RESOLUTION

NO. R-21-239

CITY HALL: July 1, 2021

BY: COUNCILMEMBERS GISLESON PALMER AND BANKS

WHEREAS, BWC Harvey (1805 4th St., Harvey, Jefferson Parish), formerly known as Blackwater Harvey, a 48-acre storage and transfer facility for hot liquid asphalt and other toxic petrochemicals, has been identified by the Louisiana Department of Environmental Quality (LDEQ) as the "primary source" of toxic odors that have resulted in over 850 citizen complaints to the LDEQ from Orleans and Jefferson Parish residents since August 2018, with a sustained surge in complaints beginning in November 2019; and

WHEREAS, in 2019, after numerous complaints had been linked to Blackwater Harvey, the LDEQ permitted this facility to increase operations by approximately 40 percent through the construction of 12 additional tanks for asphalt and other petrochemicals, with combined throughput of 383 million gallons; and

WHEREAS, New Orleans residents of the Irish Channel and East Riverside neighborhoods frequently report health symptoms from the toxic odors, which are consistent with exposure to fumes from asphalt and other petrochemicals, including headaches, migraines, difficulty breathing, and burning of the eyes, nose, throat, lungs; and

WHEREAS, more than 7,000 Orleans Parish residents live within one mile of BWC Harvey in an area with more hazardous facilities per square mile than almost anywhere else in the United States; and

WHEREAS, fumes from asphalt and other petrochemicals stored at BWC Harvey contain toxins known to cause cancer, skin disease, lung damage, immune problems, migraines, eye irritation, respiratory inflammation, and reproductive harm; and

WHEREAS, the U.S. Centers for Disease Control maintains that there is no safe level of exposure to a carcinogen; and

WHEREAS, every person, including residents of the Irish Channel and East Riverside neighborhoods, has a right to breathe clean air; and

WHEREAS, a recent technical report by Jefferson, Orleans, and Irish Channel Neighbors (JOIN) for Clean Air, found that the LDEQ improperly permitted this facility in segments, without fully knowing what specific chemicals would be stored in the tanks, including the approval of 22 new tanks with the combined storage capacity of 40 million gallons of product as "insignificant activities", under BWC Harvey's certification that "the activity will not cause a nuisance or danger to public safety"; and

WHEREAS, the JOIN for Clean Air report identified discrepancies in LDEQ records related to BWC Harvey's permitted emissions of volatile organic compounds (VOCs) and polycyclic aromatic hydrocarbons (PAHs); and

WHEREAS, the LDEQ currently has no monitoring system in place to adequately determine whether concentrations of PAHs, the primary pollutants of concern in asphalt fumes, are within legally allowable limits in the neighborhoods in close proximity to BWC Harvey; and

WHEREAS, LDEQ also does not have a system in place that ensures the opportunity for public input on air permit applications for BWC Harvey or other "minor source facilities"; and

WHEREAS, nearly 900 individuals, primarily Orleans Parish residents, signed a petition last year condemning the toxic odor problem; and

WHEREAS, the LDEQ has a responsibility to uphold its mission to "provide service to the people of Louisiana through comprehensive environmental protection in order to promote and protect health, safety and welfare"; and

WHEREAS, Jefferson Parish has demonstrated leadership and a commitment to public health and safety in taking steps to reevaluate its industrial zoning and promote "smart development"; they also require that BWC Harvey has a community warning system plan in place for emergency preparedness; and

WHEREAS, notifications for emergency preparedness are essential to the safety of residents who live close to facilities such as BWC Harvey; furthermore, it is imperative for the LDEQ to grant hearing requests to take resident concerns into consideration prior to expansion and prioritize the health and wellbeing of any Louisiana resident; **NOW THEREFORE**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council urges the Louisiana Governor's Office and United States Environmental Protection Agency to immediately exercise oversight authority and compel the LDEQ to suspend BWC Harvey's air permit and institute a permit review process that provides for public input and to monitor concentration toxic emissions, including carcinogenic PAHs in these communities; and

BE IT FURTHER RESOLVED, That the City Council seeks to work collaboratively with Jefferson Parish Council to improve air quality and emergency preparedness for the benefit of communities in both parishes, including ensuring that an efficient system of rapid emergency notification is in place; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be sent by the Clerk of Council to Governor John Bel Edwards; Chuck Carr Brown, Ph.D., Secretary of the Louisiana Department of Environmental Quality; David W. Gray, Regional Administrator, Region Six, United States Environmental Protection Agency; Jonna Polk, Office of Communities, Tribes and Environmental Assessment, Region Six, United States Environmental

Protection Agency; Deano Bonano, Jefferson Parish Council District 2; Colonel Stephen Murphy, Commander and District Engineer, New Orleans District, United States Army Corps of Engineers; the Louisiana State House Natural Resources and Environment Committee; and the Louisiana State Senate Environmental Committee.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

AND THE RESOLUTION WAS ADOPTED.