of a mile to half a mile away and they were old tracks. He said he was an experienced biologist and when he sees no animals and no birds this tells him that everything that the Board was hearing from the citizens tonight were absolutely right on target. He said he would like to encourage the Board to go to the A.R.C. and get them to step in, mediate with the County and help resolve this situation.

Commissioner Wells remarked that this problem had gone on for at least four weeks. She said everyone was aware that bureaucracy moves extremely slowly. She asked if the Board did go to the A.R.C. and had a mediator if that would give these citizens any type

of relief in a prompt manner. She said this was her bigger concern. She said this problem could continue to go on and the people would still be suffering. She asked how quickly the Board could expect a response from the people that Mr. Chase was familiar with at the A.R.C.

Mr. Chase said he felt the Board might be able to get the individuals at the A.R. C. to move to action but he could not. He said he had spent a lot of years trying to get the E.P.D., E.P.A. and these other agencies to go in a direction and they would not move.

Commissioner Wells said this was her concern.

Mr. Chase said the Board of Commissioners was in a position because Fayette County was a member of the Atlanta Regional Commission. He said Fayette County was getting the raw end of the deal in this situation. He said this County was getting all of this dumped on it whether it be down Whitewater Creek, Line Creek, Morning Creek, Camp Creek and coming down the Flint River. He said this situation was being created by Fayette County's neighbors to the North and no one was stepping in to help the County.

Commissioner Frady said he did not think anything would be wrong with appointing a committee such as Water System Director Tony Parrott and Director of Environmental Health Rick Fehr to contact the A.R.C. tomorrow and see if they could get something started on this. He said Commissioner Horgan was a member of the Fayette County Board of Health and he had a report saying that the heavy air was just laying stagnant and the wind had not shifted. He said nobody knows if the wind would take this odor away. He said there would have to be people on this committee who have an understanding of these types of things. He said there were individuals at the University of Georgia right now who have equipment who can nail down a particular matter down to parts per trillion and identify what it was. He said there was the technology to find out what this was. He said even yesterday he could smell it.

Commissioner Horgan remarked that as part of the direction of the emergency management agency was to tell people to pull their air conditioning filters out and clean them. He said there was material that could stick to the dirt within their filters. He said this would also include only opening windows at certain times. He said he agreed with Commissioner Wells that something needed to be done as soon as possible.

Commissioner Wells recalled the contamination situation with Lake Edith. She said the E.P.D. was very slow to respond. She said the County had approached the E.P.D. repeatedly. She said the County even had documentation that Lake Edith was contaminated and it was a process that just went on and on forever and that was a fairly isolated situation. She asked if someone such as Pete Nelms from emergency management could help in this process.

Chairman Dunn said he was the County's representative on the A.R.C. and he felt getting them to do anything would be very slow. He said the County needed to take action as soon as possible and there were a lot of ways to do this. He felt the first step was to get with the people who were responsible for this and that was the Fulton County Board of Commissioners. He said Fayette County needed to meet with them and review this situation. He said this plant was very close to Fayette County and all breezes in that area blow South of the plant 365 days per year. He said a lot needed to be done and making false promises was not one of those. He said he felt like Fulton County was not going to do much about this because the situation did not really affect them. He said Fayette County was going to have to take action for them.

Commissioner Frady said he felt all of the individuals affected should get together. He said Tony Parrott and Rick Fehr should definitely be involved in this as well as Dennis Chase.

Chairman Dunn asked Captain Pete Nelms to give a brief summary of the situation. He noted that right now the County would still not have known anything about what was going on if it was not for the Fayette County Public Safety officers gotten involved in this situation. He said at least now citizens were getting information location wise and what the smell actually is. He said it should have actually been Fulton County who handled this situation but Fayette County would continue to be involved.

