

APPENDIX A

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

ROOM 2
HEINZ AVE., SUITE 200
BERKELEY, CA 94710-2737



Notice of Preparation

TO: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, California 95814

FROM: California Environmental Protection Agency
Department of Toxic Substances Control
700 Heinz Avenue, Suite 300
Berkeley, California 94710

CONTACT: Henry Chui (510) 540-3960

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report

As Lead Agency, the Department of Toxic Substances Control (DTSC) will prepare an Environmental Impact Report (EIR) for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project. The project description, location, and the potential environmental effects are outlined below.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice. Please send your response to Henry Chui at the address shown above. We will also need the name of a contact person in your agency.

PROJECT TITLE: Romic Environmental Technologies Corporation
Environmental Impact Report

PROJECT LOCATION: 2081 Bay Road, East Palo Alto, California 94303

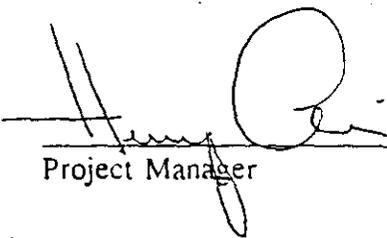
PROJECT DESCRIPTION: Romic Chemical Corporation has applied to DTSC for a permit renewal and modification to continue operating a hazardous waste treatment and storage facility. The modifications are for the purposes of adding previously unregulated units, and increasing the amount and variety of wastes stored and treated. Currently, Romic is permitted to store 2,531 (55-gallon) drums. An existing 1,026 (55-gallon) drum sampling area was formerly unregulated. DTSC has reclassified it as a regulated unit to be included in



the permit renewal. In addition, Romic has requested authorization to increase the storage capacity of other existing drum storage areas by a total of 969 (55-gallon) drums. These increases would bring the maximum storage capacity to 4,526 (55-gallon) drums. Tank storage and treatment capacity under the modified permit would increase from 241,000 gallons in 50 above-ground tanks to 298,500 gallons in 55 above-ground tanks. The tank capacity increase was due to the reclassification of existing tanks as regulated units by DTSC. The process capacity will remain the same at 154,512 gallons per day. Romic is also proposing to accept several new waste streams.

Romic is located in an industrial area of East Palo Alto, California. The 14-acre site is approximately one-half mile west of the San Francisco Bay and is bordered to the north and east by a tidal slough. The facility consists of four main areas: the office and laboratory buildings, the waste receiving and storage areas, the processing area, and the product storage areas. Romic mainly receives waste solvents, antifreeze, and wastewater contaminated with organics or metals. The wastes arrive in five- to 30-gallon cans, 55-gallon drums, roll-off containers or in tank trucks. The main operations consist of processing solvent wastes by distillation and blending to produce reusable solvents and fuel-grade materials.

Potential impacts to be covered in the EIR due to Romic's expansion and operations include: 1) impacts to East Palo Alto's traffic system (truck volume and materials transported); 2) effects to the air, soil, groundwater and surface water; 3) impacts on public resources (Fire Department, Police Department, etc.); 4) Romic's ability to handle emergencies (fires, earthquakes, releases, etc); and 5) potential impacts on the local sanitation district on the type and amount of discharges. A public scoping meeting will be scheduled later to receive additional concerns from responsible agencies and concerned parties.

Signature  _____
Project Manager

Date 9/28/95

Signature  _____
Branch Chief

Date 9/28/95

APPENDIX B

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PUBLIC HEARING

STATE OF CALIFORNIA

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

--oOo--

SCOPING MEETING FOR AN ENVIRONMENTAL IMPACT REPORT FOR

ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION

--oOo--

East Palo Alto City Council Chambers

2415 University Avenue

East Palo Alto, California

Saturday, October 21, 1995

10:00 a.m.

Janet H. Nicol
Certified Shorthand Reporter
License Number 9764

APPEARANCES

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STAFF PRESENT:

Carol Northrup, Public Participation Specialist

MODERATOR

Henry C. Chui, Waste Management Engineer

PUBLIC SPEAKERS:

Ben Ahmad

Frank Barragan

Kit Bricca

Trevor Burrowes

Flora Chu

Veronica Eady

Jennifer Epstein

Peter Evans

Vali Frank

Chip Griffin

Amanda Hawes

Jolani Hironaka

Tiombe Jama

Romie Manan

Barbara Mouton

Sarah Narvaez

William Sandoval

Raquel Sancho

Beverly Scott

Makini Siwatu

Karen Susag

Myrtle Walker

William Webster

Nozipo Wobogo

Olivia Zapanta

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MODERATOR NORTHRUP: My name is Carol Northrup. I'm the Public Participation Coordinator with the California Environmental Protection Agency, Department of Toxic Substances Control.

And I should probably announce right off the bat that unfortunately yesterday I reinjured my back, so I'm very sore and I am taking some muscle relaxants and I've asked Henry that if I start like stammering incoherently, then he should give me a firm shake and tell me to get a grip. Hopefully I'll keep it together.

The purpose of today's meeting is to get input from the community about what should go into an Environmental Impact Report for the Romic Environmental Technologies facility.

They're a commercial hazardous waste facility down Bay Road. They've been operating there for some time.

Henry Chui is the project manager. He is a chemical engineer by training and is responsible for overseeing the Environmental Impact Report and for overseeing the application Romic has before our department to renew their operating permit. So his responsibilities include looking at a whole bunch of very technical information, evaluating whether that meets our needs as a regulatory agency.

1 And then in the course of the EIR what he's going
2 to be doing is managing the contractor who will prepare that
3 EIR to make sure that that EIR addresses the concerns we
4 hear from you all today and during the public scoping
5 period.

6 Let me talk a little about the meeting format.

7 We announced this meeting would go from 10:00 to
8 2:00. I think that people will be coming in and out and
9 that's fine. We will be here until 2:00 and we'll hopefully
10 handle it as informally as we can.

11 We do have a court reporter with us and that seems
12 to add an air of formality. Don't let it. We've worked
13 with these folks before and they're very good. The purpose
14 is that we can have in our administrative record a year or
15 so from now when the Environmental Impact Report is done,
16 you can go and look at the transcript and say so and so
17 brought up this issue and you all didn't address it in the
18 EIR. Kind of a way of keeping us honest. We want to make
19 sure that we get all of the comments.

