

1 MARYLAND DEPARTMENT OF THE ENVIRONMENT
2 AIR AND RADIATION ADMINISTRATION
3 1800 Washington Boulevard
4 Baltimore, Maryland 21230
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6
7 PUBLIC MEETING
8 CSX TRANSPORTATION, INC.
9 CURTIS BAY PIERS
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11
12 ST. ATHANASIUS CHURCH
13 4708 PRUDANCE STREET
14 BALTIMORE, MARYLAND 21226
15 OCTOBER 10, 2024
16 6:17 p.m.
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21 Reported by: Camaron Nelms
22

Public Meeting
Maryland Department of the Environment

10/10/2024

ATTENDees

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3 Ms. Shannon Heafey, MDE

THE HANDBOOK OF COMMERCIAL LAW, 2011, 2012

Mr. Dillon Hamilton, USA, Inc.

to Councilwoman Foster, Baltimore City Council

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1 P R O C E E D I N G S

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3 MS. HEAFHEY: Good evening, folks. I want to
4 thank you all for coming out. We are getting started.
5 If you are able to sign in and get your food, come on
6 and get a seat.

7 So my name is Shannon Heafey. I'm with the
8 Air Quality Permits Program of the Air and Radiation
9 Management. Can you hear me? No, they can't hear me.

10 AUDIENCE MEMBER: You need to talk louder.

11 MS. HEAFEY: Okay. Sorry. So my name is
12 Shannon Heafey. I'm with the Air Quality Permits
13 Program of the Maryland Department of the Environment.
14 I will be serving as informational meeting coordinator
15 tonight.

16 Also with me from the Department, we have Mr.
17 Chris Hoagland, who is our Air Director, Mr. Angelo
18 Bianca, who is our Deputy Air Director, Ms. Sunya
19 Sariscak, who is our Program Manager, and she'll be
20 giving an informational talk tonight.

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1 O'Connell, Senior Director of State Relations, and Brian
2 Hammock, Director of State Relations.

3 So this meeting tonight -- if you can't hear
4 me raise your hand, I'm sorry. This meeting tonight is
5 to give you all information on this Permit to Operate
6 renewal application and where it stands.

7 After we do the introductions and Ms. Sariscak
8 does her presentation, I will open the floor for
9 comments.

10 So first, I want to thank the church so much
11 for making all these last minute arrangements for us to
12 be here tonight. Thank you, thank you.

13 (Applause.)

14 MS. HEAFEY: And secondly, if anyone prefers
15 to have the Spanish translation for what we're doing
16 tonight, if you can go to the back where our
17 translators are, they will be happy to take care of you
18 during the questions and answers, whatever's happening.

19 We also have court reporters here who are
20 going to record the comments. What I would like to
21 remind everyone is this is recorded. So when you're
22 done, we're going to call you up, not necessarily in the

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1 order in which you signed in, but the order I get the
2 pages. Once you guys have made your statements, I'm
3 going to call you up in numbers of five at a time.

4 We would also like you, when you're done, to
5 go over to the other court reporter who is going to
6 double check spelling of your names, that kind of thing.

7 If anyone has not signed in tonight, there are
8 actually two sign-in sheets. One for the Department of
9 the Environment, and I would like to get everyone's
10 contact information, an email address or a street
11 address, so that we can send future communications to
12 you.

13 And the other sign-in sheet is for the
14 community group, although I'm probably going to be able
15 to share my sign-in sheet with them. Just make sure you
16 get a hold of them.

17 I understand you guys brought some door
18 hangers. Hold on to those. There's going to be more
19 information for you that's from the community
20 organization, not us, but do hold onto them.

21 Okay. So now I've got some like boring stuff.
22 Notification for this meeting was published in the

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1 Baltimore Sun on September 4th and September 11th.
2 Additionally, all local elected officials within a
3 one-mile radius of the location were notified by email,
4 as was everyone who was on our interested parties list.

5 This information and the draft conditions are
6 on our MDE website. If you go to the MDE main page and
7 you click on air, to air quality permits, and then you
8 will see on the sidebar for CSX.

9 Okay. This is the non-fun part. When people
10 are called up to speak, there will be a two-minute
11 timer. From this time until 8:00, we will be able to
12 let everyone come up that has signed in. They will get
13 a two-minute timer, and then at 8:00, the folks that
14 have joined us virtually will be able to ask their
15 questions or leave their comments.

16 This comment period is open through December
17 16th, so there's plenty of time to send in comments.
18 You can send them to my attention. My business cards
19 are over on the side table where you signed in. And
20 again, there's plenty of time through December 16th.
21 If you made a comment tonight and you want to add more,
22 that's fine, just feel free, or call me if you have

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1 questions.

2 Okay. I'm going to give my speech. We know
3 there's a lot of concern about the CSX facility by many
4 in attendance, both here and online, so it's critical
5 that no one interrupts during the presentation or when
6 someone's giving testimony.

7 The court reporters and Spanish language
8 translators need to be able to hear each statement, and
9 it's important to allow enough time to be sure everyone
10 has time to make their statements. I'll ask you also to
11 be patient as the presentation will be translated into
12 Spanish for those who need it. We do appreciate your
13 consideration for that.

14 So for the commenting person, what I'm going
15 to do is call up people in groups of five to come to
16 these front chairs. And as I'm getting to the last
17 person, I will call the next batch of five up. Same
18 thing, two minutes for each person.

19 Once we're done with the people here in the
20 room and with the people online, if there is any room,
21 I'll invite people to come back up and add to their
22 statement or make a statement if they hadn't thought

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1 they wanted to do earlier. Okay, Ms. Sariscak.

2 MS. SARISCAK: Hi, thank you, guys. Thank
3 you so much for coming this evening. I really
4 appreciate you guys coming out for this public meeting
5 for CSX Transportation's Curtis Bay Piers facility.

6 My name is Sunya Yi Sariscak. I'm sorry,
7 that's a huge mouthful, but you will never forget who
8 I am. I am the manager of the Air Quality Performance
9 Program for the Air and Radiation Administration at the
10 Maryland Department of the Environment. Next slide,
11 please.

12 Okay. Just a brief background. Why are we
13 here tonight? CSX Transportation, they operate a coal,
14 ore, limestone, and other dry material storage, transfer
15 and shipment terminal in the Curtis Bay community, and
16 they are located at 1910 Benhill Avenue, Baltimore,
17 Maryland 21226. We all know what that facility is and
18 why we're all here.

19 So their facility's current air quality state
20 permit to operate was issued on October 1, 2018 and it
21 had an original expiration date of September 30, 2023.

22 On July 18, 2023, CSX submitted a very timely

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1 application to renew the operating permit, and the
2 current permit has been administratively extended
3 because we're taking extended time to review all of the
4 concerns and to allow the opportunity for the public to
5 give us feedback on our draft permit. Next slide,
6 please.

7 Okay. So this is the department's preliminary
8 determination. What went into our determination? We
9 reviewed facility records, including all of the
10 inspections, reports, permits. We had to determine if
11 the facility was currently operating in compliance with
12 applicable air quality requirements.

13 Additional factors we also considered during
14 this extended time included the proximity of the
15 facility to the residences, the evidence of coal dust in
16 the community, and, of course, environmental justice
17 concerns in the Curtis Bay area.

18 So on August 29, 2024, we released a draft
19 air quality state permit to operate renewal, and that
20 is currently out for public review and comment. Next
21 slide.

22 So what goes into a state permit to operate?

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1 So a state permit to operate is an umbrella permit.

2 (Whereupon, there was a
3 brief pause in the
4 proceedings.)

5 MS. SARISCAK: I'm sorry. I've been told to
6 go a little slower. I know I speak really fast so I'm
7 going to try and go a little slower. I apologize.

8 Okay. So our state permit to operate is an
9 umbrella permit. What does that mean? It covers all
10 existing air pollution emitting installations and
11 processes in one document.

19 So what are the elements of a state permit to
20 operate? First, there's always a summary of all of the
21 covered installations and processes. So on that first
22 page, you will see a table with listed equipment and

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1 installations that's covered by the permit. There are
2 general provisions. Those provisions are applicable to
3 any state permit to operate holder in the state of
4 Maryland. Then applicable air quality requirements.

5 Those requirements are what's applicable to
6 that facility itself and certain installations and
7 processes covered by the permit. Then there's operating
8 conditions specific to those requirements, testing and
9 monitoring, record-keeping, and reporting.

10 So what are the applicable air quality
11 requirements? So first and most importantly, CSX must
12 take reasonable precautions to prevent particulate
13 matter from becoming airborne.

14 One of the other applicable requirements is
15 that they must demonstrate that emissions of toxic air
16 pollutants will not unreasonably endanger human health.
17 And finally, CSX is not allowed to create a nuisance or
18 an odor. Next slide.

19 So here are some of the original elements of
20 the draft permit requirements that were in all of the
21 operating permits previously.

22 CSX must use wet suppression to minimize

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1 fugitive dust. They must operate in compliance with a
2 facility-wide fugitive dust plan. And then most
3 recently they have to operate a fence line monitoring
4 system in accordance with an approved fence line
5 monitoring plan that was approved by the department.
6 Next slide.

7 (Whereupon, there was a
8 brief pause in the
9 proceedings.)

10 MS. SARISCAK: I'm sorry. Just a message for
11 everyone who's participating online virtually. Some of
12 the slides, I think there's some issues with the slides
13 advancing as to the speed, so I apologize for that.
14 Hopefully that will be corrected soon.

15 Okay. So what did we do differently this
16 time? All right. So there's additional protective
17 measures in this permit. Why are there additional
18 protective measures? Because we all know there's
19 evidence of coal dust in the community showing that
20 current fugitive dust measures are inadequate.

21 The CSX facility is unique among facilities of
22 this type because of its close proximity to residential

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1 communities with the coal storage piles less than 900
2 feet from the nearest homes.

3 The Curtis Bay community also has among the
4 highest environmental justice scores in the state for
5 pollution burden and community vulnerability. So we
6 added these additional protective measures because we
7 know that current fugitive dust measures are inadequate.

8 We are requiring CSX to construct a physical
9 barrier to prevent coal dust from being transported from
10 any coal storage piles at the site onto the surrounding
11 community.

12 They must also notify and seek approval from
13 the department of the physical barrier system within 120
14 days of the issuance of the permit. And then within 18
15 months, with the department's approval, they will
16 complete construction and place in operation this
17 approved physical barrier system. Next slide, please.

18 Other additional protective measures. So CSX
19 operates wet suppression systems currently. What we're
20 requiring them to do is to enhance those systems and add
21 new ones. So they have to install and operate a system
22 to apply water to rail cars loaded with coal at the

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1 entry point of the coal terminal. And that's within 180
2 days of the issuance of the permit.

3 This is a new wet suppression system they did
4 not have before. So we're adjusting the rail cars as
5 they enter the property. They will be required to put
6 in a wet suppression system for that. They also have to
7 upgrade their existing water spray systems to more
8 advanced atomized water spray where the rail car
9 unloading sheds are located to increase overall dust
10 control efficiency. Next slide.

11 So records. They have to keep records of all
12 materials processed, including the amounts and
13 composition of the materials. They must keep records
14 supporting the most recently approved premises via
15 their toxic compliance demonstration. They also must
16 keep copies of the recently approved fugitive dust plans
17 and fence line monitoring plans. Next slide.

18 All of these records must be available to the
19 department upon request. They also must annually
20 certify actual emissions of regulated pollutants in the
21 facility and must report all occurrences of excess
22 emissions. Next slide.

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1 So what is the current compliance status of
2 the CSX facility? So on September 9, 2024, the
3 department issued a notice of violation to CSX for an
4 incident that occurred on September 5, 2024. Thank you
5 to the community for notifying the department.

6 We went out there, verified that there was
7 actual particulate matter, that they weren't using
8 reasonable precautions to prevent it from becoming
9 airborne, and it was operating in a manner that caused
10 a nuisance, so a notice of violation was issued. This
11 notice of violation was referred to our attorney general
12 for follow-up. Next slide.

13 So how to submit written comments. All of the
14 information related to this draft permit is on a
15 dedicated webpage. I know that's a really long link
16 there, but like what Shannon said, if you go to our main
17 page and you go to air permitting and CSX you will find
18 it. You can probably even just search CSX MDE and you
19 will find it.

20 Written comments can be submitted. There's an
21 online form on that webpage, but you can also email
22 written comments to Shannon Heafey, and we're going to

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1 be accepting those comments through December 16th.

2 Someone's already requested an extension and we've
3 granted the extension, so the written comments will be
4 submitted through December 16, 2024.

5 MS. HEAFEY: Okay. So I'm going to start to
6 invite people to make their statement. I, of course,
7 would like to offer Senator Ferguson's representative
8 to come up and make a statement if he wishes.

9 UNIDENTIFIED: No, thank you.

10 MS. HEAFEY: Okay. Thank you. And is
11 anybody online? Any elected official online? Can you
12 raise your hand, please?

13 MS. SARISCAK: None.

14 MS. HEAFEY: Okay. Thank you. I understand
15 that --

16 MS. SARISCAK: Wait, we have a hand. Thank
17 you. Elected officials?

18 MS. HEAFEY: There is? Okay.

19 MS. SARISCAK: Please, if you want to come up
20 here.

21 MS. PORTER: Thank you. Hello, everyone.
22 Councilwoman Porter for the record. Previously I

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1 shared my opposition to the previous permit and I also
2 share my opposition to this current permit.

3 It will be submitted in writing by the
4 December 16th deadline and it is in reference to not
5 only just the environmental justice issues within the
6 Curtis Bay community, but also from a city perspective,
7 just making sure that we have elected officials on the
8 record sharing their opposition for a respective permit.

9 Thank you.

10 MS. HEAFHEY: Thank you very much. And
11 representing CSX, who would like to make a statement,
12 is Brian Hammock, please.

13 MR. HAMMOCK: Good evening. Can everybody
14 hear me? All right, thank you. My name is Brian
15 Hammock. I represent CSX Transportation in Maryland
16 based out of Curtis Bay. It's good to be here with you
17 tonight. I'm joined by my colleagues, Aleek Young, who
18 runs our coal and ore terminals out of Baltimore, as
19 well, Maurice O'Connell, Senior Director for Government
20 Affairs for CSX. And we're also joined by colleagues
21 that are on the webcam watching tonight as well.

22 I appreciate the opportunity to be here

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1 tonight with you to hear your concerns about your
2 community. I would also like to share some important
3 information about the terminal and our operations.

4 The terminal has been a critical part of
5 Maryland's economy and America's supply chain for nearly
6 140 years. CSX, as a railroad, is a common carrier.
7 Because we are a common carrier, federal law requires
8 CSX to transport all types of goods.

9 In Baltimore, we move a lot of cars, trucks,
10 tractors, and containers. We also transport coal on
11 behalf of American shippers in the Appalachian region
12 from communities like Luke, Maryland, or Marion County,
13 West Virginia to our facility in Curtis Bay where it is
14 shipped locally and internationally.

15 Entering the property, rail cars enter a shed
16 where the coal is unloaded while being sprayed with
17 atomized water mist for dust suppression following EPA
18 guidance and industry best practices.

19 Coal moves inside of enclosed conveyor belts
20 directly to ship and barge at the piers or to one of
21 eight transfer stations where the coal is stored
22 temporarily before ship loading occurs. Per EPA

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1 guidance, a network of automated water sprayers around
2 the facility are used to manage dust.