Captain Pete Nelms said he was the Emergency Management Coordinator for Fayette County. He said on June 30th Fayette County had sent an engine out to look for this odor and they were unable to locate it. He said on Friday some of the emergency management staff drove up to S.R. 92 North. He said for exact clarification the odor was approximately one mile North of the County line on S.R. 92 and this was located in the unincorporated Fulton County. He said staff was able to locate the site and to obtain the data safety sheets or the MSDS as it was referred to. He said staff distributed that information to the EMS system and contacted the local hospital here to give them heads up as to exactly what they were dealing with in case any patients arrived at the hospital for treatment. He felt even more importantly than that was that staff had contacted Fulton County's emergency management and Fayette County staff had actually demanded that this become a very high priority for them. He said the emergency management agency did put a lot of pressure on them. He said they had sent representatives down there and got a lot of things going. He said they had received a lot of calls from the public as well. He said the emergency management agency up there had done quite a bit of work in this. He noted that a lot of air sampling had been done by E.P.A. and E.P.D. and a division of the C.D.C. was also involved. He said he also had a copy of that report. He said there needed to be a greater awareness of what goes on in certain parts of South Fulton County and how this ultimately affects Fayette County and what exactly goes on in that facility.

Captain Nelms remarked that as an EMS system did not transport nor did they respond to any 911 emergency calls in unincorporated Fayette County for calls for service as a result

of this odor. He noted that the hospital did see six individuals over the July 4th Holiday. He said they were evaluated and released and no one was admitted. He said there was some illness as a result of this situation.

Chairman Dunn said it was his concern that some of the symptoms that Ms. Biemiller described may be an indicator for something that might not be evident yet. He said just because a child might stop bleeding did not mean that what happened to them was not going to have some repercussions later on. He said he was an asthmatic most of his life and anyone with Asthma did not need anything like this within twenty miles of them. He said this situation was really bad. He said one of the things that needed to be pressed for was an investigation and not just a bunch of bureaucrats going to look at something and blessing it because no one could smell anything anymore. He said he was going to press the County's counterparts in Fulton County for a joint investigation with EMS and all affected citizens involved every step of the way so that the citizens could get the truth. He said they had never had the truth before now. He said the citizens were getting a bunch of reports from Fulton County and they were apparently not willing to shut the plant down. He said there had to be a full court press and it was not going to be easy. He said Fayette County did not have any authority over them but it could press for the truth. He said Fayette County would just have to keep pressing and pressing until they did the right thing. He said the citizens of Fulton County were suffering as much as the Fayette County citizens. He said this could just not be ignored. He said he had lived in Fayette County in 1992 and remembered something about an odor at that time but had not heard anything about it for many years. He said he had no idea that citizens in that area were having a problem with this every now and again.

Mr. Hindman said they were having problems periodically. He said the odor was still being emitted today and the smell filled his car as he passed the plant. He said the odor was so strong that his eyes watered and his noise was burning. He pointed out that he was traveling at 50 miles per hour.

Chairman Dunn said the County's EMS had certainly given the Board a report and they had also been working with their counterparts in Fulton County. He said there was only so much that Fayette County's EMS personnel could do. He said the Fayette County Board of Commissioners was going to have to elevate it to the governing authority over there. He assured the citizens that this would be done. He said he could not promise anyone what the results would be or how fast results would come but Fayette County would do everything it could to get to the bottom of this. He said there might be some time when Fayette County would try very hard to try and remove that plant totally from the area.

Mr. Nelms said EMS personnel would certainly be glad to be part of any committee or any activity that would support not every having this occur again.

Commissioner Frady said he certainly appreciated everything that the County's EMS personnel had done on this. He said he did not realize that the County EMS had gone as far as they had already because he had not received a report on this.

Chairman Dunn questioned the CDC's report and the results of that.

Assistant Chief Allen McCullough replied that the air sampling had not revealed anything that contained anything with an appreciable high number of parts per million.

Chairman Dunn understood that the CDC's conclusion was that this was nothing that was going to threaten the lives of citizens.