20 Before I go any further let me ask if there's
21 anybody in the audience who would prefer to hear these
22 procedures in Spanish?

23 FROM THE AUDIENCE: You might want to ask the
24 question in Spanish.

25 THE INTERPRETER: Hi. How is everybody.

1 MODERATOR NORTHRUP: If you'd just ask if anyone
2 would like to hear this in Spanish.

3 THE INTERPRETER: (Speaks in Spanish.)

4 I don't think so.

5 MODERATOR NORTHRUP: Not for now anyway.

6 If anybody comes in, will you let me know?

7 THE INTERPRETER: Okay.

8 MODERATOR NORTHRUP: And, Weiwei, if you would
9 watch for that.

10 I should introduce Weiwei Chui is the supervisor
11 for the unit Henry works in. She's staffing the sign-in
12 table for us today, but she'll also be hearing your comments
13 as they go along.

14 Back to the court reporter, she's going to be
15 taking all of the comments down verbatim. The transcript
16 will be available in about two weeks. It will be in the
17 repository. If you call Henry or myself we can make copies
18 available. I know we have a number of students in the room
19 and we can make copies available to you all.

20 So because we have her here, what I would like to
21 do is ask you all to speak at the podium rather than from
22 the floor. It's very difficult for a court reporter to get
23 comments from the floor, they have to be fairly close to
24 hear you clearly. I don't want that to take away from the
25 informality.

1 We are here to answer as many questions as we can,
2 but mostly to hear what kind of impacts you think we should
3 evaluate in this Environmental Impact Report.

4 We started our public comment period sometime ago.
5 The public comment period for this scoping will end on the
6 31st of October. That's a formality of the law. That's a
7 formality of the California Environmental Quality Act. They
8 say that you should have a public comment period of X period
9 of time.

10 Throughout the course of our decision making we
11 always welcome involvement with the community. I've been
12 out to the Community Advisory Panel Romic formed and we are
13 more than happy to come out to small group meetings or just
14 meet with people in their living rooms to talk about the
15 project and hear more about what their concerns are.

16 Documents are available to review. Right now the
17 permit application is in the library, isn't it, Henry?

18 MR. CHUI: Yeah.

19 MODERATOR NORTHRUP: So glad to hear that.

20 Somebody asked before the meeting started what
21 that looks like and it's usually shelf feet of binders.

22 A permit application for a hazardous waste permit
23 includes all of their operating requirements. It's their
24 way of telling us how they plan to operate so we can say,
25 yeah, that will be safe or, no, it won't.

1 So it's a very very long technical document, but I
2 would invite you to kind of leaf through it. It's
3 illuminating. And Henry will talk a little more about that
4 as he gives his presentation.

5 Let me describe a little bit about the CEQA
6 process, the California Environmental Quality Act process,
7 in which we are involved.

8 First thing that happens is somebody comes to our
9 department or any State agency that has any kind of
10 regulatory land use authority and they say we want a permit.

11 Now, we can decide, yes, they get a permit, yes,
12 they get a permit that we rewrite or, no, they don't get a
13 permit. We have in that case what's called a discretionary
14 decision. That automatically puts us into the CEQA process,
15 into the California Environmental Quality Act process.

16 So we go to CEQA and we look and the first part of
17 our decision is is this exempt from CEQA. And there are a
18 lot of projects that are exempt from CEQA.

19 You can look, I just sent a copy of the California
20 Environmental Quality Act guidelines to the library, so
21 that's there for you to look at.

22 You can see there's some prisons, who knows why
23 these projects are exempt, but some are.

24 In this case, no, it wasn't exempt.

25 The next process we go through is to decide is

1 there a possibility that our approving this project could
2 have a significant adverse impact on the environment.

3 And if the answer is don't know, then we go
4 through an initial study. And an initial study is kind of a
5 paperwork drill. You sit at your desk and you think heavy
6 thoughts about what's going on.

7 And if the initial studies says, no, probably not,
8 then we do a negative declaration. Negative declaration
9 says that there won't be any significant adverse impact on
10 the environment from the decision we would make on this
11 project.

12 In the case of Romic we had made that decision
13 about, when was it, Henry, a year or so ago? In June '93 we
14 went out with a draft permit for the Romic facility and a
15 negative declaration and we got significant comments from
16 the community and from a number of environmental groups that
17 that was the inappropriate decision. They basically wrote
18 to us and said, nice try, you're wrong, and you ought to
19 have an Environmental Impact Report.

20 And then what was one of the most surprising
21 moments in my career, Romic came up to us and said we think
22 we ought to have an Environmental Impact Report. Now,
23 that's the first time since I've been in the department for
24 seven years that that's ever happened, that a facility has
25 asked for an Environmental Impact Report. And that sort of

1 set us back on our heels and we wrung our hands for a few
 2 months over that and then worked out an agreement with the
 3 facility so that we could have a third party, basically a
 4 consultant, that we would hire that we would direct, the
 5 department would direct, to prepare the Environmental Impact
 6 Report that Romic would pay for.

7 And that document is supposed to support our
 8 decision. That document will say we've looked at all the
 9 possible impacts from this facility operating. Here are
 10 some that have the potential to cause environmental impact.
 11 This is what you can do to make that environmental impact
 12 not happen. Those are called mitigations.

13 Another key thing we look at in an Environmental
 14 Impact Report is our alternatives. CEQA requires, and CEQA,
 15 the California Environmental Quality Act, differs from the
 16 National Environmental Protection Act in that NEPA doesn't
 17 require you to look at alternatives. In California we do.

18 The first alternative we look at, the main
 19 alternative we look at is the alternative the proponent has
 20 proposed. Romic wants to operate its facility, it wants to
 21 expand its facility, that's what we look at.

22 We also look at the no-action alternative, which
 23 in the case of an already operating facility is an
 24 interesting decision to make. What's the no-action? We let
 25 them operate at their current capacity or we don't let them

1 operate at all.

2 So all of those questions have to be answered as
3 we go through the process.

4 So then the next steps from here, the public
5 comment period, as I said, will close on the 31st. You
6 should get your comment, try to get your written comments to
7 us by then.