3 The Department of Environment has designated
4 the facility as a minor source of PM emissions. We
5 operate in compliance with our operating permit,
6 MDE-approved dust suppression plan, and additional
7 operating and monitoring agreements that we have with
8 the community and with MDE.

9 CSX reviews and updates the facility's future
10 dust control measures on an ongoing basis. In the past
11 18 months, for example, we've upgraded the water
12 suppression system to include the atomized mist
13 technology, enhanced our water truck usage on the
14 facility roadways, and added metal skirting to the
15 conveyor system.

16 (Whereupon, there was a
17 brief pause in the
18 proceedings.)

19 MS. HEAFEY: Go ahead.

20 MR. HAMMOCK: Okay. I'll continue. Thank
21 you. CSX has implemented a comprehensive air
22 monitoring program focused on particulate matter and

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1 ambient air at our terminal fence line. CSX shares
2 this data with MDE, and we make it publicly available
3 in real-time on our website, CSX.com.

4 The EPA says that fence line monitoring at
5 facilities like ours provides meaningful public health
6 benefits to nearby communities. The data from air
7 monitoring shows that particulate matter concentrations
8 at the facility's fence line do not exceed ambient air
9 quality standards set by the EPA, and that air quality
10 at the terminal's fence line is consistent with air
11 quality in the Baltimore area generally, and generally
12 better than the D.C. metro area.

13 The Curtis Bay facility powers our electric
14 grid. It supports developing communities throughout the
15 globe. It fueled the blast furnace at Bethlehem Steel
16 and the Liberty ships that won the Second World War.

17 When the Key Bridge fell, Aleek and his team
18 at the cold pier worked hand-in-hand with unified
19 command because of the special assets and talents that
20 we have at that terminal.

21 The railroad employs close to 1,000
22 Marylanders and we support 140,000 jobs at the Port of

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1 Baltimore, including family-owned businesses right here
2 in Curtis Bay that work with us at the piers.

3 We are listening to the community regarding
4 air quality. A recent study published in the Journal of
5 Air and Waste Management Association highlighted the
6 need to invest in diesel-to-electric conversions of
7 heavy equipment and trucks around the port to reduce
8 black carbon and other air pollutions in the community.

9 CSX is committed to reducing our carbon
10 footprint and we are making significant investments in
11 South Baltimore to that end.

12 In partnership with the Maryland Department
13 of Transportation, the Maryland Port Administration and
14 the Federal Railroad Administration, CSX is investing
15 \$22 million to replace the diesel locomotives at our
16 Curtis Bay Terminal with three new zero-emission battery
17 electric locomotives. These will be the first on the
18 east coast and only at the Port of Baltimore with
19 reduction of emissions by 3.4 metric tons of PM2.5,
20 71 metric tons of NOx and 1,500 metric tons of CO2
21 annually. Also, locomotive noise will be reduced by 70
22 percent.

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1 We're also proud of the long-term projects
2 that we've completed with MDE, the Curtis Bay community
3 and the Chesapeake Bay Foundation to improve water
4 quality in Curtis Creek by investing \$20 million to
5 recapture 100 percent of the stormwater that falls onto
6 our facility for reuse.

7 And another project I'm proud of is that we
8 moved 100,000 tons of oyster shells across the piers to
9 build oyster reefs in 10 tributaries of the Chesapeake
10 Bay, one of the best restoration projects that's
11 happened in the watershed.

12 My colleagues and I take environmental
13 sustainability seriously. We will continue to look for
14 opportunities to collaborate with the state and the
15 community to make improvements. I look forward to
16 hearing your thoughts tonight. Thank you for allowing
17 me to be here.

18 MS. HEAFY: Okay. I would like to call up
19 the first five speakers. And again, this is not in the
20 order of the way you signed in. It's just how I
21 grabbed them. So David Jones, Mary Petitti, Cara
22 Jones.

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1 MR. JONES: Okay. So, first off, since CSX
2 didn't have --

3 MS. HEAFY: Wait, wait, hold on, hold on,
4 hold on. I need you to state your name and spell it
5 for the court reporters and you're going to have to
6 speak into the microphone.

7 MR. JONES: David Jones, D-A-V-I-D,
8 J-O-N-E-S. So first off, since CSX had no limit,
9 there's going to be no limit for me.

10 (Applause.)

11 MR. JONES: I don't understand why this
12 company gets special treatment that the people who live
13 in this community do not. For this guy to stand up
14 here and say that he cares about my community is a lie,
15 and anyone that says different is just along with him.

16 Not even two weeks ago they decided they
17 wanted to clean their tracks in my community. And
18 luckily, my association president caught it on video,
19 what they were doing in my community.

20 I don't trust MDE because I got from MDE that
21 they understood what was going on and that someone from
22 MDE would be out there to look over what was going on.

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1 The very next day they did the same thing.

2 This company does not care about anyone in
3 this community. They don't care about anybody but their
4 profits. That's the bottom line. And anyone that says
5 different is with them and makes money off of them.

6 (Applause.)

7 MR. JONES: The only thing that's going to
8 make my community better is for this coal terminal to
9 shut down. I've lived here for 35 years and my family
10 has lived here generational and we've dealt with this
11 generationally. Nothing has changed. In my 35 years
12 of living here it has gotten worse.

13 These people do not look out for the best
14 interests of this community as far as from a state
15 company or whatever, MDE, or anybody else. This is a
16 big issue, not only in this community but other
17 communities.

18 There is no elected officials here tonight
19 except for Ms. Porter and it's sad. The governor can't
20 be here tonight. The mayor can't be here tonight. This
21 is a big issue. Again, profits over health and safety
22 no longer needs to exist. And that's all I've got to

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1 say. I've said enough. My thing is this needs to be
2 shut down. That's it. No more operational permits from
3 what has been shown from their existing permits. For
4 how long they've been here they have never complied.
5 So that's what I've got to say.

6 (Applause.)

7 MS. HEAFEY: Okay. I didn't get a chance to
8 call the other people up so I would like to call up
9 Katy Lake and, oh my goodness, Matthew O'Berry. Sorry
10 if I said your name wrong. And those last two can come
11 up and sit and then I'll have the next folks come up.

12 MS. PETITTI: Hi, I'm Mary Petitti,
13 P-E-T-I-T-T-I.

14 MS. HEAFEY: Speak up louder.

15 MS. PETITTI: Okay. So I live in Curtis Bay.
16 I live on Inner Circle, which is not far from Ben
17 Franklin, and there are times where there's like soot
18 on your car windows, on your house windows. You can
19 kind of see it in the air. You can see it on the
20 leaves after it's rained sometimes.

21 It's definitely not something that I'm
22 accustomed to seeing being from New Jersey. Where I

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1 grew up there was no coal factories or anything nearby,
2 and so it's very noticeable.

3 I don't know, like they're comparing our air
4 quality to the rest of the city, they're comparing it to
5 D.C., but that doesn't mean that the coal itself is not
6 affecting us right here in the community. It's very
7 evident, like there's traces of it all around.

8 It's not like you can just come into the
9 community and say to yourself, oh, this could be from
10 anything. It's not, because it's not in other
11 communities. It's not happening everywhere. This is a
12 direct result of us being so close to the factory.

13 There are so many more precautions they could
14 have taken years ago, and they don't take precautions
15 until somebody makes them do it. So how is that caring
16 for your community?

17 (Applause.)

18 MS. PETITTI: If you cared for the community,
19 you would be looking for every precaution that there
20 is. You would be looking for studies. You would be
21 enlisting your own studies. You would be finding ways
22 to prevent these pollutants from getting into our air.

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1 There's so many people, just in my household,
2 my stepson has asthma. My daughter gets migraines. My
3 kids get sick sometimes. My husband had a stroke. Like
4 it's just you can say, hey, there's probably other
5 reasons it happened, and if you lived somewhere else it
6 might have happened, but the studies are really just
7 there to try to make it look like, oh, it could be
8 anything.

9 The reality is that if they cared about our
10 community, there would be more that they would have done
11 ahead of time without being forced. They would take
12 care of the community. They would prevent the
13 pollution. Thank you.

14 MS. HEAFHEY: Okay. The next person is Cara
15 Jones. I just want to remind folks that I understand
16 the clapping and the approval, and that's wonderful,
17 but we're going to be limited for time and the court
18 reporters will not be able to hear what people are
19 saying, including what you guys want to say, so please
20 be considerate. Thank you.

21 MS. JONES: I'm not sure where that man from
22 CSX got all that information but as everybody knows,

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1 none of it is true. And for the fact that they are
2 working with the waterways and stuff like that, like
3 they're polluting the waterways. So I don't
4 understand. I don't understand where he's going
5 with -- I really just don't know. Anyway, I'm very
6 confused. So please do not accept anything that these
7 people are saying. Don't approve the permit. That's
8 all I've got to say.

9 (Applause.)

10 MS. HEAFEY: Katie Little? Is Katie Little
11 coming up to speak? There you are. Thank you.

12 MS. LITTLE: Good evening. My name is Katie
13 Little. Thank you for your time tonight.

14 THE REPORTER: You have to talk louder.

15 MS. LITTLE: Closer to the mic? All right.

16 Good evening. My name is Katie Little. Thank you for
17 your time tonight. I live just a few miles away in the
18 Hollins Roundhouse neighborhood, and I am an
19 environmental engineer. And it's really important to me
20 that any permit includes adequate measures for the
21 protection of the environment and the people who live
22 in it.

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1 I recognize that this draft permit to operate
2 includes the construction of a physical barrier and dust
3 control via a water application to the coal pier. But
4 we've heard from the representative from CSX that this
5 water application for dust control is already occurring.
6 And clearly it's not working, it's not adequate. So I'm
7 here to say that it's not enough.

8 A history of broken promises means that we
9 cannot believe these measures, these proposed measures
10 will even be implemented, or if they are implemented,
11 effective. It's putting a band-aid on the bullet hole
12 that is the continued operation of this coal terminal
13 and rail line through residential communities.

14 This community has been lied to and ignored
15 for decades, and putting token preventative measures
16 will not undo the damage that has been done. At this
17 stage, the only viable option to make amends is to deny
18 these permits. Thank you.

19 (Applause.)

20 MS. HEAFHEY: Thank you. As a reminder, when
21 people are called up to speak, please go see the court
22 reporter near the back of the room to verify your

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1 spelling of your name.

2 AUDIENCE MEMBER: Afterward?

3 MS. HEAFHEY: Yes, that's fine. Okay, Matthew
4 Auboury.

5 MR. AUBOURY: Good evening, everyone. Can
6 everybody hear me okay? Okay, great. I'm Matthew
7 Auboury, a research associate and faculty member.

8 AUDIENCE MEMBER: We can't hear you.

9 MR. AUBOURY: My first public hearing
10 comment. Okay. All right. I'm Matthew Auboury,
11 a research associate and faculty member at the Johns
12 Hopkins Bloomberg School of Public Health and the
13 Department of Environmental Health and Engineering.

14 I've been working and researching alongside
15 residents and community-based organizations in Curtis
16 Bay and South Baltimore for the past few years to
17 address residents long-standing health and quality of
18 life concerns related to the CSX coal terminal.

19 As of this week, a key component of our
20 collaborative work has been peer-reviewed and accepted
21 for publication in the Science of the Total Environment
22 Journal. This peer-reviewed work confirms the presence

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1 of coal dust in residential areas of Curtis Bay at two
2 locations, one being about 1,000 feet away from the coal
3 terminal and the other being about three-quarters of a
4 mile away at the Benjamin Franklin High School.

5 So the question of whether or not the Curtis
6 Bay community is exposed to coal dust is answered. And
7 it's an answer that supports, again, what residents have
8 been observing and reporting and fighting against for
9 decades, this black dust, which they know to be coal
10 dust, making its way into their homes here in Curtis
11 Bay. And despite existing dust suppression measures,
12 which MDE has already said today are inadequate. So
13 these aren't new answers, only new evidence.

14 We also have video evidence of multiple dust
15 events originating from the coal terminal and its
16 activities as recently as September 5th on camera.
17 I have seen a dust event with my own eyes too, which
18 I have also captured on camera.

19 This new draft permit includes the
20 construction of a physical barrier or barriers, and
21 these can be opened to the atmosphere above the pile,
22 and the type of material that they are constructed from

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1 is also unspecified.

2 Having seen fugitive dust events at this
3 facility where the height of the piles are vastly
4 exceeded, this brings me to pose a question about
5 whether these drafted requirements for a barrier or
6 enclosure at the facility are truly enough to prevent
7 fugitive dust emissions from the facility.

8 Changing my hat to a private citizen and as
9 someone who has spent a significant amount of time in
10 the community as a non-resident, I wholeheartedly and
11 full-heartedly echo the community's calls for this
12 facility to be held accountable for its proven pollution
13 and the residents justified safety concerns, especially
14 with the 2021 explosion.

15 And I would like to be clear. There is no
16 reasonable level of danger to human health, as was
17 mentioned earlier. Being near the coal terminal myself
18 I have experienced nasal, respiratory, eye irritation,
19 just from standing outside nearby. I can only imagine
20 living here for decades and having your family be here
21 for generations.

22 I've heard resident testimonies about black

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1 beads of sweat rolling down their kids faces. I've
2 heard residents, local workers, talk about their family
3 and friends being in this community dying from black
4 lung manifestations and respiratory disease. I've heard
5 mothers talk about their kids being frozen in fear
6 during the explosion at the coal terminal.

7 I've seen and heard youth in this community
8 be outraged about the presence of this facility right in
9 their backyards, and called to action to do something
10 about it.

11 We've spent lots of time here, asking
12 questions, looking for answers, and listening, but
13 it's time that we start taking not only environmental
14 sustainability but environmental justice seriously.
15 It's long past due that we see some action, and the time
16 is right now. Thank you.

17 (Applause.)

18 MS. HEAFEY: Okay. The next five people I
19 would like to call up is Terrel Askew, Sharon Cottrell,
20 Shashawnda Campbell, Raychel Goodson, and Melery
21 Thomas.

22 Terrel, if you want to speak, again, come up

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1 and say your name and spell it please for the court
2 reporters. And when you're done with your comment,
3 please go check with the other court reporter so that
4 she can verify your spelling.

5 MR. ASKEW: Okay. So can everyone hear me?
6 My name is Terrel, T-E-R-R-E-L, Askew, A-S-K-E-W, and
7 I'm a founding member of Coal Kills Baltimore. I'm
8 opposed to the renewal of this permit for a series of
9 reasons.

10 First off, there is no reasonable amount of
11 poison to put in anyone's lungs. There's no
12 justification for that effort. CSX made \$5.6 billion
13 in 2023. The fines that they get are in no way a means
14 to actually make them do better.

15 You just had a representative come up here and
16 say that a hundred, they've been here for what,
17 140-something years? How much does that measure in
18 someone's lungs, the coal dust that they've been
19 breathing in?

20 And it's dramatically a shame, just terrible
21 and disgusting that MDE would actually be down here
22 trying to make this seem like this is okay. That is not

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1 their job. It is terrible that there is no leadership
2 besides Councilwoman Porter here. This issue is of such
3 importance that they should be here every single day
4 until this is closed.

5 When I first found out about this it was when
6 I actually when I had a fellowship and I was working out
7 here. And I remember like cleaning the signs and seeing
8 the rail cars nearby just blowing dust into the
9 community. When the explosion happened there was no
10 CSX representative here because they didn't care. And
11 they still don't care.