Assistant Chief McCullough said that information was based on the CDC's methodology but remarked that there were more sensitive ways to determine this. He said his department's report at this point stated that there was a significant health hazard and this was the information that they had reported to the hospitals. He said the hospital did treat people with irritant complaints.

Chairman Dunn asked Captain Nelms to obtain inspection reports for this plant for the last several years.

Captain Nelms said the E.P.D. would provide that information to him.

Chairman Dunn said he had a list of a lot of issues that needed to be looked into.

Captain Nelms remarked that he would be glad to get that information and whatever else the Board needed.

Connie Biemiller: Connie Biemiller said she would like to add another comment to the odor situation. She asked if South Fulton did not take action on this as quickly as hoped, she asked if North Fayette County could be declared a disaster zone due to the lack of response of South Fulton County.

Commissioner Wells replied that a response to that would have to be predicated upon finding something that was obviously injurious to health. She said this would give the County the authority to do that. She said there would not be as strong of a suit if it turned out to be a quality of life issue. She said at this time she was not sure if anyone could respond to her questions with enough information that was currently available.

Chairman Dunn said he could guarantee Ms. Biemiller that the Board would look into this situation and drop it. He said Fulton County would have to be pressured because South Fulton County did not have its own government.

Cathy Strong: Cathy Strong, 370 Kite Lake Road, Fayetteville commented on the effects of the odor in her area. She said her normally healthy 14 year old son now had blood in his urine. She said her son had been to the doctor but not a hospital. She said there would be no record of him being transported or seen at a hospital. She said she felt there might be a lot of people out there who might be in the same situation. She said she had

taken him to a urologist who had done extensive testing and this had cost them hundreds of dollars. She said this had also been very painful to her son. She said nothing bad had been found that could be diagnosable. She said with the article that they had read yesterday in the Fayette Citizen this had been the first time that this had come to her attention that there was something poisonous that might have been in the air or could have been in the air for a while. She said the blood in her son's urine began around the last week in June. She said they were told that they were not exactly sure what it might be but to watch and let the doctor know if there were any changes. She said the blood in his urine continued and that was when they went to the doctor's office. She said her biggest concern was testing of the people who were affected. She said it would be wonderful if there was a website that the affected citizens of all the counties could go to that would tell them what the chemical Propyl Mercaptan was and how long it would stay in a person's system. She questioned how this chemical could be tested in the body. She said she had called the Lab Corps that already had blood and urine specimens to be tested for kidney problems and other types of things. She said when she informed the urologist today of the newspaper article and asked him to go ahead and test those specimens that he had for toxins, Lab Corps said they would not do this. She said she had been referred to another lab who told her that they were located in Pennsylvania and did not deal with individuals. She said it was suggested to her to just go to the Fayette Community Hospital and request a toxicology test. She felt it was important that a lot of these individuals who had already been exposed did the same thing and had some place to go.

Commissioner Wells also suggested that Ms. Strong also contact the Board of Health.

Ms. Strong asked if she should take her son to the public health department.

Commissioner Wells felt that would be a good place to start so the health department could refer her and would also have a record of the visit. She said this would help the County to facilitate documentation.

Ms. Strong felt it was very important that everybody who could potentially have been affected needed to have this information as soon as possible and get tested. She said this could be something that might potentially harm someone over the long term.

Commissioner Frady clarified that the people who have spoken tonight on this issue all lived in Fayette County.

Chairman Dunn asked if anyone was present who lived in South Fulton County. He noted that several people stood up who said they were from South Fulton County.

Earl Hindman: Earl Hindman introduced his daughter and granddaughter and reminded the Board that as obnoxious as this odor was, it was what could not be seen or what could not be smelled that people should really be worried about.