8 We will then go through a process of hiring a
9 contractor to prepare the Environmental Impact Report and
10 they will, phew, go away and do it with our direction, which
11 will include what we have heard today and what we hear
12 during the public comment period.

13 Some point down the road, could be many many
14 months, we will have prepared for us what we call an
15 administrative draft. This is prior to the public release.
16 The administrative draft goes to other agencies that have
17 some regulatory authority over Romic and its activities.
18 What we need to do is make sure that this document would
19 satisfy their basic regulatory requirements. And then we
20 would release it for public comment to see if it addressed
21 all of the appropriate concerns.

22 After we go through a public comment period on
23 that and probably at the same time on the draft permit, we
24 will make decisions on both the Environmental Impact Report,
25 whether to approve it as it is or modify and approve it, to

1 make it a final EIR, and then make a decision on the permit
2 application.

3 And we have been known to change conditions and
4 permits to address the needs that have been identified to us
5 by communities.

6 So that in a kind of large nutshell is a
7 description of the CEQA process.

8 What I'd like to do now is have Henry talk for a
9 little bit about the project, about what Romic does, because
10 you can't really talk about what kind of impacts they might
11 have unless you know what it is that they do out there.

12 So let's do that.

13 MR. CHUI: Good morning. And as Carol mentioned,
14 I am the project manager for Romic.

15 I'm going to spend about 20 minutes to talk to you
16 about what Romic does and about their permit status and talk
17 a little more about the EIR and what type of impacts they
18 may have on their -- on the environment.

19 (Transparencies shown.)

20 MR. CHUI: Romic operates a solvent recycling and
21 hazardous waste management facility located at 2081 Bay Road
22 in East Palo Alto. They have been at that location since
23 the 1950s.

24 What they do is take in hazardous wastes from
25 other companies and process it or recycles it and turns it

1 into usable products.

2 My department gave Romic a permit back in 1986 and
3 then modified that permit in 1990. That permit has now
4 expired and it's up for renewal. However, Romic is allowed
5 to continue to operate under the expired permit until we can
6 make a decision on their renewal permit.

7 The renewal permit also requested additional
8 storage capacity.

9 Now, the U.S. EPA also issued Romic a permit back
10 in 1992 which is similar to the modified state permit. The
11 renewal will cover both the state and the federal permits.

12 Now we'll go a little bit more about what Romic
13 actually does. The major treatment operation at Romic are
14 solvent recycling, fuel blending and wastewater treatment.

15 Romic receives many wastes from companies that
16 generate mainly from aerospace, electronic industry,
17 companies that do like cleaning or degreasing tools and
18 machines.

19 Romic also accepts wastes that cannot be recycled
20 at their place. What they do is send those wastes to other
21 off-site treatment and disposal facilities.

22 Now, the main operation at Romic is solvent
23 recycling. This is where they take used organic solvents,
24 thinners or acetones, mineral spirits that are used to strip
25 paint or to clean or degrease parts. They recycle that and

1 resell it back to their customers.

2 The waste solvents are usually contaminated with
3 water and other materials such as oil, grease and dirt.
4 These used solvents are pumped from the storage tank into
5 what we call distillation units where heat and pressure are
6 used to separate the solvents from the other materials.

7 Now, the recovered recycled solvents are sent to a
8 receiving tank, leaving a sort of like sludge-like material
9 at the bottom of the distillation unit.

10 Now, this sludge can be reused for their fuel
11 blending program, which I'll get into now.

12 Romic blends all their -- all their solvent waste
13 cannot be recycled into a fuel mixture. They sell that fuel
14 mixture to companies to operate cement kilns. These are
15 large ovens which operate at high temperature to make the
16 cement.

17 Now, the main sources from the fuel blending
18 program come from distilled sludge from the distillation
19 units and the waste that Romic cannot recycle either because
20 it's too dirty or because it's hard to separate the organics
21 or the solvents from the other materials, and the third
22 source comes from their drum liquefaction process.

23 Now, the drum liquefaction process, this is where
24 they make the junk that comes in, where they pump up the
25 solvents or the liquid portion of the drums and what usually

1 remains or what is left behind is usually that sludge. That
2 sludge is removed and then blended with some other solvents
3 and makes it for the fuel blending program.

4 Now, after everything is removed from the drums,
5 usually steam cleaned or washed with water so it can be
6 reused or it can be sent to drum reconditioners.

7 Now wastewater treatment. The other main
8 treatment operation at Romic is wastewater treatment. There
9 are generally two types of wastewater accepted at Romic.
10 One is organic wastewater, things like petroleum products,
11 and the other, inorganics, like metals, like lead, or nickel
12 or copper.

13 Now, for the organic wastewater it is usually
14 filtered first to remove any solid material. Then similar
15 to the solvent recycling process each, I guess, organic
16 wastewater goes into distillation units where the organic
17 compounds is removed. Then the recovered organic compounds
18 can then be used for the fuel blending program.

19 Now, the wastewater is then further treated in
20 their biological treatment units. This is where tiny
21 bacteria are used to degrade the carbon or the organic
22 compounds into carbon dioxide and water.

23 The treated water is then filtered and then
24 tested. Then they can be reused for the facility operation
25 or it can be discharged to the local sewer.

1 Now, the second type of wastewater is wastewater
2 containing metals. Wastewater, this metal-containing
3 wastewater can be processed in several different ways,
4 depending on what's in the material.

5 The wastewater may be run through a resin, sort of
6 like a resin filter, where the metals are absorbed by the
7 resins.

8 After the resin becomes saturated with metals it
9 is placed in sort of like a acid solution to strip away the
10 metals from the resin. The metals can then be recovered by
11 plating it out.

12 And now once they strip resin, it can then be
13 reused for their treating additional wastewater.

14 Now, another way to treat the wastewater
15 containing metal is by running it through the distillation
16 columns to boil off the water or evaporate it.

17 Then the concentrated metals solution can then be
18 plated out to recover the metals or it can be run through
19 the resin filter again as I've just described.

20 Now, after it goes through either one of these
21 process and it was tested and then it can be reused for the
22 facility operation or it can be discharged to the local
23 sewer.

24 The total combined treatment capacity for the
25 renewal permit is 154,000 gallons per day, which is the same

1 permitting capacity they're allowed to treat right now.

