

**CITY OF TALLADEGA
CALLED CITY COUNCIL MEETING**

February 4, 2010 5:00 p.m.

The City Council of the City of Talladega met in a called meeting on Thursday, February 4, 2010 at 5:00 p.m., in the City Hall Auditorium, the regular place for such meetings. The meeting was called to order and the following were present: Council President Horace Patterson, Councilman Eddie Tucker, Councilman Donnie Miller, Councilman Jimmy Davis, Mayor Brian York and City Manager Michael Stampfler.

City Manager Michael Stampfler stated that this meeting was called to discuss the article that was published in *The Advisor*, a publication of the Retirement Systems of Alabama. Manager Stampfler proceeded to read a memo in full that was presented to each Council Member.

“Memorandum to the City Council from Michael Stampfler, City Manager concerning the Water & Sewer System Contamination Article dated Tuesday, February 2, 2010.

The February 2010 issue of *The Advisor*, a publication of the Retirement Systems of Alabama, which is distributed to all State of Alabama teachers and public servants, recently published an article entitled “One City Too Many.” This article references a New York Times (NYT) article, published on December 17, 2009, that lists Talladega as one of the eleven sites nationwide to be cited for contamination by “Perc,” also known as Tetrachloroethylene or Perchloroethylene (TCE/PCE), chemicals commonly associated with contamination from dry cleaning, industrial manufacturing, and in some cases, military installations. Further examination of the NYT article reveals that Talladega:

- Also was shown to have levels of Radium-228 which, while within legal boundaries, are above the levels recommended by health guidelines.
- The article also notes that the Talladega Water system contained eleven chemicals exceeding health guidelines, compared to a national average of only four chemicals exceeding health guidelines in most community water systems.
- The number of pollutants found in the Talladega Water system, sixteen, is fully double the national average of eight.

Although the article in *The Advisor* does not so stipulate, it is important to note that the data cited in the NYT article was indicated as being collected from testing conducted in 2004 and 2005. However, the fact that these chemicals are still present in the Talladega groundwater sources is matter for significant concern. The contamination noted in this article is the same that tainted the Grant Street Well, and subsequently triggered the ADEM Consent Order and EPA Compliance Agreement that the Talladega Water & Sewer Department (TWSD) is currently under and has been since October 2007 and September 2007 respectively.

According to the Acting Water & Sewer Department Director the City’s water is tested for tetrachloroethylene, perchloroethylene and radium-228, the chemicals listed in the report as being either above mandated standards or above acceptable health standards, on quarterly basis by Guardian Systems. The issues in which these levels were found to be above EPA maximum standards was in relation to the Grant Street Well and Sloan Well, both of which have been addressed. The Harmon Park Well is currently offline, and has been for over ten years since it cannot be safely operated without the installation of specialized equipment due to TCE/PCE contamination. As the underground contamination “plume” spreads throughout the groundwater it has the potential to spread into areas that have never before been contaminated, no current TWSD staff is aware of this issue, not has any action been taken by the department to attempt to ascertain the potential dangers associated with the spreading of contaminants. It is not clear if this plume were to spread whether it could threaten additional wells that are not outfitted with anti-TCE/PCE equipment (air stripper). Accordingly, the problem concerning contamination is not resolved in total and demands constant attention, vigilance, and strategic (not reactive) planning.

An examination as to the current testing requirements at the TWSD indicated that the current quarterly testing is conducted in a manner compliant with EPA and ADEM regulations. However, to merely state that this data is outdated ignores the larger issue; the contamination is still in the groundwater of the City and must be monitored closely to ensure that it is not allowed into the drinking water supply again. The City Water

Department must be in a position to take a decisive and proactive stance in order to guarantee the public, a safe drinking water supply that not only meets the minimum EPA mandated standards, but also the standards for public health. As mentioned previously, the 2004 and 2005 tests indicated eleven chemicals that exceeded the health guidelines in at least one instance. This information lends credence to the fact that the City should hold itself to a higher standard than even that mandated by the EPA or ADEM.