Cindy Harris: Cindy Harris introduced her daughter Victoria. She said her parents keep Victoria during the day and they lived next door to the plant. She said Victoria did not go to the hospital but she did go to the doctor. She felt there were probably more than six people who had been to a doctor. She said Victoria was having chest pain, nausea, nose bleeds, dizziness, and fever. She felt there was a lot of people there who were not aware of what they were dealing with. She said Victoria was definitely affected by this odor and they had been up all night for two nights in tears because of the effects of this odor. She said now Victoria was scared to go back to her grandparents' home because she thought she was going to get sick again.

Chairman Dunn asked Ms. Harris where she lived.

Ms. Harris said she lived in Fayette County but the grandparents lived in Fulton County. She said she wanted the Board to know that the effects of this smell were real and this had happened to her daughter.

Commissioner Wells asked Assistant Chief McCullough if her suggestion that these citizens start with the Fayette County Health Department the right place to start or would he suggest something else.

Assistant Chief McCullough replied that it would be a good idea to start with the public health department. He said they could also reach out to the Department of Human Resources where there were several layers of specialization. He said he would be glad to coordinate anything that was necessary.

Commissioner Wells suggested the newspapers also publish this information so that anyone experiencing problems would know what direction to take.

Nell Smith: Nell Smith of Fairburn expressed concern with the odor coming from the sewage plant in her area. She said the plant was approximately 4.3 miles from her home. She said she did not think action should wait until the meeting scheduled for next Wednesday if Commissioner Bill Edwards could be expedited to take some action. She said she had also left a message for the Fairburn City Administrator informing him that just because this plant was physically located in Fulton County the air was affecting Fairburn. She said the odor would make you nauseous and have watery eyes. She said she was a cancer survivor and she wanted her prognosis to stay that way. She said if her cancer were to come back and it was determined to be chemically related, she would go after this

plant and its officials. She said something needed to be done and possibly on the State or Federal level.

Ben Nelms: Ben Helms of Peachtree City remarked on the odor in the North Fayette County area. He said the E.P.D. emergency response team tested the area this afternoon and took multiple air samples. He said they test for one half part per million which was the health effect level. He said nothing showed up on the test. He said the human nose could detect variably 600 parts per trillion. He said the team could smell the odor but yet it did not show anything. He said the material safety data sheet on Propyl Mercaptan said this was mild to moderately toxic and would result in headaches, nausea, and vomiting were the normal side effects if there was some type of exposure.

Mr. Nelms said he would like to note for the record that there were significantly more than six people in this room who had experienced these symptoms. He said everyone was aware that the political boundaries exist and yet this series of incidents had no boundary and it was affecting the humans. He said some of these people live in Fayette County and some live in Fulton County and they were neighbors. He said Fulton County and Fayette County would try to determine what needed to be done. He said it was certainly not a Fulton County issue. He remarked that there was a pre-treatment permit through Fulton County but there was a solid waste permit through E.P.D. which was the State of Georgia. He said since this plant was transporting interstate hazardous waste, it might very well be E.P.A. He said there would be quite a few residents from both Fayette County and Fulton County at the public meeting next Wednesday. He said hopefully representatives from Phillip Services Corp. would be present. He said in the meantime it was a fact that approximately 100 people have gotten ill from this smell. He asked the Commissioners to go to the North Fayette County and South Fulton County areas and spend a few hours there and smell the odor. He said if the Commissioners did this then they would know what these citizens were talking about. He said there were certain chemical anomalies that were occurring in that area. He said it was definitely heavier than air and moves along the ground and did not dissipate very easily in sunlight at all. He said for approximately a period of one week during that time the winds were blowing North/South and yet every morning the heavy Propyl Mercaptan smell was traveling due North and this was still occurring today. He said two nights ago employees at this plant were washing trees around this plant. He said he knew two individuals who lived right next to the plant who woke up at approximately 1:30 a.m. with their throats closing up. He said it was now four weeks after the incident occurred. He said the vapors of this chemical were moving due South into Fayette County and due West toward S.R. 74 and due North and East with winds or no winds and rain or no rain. He said this was he and the other citizens were concerned with. He said this smell seemed to be defying the laws of chemistry and nature.