12 It is time to say that enough is enough.
13 Remove the coal terminal because the truth of the matter
14 is there is no point in the life of coal where it is
15 safe for anyone or anybody. Our planet should mean
16 more, our community should mean war, our lives should
17 mean more.

18 (Applause.)

19 MS. HEAFEY: Thank you very much. I would
20 like to call Saron Cottrell, Shashawnda Campbell,
21 Raychel Goodson, and Melery Thomas. If you want, I'm
22 seeing some bare spots.

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1 MS. CAMPBELL: Hi everybody. I am Shashawnda
2 Campbell with the South Baltimore Community Land Trust,
3 and I am grateful to see you all here today and for us
4 to have this opportunity to speak on something that we
5 have all been dealing with for decades.

6 So I want to say we have been doing this work.
7 We have been living with the situation of this coal
8 being completely right next to communities, complaining
9 about the dust for a long time.

10 And honestly, that didn't get any play from
11 these different agencies until the explosion happened.
12 No one does anything until the explosion happened and
13 now we're all paying attention. But we are paying
14 attention for a moment, because giving them another
15 permit is to say that we do not care. It's to say we do
16 not care about the harms that it's caused. Because they
17 have paid their fines and they have done the same thing.
18 This barrier will not be enough. It will not be enough.
19 Because if this company has anything to do with it, just
20 like the water spray, it will not be effective.

21 We have put trust multiple times in these
22 different agencies that say that they will come out here

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1 and do research with us and saw now, even spoken by the
2 representatives, that they know coal is getting outside
3 this terminal. But still we are here talking about
4 giving them another permit to do the same thing.
5 That is the problem.

6 The problem is this company has come up here
7 and talked about them changing their locomotives into
8 something electric when that does not make the coal
9 cleaner. That is not a solution for communities that
10 are struggling with their impact on health because of
11 the coal that is coming out of your terminal and
12 poisoning them. That is not it.

13 What you should be saying is that you do not
14 deserve a permit. You should not even be applying for a
15 permit when you are doing the poisoning to the community
16 that you are doing. And I wouldn't hold the company
17 reliable for that, because I can say that that's their
18 problem, but they are a company, and they are a
19 business, and they are functioning for money.

20 Who should really be protecting this community
21 today is the agencies such as MDE, the EPA, the
22 government, the mayor.

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1 (Applause.)

2 MS. CAMPBELL: All these people should be
3 here today to protect this community and hold this
4 company accountable and not by these minimal fines that
5 they are giving and not by the minimal amount that they
6 are paying our communities when that is going to health
7 bills. That is not enough.

Deny the permit today and stand with people.

9 And if you do not do that, you will have to face the
10 wrath of tomorrow from the people in this room that came
11 to tell you about their exposures.

12 (Applause.)

13 MS. HEAFEY: Thank you very much. Are you
14 Raychel? I would also like to call up now Kim
15 Reichart, Bill Barry, and Don Griffin.

16 MS. GADSON: Yeah, my name is Raychel Gadson.
17 I work for the South Baltimore Community Land Trust.
18 As everyone knows, we have been doing a lot of work
19 around the coal issue for years. I, after like reading
20 through this draft permit, failed to see how this
21 increases any sort of enforcement or regulation of the
22 facility.

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1 So there is this paragraph towards the end
2 and it says the person responsible for a certification
3 of emissions shall certify the submittal to the
4 department in the following manner. And this is a
5 report that CSX gets to generate about itself and turn
6 in on a yearly basis based on their own monitoring, not
7 outside oversight, okay?

8 "I certify under penalty of law that this
9 document and all attachments were prepared under my
10 direction or supervision in accordance with a system
11 designed to assure that qualified personnel properly
12 gather and evaluate the information submitted based on
13 my inquiry of the person or persons who manage the
14 system, or those persons directly responsible for
15 gathering the information.

16 "The information submitted is, to the best of
17 my knowledge and belief, true, accurate, and complete.
18 I am aware that there are significant penalties" --
19 which I'm not sure what the significant penalties are
20 because they haven't happened.

21 "I'm aware that there are significant
22 penalties for submitting false information, including

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1 the possibility of fines and imprisonment for knowing
2 violations."

3 I just want to know if any parents in here
4 heard your kid give you that spiel, to the best of my
5 knowledge my room was cleaned by the person I supervise
6 or someone that they supervise or someone they might
7 know who hopefully probably kind of knows what they're
8 doing. And that would be really funny if it was a kid.
9 Like that's something I would have done as a kid. It
10 would have been hilarious. But it's not funny when
11 we're talking about poisoning people.

12 It's not funny when people are dealing with an
13 issue that gets worse every year. It's not funny when
14 this is cumulative. And it's definitely not funny when
15 we know that coal is an outdated resource that we
16 shouldn't be exporting or using to produce energy in the
17 first place.

18 (Applause.)

19 MS. HEAFEY: Thank you very much. I'm
20 looking for Kim Reichart, Bill Barry, Don Griffin, Dawn
21 Hegarty and Skip Hegarty. Do you want to come on back
22 here?

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1 MS. THOMAS: Good evening, everyone. How are
2 you all doing?

3 AUDIENCE MEMBER: Good.

4 MS. THOMSON: Awesome. Thank you all for
5 coming out today. I am Meleny Thomas with the South
6 Baltimore Community Land Trust and also on the board of
7 the Curtis Bay Community Association. But most
8 importantly, I'm here as a resident, a resident of the
9 community for the last 18 years.

10 Okay. This strip that I have up is from some
11 of the youth work that they have put out lately. And it
12 says health and safety. These were strips that were
13 placed throughout the community to see -- you can't see
14 it from far, but you can see the visible signs of dust
15 being collected, right?

16 Like, you've heard testimony after testimony
17 of people saying deny this permit. And it does need to
18 be denied. We don't need to discuss whether or not coal
19 is leaving the terminal. It is. And if you are here
20 today and you leave and you say, oh, poor Curtis Bay,
21 you are sadly mistaken, right, this is not just a Curtis
22 Bay issue. Every community where that coal train passes

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1 through, you are being impacted too. Do you all hear
2 me? Every community that a train passes through
3 carrying coal, you are being impacted too.

4 This is not just an isolated incident or an
5 isolated area that we are talking about. We are talking
6 about lives and we are talking about communities, miles
7 and miles of people, people living and breathing like
8 you and I, that are being affected each and every day by
9 these fine particulate matters, these particles that we
10 are breathing in day after day. It is time. Enough is
11 enough. We are in 2024.

12 We cannot continue to say, oh, we care about
13 environmental health and we care about all this.
14 Electrification is not the answer. That is not doing
15 anything. We are greenwashing things that really will
16 better our lives and we need to stop doing that.

17 We've got to call BS-BS and really stand up
18 and take a stand and do what we really need to do to
19 implement true change for our community and for our
20 people because we deserve it.

21 We all deserve a life and a healthy future.
22 We have little children here. We want them to have a

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1 future, a beautiful, thriving life where they don't have
2 to worry about, oh, if I go here, am I going to develop
3 asthma? Am I going to develop respiratory illnesses and
4 all these different things?

5 Those are what we are exposed to on a
6 day-to-day basis and we are saying enough is enough.
7 No more saying, oh, we know and we're going to be okay.
8 We're going to put band-aids on things that we need to
9 be ripping out the wounds and doing true surgery to
10 really create a beautiful and help heal our communities
11 instead of just band-aiding.

12 MS. HEAFEY: Thank you. Your two minutes are
13 up. I appreciate that.

14 AUDIENCE MEMBER: Why does she have a timer?

15 MS. HEAFEY: Everyone has two minutes to make
16 sure everybody can speak.

17 MS. THOMAS: Thank you all for showing up.

18 We appreciate you all. We love you all. And we're
19 going to keep fighting.

20 (Applause.)

21 MS. HEAFEY: Okay. I'm going to move on to
22 some more people. Kim Reichert, Bill Barry, Don

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1 Griffin, Dawn Hegarty, Skip Hegarty, if you are still
2 looking to speak, please come and sit up here. If not,
3 I'm going to move on to the next group.

4 MS. REICHERT: Hi, my name is Kim Reichert,
5 R-E-I-C-H-A-R-T. I'm a resident of Brooklyn, so I'm
6 your neighbor and I am with you in this desire to not
7 have this permit renewed. Everybody who has already
8 spoken has already touched on the local issues so I'm
9 going to take it a little bit further.

10 The fossil fuel companies have known since the
11 1950's that coal and carbon dioxide emissions were going
12 to negatively impact our atmosphere and our weather.
13 They knew that. They hid it. But by the 1970's, early
14 1980's, it became better known. State governments knew
15 it. Scientists knew it. Journalists knew it.

16 There is no reason why the state of Maryland
17 has had their head in the sand for decades and done
18 nothing to prepare for this day when people would come
19 and say, no more. We are destroying our planet with
20 these emissions. Wake up. Wake up, state of Maryland.
21 Wake up, Mr. Governor. Wake up, politicians, and do
22 better. This is just inexcusable at this point. Thank

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1 you.

(Applause.)

3 MS. HEAFEY: Okay. I want to call the next
4 five people to come up, please. Karin Russ, Diane
5 Wittner, Angie Sahneyfelt, Ariel Smith, and Greg
6 Sawtell. Thank you, go ahead.

7 MR. BARRY: My name is Bill Barry and I'm
8 going to be very brief. I don't live in the
9 neighborhood. I'm here to support them. And the
10 passion and the anger and the righteousness that we've
11 heard here in the last half hour is inspiring.

12 I have to say that it's bullshit that the
13 state of Maryland even has a hearing like this. All the
14 damage that CSX has done to this community, the families
15 and children for over a hundred years is ridiculous, and
16 so I hope they shut it down. I'm here to support them
17 in anyway. Thank you.

18 (Applause.)

19 MS. RUSS: Hello, my name is Karin Russ.
20 It's spelled K-A-R-I-N, R-U-S-S. I am a faculty member
21 at the University of Maryland, Baltimore, but I am here
22 today to speak on my own behalf and on behalf of a

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1 student that I mentored this summer doing legal
2 research onto the CSX permit. I want to present a
3 summary of her findings.

4 The CSX permit in Curtis Bay should not be
5 renewed because the permit up to this point has not been
6 complied with and the CSX company is likely to continue
7 to violate the terms of its permit.

8 Specifically, CSX is in clear violation of
9 Part B of its permit, COMAR 26.11.06.08, which states,
10 an installation or premises may not be operated or
11 maintained in such a manner that a nuisance or air
12 pollution is created. And we can see that there's been
13 ongoing air pollution by the railroad company for
14 decades on end.

15 A legal nuisance will be defined here in
16 a minute, but there are a few notable violations of the
17 permit that have already been discussed at length today,
18 but I'll just mention them briefly again.

19 The 2021 blast at the facility was something
20 that triggered an MDE notice of violation of the
21 Maryland Air Quality Act, and there were fines applied,
22 but that apparently still was not enough to induce the

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1 company to get into compliance with the terms of its
2 permit.

3 Specifically, the violations of the Maryland
4 Air Quality Act were violations of COMAR 26.11.06.02(c),
5 topic 2, 26.11.06.08, and 26.11.06.09, all of which are
6 explicitly listed on the CSX permit as regulations that
7 must be adhered to.

8 There's two more points and I will finish my
9 time. Part C of the permit, section three and four
10 outlines how CSX must control fugitive dust from
11 stockpiles and other surfaces, including water, asphalt,
12 coal, oil, or suitable chemical dust suppressants.

13 We can see that the dust suppressing
14 activities so far have been inadequate because the dust
15 is found throughout the community.

16 Speakers before me have commented about the
17 new measures that may or may not be adequate, the
18 possibility of a barrier surrounding the coal pile,
19 surrounding the coal pile on its perimeter, which does
20 not do anything just to cap off the upper levels of the
21 coal pile.

22 MS. HEAFEY: Thank you. I appreciate that.

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1 AUDIENCE MEMBER: Let her finish.

2 MS. RUSS: The final point of my student's
3 research was that the legal definition of a private use
4 in the state of Maryland is that another party's
5 conduct can have a legal cause of an invasion of
6 another's interest in the private use and enjoyment of
7 land when the invasion is either A, intentional, and
8 unreasonable, or B, unintentional, and otherwise
9 actionable under rules controlling the liability for
10 negligence or reckless conduct for abnormally dangerous
11 conditions and activities.

12 So I am looking forward to working with
13 community groups to investigate the legal avenues for
14 negligence by the state and CSX railroad.

15 (Applause.)

16 MS. HEGARTY: Hi, my name is Dawn Hegarty.
17 I'm your neighbor. I have a question for CSX. When
18 you do your inspections for your permits, for your past
19 permits, do you do your own inspections, or does MDE
20 come in and inspect, or does EPA come in and inspect?
21 Sir, does CSX do their own inspections on their permit?
22 Sir?

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1 AUDIENCE MEMBER: Answer the question.

2 MS. HEGARTY: So you're doing your own
3 inspections.

4 MS. SARISCAK: I'm sorry, are you asking the
5 department that question?

6 MS. HEGARTY: I'm asking CSX.

7 MS. SARISCAK: I wasn't sure if you were
8 asking --

9 MS. HEGARTY: There's a gentleman over here
10 from CSX. He said that he does the inspections. Your
11 reports go to MDE and the EPA. So does the Clean Air
12 Act apply here? I'm asking. I'm asking for a
13 neighbor.

14 AUDIENCE MEMBER: Nope.

15 MS. HEGARTY: Does the Clean Water Act apply
16 here?

17 AUDIENCE MEMBER: Nope.

18 MS. HEGARTY: Has the watershed been tested?

19 AUDIENCE MEMBER: Nope.

20 MS. HEGARTY: Has the sediment been tested?

21 AUDIENCE MEMBER: Nope.

22 MS. HEGARTY: There's so much -- this is

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1 really deep and there's been a really big injustice
2 here and we're all paying for it. Thank you.

3 (Applause.)

4 MS. HEAFEY: Okay. Diane Wittner.

5 MS. WITTNER: Good evening. My name is Diane
6 Wittner and I live in the greater Baltimore region.

7 And several summers ago I worked here in Curtis Bay in,
8 ironically, an Environmental Education Center. And I
9 had no idea that my long hours here spent every day
10 might have a negative impact on my health. I can't
11 imagine what it's like to live in this area, especially
12 with that knowledge.

13 So my message is actually for Governor Moore
14 who's not here. CSX has been polluting our treasured
15 water-dependent state with the double fossil fuel whammy
16 of long diesel trains carrying coal for far too long.
17 How can any company be proud of multiple decades of that
18 business practice?

19 In this moment of Hurricanes Helene and
20 Milton, the dinosaur era practice, this dinosaur era
21 practice is beyond irresponsible. It's just deadly.

It turns out Maryland's railroads can benefit

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1 our residents. Maryland's railroads can benefit this
2 community, and we can build not environmental injustice
3 but instead community health. Did you know that several
4 U.S. states have freight rail operations that carry safe
5 goods? Solar and wind-powered train systems are being
6 built or are even operating successfully in the European
7 Union. And by the way, these facilities are growing but
8 also in other countries around the world. We are not
9 asking for something impossible here when we say that
10 the status quo isn't acceptable.

11 So to paraphrase a port official who lives and
12 works on the West Coast that I recently heard speak in a
13 meeting, a pivot to clean electric energy and
14 transportation systems is big, yes, and it's monumental.
15 There's a steep learning curve but lots is going on and
16 the truth is we don't have a choice.

17 It will be far more expensive to postpone the
18 change that's needed here in the area, across the state,
19 across the country, and across the planet.