The fact of the matter is that the potential for danger in this situation appears to be an ongoing hazard to the community. Monitoring this situation and ensuring the provision of a safe water supply is of the utmost concern to the community and must be addressed and mitigated aggressively using a progressive approach to ensure that the contamination noted in 2005 does not reoccur. The chemicals found to be in excess, Tetrachloroethylene and Perchloroethylene, are carcinogens and exposure to them, even at low levels, over a period of time, has been proven to increase cancer rates. As indicated in supplemental budgetary materials provided to Council during the last two fiscal years the cancer rates for Talladega County far exceed the national and state averages, specifically instances of Leukemia and Trachea and Lung Cancers. While no direct link between the groundwater contamination and these numbers has been established, this serves as reinforcement for the idea that the TWSD should take a highly proactive stance towards addressing all potential safety issues regarding public health and the water supply: doing so will require the implementation of more progressive and stringent testing methods and a commitment to not only meet the minimum requirements of EPA and ADEM, but to provide a water source that exceeds those minimum standards.

City Management pursued contract management solutions for the TWSD in late 2008, but efforts were halted at Council's behest. As I requested and was authorized by the City Council on December 7, 2009, City management is again seeking options that will allow the TWSD to operate at a level of effectiveness that will minimize these types of situations from developing in the future by proactive mitigation and thoroughly trained management."

Council President Patterson asked what the City's options are concerning the article and could the City write to the editor and state that the data was from 2004 and 2005. Manager Stampfler commented that the City could write to *The Advisor* and indicated that the New York Times had been called concerning the article and they were upset that sections of their article were republished without permission.

Councilman Davis asked if it was advisable to check the water more often than quarterly to be more proactive. Manager Stampfler stated that he hope to get a company in to operate the Water Dept. to monitor this more closely, to track the plume and see if it moving and that testing only tells you that pollution has already occurred. Manager Stampfler further stated that the City needed to move ahead with the contract to find a company to monitor and analyze this situation.

Councilman Tucker commented that it was also a benefit to the community to detect the source of contaminates, shut it down and minimize contamination of the water. He further stated that it was a good idea to test more often but thought it more proactive to find the source by perhaps bringing in an outside consulting firm if the City does not have the inside capability. Talladega is downhill from possible sources of contamination and Councilman Tucker indicated that it was more important to try to do something at the source. Council President Patterson commented that the City's history is saturated with mills and this kind of industry and that it may be impossible to isolate one particular source, but the Council is fairly comfortable in saying it is not in the drinking water. Manager Stampfler stated that the City meets the minimum EPA standards which is different from health standards and that the City needs to be more aggressive than just the EPA standards.

Council President Patterson stated that his tenure goes back to the Water Board and the situation at the Grant Street well and the accusations that occurred at that time and one of the things we said at that point was that the authority rests with the Water Board. The responsibility now rests on this body. What can we do that would be considered highly proactive? Until or if we decide to go with the company, the

community wants to know that if the City goes with some company will they maintain the higher standard as far as health is concerned.

Manager Stampfler indicated that he knew what the council wanted him to do was to work and find a company as fast as possible to meet all the federal standards and go above those standards. Councilman Tucker indicated that the Council already told the Manager to go ahead with that, so why are we here if we have already granted our permission to look for management company. Council President Patterson stated that there would be community hearings before going ahead with any contract. Council President Patterson also asked if it would not be wise to consider what options are available if the City does not go with a company. Manager Stampfler stated that in his view there is no other option and that the City needs to make a radical change as this has gone on long enough. Manager Stampfler further stated that the City cannot reform its system to make any inroads for a lot of reasons (finances and the Civil Service system).

There was further discussion on current testing of the water (all were within EPA limits) and a request by Council to receive copies of the testing report.

The Council decided that a letter should be written to *The Advisor* to ask for a retraction or a chance to publish our own opinion or statement.

Manager Stampfler indicated that within a month he would come forward with a proposal and then have a public hearing.

Motion by Councilman Miller with a second from Councilman Tucker to excuse Councilman Grissett's absence. AYES: All.

Motion for adjournment from Councilman Miller.

AUTHENTICATION

I, Elizabeth Cheeks, Acting City Clerk of the City of Talladega, Alabama, do hereby attest that the foregoing is a true and correct copy of the proceedings of the City Council of Talladega, Alabama, which met in a called session on Thursday, February 4, 2010, at 5:00 p.m. at City Hall in the City of Talladega, Alabama.

Elizabeth Cheeks
City Clerk