Chairman Dunn asked Ben Nelms if he lived in that area and he said no but he had spent a lot of time there. He said he appreciated Ben's input.

Latrice McLondon: Latrice McLondon, 4080 Castle Way, Fairburn remarked on the odor coming from the plant and the effects on her family. She said her home was located just beyond the tree line of the plant. She said everyone in her family has had experiences with this odor. She said she was also a cancer survivor but had not made her five year mark yet. She said she was really afraid right now of what was going to happen. She said she has had headaches every single day. She said she cannot send her children outside and had to send them to California with their grandmother. She said her children's eyes were constantly red. She said the smell had invaded every part of her house. She said she wakes up at night trying to find a way to sleep so that she would not smell the odor. She said she had been spraying perfume on her pillow and putting her face in the pillow so she can get a minute of fresh air.

Chairman Dunn asked if there had been any public hearings at all in Fulton County on this situation.

Ms. McLondon replied none that she was aware of. She said she had really just started getting involved during the last couple of weeks. She said she had planned to get in contact with her Fulton County Commissioners. She said everyone in her household had been affected including her father and mother who were visiting her from California. She said her mother was still having problems with her throat from just being in the house. She said a friend had come to visit her and was only in the house for approximately one hour and the smell was in her car for three days.

Commissioner Frady said he was glad the citizens from Fulton County had come to this meeting to give this Commission an idea of what was occurring on the Fulton County side.

Ms. McLondon further remarked that her next door neighbor's dog had died.

Chairman Dunn thanked everyone for speaking tonight. He said this was a very frightening situation. He said he could not say tonight exactly what route the Board would take to help solve this problem but the Board would definitely take a route and would not wait a long time to determine that route. He felt that anyone who has had dealings with this Board knows that when it takes an issue on, it would be thoroughly investigated. He asked for clarification of the meeting that was going to take place next Wednesday.

Clare Hindman: Clare Hindman, 8295 Spence Road, Fairburn remarked that a meeting would be held at the Bethany United Methodist Church at 7:00 p.m. on Wednesday, July 19th to discuss the situation of the odor occurring in her area. She remarked that she lived within a half mile of this plant. She replied that the meeting next Wednesday would take place at the Bethany United Methodist Church at 7:00 p.m. She said she had gone to Fulton County Commissioner Bill Edwards' office today and was told that Mr. Edwards would attend this meeting. She said Mr. Edwards was also going to try and have

representatives of the plant present as well as Representative Virgil Fludd. She said the television news reported that a truck at this facility had raised its lid and then closed it back down and this was the release of the smell. She said this was not true. She said the area residents had been smelling this odor for the last four weeks.

Chairman Dunn said he had gotten the impression that this plant had processed some of the debris.

Ms. Hindman said there was a total of sixteen trucks.

Captain Pete Nelms said that there was an assumption that some of this had been processed.

Chairman Dunn said if the trucks were driven away then their whereabouts needed to be determined and where the debris was processed if it was.

Ms. Hindman interjected that the trucks had come from Alabama.

Commissioner Wells asked if anyone had tested the ground in that area.

Captain Nelms replied that he was not aware of any ground or soil sampling that had been done.

Commissioner Wells asked Dennis Chase if he was aware of any soil sampling that had been done.

Mr. Chase replied no that he had not heard of any.

Commissioner Wells suggested that this be the next step that would be pursued.

Captain Nelms remarked that this plant was not in Fayette County's jurisdiction and noted that it was located in Fulton County.

Commissioner Wells said soil sampling needed to be done so that this information could be reviewed. She said she was not sure how stable or unstable the testing of the air would be.

Ms. Hindman suggested there should be concern with the water. She said she passed by the plant when the employees at the plant were washing off the parking lot and the water was running off down the side of the road and down into the creek.