2 Now I'm going into the tanks and container
3 storage.

4 The current permit capacity for this permit is
5 2,541 drums. There are five drum storage areas proposed in
6 this permit application.

7 Can you get the table up?

8 Over here you see the listing of all the drum
9 storage capacity, what they're -- the units with their
10 capacity.

11 Now, if you add up all the drum storage capacity,
12 the total number of drums that could be stored at Romic is
13 6,121 drums, but Romic has applied for less than that.
14 Their application is for 3500 from the first four areas and
15 another 1026 drums from the sampling areas. Again, a total
16 of 4,526. So the proposed capacity will increase from 2500
17 to over 4500 drums.

18 Now, although this seems like a 2,000 drum
19 increase, it's only actually a thousand drum increase. This
20 is because in the past we didn't regulate the sampling
21 areas. So it's always been there. These are existing
22 units.

23 Now, these sampling areas were used to receive
24 incoming drums for testing or a screening type process.
25 Typically these drums stay there for less than six days,

1 then the stuff that they move to the permanent storage
2 areas.

3 In the past we considered this type of operation
4 exempt from our regulation, but for this renewal permit we
5 will include that with the application.

6 So in reality there is actually only a 1,000 drum
7 increase for this renewal permit.

8 Now for storage tanks. Romic has several types of
9 tanks that it uses, depending on what's stored in there and
10 use. Tanks can be used for wastewater storage, for solvent
11 storage and some tanks even have blenders or mixers in there
12 for the fuel blending program.

13 All these tanks are permitted under the Air
14 Quality Management District and all tanks are within
15 secondary containment to contain any spills and leaks and
16 there are no underground tanks at Romic.

17 The current permit capacity is 241,000 gallons.

18 The proposed capacity will increase to 310,500
19 gallons.

20 An increase was due because, in the past, several
21 tanks were not regulated by our department again. These
22 unregulated tanks were used to receive the recycled
23 solvents, and I guess some of these I referred to before.
24 These come from the distillation when it is recovered.

25 In the past we did not regulate these units,

1 because there's a question whether these materials in these
2 tanks were considered a product, which we don't regulate, or
3 still a waste. But since Romic is -- but this recycled
4 solvent might be still processed further, such as drying to
5 remove any trace amounts of water in them, we decided to
6 include these tanks under the renewal permit.

7 So there will not be any additional new tanks at
8 Romic. However, there are still some tanks that have not
9 been built yet from the last permit we issued to them back
10 in 1990.

11 Now, although some of the tanks in the storage
12 area were not regulated by our department, these units
13 comply with our environmental laws and that's because they
14 have treated, Romic has treated these units as though they
15 were permitted. They meet the labor and transport, they go
16 through the same inspection schedule as the permit areas and
17 all the units have secondary containments in them. So even
18 though our department doesn't regulate these units, the
19 other agencies did, like the fire department or the Air
20 Board.

21 Now I will get into the emission controls at
22 Romic.

23 All the distillation units and all the tanks have
24 air emission control devices. All the vapors or the
25 emissions are collected and condensed and returned to a

1 storage tank.

2 In this noncondensed vapor -- actually the air
3 emission controls are done in several phases.

4 First of all, the air emissions are captured or
5 condensed by condensing them into a receiving tank.

6 Then the vapors are sent to scrubbers to remove
7 further any organic compounds. If there's any trace amounts
8 of organics left it's sent to boilers to vaporize the
9 organics.

10 These combined control equipments is designed to
11 remove greater than 99 percent of the air emissions.
12 Typically, about .1 pounds of organic compounds is released
13 per day.

14 And finally the permit application.

15 In addition to the treatment and storage
16 operations I just described to you, the permit application
17 also contains these items or these sections.

18 Security. Romic is surrounded by a chain link
19 fence. This prevents any unauthorized people or any stray
20 animals from entering the place. Romic operates the
21 facility 24 hours a day, seven days a week. And during like
22 holidays when the plant shuts down, they hire security
23 guards to monitor the place.

24 And they have warning signs all throughout the
25 place in English and in Spanish.

1 Now inspections. All the hazardous waste units
2 are inspected regularly, either daily, weekly or monthly.

3 These area include the storage units, the tanks,
4 the containers themselves, the emergency equipment, the
5 safety equipment, spill control. So everything goes through
6 a routine inspection schedule.

7 A contingency plan. This plan is designed to
8 minimize the risk of, I guess, explosions or spills or
9 anything like that. Arrangement with the local authorities
10 has been made to coordinate with them in case there is a
11 emergency like with the fire department.

12 All the personnel has been trained to deal with
13 and equipped to deal with emergencies.

14 Emergency equipment available at the site includes
15 alarms, internal, external communication devices, fire
16 fighting equipment, like fire extinguishers, foaming agent.
17 They even have fire hydrants located at their facility.

18 In addition, all drum storage areas and process
19 areas has automatic sprinkler system.

20 Now, personnel training. Training is designed to
21 teach the workers how to perform their duties and how to
22 respond to any emergency, and also to inspect and repair
23 equipments.

24 No employee is allowed to work unsupervised until
25 he or she has completed the training program. The program

1 consists of classroom type instruction and also on-the-job
2 training.

3 And financial assurance and liability coverage.
4 These are in place to ensure that Romic has enough money to
5 cover any damages from accidents or a release. Also ensures
6 that Romic will probably close the site. Has to remove all
7 the waste, inventory waste and also clean all the units, the
8 tanks, the drum storage area to ensure that no waste is left
9 behind.

10 There are other sections in the application as
11 well which explains in detail all about what Romic does.

12 The EIR will evaluate those operations to
13 determine what impacts those operations will have on the
14 environment.

15 And CEQA process, the impacts. Earlier Carol
16 described the CEQA process to you. I will describe what
17 type of impacts Romic's operation will have on the
18 environment.

19 Now, the purpose of the EIR is to determine if a
20 project may have a significant impact on the environment.
21 The EIR must address all environmental factors relevant to
22 the project, such as impacts to the air, the water quality,
23 the land use, traffic.

24 The EIR usually brings together a number of
25 studies, what potential impacts the project may have and

1 also includes, usually includes a health risk assessment and
2 also identifies way to reduce or eliminate or offset those
3 impacts.