20 MS. HEAFEY: Okay.

21 AUDIENCE MEMBER: Let her speak.

22 MS. WITTNER: We will have failed in our duty

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1 to provide safety and well-being for future
2 generations.

3 And Governor Moore, if you haven't had a
4 chance to watch local youth's presentation, students at
5 Benjamin Franklin High School who were youth scholars
6 this summer, I urge you to find those videos. You can
7 find them. Look at the South Baltimore Community Land
8 Trust website and listen to the youth.

9 MS. HEAFEY: Okay. Ma'am, I'm sorry, I need
10 to move on to the next person. Thank you very much.

11 MS. WITTNER: Briefly, the ongoing youth-led
12 community science efforts at highlighting the
13 injustices of the Curtis Bay CSX cold pier facility
14 communicate this message very clearly.

15 Governor Moore, we adults in the room must
16 do better and create resilient and healthy Maryland
17 communities starting here and now. Thank you.

18 (Applause.)

19 MS. HEAFEY: Thank you. Angie Shaneyfelt.
20 And I would like to call up the next few people that
21 I have on my list. If you want to speak please come
22 forward. I have Ariel Smith, Greg Sawtell, Maria

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1 Merritt, and Gwen Dubois.

2 MS. SHANEYFELT: Hello. My name is Angela or
3 Angie Shaneyfelt. It's S-H-A-N-E-Y-F-E-L-T.

4 I've lived in Curtis Bay for 16 years. I'm
5 here to say to MDE and to Governor Moore that you need
6 to deny the operation permit for CSX. And I'm going to
7 also add that MDE and EPA and Governor Moore and all the
8 rest of them need to do their job to make sure that the
9 permit is denied.

10 As it reads now, it's so far short of the
11 simple human right to breathe fresh air. And this is
12 just another example of what we breathe, and you can
13 clearly see again that it's coal dust and it's
14 disgusting.

15 It's totally, totally disgusting. I have not
16 opened my windows for 15 years. Fifteen years I have
17 not opened my windows against human right to breathe
18 fresh air. Yet this dust that we're talking about, it
19 still makes its way inside my home. So I'm still not
20 safe even inside my home. My husband suffers from
21 respiratory issues regularly. My kids have asthma.
22 I now have been treated for asthma even though I didn't

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1 know I had asthma.

2 As for the restrictions that have been added
3 into the draft, there is no possible way to build a
4 barrier wall that will work. There's already a
5 warehouse and we've proven that the dust still comes
6 into our community, including my daughter's school all
7 the way up on the hill.

8 In this draft plan, the dust will rise above
9 whatever wall and continue to pollute our community.
10 Open air has no ceiling. The enforcement part of it,
11 CSX budgets the amount of the fines that they get in a
12 year. Why? Because they know the damage that gets into
13 the community and what it's causing on a daily basis to
14 our community. The fines do not affect their bottom
15 line. Instead, they ramp up the amount of coal that
16 they process, thus damaging our health even more. This
17 is not acceptable.

18 MS. HEAFEY: Thank you, ma'am. I'm sorry,
19 I need to move on.

20 MS. SHANEYFELT: Hold on a second. Our
21 community has suffered enough for way too many years.
22 Now is the time to change. Now is the time for MDE and

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1 the state to hold CSX accountable for these damages and
2 deny this permit completely.

3 There needs to be no more coal in Curtis Bay.

4 We deserve to breathe fresh air, just like everybody
5 else in the state. We have other options for our port
6 and our economy other than coal. We have to, but
7 getting there has to start with change from our leaders.
8 You've ignored the problem for literally decades, but
9 that has to stop.

10 We are asking for this to be the beginning of
11 a new chapter that doesn't sacrifice or displace or dump
12 on entire communities to increase profits. We are all
13 in this together, so let's start acting that way.

14 (Applause.)

15 MS. HEAFEY: Thank you. I would like when
16 you come up to state your name and spell it for the
17 court reporters, and then go to the back court reporter
18 and have her verify that she has got your correct
19 spelling.

20 If anyone has a statement they have been
21 reading from tonight, if you feel like leaving it for us
22 that would help the transcript that is being put

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1 together.

2 And I have over 35 people who still want to
3 say something tonight. Why I am trying to hold to the
4 two-minute limit is so that everybody can have a chance
5 to say what they need to say.

6 If we are able at the end of the evening, if
7 we still have time, which I hope we do, I would like to
8 invite people back up to additional comments or finish
9 what their statement was. So please don't get upset
10 when I'm trying to make sure everybody can do this.

11 It's important.

12 Okay. I'm going to call a couple more people
13 to come up and sit and then I'll let you go. Okay. I'm
14 looking for Helya Madiri, forgive me, Chris Haney, and
15 Anad Apian.

16 MS. SMITH: Okay. So I hope that CSX,
17 whoever is here, please keep your eyes open and ears
18 open too. Okay. So you know that when coal is moved
19 it releases dust into the air. The dust can have
20 respiratory problems, heart diseases, and even cancer.
21 Okay. So when those trucks are moving, you know that
22 can cause respiratory problems, heart disease, and even

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1 cancer. People have died from this stuff.

2 They can also make the rain turn into acid,
3 which can also damage forests, lakes, and rivers. The
4 dust pollutes the land and water. Coal, it has caused a
5 great deal of harm.

6 We need to find a new way to produce energy
7 that is cleaner and safer for our community. We should
8 transfer the clean energy sources to solar wind and
9 geothermal power. The transfer of clean energy will not
10 be easy. It will require investments and changes in
11 life. The clean energy future will improve our health,
12 protect our environment, and create new jobs.

13 In Maryland, the Maryland Department of
14 Environment, MDE, has a crucial role to play in this
15 transition. MDE is responsible for regulating the
16 state's environmental laws. One of the most important
17 decisions MDE will need to make is whether to renew the
18 permit, which that should be a no. That should not be a
19 permit to renew.

20 (Applause.)

21 MS. SMITH: The CSX terminal is one of the
22 oldest and dirtiest in the United States. It emits

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1 significant amounts of pollution into the air and
2 homes. The coal is also located in a densely populated
3 area, which puts the health of thousands of people at
4 risk.

5 MDE should not renew the permit for CSX.
6 Instead, the agency should support the closure of the
7 plant and development of the renewable energy project in
8 Maryland. Closing the CSX terminal would improve air
9 and water quality, reduce greenhouse gas emissions, and
10 create new jobs in clean energy.

11 I know the timer went off but please give me
12 a minute, I'm almost done. Please don't cut me off.
13 Let us work together to build a better world, a world
14 where we can use clean energy and take care of our
15 planet. A world where everyone can live in happy love.

16 I hope CSX is listening to me because this is
17 really important. Okay. Some people have died because
18 of this. Thank you. I'm done.

19 (Applause.)

20 MS. HEAFEY: Greg.

21 MR. SAWTELL: Greg Sawtell, G-R-E-G,
22 S-A-W-T-E-L-L. No matter who I go after tonight it's

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1 impossible to follow.

2 So I'm a member of the Community of Curtis Bay
3 Association in the South Baltimore Community Development
4 Trust. So much has been said tonight. I'm also holding
5 up this. This is more evidence. This one says
6 communities ridden in dark dust, including coal dust.

7 I want to bring it back to CSX. Thank you,
8 Mr. Hammock, for being here tonight. I heard you say
9 some stuff. I didn't catch it all so I want to ask you
10 this question in all sincerity.

11 I heard some comments about oysters, but what
12 I didn't hear was whether or not at this point, given
13 that we have peer-reviewed scientific evidence as well
14 as decades of community testimony about the presence of
15 coal dust in the community, and we know there's other
16 things but specifically coal dust, will you tonight, on
17 the record, acknowledge what the community has been
18 saying for decades and what we're presenting again
19 tonight, that there is in fact coal dust, specifically
20 coal dust from the CSX terminal, that's making its way
21 into the community. I welcome you to come up.

22 AUDIENCE MEMBER: Let's hear your answer.

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1 MR. SAWTELL: I'm sharing my time.

2 MR. HAMMOCK: I appreciate the comment.

3 You've asked the question on the record. Statements on
4 the record we will follow up, you know, during the
5 public comment period.

6 MR. SAWTELL: Okay. Well, what I can fill
7 in, what we just heard was we'll hear maybe sometime
8 later. What I can share, being someone who's been very
9 involved in this, is that we know that immediately
10 after, about this time, December of last year, we
11 released a landmark study that did demonstrate the
12 presence of coal dust after only two days at multiple
13 locations, as close as a thousand feet, as far away as
14 Ben Franklin, where students here go to school, where
15 Ariel will go to school probably in the future, is that
16 there was coal dust. We definitively proved that.
17 Now it's in a peer-reviewed journal.

18 And we know what CSX did next, was they
19 funded, speaking of where the money is going, they
20 funded. They hired experts to try to disprove and poke
21 holes. Not to come to the community and say, what have
22 we learned, as we would have gotten the sense that they

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1 would have done from the testimony, not what did we
2 learn and how can we improve, but deny, deny, deny,
3 deny, deny.

4 Okay. We know that we're never going to get
5 anywhere solving a problem if the person, the company
6 responsible for it, is spending its resources to deny
7 that the problem exists. We've gotten absolutely
8 nowhere in this mode. We need bold measures. We need
9 actual change. And that needs to start with denying
10 this permit. Thank you.

11 (Applause.)

12 MS. HEAFEY: Go ahead.

13 MS. MERRITT: Hi, my name is Mariah Merritt.
14 That's M-A-R-I-A-H, M-E-R-R-I-T-T. I'm just here as a
15 concerned neighbor. I live in a neighborhood over five
16 miles away. I came here on the bus Baltimore is a city
17 of neighborhoods and I consider everybody in every
18 neighborhood to be my neighbor as a resident of
19 Baltimore.

20 So what I want in support of my neighbors who
21 live here is for this coal terminal to stop operating
22 with no trains coming in and no big pile of coal sitting

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1 there. So I oppose the renewal of the permit.

2 You have heard from folks who live here and
3 some whose families have been here for generations.

4 Would you want coal dust in the air you breathe? Would
5 you want the higher risk of asthma, stroke, respiratory
6 illness, heart disease, and cancer? Imagine not opening
7 your windows for 15 years as one lady here just told us
8 about. Think about it.

9 Where's the gentleman from CSX? Yeah, think
10 about it. I mean, honestly, would you want this in your
11 neighborhood? I don't think so. If you don't want such
12 a facility operating in your neighborhood, and if you
13 wouldn't want to live with the effects of it, you
14 shouldn't think it's okay for it to be operating in
15 anyone else's neighborhood either. It's just plain
16 wrong. And that's why it should shut down and the
17 permit should not be renewed.

18 (Applause.)

19 MS. DUBOIS: Hi, my name is Gwen DuBois, Dr.
20 Gwen DuBois. I'm the President of Chesapeake
21 Physicians for Social Responsibility, an organization
22 of 900 followers committed to addressing climate crisis

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1 and air pollution, both of which are causing illness,
2 injury, and premature death. And I'm also a resident
3 of Baltimore.

4 But for a minute, those of us who aren't from
5 Curtis Bay should just imagine that the home we love and
6 are raising our children in is full of coal dust, which
7 is fine particulate matter, one of the most deadly forms
8 of air pollution in the world.

9 it's just -- there aren't words. This coal
10 dust is in addition to air pollutant from the biggest
11 medical waste incinerator and we're in a shadow of
12 BRESCO. And I don't know how MDE can keep giving
13 permits to these facilities. The injustice is literally
14 breathtaking.

15 The air that the people of Curtis Bay raise
16 their families in and breathe night and day is being
17 contaminated by industry whose owners and regulators
18 live elsewhere, likely able to raise their loved ones in
19 places where the air is fresh and life-sustaining.

20 If the United Kingdom, the birthplace of coal,
21 can close coal fire power plants, then Baltimore can
22 stop having coal here at the CSX terminal and stop

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1 shipping it around the world.

2 (Applause.)

3 MS. DUBOIS: Trains are good. Coal is bad.

4 There's no place for coal anymore in this world. And
5 Chesapeake Physicians for Social Responsibility oppose
6 this permit. Thank you.

7 (Applause.)

8 MS. MUDRYJ: Good evening, everyone. My name
9 is Halyna Mudryj, H-A-L-Y-N-A, M-U-D-R-Y-J. I've been
10 a resident of Curtis Bay for many decades.

11 MS. HEAFEY: Excuse me. I'm sorry, can you
12 speak a lot louder? You have to speak a lot louder,
13 they can't hear you.

14 MS. MUDRYJ: Pardon?

15 MS. HEAFEY: You have to speak a lot louder.

16 MS. MUDRYJ: I've been a resident of Curtis
17 Bay for many decades. I have been breathing coal dust.
18 I wonder how many of you know of someone in your family
19 or you yourselves have had cancer? Can I see hands?

20 I wonder what the statistic is for this
21 particular area for cancer? We had a horrible accident
22 in the spring with the collapse of our bridge. I can't

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1 imagine anything good coming out of it.

2 But one thing did come out of it that was
3 actually positive. In the strangest way, the coal
4 stopped shifting. Our air was cleaner. I noticed the
5 difference. There was no black floating on my bird
6 baths or in my cat bowls for the first time in my life.
7 Think about it. It didn't take long for air to clean
8 up. All it took was for the coal to stop being shifted.

9 I invite the people who work for CSX, those in
10 charge, please come and live in our community.

11 (Applause.)

12 MS. HEAFEY: Okay. I would like to call up
13 Jeffrey Barnes, Nicole Labruto, Daphne Heppding, and
14 Maynor Flores.

15 MS. SARISCAK: So when you're called, could
16 you please have a seat up here so we know you're here
17 to make a comment. Otherwise, we might skip over you
18 for the next person. So when she calls you, please
19 have a seat in the front.

20 MR. HEANEY: Good evening, everyone. It's
21 nice to see this room so full of people. Lots of
22 familiar faces. On the one hand, it's quite

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1 heartwarming. Many of you know me, Chris Heaney,
2 H-E-A-N-E-Y. I am a resident of Baltimore. My son's
3 here, Caleb. He's eight-years-old. He goes to school
4 across the harbor at Hampstead Hill Academy.

5 There's a coal terminal near where we live,
6 a CSX coal terminal as well. As part of what I do, I'm
7 a professor, associate professor at Johns Hopkins in the
8 School of Public Health.

9 The kind of research that I was trained to do
10 before I came to Hopkins was, and it's a crazy idea.
11 You listen to the community. You listen to what their
12 experiences are. It could be a coal terminal. It could
13 be any other fossil fuels facility. It could be a
14 landfill. It could be a factory animal farm. But if
15 you spend enough time listening to what it's like, the
16 bird baths accumulate black material on the surface.

17 You stop and realize, how long has this been
18 happening? How long have questions that are so obvious
19 been unanswered? And the patterns that I've understood
20 is you could have 140 years of a question that's a
21 research question with no scientific answer. Why is
22 that? Often it's because of powerful special interests,

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1 where there's a position to be maintained by the status
2 quo.

3 So we led a group together with the South
4 Baltimore Community Land Trust, Community of Curtis Bay
5 Association, academics at Hopkins, University of
6 Maryland, and other stakeholders to tackle some of these
7 basic questions, to move the discussion beyond what is
8 known in the community. And as it was announced, the
9 timing of these things is often serendipitous in my
10 experience.