Gilbert Bentley: Gilbert Bentley, 179 Milam Road, Fayetteville commented on the area where the odor was occurring and where soil samples might be taken. He said if the Commissioners wanted to test some of the soil in that area, there was an area behind the plant located at the headwaters of Whitewater Creek. He said it was no more than a quarter mile that an individual would be on Fayette County soil. He said this would allow someone to get soil and water samples and be in the Fayette County jurisdiction. He urged the Board not to use this as campaign rhetoric. He said he was aware that the election was this coming Tuesday and two Commissioners were up for re-election. He urged the Board to keep this discussion going.

Commissioner Wells suggested Mr. Bentley speak with Captain Pete Nelms so this sampling could be coordinated.

Chairman Dunn thanked everyone who spoke tonight and for enlightening the Board on this situation. He said he would go to the location and check it out for himself.

Commissioner Wells said she had driven to that area approximately four weeks ago and smelled the onion smell. She said at the time she had no idea what it was or where it was coming from.

Ms. Hindman said when she had spoken with Fulton County Commissioner Edwards this morning he had not been to the location to check out the odor. She said she invited him to come with her to the area. She said in order for him to investigation this situation, he needed to smell it first.

Commissioner Wells said the odor was very pervasive and filled their car as they drove through the area.

PUBLIC COMMENT:
Members of the public are allowed up to five minutes each to address the Board on issues of concern other than those items which are on this evening's agenda.

Gloria Furr: Tyrone Councilwoman Gloria Furr thanked the Board and everyone who was involved in getting the onion smell situation resolved. She said she had a lot of friends who were sick and she appreciated everything that was being done. She said on behalf of the citizens of Tyrone and the Town of Tyrone she would like to say thank you for everyone who was helping.

Connie Biemiller: Connie Biemiller thanked the Board and staff for everything that had been done in regard to the Propyl Mercaptan. She said she had heard from the E.P.D. today on this issue and the gentleman there was supposed to let her know if things were going to close up by tomorrow or not. She remarked if the plant was not closed down on Friday as hoped, concerned citizens would be protesting on S.R. 74 on Saturday from 9:00 a.m. to 6:00 p.m. She said the citizens would appreciate the Board's support during that time to show solidarity.

Johnny Bell: Johnny Bell, 350 Greenview Circle, Fairburn expressed concern with the onion smell and a health condition that he had recently been diagnosed with that might possibly be related to the smell. He said he did not understand how a company was allowed to have toxic fumes going into the air and nobody be aware of it. He said he and his neighbors would appreciate some help.

Commissioner Wells interjected that citizens could speak with Chief Jack Krakeel who was present here tonight and let him know about any potential health problems. She said Chief Krakeel and his staff would be gathering this information.

STAFF REPORTS:
CHIEF JACK KRAKEEL: Chief Jack Krakeel updated the Board on the onion smell situation. He remarked that the incident that occurred some time ago continued to linger. He said at the Board of Commissioners' meeting two weeks ago, the Board instructed staff to develop an action plan and present this to the Board for review. He said he was present tonight to update the Board on the activities that had occurred over the course of the last two weeks. He said significant progress had been made over the course of the last two weeks. He said individuals had engaged in a number of meetings with citizens of Fayette County and Fulton County as well as with Fulton County officials and other State officials. He said a healthcare questionnaire form had been developed to begin tracking the number of citizens in this community who had complained of some type of illness that was believed at this juncture to be associated with this issue. He said 122 health surveys had been returned to his office as of this evening. He said those surveys continued to be available from his staff and also from the County's website in both English and Spanish. He said an impact zone had been plotted in the community based on the surveys that had been received and the number of complaints that had been received. He said this incident propagated a significant area in North Fayette County in terms of the odor itself. He said there were also areas outside of the affected area such as the Administrative Complex area where there was some minor indication of an occurrence.