4 Some of the impacts may include geological
5 impacts, such as what would happen during the earthquake,
6 will there be any releases or any fires.

7 Air quality, or I should say air emissions.
8 Health risk assessments could determine the risk factor for
9 the area. It can determine the cancer risk say to nearby
10 residents.

11 Transportation. I think earlier this year I spoke
12 with some city people about some of the concerns. One of
13 main concerns is transportation. What will happen if one
14 Romic truck got into an accident, what kind of damage would
15 that do to the city streets.

16 They're also concerned about since Romic's
17 proposing to increase their drum storage capacity, what
18 would that do to the traffic problems for the area and how
19 about the road conditions.

20 Accidents. There are companies that are worried
21 about accidents, what will happen if there's a accident at
22 Romic, like a toxic release or fire. The EIR will evaluate
23 those potential impacts.

24 Now, the EIR will not only address potential
25 impacts in health and potential environmental and health

1 impacts from each source, but the cumulative impacts, which
2 means that even though individual impacts separately might
3 not have a significant impact on the environment, if you add
4 up all the sources, such as the air, the water and the
5 traffic and noises and so forth, and you put together, the
6 project may have a significant impact on the environment.
7 So the EIR will cover this issue.

8 Now, the EIR will also present possible
9 alternatives to the project, such as maybe modifying the
10 permit or imposing stricter conditions to reduce the impacts
11 on the environment.

12 This concludes my presentation, but Carol is going
13 to leave one slide up for you to look at. These are some of
14 the areas that might be included in the EIR and will give
15 you something to think about and so you can tell us what
16 areas that you think might be included or should be included
17 in the EIR.

18 If there are any questions I'll be happy or Carol
19 will try to answer it for you.

20 MODERATOR NORTHRUP: Okay. We have had a number
21 of people come in since we started. Let me review for you.

22 If you didn't stop at the sign-in desk to get some
23 of these handouts, please help yourself. We have the fact
24 sheet that was mailed to the community and to a number of
25 other people who have expressed interest.

1 I did do these overheads into a handout.

2 There's an evaluation and comment form you can use
3 to help us figure out how to do our meetings better and I
4 would very much appreciate you filling one of those out.

5 We also have in another folder I will have to help
6 Weiwei find, a comment form if you want to take that home
7 with you that you can just write your comments, has our
8 address on the bottom and you can mail it back.

9 With that I think we'd like to start getting some
10 questions and comments. Again, we're going to ask you to
11 come to the podium so we can get all this down on the record
12 and make sure that we're held accountable and that we
13 actually have the best chance we can have to do a good job
14 on this Environmental Impact Report.

15 So I'd like to invite anyone to come up. When you
16 do come up, please give us your name and spell your name.

17 And while you're en route, please be careful of
18 all the cables we have laying around.

19 MR. EVANS: My name is Evans, E-v-a-n-s, Peter.

20 I would like to make some brief comments that the
21 agency people have made.

22 One of them I would like to say is the -- the
23 people in the community as far as I know was not aware that
24 this process was going in terms of comment. When I got the
25 notice that there was going to be a hearing on today, in

1 that notice it also included a deadline of the 31st, which
2 only gave us something like ten days from the date to have
3 written comments.

4 If there was an opportunity, one that existed
5 where people could present evidence, I was not aware of it.

6 We have been concerned about Romic when they first
7 applied for the application three or four years ago. So it
8 is unfortunate that now we have only ten days to make
9 written comments on a document or an application that the
10 agency have had for several years.

11 If it is possible to request an additional time to
12 submit written requests, I would like to do that now and
13 request at least a 30-day window for us to submit written
14 requests.

15 MODERATOR NORTHRUP: Let me jump in there.

16 This is not the period at which we're making a
17 decision on the permit. This is where we're just looking
18 for information to include in the Environmental Impact
19 Report.

20 The formal public comment period is scheduled to
21 end on the 31st. I'm sure that Henry will be more than
22 happy to get any comments from you as we go through the
23 process as well. Don't let just because we have to put a
24 date down for administrative reasons, don't let that make
25 you feel like that's all the opportunity you get.

1 MR. EVANS: I didn't set the date, you set the
2 date. I'm saying that I'm requesting that the date do not
3 be October 31st, but it be November the 31st.

4 MODERATOR NORTHRUP: And I'm telling you that we'd
5 be more than happy to get your comments by the 31st.

6 MR. EVANS: And they will be -- will you change
7 the date officially to say from right up to the 31st it be
8 November the 31st?

9 MODERATOR NORTHRUP: That's probably not
10 necessary. It would involve a tremendous amount of expense
11 for the department that I'm afraid right now in our
12 financial situation we can't really absorb.

13 MR. EVANS: Okay. Well, can you say today then
14 that the written comments can be extended until November
15 31st and we'll be allowed to get our comments in?

16 MODERATOR NORTHRUP: Given our schedule, I'm sure
17 Henry would be happy to accept your comments --

18 MR. CHUI: Shouldn't be any problems.

19 MODERATOR NORTHRUP: -- until the first of the
20 year and throughout the rest of the process.

21 MR. EVANS: Will that be incorporated into the EIR
22 evaluation?

23 MODERATOR NORTHRUP: Throughout the process,
24 that's our hope is as we hear things from people that, you
25 know, we'll be able to incorporate them right up and through

1 the release of the draft EIR, at which case, at which time
2 we will have another formal public comment period.

3 MR. EVANS: My concern is about the 31st date. I
4 don't want to, you know, hassle you, I mean beat that to
5 death, as long as it's understood that we can submit written
6 comments until the 31st.

7 MODERATOR NORTHRUP: Certainly.

8 MR. EVANS: And the November or thereafter, first
9 of the year, as I understand.

10 In reading some of the documents I notice that
11 that was MOU by Romic and the agency.

12 Today I requested a copy of that document from
13 Mr. Chui and I understand it's not available.

14 Just reading that paragraph it appeared that Romic
15 and the agency has agreed on some type of procedural
16 limitation in regards to this applicant or application. It
17 would be beneficial to us to know what that MOU says or what
18 the language is, what was agreed to do that.

19 It's very difficult for at least me and I assume
20 other people to be able to comment on this application
21 intelligently if we aren't aware of that MOU.