11 Just a mere few days ago we heard that the
12 paper that confirmed the presence of coal in the dark
13 dust in the communities here in Curtis Bay was accepted
14 for publication under peer review.

15 So can we please move the discussion, the
16 debate, past this point and understand structural
17 features that are going on? Because if it's a coal
18 terminal, or a fossil fuels industry, or an incinerator,
19 or a wastewater treatment plant, or chemical
20 manufacturing or petrochemical facilities, these all
21 exist. In fact, it's close to 70 regulated facilities
22 for air emissions in Curtis Bay.

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1 So this context, I'm so happy to hear about
2 environmental justice and cumulative impacts being
3 considered because that would be refreshing to view this
4 facility as one among many where there are also probably
5 unanswered questions. But if you listen to the
6 residents and the testimony of the people in this room,
7 I hope that the Maryland Department of Environment will
8 take that into consideration when considering this
9 permit. Thank you.

10 (Applause.)

11 MR. PANDIAN: Hi, everyone. My name is Anand
12 Pandian and I'm a professor at Johns Hopkins
13 University. I am a social scientist and I study the
14 environmental costs and impacts of modern life.

15 My students and I have had the privilege of
16 working closely with some of South Baltimore's
17 courageous and visionary environmental justice leaders
18 over the last few years.

19 I come here to insist that the renewal of this
20 permit for the CSX coal pier must be denied. And I wish
21 to speak, in particular, against the deceptive and
22 insidious logic of the barrier that the new permit

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1 renewal depends on.

2 Many of the most severe environmental burdens
3 of our time are invisible, hard to see, even as they
4 are felt in our bodies, our lungs, the future
5 well-being of our elders and our children. Why are
6 these impacts so hard to see?

7 The reality of our lives in Baltimore is a
8 segregated reality. And segregation has always been
9 built on walls and barriers, walls that give certain
10 communities the freedom to forget about the condition
11 of other places. Curtis Bay is one of those places.

12 For generations, the people of this community
13 have had to put up with the most serious harms of
14 Baltimore's industrial economy, and the ignorance of
15 those elsewhere who had the convenience of forgetting
16 this reality.

17 This is environmental segregation,
18 environmental discrimination, and this discrimination
19 has always depended on walls and barriers, walls between
20 some people and others, some places and others, some
21 realities and others.

22 These walls allow us, or the most powerful and

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1 influential among us, to pretend that those pollutants
2 aren't there, that those harms aren't there. They
3 allow us to close our eyes to the reality of what is
4 happening in these places to these people in Curtis Bay
5 and beyond.

6 Putting up a new set of barriers around that
7 mountain of coal doesn't change the fact that it's
8 still there, that it will still spread that dust
9 throughout this community, that it will spread the
10 toxic damage of a fossil fuel economy wherever that
11 coal eventually goes. The coal will remain.

12 That new barrier will only help the rest of us
13 forget that sad reality, pretend it won't have the
14 destructive impact that it will have. But that impact
15 is real, as everyone in Curtis Bay knows all too well.
16 And we owe it to them to stop pretending otherwise.

17 If that mountain of coal is so dangerous that
18 it requires a barrier to hide it from view, then the
19 answer is simple. Stop bringing it here, stop building
20 it here, week after week, ton after ton. Help the
21 people of South Baltimore and Curtis Bay build something
22 more meaningful instead, the foundation of a just and

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1 sustaining economy.

2 MS. HEAFEY: Thank you.

3 (Applause.)

4 MS. LABRUTO: Good evening. Thank you. My
5 name is Dr. Nicole Labruto, N-I-C-O-L-E, L-A-B-R-U-T-O.
6 That's no coal, Nicole.

7 I am faculty at Johns Hopkins University.

8 I direct the Medicine, Science and Humanities program.
9 I'm also a Baltimore City resident. My three children
10 are here, all students in Baltimore City schools. And
11 the message is really simple. Deny the permit.

12 There are several reasons why it's incumbent
13 on the elected officials here, or not here very
14 disappointingly, to deny the permit.

15 Number one, the people who live here don't
16 want it. These residents have a right to determine what
17 happens in their neighborhoods and a right to determine
18 what happens to their bodies. We've heard about asthma.
19 We've heard about cancer. We've heard from children.
20 We've heard about drug deaths. We're all going to
21 remember that. They don't want it and they shouldn't
22 have to sustain that exposure to toxins.

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1 Ask yourselves, would you want to live in your
2 neighborhood yourself like this? Would you want your
3 family to live near here? They deserve the right to
4 breathe clean air just like you do. Deny the permit.
5 You have the power.

6 Number two. By allowing a polluting coal
7 here that's known to pollute and has a history of unsafe
8 conditions, uncontrolled explosions, you're knowingly
9 condemning residents to its continued exposure.

10 Corporate science is biased science. You have
11 the power to amplify their adverse health outcomes and
12 you have the power to continue to offer Curtis Bay as
13 the center of the sacrifice zone that is Baltimore. But
14 you also have the power to deny the permit.

15 I'm a trained social scientist and the only
16 rationale for allowing CSX to continue to offer this
17 dangerous, damaging coal facility is classist and racist
18 disregard for some human lives allowing profit to take
19 precedent.

20 (Applause.)

21 MS. LABRUTO: Discrimination against people
22 for their class and race is what enables environmental

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1 injustice to persist. You have the power to enable
2 this to persist or you have the power to deny the
3 permit.

4 Deny the permit, listen to your constituents,
5 to the people you are responsible to as elected
6 officials. No amount of coal is viable for human life.
7 Deny the permit and deny the permit. Thank you.

8 MS. HEAFEY: Thank you.

9 (Applause.)

10 MS. HEAFEY: I would like to call up Daphne
11 Heppding, Andrew Hinz. You can go ahead.

12 MR. FLORES: My name is Maynor Flores and I
13 am a proud student of Benjamin Franklin High School.
14 I think I speak for every student and everybody in here
15 that CSX does not care about our community. They only
16 care about profits. And this is -- I'm sorry,

17 UNIDENTIFIED: That's not for you to say.

18 MR. FLORES: I think it's been proven that
19 they don't care about our community. They have lied to
20 us. They have disregarded our comments. They have
21 stated that what was the black dust was not caused by
22 them and their fault. They knew that was a lie. They

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1 have consistently tried to defend themselves.

2 It is upsetting. It is abhorrent that they
3 could come down here and say that they want to help our
4 community while maintaining this huge coal terminal that
5 is actively polluting and hurting the lives of hundreds
6 of families, of thousands of families, of thousands of
7 children around Baltimore, around Maryland, all the way
8 to West Virginia.

9 I think it's disgusting and I am tired of it.
10 I am tired of them lying and disregarding and then
11 trying to maintain the idea that they are here to help
12 us. Thank you.

13 MS. HEAFEY: Thank you.

14 (Applause.)

15 MR. BARNES: I'm Jeffrey Barnes.

16 AUDIENCE MEMBER: Just real quick, I've got
17 to leave you guys. No more coal.

18 (Applause.)

19 MR. BARNES: Hi, I'm Jeffrey Barnes. Look,
20 I don't even live in Curtis Bay. I live in Brooklyn.
21 Every two or three months I have to stop my ceiling fan
22 and clean it all because the edges are full of black

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1 dust. So Curtis Bay has it bad, but people in other
2 communities are getting it just as bad. I'm in
3 Brooklyn.

4 I just recently retired from the Census Bureau
5 and so I had some time to engage in this and I've heard
6 a lot. Now, I've got three pages of revised speeches.
7 I was going to say this and I was going to say that.
8 Now, I'm going to say this.

9 We talked about CSX. Trust me, anyone that
10 knows anything about capitalism will know that
11 capitalism has nothing to do with humanity.

12 (Applause.)

13 MR. BARNES: It has everything to do with
14 making a dollar. You've got to kill 100 humans or a
15 million humans as long as that dollar comes in.

16 The problem is the state of Maryland and the
17 city government. When you complain to CSX, they're like
18 a snake. What are they going to do? They bite you.
19 Why are you trying to stop that?

20 MDE is ignoring us and you for years. There's
21 no question that the coal dust is poisoning our
22 community and causing cancer. That's not a question.

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1 And yet we come here, what, every year? And what do we
2 say? Please, please, you've got to stop this poisoning
3 of our community. This is something that the state
4 should do.

5 I'm going to tell you how to solve it. We
6 need to become one-issue voters. Sometimes there are
7 a hundred things that we have to deal with. Sometimes
8 what we have to do is take them one at a time. You want
9 to live? You want to breathe? Promise to vote for
10 somebody else other than the person that you've been
11 sending back to the state of Maryland.

12 If they don't immediately deal with this issue
13 by shutting down that coal mine, you cannot completely
14 believe that by appealing to CSX, who, my God, is the
15 state of Maryland.

16 You know, your representative will say, well,
17 I agree with you. But you know what? When it comes
18 time for a vote, what will they do? What do we have
19 now? We have what, a provisional okay of this poison.
20 Don't vote for them. Become a one-issue voter. Kick
21 them out. Give them a four-year rest and then see how
22 they act.

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1 MS. HEAFY: Thank you.

2 (Applause.)

3 MS. HEAFY: Okay. I want to call the next
4 five people. Please come on up here if you want to
5 speak. Carlos Sanchez, Humberto Sanchez, Ellen
6 Barfield, and Olivia Yates.

7 MR. HINZ: Hello, sorry for reading. My name
8 is Andrew Hinz. I have lived in the 1400 block of Park
9 Avenue in Baltimore City since 2013 in the Bolton Hill
10 neighborhood. I live three blocks from a CSX rail line
11 being retrofitted to handle larger container cars.

12 Our last rail accident was in 2012, I believe,
13 before I moved there, a chemical spill outside the
14 entrance to the Howard Street tunnel. Coal is not
15 generally transported on this line where I live, but
16 like all rail neighbors, we are at the mercy of federal
17 regulations and are one bad precedent away from bomb
18 trains, nuclear waste transport, and living in a blast
19 zone. And I'm sorry that you all already live in a coal
20 dust blast zone.

21 I thank my U.S. Representative Kweisi Mfume
22 for having my back and working on this issue, especially

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1 the uncovered coal cars going throughout the city and
2 the country.

3 The current draft permit, besides being
4 grossly overdue, is sloppy and unworkable. Rather than
5 a hodgepodge of partially valid CSX documents painted
6 over with vague Maryland Department of the Environment
7 direction, the permit, the draft permit should
8 definitely be denied.

9 I think there should be no permit, but if
10 there is a permit it should be as tightly written as
11 COMAR text, specific, with nothing left to doubt, or not
12 subject to predatory litigation.

13 The current draft permit is a mess. I don't
14 believe there should be a permit, but I'll write a first
15 draft for you. Get your pencil out.

16 Given the health emergency in Curtis Bay, no
17 coal dust is permitted to leave CSX coal pier property
18 or easements.

19 If coal dust is found to be leaving CSX coal
20 pier property or easements, CSX will cease operation of
21 the coal piers and transportation or transfer of coal
22 until a resume work order is issued by the Maryland

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1 Department of the Environment who will determine the
2 cause of the dust leaving the CSX coal pier property or
3 easements and prescribe a remedy that will be in place
4 before operation resumes.

5 I would like to speak to the elephant in the
6 room, but all the residents are speaking to it. MDE or
7 CSX would never speak to it. But the elephant in the
8 room here is climate change, better stated as biosphere
9 failure resulting from fossil fuel emissions.

10 MS. HEAFEY: Okay. Thank you, sir.

11 MR. HINZ: I've got two sentences left.

12 Baltimore exports enough greenhouse gases in coal to
13 completely negate our Maryland Climate Action Plan.

14 (Applause.)

15 MR. HINZ: We export almost the equal amount
16 of greenhouse gas emissions as we cause here in
17 Maryland. Our governor is betting our futures on this
18 fundamentally flawed Climate Action Plan.

19 Governor Moore, you must commit today to a
20 date certain by which Maryland will stop permitting the
21 export of climate chaos and by which state fossil fuel
22 workers will be employed in our green economy and not

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1 for perpetrators like CSX. Thank you.

2 MS. HEAFY: Thank you.

3 (Applause.)

4 MS. HEAFY: Our next speaker is going to be
5 giving a testimony in Spanish and it will be
6 translated, so please be patient.

7 MR. SANCHEZ: (via Spanish translator.)

8 Good afternoon. My name is Humberto Sanchez.

9 I am a resident in the neighboring community of
10 Lakeland. I am here today not only as a concerned
11 community member but as a father and grandfather.

12 I have seen my son deeply involved in the
13 fight against coal dust pollution as well as other
14 environmental injustices. And seeing his dedication to
15 this issue has opened my eyes to the real dangers that
16 our neighborhood is facing.

17 For example, we live close to the uncovered
18 rail car that is transporting the coal to this facility.
19 For years now I have watched my son talk at events and
20 conferences to talk about the amazing work he and other
21 students are doing. They have even collected scientific
22 evidence that proves that the coal dust is going to the

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1 community.

2 As a father and grandfather, that worries me
3 of what our youth are breathing in. Youth shouldn't be
4 the ones who have to work this hard to get the basic
5 right of clean air, but I'm glad they are.

6 I may not know all the technical details but
7 what I know this. Coal dust pollution is harmful,
8 harming our community, especially our children. That's
9 why I ask you, Maryland Department of the Environment of
10 Maryland, to deny the CSX permit.

11 We need you to take real measures to protect
12 our community and stop this coal dust from poisoning our
13 air. It is time to stand with the people for the sake of
14 our health and future of our children. Thank you.

15 MS. HEAFEY: Thank you.

16 (Applause.)

17 MS. YATES: Good evening, everyone. My name
18 is Olivia Yates, and I'm a co-founder of Coal Kills
19 Baltimore. My great grandfather was a coal miner from
20 West Virginia, and members of my family who live in
21 Virginia currently live in close proximity to CSX coal
22 trains.

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1 Coal has no future is what Hunter Harrison,
2 former CEO of CSX said in 2017 during a presentation to
3 industry analyst. Harrison knew that fossil fuels are
4 dead and that we've reached the point in humanity in
5 which coal is no longer practical or necessary.
6 Harrison vowed CSX would get out of the coal business,
7 but unfortunately, nine months after his appointment he
8 died.

9 Four years later, Joe Hinrichs replaced
10 interim CEO and has been leading CSX for two years
11 since. Hinrichs' plans for CSX couldn't be more
12 different. He has not said a word about shutting down
13 the coal portion of CSX, and instead has plans to ramp
14 up coal's presence at the export piers in Curtis Bay.

15 It should not have to be explained why having
16 a coal export pier directly next to a disproportionately
17 poor residential neighborhood is wrong. We know that
18 such a choice is purposeful and that corporations and
19 the government benefit from setting up destructive
20 businesses in poor and working class neighborhoods
21 because they are aware that they do not have the same
22 bargaining power, time, resources, and wealth to fight

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1 them.

2 CSX should also be fully aware of its
3 selfishness in the face of global climate change. Look,
4 your company has had a good billion dollar run and you
5 even got to cut a lot of corners while doing it, having
6 consistently and actively violating your governing state
7 permits to operate.

8 The coal dust residents have reported seeing
9 on their property and inside their homes is already a
10 clear flag that the regulations in both the state permit
11 to operate and your fugitive dust control plans are not
12 being followed.

13 But at the end of the day, CSX couldn't be bothered by
14 how much they pollute the community because they are an
15 untouchable billion dollar business that has never known
16 the meaning of the word consequence. Still, it's time
17 to wake up to the reality. We will no longer have a
18 viable planet if we continue with fossil fuels.