Chief Krakeel said that last night they had met at Bethany United Methodist Church again and presented information to the citizens that had been obtained during the last week. He said he and his staff had been working aggressively trying to identify if this was the first known occurrence of a situation such as this. He said he was able to obtain an epidemiological report that was done by the California Department of Public Health in 1990 as a result of an incident similar to this. He said his office had copies of those reports and would make copies of those reports available to the public. He said he had also continued to work with the various agencies and had request these agencies per the previous action plan to continue to monitor the situation. He said the Environmental Protection Division conducted a multi-media site investigation this week of the PSE facility which resulted in a review by experts of all facets of this plant. He said results of that investigation would be forthcoming some time in the next week to fourteen days. He said the District Health Office and the State Health Department were being requested to immediately begin an epidemiology investigation of this incident. He stated that Dr. Michael Strain who was the Chairman of the Fayette County Board of Health had concurred with this recommendation and had written a letter to Dr. Michael Brackett who was the District Four Medical Director. A copy of the letter, identified as “Attachment No. 18", follows these minutes and is made an official part hereof. He said a conference call scheduled for tomorrow morning at 9:00 a.m. with Dr. Brackett to pursue the initiation of an epidemiological study and investigation of this incident in North Fayette County.

Chief Krakeel further remarked that water sampling would also be ongoing of the Whitewater Creek area for volatile organic compounds. He said Fayette County Water System Manager Tony Parrott along with the City of Fayetteville would be sharing some costs on some additional water sampling of the Whitewater Creek area for these compounds. He said they hoped that this would be concluded in the next couple of weeks. He felt at this juncture with all of the activities that had been undertaken during the past three weeks, maximum saturation was close to being reached as far as Fayette County was concerned. He said staff definitely wanted to see an epidemiological investigation initiated because it was believed that ultimately not only would it provide answers to this situation but it would provide the base line for a long term analysis. He said he believed that was necessary in this particular case.

Chief Krakeel said his particular request to the Board was that the Commission’s counterparts on the Fulton County Commission and all of the local agencies be kept up to date regarding all of these findings and requests since this plant was in Fulton County’s jurisdiction and also the State agencies who have a role in this. He said staff had identified a number of steps that were believed to be appropriate at this juncture. He said (1) while this incident had caused serious concern for the community, it had caused further concern from his perspective and the emergency management perspective of the integrity of the Whitewater Creek basin. He said while there was some capture capability on site, he was concerned that any future potential spills that may occur at this facility could have a significant negative impact on the County’s water source with one of the primary water

sources being Whitewater Creek. He said (2) he would like to see and ensure that if this facility remained open that an appropriate containment system was constructed there to absolutely ensure no spill would have a detrimental affect on the community. He said (3) staff had requested that the E.P.D. perform a continuous air monitoring system using a more sophisticated methodology than what was previously utilized post July 4th weekend be done for a period of thirty days. He said staff continued to receive complaints from citizens about the odor in this area and he felt that this more intensive capability would give the County better data than what it was able to obtain with the previous air sampling capability. He felt that the ultimate resolution to this issue would be a closure of the facility and it would be in the best interest of this community and its citizens for that to occur. He said if this facility was allowed to function as it had, that this facility be prohibited from receiving any material that had the potential for creating this kind of environmental impact. He expressed concern with the plant receiving any future material that might have the potential for creating this kind of environmental impact. He felt there should be pretesting done on any product coming into the facility to eliminate the potential for an accidental vapor release which could create a significant odor problem for surrounding communities. He said if this facility continued to operate, that a plan be developed by not only the facility but with the Fayette County and Fulton County communities so that Emergency Services would be immediately notified of any situation that had the potential to affect the community so that appropriate action could be initiated before it reached a threshold level such as it did in this particular situation. He said at this point these were the activities that had been undertaken. He said these had been numerous, intensive and they were ongoing at this time. He said he would be glad to answer any questions.