22 So I hope that will be made available to the
23 public.

24 Mr. Chui says that perhaps it's in the library,
25 but the library opens at 1:00 o'clock and at sometimes it's

1 not very good. I hope that we would be allowed to see it.

2 MODERATOR NORTHRUP: Would you like us to take a
3 moment to talk about the MOU?

4 MR. EVANS: I don't want to talk about it, I want
5 to see it.

6 MR. CHUI: We have a copy in the --

7 MR. EVANS: The two of you have already talked
8 about several things and talked about a lot of things, he
9 talked about training, he talked about -- he didn't talk
10 about the violations, he didn't talk about, even though
11 Romic has a training program, some of the supervisors are
12 not trained.

13 So even talking about is not what I want to see.
14 I want to see the document.

15 There was also a question that Mrs. -- what is
16 your name, ma'am? I'm sorry. Northrup?

17 MODERATOR NORTHRUP: Carol, yes.

18 MR. EVANS: Made about Romic asking for this EIR.

19 Since I was in the forefront and was one of the
20 plaintiffs who filed a lawsuit in regard to this
21 application, I know that Romic didn't voluntarily do
22 anything.

23 And I hope that the record reflect that Romic
24 fought the public's interest in this matter all the way.
25 From the beginning when the Planning Commissioner

1 Lowenstein -- and I certainly don't want to frustrate the
2 time, so if I run out of time, let me know -- gave the
3 initial checklist, he noticed that if Romic was going to do
4 this expansion that an EIR was required and he maintained in
5 his report to the Planning Commissioners and ultimately it
6 was appealed to the City Council, that a EIR be -- is
7 mandated by CEQA and by the environmental laws.

8 Romic fought that tooth and nail.

9 When we appealed it to the City Council, Romic
10 fought the appeal as well.

11 Romic brought almost all of the employees to the
12 meeting and we had a Raider fan type of response from those
13 people and they disrupted the meeting.

14 Even after the hearing where one of the
15 councilmen, Pat Johnson, was one of people who voted in
16 support of the EIR upholding the Lowenstein Planning
17 Commission, Romic fought that and he actually -- that
18 committee as I understand it actually contacted
19 Councilmember Johnson and she reversed her vote. Romic was
20 at the meeting when this happened.

21 In terms of the lawsuit that we had to file, Romic
22 fought the lawsuit. They were -- we were in court for
23 almost two years.

24 So to suggest that Romic is voluntarily doing
25 something is absurd and it's contrary to the fact.

1 I guess one of the reasons why you did not present
2 any facts that Romic was cooperative in this issue is none
3 exist.

4 In terms of the advisory committee, I think the
5 record will show historically and I think everybody in the
6 community is aware, that Romic has been here for almost 40
7 years. I think Romic started in the '50s.

8 At no time was there ever an advisory committee.
9 At no time did Romic even represent the city, the people's
10 interest. Indeed, they even fought citizen input.

11 So this is no more than a Romic and EIR committee
12 that is handpicked by them. There was no effort to be
13 neutral. There was no effort to elect people to get a
14 general, a fair representation of the community by this
15 committee. This committee is handpicked. This committee is
16 represented of Romic.

17 And I would suggest to you that if one of these
18 committee members oppose Romic in any way they will be
19 removed from that committee and another pro-Romic person
20 would replace that person.

21 So I would hope that these things will be taken
22 into consideration, that if Romic wanted a committee of the
23 people at the public hearing, there was over 358 people who
24 signed a petition in opposite of Romic's application, so he
25 could easily pick people out of there. Instead he favorably

1 picked the Romic people and his own committee.

2 Now, the danger here is Romic is going to
3 represent that this handpicked committee is going to be a
4 sampling of the community and it's going -- and he's going
5 to use this to frustrate the environmental committee. He's
6 going to use this to frustrate the EIR committee.

7 So I hope that as we begin this process further
8 down the road that this committee that you visit,
9 Ms. Northrup, was no more than a handpicked committee.

10 MODERATOR NORTHRUP: I --

11 MR. EVANS: I would like to continue, please.

12 MODERATOR NORTHRUP: May I interrupt you just to
13 clarify for everyone in the audience.

14 Anybody on that committee, their comments or the
15 comments of the CAP as a whole carry no more weight with the
16 department in its decision making than anybody else's
17 comments. The comments that we want to hear from everybody
18 we will take equally. If I misstated that before, I
19 apologize.

20 MR. EVANS: Well, I disagree with that. I think
21 the whole purpose of this public hearing is to get public
22 comment and if public comment is tainted or slanted you will
23 not get proper comment.

24 To say that this committee is irrelevant, I think
25 is absurd.

1 The reason why we're here is to get public
2 comment, so if you just rely on a handpicked committee by
3 Romic and that is representative that that is the public
4 comment of this community, certainly you're going to
5 frustrate the process.

6 So to suggest that committee is not important, I
7 don't think this is a proper analysis of what's happening
8 here.

9 In regards to Mr. Chui's comment, I would just
10 like to say that even though there's a history of
11 applications to Romic and there's a history of these permits
12 being given, there's also a history of the citizens of East
13 Palo Alto submitting documents and everything to be
14 considered.

15 At no time, and I was one of the persons who was
16 involved in that, and at no time do I remember ever getting
17 any response from Chui's office or any other office saying
18 that we have gotten your comments, we believe that we're
19 going to submit Romic a continuation of a permit for this
20 temporary permit, and at no time did we ever get a response
21 from Mr. Chui's office.

22 Indeed, these offices historically from my
23 standpoint have been more pro-Romic than pro-community and I
24 think that if you look closely at the record it will reflect
25 that.

1 Mr. Chui briefly talked about -- we were led to
2 believe at the onset that this was no more than a safety
3 permit, that this permit was limited to safety at Romic.

4 Indeed, Romic was able to get the fire department
5 rather than putting out fire to set a fire. The fire
6 department came to represent, erroneously I may add, Romic's
7 application in the hearing before the council that this was
8 no more than a safety measure and we should ignore all the
9 other parts of this application.

10 One can visit the permit in the library next door
11 and you'll find out that this is a very elaborate permit.
12 In terms of the tanks, it looks like to me from the permit
13 there's several vertical tanks going up. There's a whole
14 new unit going over there. Some of the tanks, vertical
15 tanks, from four to eight to 12 thousand gallons.