19 CSX knows that society has the knowledge to
20 switch to renewable energy, but companies like yours and
21 people like Hinrichs not only hold us back, but are also
22 responsible for the harm and death due to coal pollution

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1 and their contribution to climate change.

2 And before I wrap up, I would just like to say
3 I've attended a lot of these events before, and never
4 before have I ever seen a CSX representative here. But
5 don't get me wrong, we all still know that coal
6 pollution is not a priority for you. And I would like
7 to say that the state of this current operation be
8 denied.

9 MS. HEAFHEY: Thank you.

10 (Applause.)

11 MR. SANCHEZ: Good evening, everyone. My
12 name is Carlos Sanchez, S-A-N-C-H-E-Z, as you may
13 already know, and that's because I've been fighting for
14 our community since the age of 13.

15 (Applause.)

16 MR. SANCHEZ: I've been working on the coal
17 dust pollution issue in our community for a few years
18 now since I was attending high school at Benjamin
19 Franklin that's here in Curtis Bay. I'm now a recent
20 graduate of class of 2023. My mentors often talk about
21 how they've seen me grow. Unfortunately, the efforts
22 to protect the health of our youth, community, and

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1 workers haven't grown as fast as me.

2 That's why I'm here today, to urge the
3 Maryland Department of Environment to deny CSX's
4 application to renew their permit and to develop a just
5 transition plan away from coal.

6 I've dedicated my life to advocating for basic
7 human rights, for voices that aren't being heard, for
8 students that want to learn, for grandparents that want
9 to see their grandkids grow up, and I've done my part in
10 so many ways.

11 I was part of the first cohort of scholars who
12 worked to collect scientific evidence that our community
13 needed. Now we have peer-reviewed research proving that
14 coal dust is reaching as far as Benjamin Franklin High
15 School where students are exposed to harmful pollution
16 every single day as they are trying to learn.

17 The same goes for the workers who are around
18 this harmful particulate matter every day. They are
19 trading their health for a job that can be given to
20 somebody else.

21 Beyond the science, I spend time attending
22 community meetings to share what is happening in our

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1 neighborhoods. I've been taking part in panels,
2 symposiums, presentations, anything in the list to shine
3 light on these issues and bring the voices of my
4 community to a broader audience.

5 We've been fighting for clean air for years,
6 and it's time for that fight to result in some real
7 action. I've done my own research looking into the long
8 history of problems that you've already heard about.

9 During my research, I even found a petition
10 from 2013 where residents were asking for the same
11 protection that we're asking for now. Yet 10 years
12 later the coal dust pollution has continued and
13 accountability has fallen short, even after the coal
14 tunnel exploded.

15 To bring further attention to this issue, I've
16 been part of these creative methods like cutting off
17 messages that you guys have all seen before to make sure
18 that our message is heard. But despite all these
19 efforts, the pollution continues, and the health of the
20 community remains.

21 The permit is concerning for several reasons.
22 First, it doesn't require the strongest possible

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1 pollution controls, leaving our community vulnerable to
2 continued exposure. It lacks clear and enforceable
3 limits without strict standards and accountability, and
4 there is no guarantee that emissions will be reduced,
5 and the monitoring requirements are inadequate. We need
6 ongoing, real-time monitoring where the community has
7 full access tied with enforceable limits. The only
8 solution -- and I'm almost done.

9 The only clear solution is to get coal out of
10 the community. We can have good jobs that don't involve
11 coal. Look what happened earlier this month. We're
12 trying to enjoy God's nice beautiful day when all of a
13 sudden we see plumes of coal dust going into the air.
14 That's unacceptable.

15 Maryland Department of Environment, we're
16 asking you to stand with our community and deny this
17 permit renewal. Protecting the health of the community,
18 the youth, and the workers should be the top priority.
19 You have testimony. Have you taken a stand? You have
20 the evidence. This environmental injustice must end,
21 and the people of Credit Bay deserve an action.

22 And one other thing I want to point out is

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1 that we've sent these tape strips to the Maryland
2 Department of the Environment. We sent them to the EJ
3 Commission. But now that we have a representative from
4 CSX, I would like to present to you this. I wasn't
5 going to submit it on a testimony, but I think it's much
6 more of a better use to hand it to you so that you see
7 what the community is dealing with today.

8 MS. HEAFNEY: Thank you.

9 (Applause.)

10 MS. HEAFNEY: Okay. I'm calling on the last
11 person for the moment. We are supposed to be moving on
12 to the virtual speakers at 8:00. It's a little bit
13 after 8:00. So once they finish, I can go back to
14 calling on the folks that are here.

15 The first person who is listed --

16 MS. BARFIELD: Good evening, everyone. My
17 name is Ellen Barfield. That's E-L-L-E-N,
18 B-A-R-F-I-E-L-D.

19 I speak primarily as a resident of Baltimore,
20 not Curtis Bay, further into the city. I also, as you
21 can see, speak as a member and actually the co-founder
22 of the Baltimore Phil Berrigan Memorial Chapter of

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1 Veterans for Peace.

2 Veterans for Peace doesn't have an official
3 stance on coal, but we do have a very strong official
4 stance on the climate catastrophe that militarism
5 causes. And a whole lot of militarism is about stealing
6 resources all over the world, so it is related. And
7 Veterans for Peace has a very strong climate project.

8 Fossil fuels are massively destructive and, as
9 I said, have been the source and the reason for a lot of
10 wars over many years, and it is time to get beyond them.
11 We cannot keep burning fossil fuels. We cannot keep
12 destroying communities to transport and burn, to mine,
13 mill, transport, and burn fossil fuels. That absolutely
14 must end around the world.

15 It is particularly horrendous that
16 neighborhoods that are disproportionately poor and
17 people of color suffer from these terrible projects, and
18 they must end now.

19 Baltimore Phil Berrigan Memorial Veterans for
20 Peace strongly agrees with the people of Curtis Bay that
21 the coal plant must shut down. Thank you.

22 (Applause.)

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1 MS. HEAFHEY: Okay. Like I said, we've got
2 people waiting in line and online. We promised them
3 8:00 and it's after 8:00 so I'm going to call. We've
4 got four so far and then I will go back to calling
5 everybody. Okay, Jennifer Kunze.

6 (Loud disruption in
7 audience, chair thrown.)

8 MS. KUNZE: Hello?

9 UNIDENTIFIED: Yes, go ahead. Tell her she
10 can go ahead. She needs you to tell her she can go
11 ahead. Tell her she can go.

12 MS. HEAFEY: Okay, you can speak.

13 MS. KUNZE: (via teleconference.)

14 Thank you so much. My name is Jennifer Kunze.
15 I'm with an environmental organization called Clean
16 Water Action, and I'm calling in solidarity from East
17 Baltimore. I want to echo everything that everybody has
18 already said. This permit does not do enough to protect
19 the community. This permit does not protect the
20 community.

21 It's been proven and now peer-reviewed and
22 undeniable that the dust contaminates throughout the

1 community coming from the terminal. Coal dust that
2 includes arsenic, it includes mercury, it includes lead,
3 it includes particulate matter that contributes to
4 premature mortality, respiratory disease, cardiovascular
5 disease, and the science could go on and on. That's
6 absolutely unacceptable, and the state cannot allow this
7 to continue by issuing the draft permit.

8 And like what's already been said, this issue
9 does not harm Curtis Bay alone. The coal dust impacts
10 everyone along the rail corridors leading to Curtis Bay,
11 and there's more.

12 Climate change. The Baltimore Banner reported
13 in June that coal exported through the Port of Baltimore
14 has emitted over half a billion metric tons of CO2
15 emissions since 2002. Nobody on this entire planet can
16 afford that.

17 And so MDE, Governor Moore and the state of
18 Maryland needs to do the right thing. End coal
19 transport through Curtis Bay and protect the community.
20 Thank you.

21 MS. HEAFEY: Thank you.

22 (Applause.)

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1 MS. HEAFY: Okay. The next person is
2 Garrett Posey.

3 MR. POSEY: (via teleconference.) Can you
4 hear me?

5 MS. HEAFY: Yes, thank you.

6 MR. POSEY: Thank you. My name is Garrett
7 Posey. I'm here on behalf of a group of students in
8 the University of Maryland system who submitted a
9 comment to MDE back in July. We argued that MDE should
10 deny CSX's permit in light of the facility's health
11 impacts on the community.

12 MDE's collaborative investigation corroborated
13 by significant scientific data and validated through
14 community testimonials, as you're hearing tonight,
15 highlight the pervasive presence of coal dust and its
16 detrimental health impacts for South Baltimore
17 residents.

18 Despite CSX's arguments from its rebuttal that
19 "exposure to coal dust does not equate to toxicity or
20 development of adverse health effects" coal dust
21 exposure is linked with emphysema, asthma, and COPD.
22 These impacts are striking in light of CSX's legal

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1 obligations under its permit and applicable law.

2 MDE may decline to renew the permit when it
3 believes that CSX will violate the permit. CSX has
4 violated and will continue to violate the reasonable
5 precautions to prevent the spread of pollution
6 requirements under Part 2F of the permit.

7 The coal is uncovered at the CSX site. Coal
8 dust appears in nearby property. The only conclusion is
9 that CSX is unable to control the harmful dust. The
10 company's failure to cover the dust demonstrates a
11 continuing failure to take reasonable precautions
12 against the spread of harmful airborne material. The
13 new permit does not remedy these problems.

14 CSX already has a wall and already uses water
15 to attempt to control coal dust. Both are ineffective.
16 Furthermore, CSX's permit should not be renewed because
17 CSX creates a nuisance through the operation of its
18 facility.

19 MDE agreed when it issued a notice just last
20 month to CSX that it created a nuisance in violation of
21 the permit. That is the precise situation where MDE can
22 deny the permit.

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1 Our state's air quality goals are, "to
2 maintain the degree of purity of the air necessary to
3 protect the health, the general welfare, and property of
4 the people of this state." To reach that minimum
5 standard, MDE must use its authority to decline to renew
6 this permit and save lives. Thank you.

7 (Applause.)

8 MS. HEAFEY: Hi, the next person I have
9 listed is Nadia Hutchinson. Okay. You can go.

10 MDE REPRESENTATIVE: Not here.

11 MS. HEAFEY: She's not here? Okay. And the
12 last person I have is Russell Dickerson. And if you're
13 available, you can speak. Is he still online?

14 MDE REPRESENTATIVE: We're checking.

15 MS. HEAFEY: Okay. Mr. Dickerson, if you
16 want to speak.

17 (No response.)

18 MS. HEAFEY: Okay. I'm going to move on back
19 to you folks here and then if someone else pops back in
20 I'll let you know.

21 MDE REPRESENTATIVE: We have more people.

22 MS. SARISCAK: There are a few more people

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1 online, Shannon.

2 MS. HEAFEY: Oh, there are?

3 MDE REPRESENTATIVE: Okay. We have a couple
4 more people online. Do we have Nadia Hutchinson?

5 MS. SARISCAK: Yeah, we just called that
6 person.

7 MDE REPRESENTATIVE: Oh, you did. Kristy
8 Burch? Toby Harris.

9 MS. HEAFEY: Toby's here.

10 MDE REPRESENTATIVE: Excellent.

11 MS. HARRIS: Good evening, everyone. Thank
12 you so much for coming out. My name is Toby Harris.
13 I'm with the South Baltimore Community Land Trust.

14 The little girl that was just chatting with
15 me, if you would like to come up and finish your
16 comments? Yes, please.

17 I just want to make sure MDE is listening
18 loudly to them asking to deny the permit and listen to
19 residents directly.

20 (Whereupon, there was a
21 brief pause in the
22 proceedings.)

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1 MS. SMITH: Okay. So I just really want to
2 know if you are going to change the coal into
3 something --

4 AUDIENCE MEMBER: We can't hear you.

5 MS. SMITH: I just really want to know if you
6 are going to change the coal into something new so you
7 can stop hurting our environment. Because the coal
8 that has been in the air has been transported to
9 different countries and states, which has been really
10 bad and hurtful to all, to most people. Most people
11 have died. I hope you know that. Most people have
12 died because of this.

13 I really hope that MDE knows that we hope the
14 permit is not renewed. Seriously, there are real tears
15 coming out of my eyes. Okay. So I really hope that CSX
16 is listening to every person who -- sorry, is listening
17 to every person who has came out here and spokead (sp)
18 about the problems. I really hope you're listening and
19 you're getting ideas and that you're fixing your
20 mistakes, please. Thank you.

21 Oh, yeah, one more second. Please don't cut
22 me off. I really hope that CSX fixes their problems and

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1 I really hope that they have learned from their
2 mistakes.

3 We want our environment a good environment,
4 and I hope you're going to do that. Make our
5 environment good. Don't make it bad. Don't make people
6 die, okay? Thank you. That's all I have to say.

7 (Applause.)

8 MDE REPRESENTATIVE: Russell.

9 MS. HEAFY: Okay. Mr. Dickerson, can you
10 hear us?

11 MR. DICKERSON: (via teleconference.)

12 I can. Can you hear me?

13 MS. HEAFY: Yes, that's great. Thank you.

14 MR. DICKERSON: Excellent. My name is
15 Russell Dickerson. I am a professor in the Department
16 of Atmospheric and Oceanic Science at the University of
17 Maryland in College Park and a co-author on some of the
18 reviewed papers you've heard about today.

19 I would like to say that the conversion of
20 diesel locomotives to electric is a step in the right
21 direction. That will have a measurable impact
22 improvement on air quality, but it's not sufficient.

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1 There is coal dust in this neighborhood. It's there in
2 substantial quantities. It is both a nuisance and a
3 threat to human health.

4 We need a long-term plan to get off of this
5 fossil fuel, the short-term plan to keep the dust to a
6 minimum. That's all.

7 MS. HEAFEY: Thank you.

8 (Applause.)

9 MS. HEAFEY: Okay. The next five people that
10 I have listed are John Scheinman, Nassan Diona, and I'm
11 so sorry I messed that up, Karen Moe, Frank Zipicek,
12 and Tracy Crispin. And forgive me for butchering your
13 names, I'm sorry.

14 MR. SCHEINMAN: Hi, everyone. I'm John
15 Scheinman, co-founder of Coal Kills Baltimore. We're
16 an environmental justice campaign founded two weeks
17 before the explosion of the CSX coal fields in '21.

18 It's clear most people in this room still
19 believe the Maryland Department of the Environment has
20 the power to close the piers. The truth is, it does
21 not, not unless it wants to risk embroiling the state in
22 a massive lawsuit with CSX.

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1 The question is, why doesn't MDE have the
2 power to shut the piers? The fact is, our state
3 Department of the Environment is hamstrung by a federal
4 law called the Interstate Congress Commission
5 Termination Act, the ICCTA, which created the Surface
6 Transportation Board and gave it oversight and control
7 over all interstate railroading operations, including
8 the coal piers.

9 It also created a preemptive power in the law
10 that supersedes any state or local authority. So if the
11 state of Maryland tried to shut down the piers for
12 polluting Curtis Bay or being a top contributor to
13 global climate change, CSX is protected by federal law.

14 This should have been talked about a long time
15 ago. The Maryland Department of the Environment and
16 top-ranking officials like Secretary of Environment
17 Serena McIlwain and Governor Moore have not done a good
18 job at all explaining this to Curtis Bay.