Commissioner Wells said she would like to commend Chief Krakeel and all of his staff who had been so vigilant in this situation. She said if it had not been for Fayette County it would probably have been several days longer before the location of the actual problem was determined. She said her concern was with the effects of this odor and the time frame it would take to get answers for the affected citizens. She said all of the elaborate plans in the world could be in place and everyone might be so busy studying the issue that things continue without any resolution for a long period of time.

Chairman Dunn remarked that many citizens had spoken at the last Commissioners' meeting and opened everybody's eyes to this situation. He said unfortunately Fayette County was not the jurisdiction that had control over this area but the County was not going to be deterred in trying to get to the bottom of this situation. He said the County had a lot of things that it could do and had been doing but it would also be doing some additional things. He said if this plant was located in Fayette County, the situation would have been acted upon very rapidly.

Chairman Dunn further remarked that Chief Krakeel was requesting this Board to contact its counterparts in Fulton County and this would be done. He said so far everyone who

had been involved had responded in a positive way once the crisis seemed to get out of hand. He said the citizens had to activate whatever happened in that area as a result of this odor. He said it had been a problem jurisdictionally that the plant itself was not located in Fayette County. He said this Board could not dictate to people in Fulton County as to what needed to be done. He remarked that Fayette County had the best emergency management people in the State as well as the best medical services. He said there was a lot of expertise here in Fayette County and the ability to do things on its own but this plant was operating in a different jurisdiction. He said Fulton County Commissioner Edwards had asked for an immediate shut down of this plant until the problem could be determined. He said he would be speaking personally with Fulton County Chairperson Karen Handel and asking that Fulton County shut down this plant permanently. He said the citizens should not have to go through periods with horrible smells coming from this facility every once and a while and have something this disastrous happen was ridiculous. He said an incident equal to this one occurred ten years ago and it smelled like sewerage. He said in the meantime there had been one or two days of obnoxious odors that dissipated over time. He said this time it was something much worse. He said it had been a month since this smell started and it still had not dissipated completely. He said no one knew exactly what the odor was but this Board did not want to have the people in Fayette County nor the people in Fulton County who live within residential areas surrounding this plant to have to put up with this. He said regardless of what was found in this incident, this plant should be closed.

Chairman Dunn further remarked that this plant was also very close to Whitewater Creek and Fayette County citizens get a substantial amount of drinking water out of Whitewater Creek. He said Fayette County did not want to have to do extraordinary measures now to figure out every day whether or not this plant was polluting Fayette County's drinking water. He said Fayette County would still have to purify the water but it sure did not want to purify the water from things that it did not know anything about. He said this Board was unanimous in feeling that this plant must be closed and it needed to determine what happened there. He said in addition to Fayette County asking them to do this, Fayette County would also offer its assistance and staff. He said it was important for Fayette County staff to be working with the Fulton County staff so that Fayette would know exactly what was found and exactly what the impact of this was. He felt with the two governments working on this situation together rather than just having one reporting to the other, the community would be better off in the future. He said Fayette County would pursue this and he supported 100% what the citizens were going to do this weekend. He said by bringing attention to the problem would help them to make some good decisions. He thanked all of the citizens who had come to the Commissioners' meeting last week and also tonight to tell the Board just how bad this situation was. He said there was no way that this Board could have understood that because none of the Board members lived close to this. He said what these citizens had been going through was unbelievable and this Board was going to do whatever it could to resolve it. He said he had spoken to Carolyn Couch yesterday who was the Executive Director of the Georgia Department of Natural Resources

and she was very much interested in this situation. He said the Atlanta Regional Commission would be more and more interested in this particularly if appropriate responses were not received from the region. He assured everyone that this issue would not be dropped just because a letter was being sent out.

Commissioner Frady said he felt this was an excellent letter and all bases had been covered. He said he wished everyone could have attended the recent meeting at Bethany United Methodist Church. He said the emotion up there was very high and he sure hoped that something could be done to help those citizens.