16 The report as I make reference to is a Dames and
17 Moore report that deals with the tank certification process.

18 And on page one of that report it says that Romic
19 Chemical Corporation is expanding its East Palo Alto
20 hazardous waste storage. The date of this report is
21 September 21st, 1989. It expanded East Palo Alto hazardous
22 waste storage treatment and recycling operation. The plant
23 expansion includes wastewater treatment, waste
24 neutralization, metals recovery, drum cleaning, oil storage,
25 antifreeze recycling, expansion of the fuel blending

1 operation.

2 This document includes a view of some existing and
3 proposed storage tanks and vessels to be incorporated into
4 this expansion.

5 Every time that Romic represented this application
6 before the City Council there was no expansion, even though
7 the application said that there was 36,000 new feet of
8 building. 36,000 feet is not an expansion. I would suggest
9 to you that if you add 36 more thousand EPA inspectors, I
10 think this room would be crowded.

11 Additionally, as we look at this report we find
12 out that there's some strong reservation about whether these
13 tanks can be put in ground vertically. The report alludes,
14 and certainly correctly, that Romic not only is in a
15 earthquake zone, it is also in a flood zone. If you read
16 the report closely the consultant has some strong
17 reservations about the tanks even being able to be secured
18 there because of the soil there, because of the earthquake
19 potentials.

20 And I may add also that we don't know the
21 condition of Romic after the earthquake in I think it was
22 '89 or '90. We don't know what happened there.

23 So there's a strong need to be concerned about all
24 of these things, including the whole new unit there.

25 I'm sure that Mr. Chui is aware, if not I have the

1 documents, that there was a worker who was recently
2 seriously harmed by the neglect of Romic in terms of you
3 remember the case about the Cruz person who almost has brain
4 damage now because of a very minor, willful, as the OSHA
5 report said, it was willful, seriously negligent violation
6 whereas the employee had to go into a tanker that was 51
7 feet long and there was a porthole where he was about 28
8 feet from the end and he was let down in this tank to clean
9 out hazardous sludge.

10 Romic was negligent because they had a fitting
11 that connected the air to the worker that was not even
12 properly fitted and they were more negligent because they
13 fixed the fitting in a life-threatening way with duct tape.

14 So after a while the worker becomes seriously
15 injured there.

16 And we do not know how repetitive these things
17 are. We do not know because we have not one regulatory
18 agency in East Alto and when the regulatory agent comes from
19 out of East Palo Alto, they're not very considerate to the
20 people.

21 I would also, and I'm not aware that you have the
22 Brewer versus City of East Palo Alto before the agency, but
23 I'd like to incorporate that now in my comments for those
24 particulars and certainly the memorandum and points and
25 authorities, as well as the whole complaint be considered in

1 this permit.

2 MODERATOR NORTHRUP: Can I -- are there other
3 people that have a burning desire and need to get up? Is it
4 okay if we spend -- continue to spend time here?

5 Thank you.

6 MR. EVANS: I'll wind down because I don't want to
7 frustrate the time, but I do want to get my comments on
8 record since yours is contrary to the best interest of the
9 community.

10 I don't think you are deliberately doing it, but I
11 think it's consistent with the negligence of this office all
12 along, even though you have good professional intent, you
13 can't -- we can't realize that unless you know all the facts
14 and I am sure you're not aware of all the facts.

15 It is also important to note that at no time in
16 the history of Romic have there ever been an environmental
17 assessment there.

18 So we are concerned that this assessment include
19 not only the historical part of Romic, but the tanks that --
20 I mean the two ponds that may serve at other ponds that
21 Romic have covered up and capped up with cement without any
22 regulatory agency. I think that's reflected in a lot of the
23 fact sheets that we've been able to look at those ponds and
24 find out at what level there are migration.

25 We know that we have a well water system in East

1 Palo Alto. We have the Palo Alto Port Mutual right over
2 here where people get a lot of well water.

3 We know that where I live you can dig down five
4 feet and get water. So we have a very low water table in
5 East Palo Alto.

6 So all these things need to be considered.

7 The historical aspect of Romic, there's some, I
8 think there was a law or something that was passed several
9 years ago that said every community need to be responsible
10 for this hazardous waste because everybody used antifreeze,
11 everybody use poisons and everybody use gasoline.

12 But what is happening here is East Palo Alto has
13 been allowed historically and look like continuously to be
14 the dumping ground for society's waste.

15 We know that a few years ago that there was a rail
16 car system incorporated Romic, whereas cars would come in
17 Redwood City, and I think this reflect the Cruz work site,
18 and then that waste or whatever it is is brought down to
19 East Palo Alto to be recycled.

20 And my point is I believe that there was a
21 legislative act several years ago that reflected the need
22 that every city needed to share some of these hazards.

23 I would hope that the EIR committee would look at
24 this and find out another way, rather than expanding Romic,
25 to begin to disburse some of the hazards they have now

1 throughout other parts of the community.

2 We are aware that several years ago there was a
3 proposal to put a site up by in San Mateo County, up by
4 Hetch Hetchy. San Mateo County fought this act because the
5 white people did not want -- and I can understand it,
6 because I don't want it in my community -- the white people
7 did not want this poison up there.

8 At that time there was a memo generated by the San
9 Mateo County health director, and I'm pretty sure that that
10 memo is floating around and you can get it, that says that
11 one of the reason that in the memo was why they fought this
12 site in San Mateo County up in the hills was that the Romic
13 Chemical was the predominant provider of the chemical waste
14 for San Mateo County and in the year 2000 the capacity of
15 Romic and the ability to handle more waste will increase.

16 So I think that memo is a reflection of what's
17 happening now.

18 MODERATOR NORTHRUP: Was this the Norcal or is
19 this -- do you remember the name of the facility?

20 MR. EVANS: Romic.

21 MODERATOR NORTHRUP: No, no, no. The one in San
22 Mateo that they're attempting to site.

23 MR. EVANS: No. It was a State -- I don't know
24 the name of it, but I don't know the name of the facilities,
25 but it was consistent with the legislative law that says

1 that all, every county has a responsibility.