19 Instead, for years, the MDE has allowed itself
20 to take the blame for not closing the piers by Curtis
21 Bay residents who are sick and tired of breathing coal
22 dust. It doesn't make any sense. MDE is not

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1 responsible for this bad law, but who knew? No one
2 benefits from this lack of clarity.

3 When Coal Kill Baltimore found out the real
4 problem, we reached out to Senator Chris Van Hollen's
5 staff to encourage them to get involved and work with
6 the MDE to fix this federal law because there's no
7 recourse in the ICCTA for any community like Curtis Bay
8 to petition for relief from a massive polluter like CSX.
9 This has got to change.

10 Our state leaders, the Governor, Secretary
11 McIlwain may not have the power to close the coal piers,
12 but they do have the standing and moral authority to
13 loudly speak for change. Better yet, the Department of
14 the Environment could deny CSX an operating permit and
15 find out in the courts whether a law that silences a
16 recognized EJ community withstands legal scrutiny.

17 Keep in mind, we're having this conversation
18 right after one of the largest hurricanes in recorded
19 history smashed through Florida, and yesterday the
20 Washington Post reported 73 percent of the world's
21 wildlife has disappeared in the last 50 years.

22 Why are we all sleepwalking? Make no mistake,

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1 the coal shift out of South Baltimore has a direct
2 impact on hurricanes, wildfires, sea level rise, food
3 shortages, war, extinction.

4 A renewed operating permit for CSX with
5 stricter rules simply doesn't cut it. It's like putting
6 lipstick on a pig, only a pig that kills people. It's
7 time to do whatever is necessary to stop CSX from making
8 hundreds of millions of dollars running a business that
9 slowly kills its community.

10 (Applause.)

11 MS. MULL: Hello, everyone. I'm Karen Mull,
12 M-U-L-L. I grew up in Curtis Bay. I went to Curtis
13 Bay Elementary. I went to Ben Franklin. I'm now a
14 business owner in Curtis Bay. I'm also on the board of
15 the Curtis Bay Community Association.

16 In the years that we've been having these
17 meetings, CSX has never been there. Where has CSX been?
18 If you want to collaborate with the community, if you
19 wanted to try to come to some type of compromise, where
20 were you? That's all we're saying. We shouldn't have
21 had to have come to this.

22 You're a billion-dollar company. You have the

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1 ability to add a community liaison with the community
2 association to make this better, to make this workable
3 for CSX.

4 And MDE, I mean, residents, they've been
5 calling for an end to the coal poison for decades and
6 the problem's been allowed to continue. Even after the
7 coal terminal exploded accountability fell short, and
8 you know it did. The coal dust continues to enter our
9 community. The coal dust causes significant health
10 problems. Help us.

11 We deserve to breathe cleaner air. Move your
12 families here. If you think what is going out into this
13 community is at acceptable levels, move your families
14 here. Have them go to our elementary schools where
15 there's coal dust on the sills, where they have to clean
16 off the playgrounds before we can let our children play.
17 Move your families here. We have a higher rate of
18 asthma for our kids.

19 The draft permit, it falls short. It doesn't
20 require the strongest possible pollution controls. It
21 doesn't have clear enforcement pollution limits. And
22 the ongoing monitoring is inadequate. A wall is not

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1 enough. We've already put up a warehouse. What we've
2 been doing, water suppression, I see that once a month.
3 That's not working. It's not being enforced.

4 And MDE, I know sometimes the right thing to
5 do is hard. Do the right thing. Deny this permit.

6 She's nervous. I'm going to hold her hand.

7 MS. CHRISTMAN: I'm a mom. And you know they
8 are not going to move their kids here. I'm Tracy
9 Christman. Our kids are suffering. I've been in this
10 neighborhood two and a half years. It's weird to
11 affect my children.

12 I have a neighbor whose son just passed away
13 of cancer. They're not going to move their kids here.
14 They don't know what it's like. They don't care. We've
15 got to do whatever we've got to do to stop them hurting
16 our children. Goodbye.

17 MS. HEAFHEY: Thank you.

18 (Applause.)

19 MR. NYONNA: Good evening, everyone. My name
20 is Maalson Nyonna, M-A-A-L-S-O-N, N-Y-O-N-N-A.

21 I originally wanted to come up here to talk
22 about the connections of CSX and climate change but we

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1 already know that. I want to instead discuss how we are
2 as a community just asking for the bare minimum, to deny
3 this permit. We need to be asking for way more than
4 that.

5 First of all, CSX needs to shut down. The
6 state needs to confiscate all the billions of dollars
7 that this company has made and return it back to the
8 people.

9 (Applause.)

10 MR. NYONNA: Okay. Shame on MDE and the
11 state of Maryland for first allowing this to happen.
12 You are the government. You are part of the
13 government. We elect you. You work for us.

14 You are supposed to be the entity to fight for
15 us, to protect us from greedy corporations like CSX, and
16 you have done a poor job at it. Even having this public
17 comment is just a way to cover your asses and we know
18 that.

19 (Applause.)

20 MR. NYONNA: So are you actually ready to
21 listen to us? You're not. Because if you truly were
22 to listen to us, this venue would not even -- you do

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1 not need to do this to know how the community feels.

2 We do not want to be poisoned. You're
3 complicit in the poisoning of your residents, of your
4 constituents, and any government that allows this,
5 allows the poisoning, the harm of their people, is not
6 a legitimate government and we need to put you out of
7 power. You are hearing from the residents, enough is
8 enough. Do better. We know companies are greedy, but
9 you are the government. You work for us.

10 Okay. I know CSX is a snake, like someone
11 said, so they really don't have a responsibility to us,
12 but you guys do. And it's sad that there are no
13 elected officials, apart from this councilwoman here,
14 that are here. This is a shame.

15 And all of our city politicians, our elected
16 officials should go to bed tonight feeling ashamed of
17 themselves, because this is a travesty. There have been
18 children that have come up here to testify how they know
19 this is harmful. We are the adults. If children know
20 this, we know this. We do not need to hold this forum
21 to know that what is happening is horrific.

22 MS. HEAFEY: Okay. Sir --

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1 MR. NYONNA: This connects -- one more
2 second. This is also a larger issue. What happened in
3 East Palestine, Ohio where the EPA just covered over
4 the train derailment over there and what happened to
5 the community. Okay. We need to hold our government
6 to account. Thank you.

7 (Applause.)

8 MS. HEAFHEY: Okay. I would like to invite
9 the next five people who said they wanted to make a
10 comment. I've got Christian Marguerite, Sharon Hunt,
11 Wendy Garcia, Tzipporah Horowitz and Zavora Horowitz,
12 and Kiana Spice.

13 (Whereupon, there was a
14 brief pause in the
15 proceedings.)

16 MS. HUNT: Thank you. Good evening. My name
17 is Sharon Hunt. I work with South Baltimore Community
18 Land Trust. I'm not going to repeat the same things
19 that have been said many times tonight, which are true,
20 but I'm wondering, in this country of the United
21 States, when did we lose total connection with common
22 sense? It should not take study after study. It

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1 should not take expert this, expert that, to realize
2 that coal is a contaminant.

3 Also, how many people die is the right amount
4 of people of whatever age? Is there a quota? Is there
5 a number? Is there an equation?

6 As for the government, the government is what
7 we demand of it, and we have been very poor at demanding
8 much from the government of Maryland, and certainly the
9 city of Baltimore of whom not a single -- well, with the
10 exception of the councilwoman, not a single official is
11 here.

12 Last but not least, the only way that this
13 gets moved forward, really, is to deny the permit.
14 CSX will sue. And in the courts, maybe given the courts
15 that we have right now, that will finally move a giant
16 step towards recognizing that I don't care what was done
17 150 years ago.

18 One hundred and fifty years ago it was okay
19 because nobody knew that we were poisoning ourselves.
20 We've been doing it for 150 years. And whoever said the
21 last two hurricanes that just went through ought to tell
22 us that the atmosphere is fighting back. So we need to

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1 go to court. We need to fight. And once again, the
2 power of the vote. If they don't do it, vote them out.

3 MS. HEAFEY: Thank you.

4 (Applause.)

5 MS. GARCIA: (via Spanish translator.)

6 Good afternoon. Thank you for the opportunity
7 for me to speak today. My name is Wendy Garcia and I
8 have lived in Brooklyn for two years. My family and I
9 live less than a mile and a half from the coal terminal
10 and less than a half mile from the tracks that transport
11 coal from this site.

12 Every time I clean my home or my car, I see
13 the amount of dark dust on all the surfaces, and I can
14 only imagine how our lungs look. My community in
15 Brooklyn is heavily polluted. There is trash
16 everywhere. The air often smells terrible. And I know
17 that Curtis Bay is completely contaminated by companies
18 like CSX that have permission to pollute.

19 For me, this is not just an environmental
20 problem, but something that has to do with my health, my
21 family's health, and my neighbors health. Brooklyn and
22 all the communities, neighborhoods near the terminals

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1 are low income areas.

2 Families, especially immigrant families here
3 have no access to health insurance while living near the
4 toxic dust in the air and the water, living close to the
5 tracks. And breathing the contaminated air day after
6 day causes cardiovascular and respiratory problems and
7 even cancer. This is something I have witnessed in the
8 health of my neighbors.

9 I am here today as a member of the community
10 to say enough is enough with the overload of pollutants
11 in our community. As a working person I understand that
12 the terminal provides jobs for people in the city, but
13 that is not a valid reason to continue to expose local
14 vulnerable communities to hazardous pollutants.

15 The economic benefits provided by the coal
16 terminal do not reach the people of Brooklyn or Curtis
17 Bay. I know that because my community is very low
18 income. For my community, the only thing the coal
19 terminal does is make my neighbors sick.

20 Today, I raise my voice at the Department of
21 the Environment to think of communities like mine
22 instead of the business interests, and not to renew the

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1 permit for the coal terminal, or at the very least to
2 set a closure date on the permit. Thank you.

3 MS. HEAFEY: Thank you.

4 (Applause.)

5 MS. HOROWITZ: Hello, my name is Tzipporah
6 Horowitz, T-Z-I-P-P-O-R-A-H, H-O-R-O-W-I-T-Z. I'm here
7 on behalf of the Chesapeake Climate Action Network
8 Action Fund.

9 In 2013, the CCAN Action Fund submitted
10 comments from over 40 residents of Curtis Bay, Brooklyn,
11 and surrounding neighborhoods regarding the
12 consideration of the CSX coal turnover.

13 In those comments we requested that the permit
14 set specific and enforceable requirements in CSX's
15 permit which would limit the amount of air pollution the
16 facility could produce.

17 Two, require the use of the best available
18 control technology and best management practices to
19 prevent coal dust from blowing into nearby
20 neighborhoods.

21 And three, require ongoing monitoring of air
22 pollution at the CSX site and placement of an air

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1 quality monitor at the Curtis Bay Recreation Center
2 where children play in close proximity to the open coal
3 piles.

4 Today, 11 years later, we have not seen those
5 reasonable requirements implemented, and it's clear what
6 the community is demanding now. Given what we know, the
7 consistent ongoing violations of the existing half
8 measures, and the lies, denials, and misdirection from
9 CSX, we strongly urge MDE to do the reasonable thing and
10 deny this permit.

11 At the very least, MDE must strengthen the
12 permit's requirements to follow the guidelines requested
13 by community members more than a decade ago.

14 Self-reporting is not a meaningful reporting,
15 and MDE has an obligation to Curtis Bay, Brooklyn, and
16 other nearby communities to protect the health and
17 safety of residents who have fought against the harms
18 caused by this facility for far too long. Please deny
19 this permit.

20 (Applause.)

21 MS. HEAFHEY: I'm just going to call the next
22 batch while you're getting ready. I've got Caleb

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1 Haney, Andrew Hart, Dave Arndt, and Richard Ochs. So
2 come and sit down if you want to make your statement.
3 Go ahead.

4 MS. SPEIGHTS: Thank you. Can you all hear
5 me? My name is Kiana Speights. You can call me Kiki.
6 That's K-I-K-I. I live in Baltimore City for about like
7 eight months now. I'm originally from South Carolina.
8 I'm a new friend and supporter of the community. I just
9 want to say thank you for allowing me to come and
10 support you all. I also wanted to acknowledge the
11 exhaustion and anger and tiredness of the community.

12 My voice is shaking because my heart is heavy
13 right now carrying all of your grief that you're
14 experiencing through this community.

15 I also wanted to state clearly that I want the
16 permit to be denied, and I also wanted to make comments
17 on this hearing in general.

18 It's supposed to be a public hearing, but for
19 some reason we're giving big business more time to talk
20 over the public, which doesn't make sense. I think it's
21 also very insulting that you all did an informational
22 session, like these people haven't been working on this

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1 for decades on end, so that was a waste of time that
2 could have been added on time for public commenting.

3 I also wanted to say, just like some
4 questions, like what is the point of science and data if
5 you're not going to do anything with it? I wanted to
6 also say that you can't reduce carbon footprint as a
7 coal company.

8 (Applause.)

9 MS. SPEIGHTS: Also CSX, being a billion
10 dollar company, and then stating that it's been helping
11 the economy, people are a part of the economy and if
12 you're not pouring it back into the people, then what's
13 the point again?

14 And I also wanted to say, giving you all a new
15 term, it's very obvious MDE that CSX are (inaudible) and
16 they are paid to be in the Curtis Bay area. So please,
17 I don't know why people have to beg to breathe. That
18 should just be our right.

19 I'm here to say not the obvious, because of
20 what everyone already knows, what the community knows,
21 again, something that they've been working on for a long
22 time, something you also already know because you're the

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1 Department of the Environment, that this doesn't really
2 need to be renewed. It goes against protecting the
3 environment, and that is the purpose of your
4 department.

5 I would hope that you would listen to the
6 community, and hopefully that you are carrying a heavy
7 heart out of here, as much as I am. I work for the
8 American Public Health Association and I --

9 MS. HEAFEY: I'm so sorry. I need to move to
10 the next folks.

11 MS. SPEIGHTS: Yeah. Okay. I just hope you
12 all have a good night. Thank you.

13 MS. HEAFEY: Thank you.

14 (Applause.)

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1 And also, like you know that like we are tired
2 of this stuff. Like I know some people here, they've
3 been living here, like they are like generations that's
4 been living here, and they want this to end. And I feel
5 like I do not want this to keep on going. This is
6 crazy. Like I do not know why people want to keep this
7 going. Like unbelievable. So we should just deny this
8 permit and get CSX out of here.

9 (Applause.)

10 MR. HEANEY: Can we please deny this permit?

11 MS. WILLS-KARP: Good job, Caleb. I'm Marsha
12 Wills-Karp. M-A-R-S-H-A, W-I-L-L-S, hyphen, K-A-R-P.
13 I'm a professor at Johns Hopkins in the School of
14 Public Health. So as a public health person, we have
15 known for decades that coal is harmful. Black lung,
16 people die. They still do.

17 But the point I want to make, which hasn't
18 been made tonight through so many wonderful points, is
19 that my colleagues and I have done a study in a city
20 that has far less pollution than Baltimore, and we
21 showed that the amount that was there correlated with
22 placenta inflammation, premature births, adverse birth

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1 outcomes, and this affects you for a lifetime. So what
2 is the price of a life? Deny the permit.

3 (Applause.)

4 MR. ARNDT: Hello, my name is Dave Arndt.

5 I'm the co-chair of the Maryland Legislative Coalition
6 Climate Justice Wing and a Baltimore resident.

7 Coal dust contains at least 17 toxic heavy
8 metals including lead, mercury, cadmium, chromium,
9 arsenic, selenium, all of which are dangerous to human
10 health, and at least six neurotoxins and five known
11 suspected carcinogens.

12 Research shows that prolonged exposure to coal
13 dust via air and water can affect every major organ in
14 the human body, causing birth defects, heart and lung
15 disease, and a variety of cancers. Coal dust pollution
16 can cause fish kills and deforms aquatic life.

17 It is no wonder that the life expectancy in
18 Curtis Bay is 15 to 20 years less than other communities
19 in Baltimore. That is just unbelievable and something
20 that we all need to really reflect on. Here is a
21 community that is a sacrifice zone and we allow it to
22 happen.

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1 This means that there should be zero coal
2 dust particles that are emitted beyond the CSX property,
3 period. MDE needs to not only monitor this
4 continuously, they need to enforce this. Violations
5 need to be swift and to be large enough to prevent
6 repeat offenses.

7 The burden of reporting and monitoring should
8 not be placed on the shoulders of already overburdened
9 residents. If MDE cannot continuously verify the
10 permit's requirements to protect the health of the
11 community residents from coal dust, MDE needs to revoke
12 the permit. Otherwise, the governor's words of leave no
13 one behind are just empty promises. Thank you.

14 (Applause.)

15 MS. HEAFEY: And before you get started I
16 want to call up the next batch of folks. I have Anne
17 Wilson, Marvin Hayes, Sharon Myers, and Emmanuel
18 Dignan.

19 MR. OCHS: My name is Richard Ochs, O-C-H-S.
20 I'm with the Baltimore Green Party. The Green Party is
21 opposed to the permit and wants to shut down the coal
22 export completely for global and local reasons. Five

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1 thousand children in Baltimore suffer from asthma.

2 Now, I would like to ask the state regulators,
3 when you offer permits to any industry, do you consider
4 the cumulative effects of multiple industries?

5 For instance, the coal pier is downwind from
6 the Wheelabrator incinerator in Westport. So you're not
7 just breathing coal dust, you're breathing dioxins,
8 furans, carcinogens. These are odorless and invisible
9 gases that are not trapped by the electrostatic filters.

10 Not only do you have the incinerator there,
11 you have Fairfield Chemical, Grace Chemical, and you
12 have the largest medical incinerator in the country
13 right down Fort Smallwood Road. I used to work at Grace
14 Chemical. My brother worked at Fairfield Chemical.

15 Anyway, can you tell the audience tonight,
16 when you offer permits to these industries whether you
17 measure the cumulative effects? Can you do that?

18 UNIDENTIFIED: Well, we'll be responding to
19 that.

20 MR. OCHS: Okay. Now, you said earlier that
21 this is good for the economy. Well, what does that
22 mean? It means profits for billionaires and

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1 millionaires, excluding the resources of our country to
2 export to other places on the other side of the world
3 where these millionaires make lots of profits.

4 And when the state gives them a fine or
5 collects taxes, they're sharing the loot. They're
6 sharing the loot. They're part of the profit system.

7 So --

8 MS. HEAFEY: Sir, we have to move on.

9 MR. OCHS: Deny the permit. And thank you
10 for listening.

11 (Applause.)

12 MS. WILSON: Good evening. My name is Ann
13 Wilson. I moved to Baltimore in 2007. I was 36 at the
14 time. It wasn't until about two years after I moved
15 here that I first required treatment for allergies,
16 which continues to this day.

17 And so when I learned that the childhood
18 asthma rate here in Baltimore is twice the national
19 average I was shocked, but I was not surprised. What
20 really shocked me was the fact that this is not being
21 treated as an emergency, and it should be.

22 Of course, children are our most precious

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1 resource here in the city of Baltimore, and we hear
2 politicians say that all the time, but they're not
3 acting on that. They're not acting as if this
4 devastating disease is an emergency and they should be.
5 And in this case, I don't see how this permit does
6 anything to help that emergency. In fact, it
7 perpetuates it.

8 It also puts the burden of proof that there's
9 a problem with CSX's operations on that same community.
10 And I'm here tonight because I object to a regulatory
11 system that requires communities to be the ones to prove
12 that CSX is creating incredible harm. It ought to be
13 the responsibility of CSX and companies like CSX to show
14 that they are not harming the community.

15 Now, that would rely on a certain relationship
16 of trust, and we see that as well in the permit itself,
17 which asks us and the state of Maryland to trust CSX.
18 We've already seen that they're not worthy of trust, so
19 I'm not sure. Honestly, it seems like kind of a waste
20 of time.

21 We know this because in the couple of months
22 that passed after the explosion in December of 2021, the

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1 City Council did decide to have a hearing, and many of
2 the people who are here tonight showed up at that
3 hearing. CSX did not bother to show up. So again, I
4 don't understand why there's a permit saying that
5 there's some sort of sense that CSX is actually going to
6 be a good-faith actor.

7 I'm here in solidarity with the community
8 asking for MDE to deny this permit. And I guess I just
9 also want to say that the end of coal is already here.
10 We're at the end of this being something that we can do
11 anymore. And so, what we need to be setting right now
12 is a completely different standard for whatever's going
13 to replace that. And at this point, you know, CSX
14 doesn't even meet that bar of avoiding nuisance to the
15 community.

16 We need to see a future standard that, again,
17 places the burden on companies to show that they're
18 actually safe to operate.

19 MS. HEAFY: Ma'am, I'm sorry. We need to
20 move on. Thank you so much.

21 MS. WILSON: Deny the permit.

22 (Applause.)

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1 MR. DIGMAN: Hi, my name's Emmanuel Digman.
2 E-M-M-A-N-U-E-L, D-I-G-M-A-N. I've been a Curtis Bay
3 resident for about 20 years. I live a few hundred feet
4 from Curtis Bay Avenue and within another few hundred
5 feet from the railroad tracks.

6 It's quite apparent that the dust is disabling
7 us, killing us, making our lives miserable and short.
8 But the root of the problem isn't exactly the dust.
9 Again, it's the people that we elected and we employ
10 that aren't working for us.

11 I can highlight on that because it's kind of
12 a shame my buddy Ferguson left. Ferguson knows me well.
13 I spent 20 years using my vacation time going down to
14 Annapolis during the legislative session, fighting with
15 oral testimony, written testimony to keep our
16 constitutional rights.

17 Once they're elected, they don't give a flying
18 care in the world, okay. First of all, they used to
19 give you five minutes of testimony. Then they dropped
20 you to three. And then they dropped you to two. And
21 then they said, you talk on all three issues and you've
22 got a minute. So it's literally bullshit in Annapolis.

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1 The only way to fix this problem is to elect people that
2 care about it.

3 Okay. So after 20 years, what I've learned
4 from political activism, you need to replace the people.
5 So that's why I'm running for president of the city
6 council. I'm your only choice. I mean, if you want the
7 same shit to carry on, vote for the same people, that's
8 the definition of insanity.

9 Okay. My Uncle Ray was the last one left of
10 my father's generation. He mined in West Virginia. He
11 just passed away recently. He had emphysema and stuff.
12 He could never get up his stairs to the second floor of
13 his house. I understand this. I realize the shortness
14 of breath that I have since I moved here. We need to do
15 something and we have to change the government. That's
16 the problem.

17 MS. HEAFHEY: Thank you.

18 (Applause.)

19 MR. HAYES: Good evening. How's everybody?
20 My name is Marvin Hayes and I'm from the Baltimore
21 Compost Collective. We've been starving the
22 incinerating, feeding the soil and feeding the

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1 community here in Brooklyn and Curtis Bay for over 15
2 years. We want more black gold, not black coal.

3 My goal here is to entertain you guys and
4 give you some entertainment. This piece is something
5 entitled, It's Environmental Injustice When It Happens
6 to Just Us.

7 "It's environmental injustice when it happens
8 to just us. I couldn't get it out, I was choking on a
9 coal dust. Right when our children attempt to play, the
10 time for change is a must. Marvin, why are you making a
11 big deal? What's the fuss? You son of a gun, you
12 almost made me cuss. You will let our babies die to
13 fatten your pockets until --

14 MS. HEAFEY: Sir, sir.

15 MR. HAYES: -- you will kill us all for the
16 money that you lust."

17 MS. HEAFEY: Sir, stop.

18 MR. HAYES: "We don't have to use coal
19 anymore. It's time to use green energy and adjust.
20 I won't stop until this permit is raised and crumpled in
21 the dust." Thank you.

22 (Applause.)

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1 MS. HEAFY: I'm going to call the next few
2 people. Okay. I'm going to call Donna Harrison, Megan
3 Chappell, Donna Gutierrez, and Nicole Fabricant?

4 UNIDENTIFIED: Nicole is gone.

5 MS. HEAFY: Okay. Thank you.

6 MS. MYERS: I'm Sharon Myers. I was a
7 resident in 2000. I recently moved to Parkville
8 because the smell was so bad. I still have to come
9 back to take my son back and forth to school at Ben.

10 You can tell the big air difference. You
11 know, clean air and it's the dirtiest air that you could
12 smell. Also, I have family that has COPD. Also my
13 in-laws have been suffering. One of my in-laws
14 basically had a kidney transplant, COPD. It's just been
15 really tough on them. Especially with our animals.

16 It's not just our family that's dying. It's
17 our animals that's dying as well. So the only thing
18 I really want to sit there and say to you is basically,
19 bye Felicia, and na-na-na-na, na-na-na-na --

20 (Audience disruption.)

21 MS. GUTIERREZ: Hello, good evening. I'm
22 Uilma Gutierrez. I live in Brooklyn. I'm a senior at

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1 Benjamin Franklin High School, and I'm a summer youth
2 environmental justice leader with Johns Hopkins. And I
3 am proud to fight back for my community.

4 I have been a part of the summer youth cohort
5 for two years now. Being involved in citizen science
6 work in South Baltimore, we know that there is coal and
7 this coal is doing damage to the environment and
8 residents which are the heart of the community.

9 We have done these strips with the youth and
10 everything and this one says responsibility. I want to
11 give this to MDE and tell you guys that it is time for
12 you guys to take responsibility for the harm of lives
13 that you have allowed CSX to cause in communities. Do
14 something today by denying this permit.

15 So I will leave this strip covered in coal
16 that we are breathing every day with the odds of being
17 reminded that you all can change that if you guys deny
18 this permit. Thank you.

19 (Applause.)

20 MS. HEAFEY: Okay. I would like to call the
21 next few folks up, the last few folks. Joseph
22 Jacobson, Toby Harris. Is Megan Chappell still here?

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1 And Donna Harrison. And that's the last batch we have.

2 (Whereupon, there was a
3 brief pause in the
4 proceedings.)

5 MR. JACOBSON: Hello, my name is Joseph
6 Jacobson. I live here in Curtis Bay. We're right at
7 Church Street and West Bay at the top.

8 One day I decided to go for a walk in the
9 neighborhood behind the house. There's a bunch of woods
10 back there and I ended up back on some railroad tracks.

11 When I started walking along those railroad
12 tracks, I noticed a lot of stuff. There was a lot of
13 pollution, oil all over the place. The water goes in
14 the bay at Curtis Creek.

15 When you talk about that Curtis Creek runoff,
16 there's so much pollution going into that area. Because
17 that's where I ended up, right there at the little land
18 bridge CSX has. They got a little tunnel going over the
19 Curtis Creek, like a bridge, a land bridge. And then we
20 were at the petroleum company, which I can't remember
21 the name.

22 Anyway, in that petroleum company there's

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1 a bunch of oil pouring out onto CSX's property. This is
2 the problem, is all these other corporations around our
3 area in Baltimore, around those CSX tracks, is all these
4 other corporations are using CSX's egress, which is
5 everywhere, all over Curtis Bay. You have not noticed
6 this. The tracks are everywhere.

7 So all these chemicals, when they go to clean
8 all this it's just going directly into the bay. And
9 that petroleum company, it's starting to pool it
10 directly into the bay with all this other stuff.

11 There's so much pollution going in our bay, in
12 our air, our water, locally nobody cares about it. And
13 if you guys forgot, the petroleum pipeline is in our
14 backyard, the terminal. Do you know what that means?

15 Billions of dollars, corporations, not just
16 CSX, all these other corporations are moving on rails
17 and so are all these ships, these vessels coming in.
18 Talking about the coal, that's our biggest export is
19 coal. China, it's our biggest exporter if you didn't
20 know that. And all that coal is coming from West
21 Virginia comes to Baltimore and then out to China. And
22 that's all -- I think most of CSX owns all that. The

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1 whole thing.

2 And our representatives, our lack of, I've
3 reported it to everybody. You name it, the government,
4 from state government to federal government. I called
5 the EPA. I made a report about a spill or something.
6 It's a loophole. They loop you around. They send
7 somebody out saying, oh, sorry, that's CSX property. We
8 don't have a right to go onto their property to inspect,
9 and then the EPA leaves.

10 And the Maryland Department of Environment,
11 same thing, we do not have the right to go into CSX
12 property. Maybe you guys don't know this. This is why
13 our inspectors are not going there because they don't
14 have the right.

15 And when I went to the federal level, the
16 third inspector came out and said, sorry, there is no
17 oil spill. And there's obviously oil, obviously all
18 this other stuff on the tracks and chemicals going in
19 the bay from CSX's property. I've got videos and
20 pictures.

21 I'm a professional photographer living in
22 Curtis Bay and I have evidence of all this, video and

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1 pictures. So if anybody wants anything, feel free, I'll
2 show you everything. I'm not lying.

3 MS. HEAFEY: Sir, thank you.

4 (Applause.)

5 MS. THOMSON: Good evening, neighbors and
6 friends.

7 MS. HEAFEY: Say your name and spell it.

8 MS. THOMSON: My name is Tiffany Thomson,
9 T-I-F-F-A-N-Y, T-H-O-M-S-O-N.

10 You all have said everything that needed to be
11 said except for I'm looking at the body language of the
12 folks from MDE and just to piggyback on the fact that a
13 CSX representative said, oh, we've been out here for
14 over a hundred some years. We've got to be proud of
15 this.

16 My grandmother is 92. She has all kinds of
17 machines in her house. She doesn't live in Curtis Bay
18 but she does live in one of the South Baltimore
19 communities, Cherry Hill, where, growing up, in order to
20 get to the school we often had to climb over or under
21 those coal trains so we inhaled all that. We ingested
22 all that. We suffered from all of that.

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1 I'm watching the body language again and this
2 is going in one ear and out the other because they are
3 still going to get paid. So I think it's time for us to
4 consider a consent decree. That's the only way they're
5 going to listen. A consent decree and class action
6 lawsuits, back to back. That's the only way they're
7 going to listen.

8 Everybody have a good night. Don't stress, we
9 got this. We're united. We've got this. Don't even
10 worry about it.

11 (Applause.)

12 MS. HEAFHEY: Okay, folks. We're out of time.
13 We're supposed to leave by 9:00 and it's 10 after.
14 So what I want to do is thank everyone from the state
15 for this whole thing. Thank you. Grab my card and send
16 any additional comments you want to make. We have until
17 December 16th. There's an online form. If you go to
18 that CSX page, there's a survey. You can put your
19 comments in that as well. So thank you so much for
20 coming out.

21 (Whereupon, the hearing
22 was concluded.)

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1 CERTIFICATE OF COURT REPORTER

2

3 I, Camaron Nelms, do hereby certify that the
4 foregoing transcription was reduced to typewriting via
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7 case in which these proceedings were transcribed; that I
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Court Reporter

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