2 MODERATOR NORTHRUP: That was all part of the
3 Tanner Act?

4 MR. EVANS: Tanner, yeah.

5 MODERATOR NORTHRUP: Right.

6 MR. EVANS: Tanner, that's right. Tanner.

7 So I think we need to look at Tanner, we need to
8 see at what level it's been incorporated in terms of
9 fairness, the adoption of it and all that.

10 We do know that when Tanner came to San Mateo
11 County the County Health Department said, you know, we don't
12 want anything here, because we going to expand Romic in East
13 Palo Alto.

14 And I think if you follow all the checks and all
15 the dots and all the roads and the alleys you'll find out
16 that that particular memo and comment by the San Mateo
17 County health director reflects this application here.

18 So we would certainly like to see that we get
19 treated much fairer than we have. Since we have been
20 firsthand, it's not like we are just talking now, we have
21 been dealing with this -- I don't think at no time have
22 anybody ever said that Romic should move. We want it said
23 that the agency regulate Romic to do a fair job. To now, up
24 to date that have not been done.

25 There's been no correspondence through Chui's

1 office, there's no correspondence to any of the agencies to
2 show any amount of concern.

3 Now, you must realize here that East Palo Alto is
4 further frustrated because we don't have a newspaper. We
5 don't have a medium to get the news out. Indeed, I doubt if
6 we even have an adequate council to properly represent the
7 citizens.

8 It was our City Council, who we go to church with,
9 who we see every day, they the one who said Romic was
10 category exempt from the law. So they were the one who said
11 that Romic don't need to do anything, even though they were
12 adding here, even though they was a hazard.

13 So the question is that we even get proper
14 representation even at the local level. Most of all those
15 council members are gone and even you say that Romic
16 volunteered, but the history of Romic also showed that they
17 play a major part in the politics of this community.

18 It is no secret that Romic supported Warnell Coat.
19 Romic supported -- I mean his wife is now one of the
20 members, his ex-wife, is now one of the members of that
21 committee.

22 Romic supported Pat Johnson and Romic also was a
23 supporter of Navida Butler in terms of when we had the Sun
24 Micro System application here. Navida Butler, who was a
25 strong supporter of Romic, is also on that committee, that

1 neutral committee.

2 And I think if you look historically at Romic,
3 their hands are not that clean. They're very deep into the
4 community and their community concern is their own personal
5 interest.

6 And I can understand that too. People have a
7 right to protect their interest, but we have a right to get
8 a fair shake on these things.

9 And we look to the local regulatory agency to at
10 least, if they're not going to do anything, at least tell us
11 they're not going to do it. Most of the time we don't even
12 know if they going to do anything or not, you see, because
13 we don't get a response.

14 The check-off that Chui mentioned about the
15 temporary permit, we had papers before this agency. At no
16 time did he say we received your comments, we gonna continue
17 the permit. We don't know when he continued the permit,
18 even though Romic did not have a permit at that time, if
19 Romic didn't continue building.

20 I would suggest to you that most of the dealings
21 that we -- content that the city was exempt from the law is
22 probably already in record and being used. We can't stop
23 them. We rely on your people to stop them.

24 So I would hope, and I'm going to close now
25 because I do -- I don't want to frustrate the time, but I

1 want to get the comments in, and just let the people who are
2 here, as well as the agency, that we have not got at no time
3 any support from the regulatory agency.

4 The agency is more pro-Romic, and I imagine it may
5 be because most of the regulatory people and the people who
6 control these things live in white communities also. So
7 they must have some concern about bringing it from East Palo
8 Alto to their backyard.

9 But I think it's important that we get a fair
10 shake on this EIR, that we realize that we have never had no
11 type of environmental assessment that the people had input
12 at Romic.

13 I thank you very much for your time and I hope I
14 get consideration in this matter. Thank you very much.

15 (Applause.)

16 MODERATOR NORTHRUP: In terms of response to
17 what's happening today in this meeting, I do want to let you
18 know that we will not be doing a responsiveness summary per
19 se, which we do subsequent to a decision.

20 The comments we hear tonight, as I said, there
21 will be a transcript, we will make sure that transcript is
22 in the library. When we get written comments we'll put all
23 of those together in a notebook so you can see what the
24 written -- we'll try to compile a notebook that has all of
25 the scoping comments, so that's available for you in the

1 library.

2 The response to the comments we get today and for
3 the next couple of hours will be the Environmental Impact
4 Report. That will be the response.

5 And when we come back with a draft EIR if that --
6 if it does not respond to some of the comments we've heard,
7 then we didn't hear them right or we didn't respond to them
8 and we will need to hear that in the comment period for the
9 draft EIR.

10 Does that all make kind of sense? It makes a lot
11 of sense to me administratively, but I've done a few of
12 these. Does that all click?

13 FROM THE AUDIENCE: Excuse me. I'd like to make a
14 comment. Can I just from here?

15 MODERATOR NORTHRUP: Please come up here, it's
16 much easier for us to record. And if you give us your name
17 and spell it for us, please.

18 MR. BARRAGAN: My name is Francisco Barragan.
19 Last name is spelled B, as in boy, a-r-r-a-g-a-n.

20 I live in the community for 12 years and this is
21 the first time I know we have meetings here. And it was by
22 accident.

23 What I really like to have this comment, because I
24 really think the Spanish community is like a 30 to 40
25 percent people in East Palo Alto and I really like to know

1 if we can have more information about this company so we can
2 give our comments too.

3 Because this is, I don't know if this is
4 ridiculous or not to say, because I've been involved in the
5 community, many people they know me, but I didn't even know
6 anything about this.

7 So I really like to have this point to have more
8 information for the Spanish-speaking people.

9 MODERATOR NORTHRUP: I would like very much to
10 talk with you next week some time, if you signed in and you
11 can show Weiwei who you are, because that's been a concern
12 of ours.

13 You may notice in the fact sheet we had a little
14 paragraph in Spanish saying if you're interested, this is
15 the project and if you're interested please let us know.

16 We have not had a lot of success in getting
17 interest from the Spanish-speaking community and I'd very
18 much like some help with that.

19 MR. BARRAGAN: Yes. I'm concerned that there's
20 Spanish here, but that's why my comments come is that I am
21 really interested to enjoy these meetings and know what is
22 happening around here.

23 MODERATOR NORTHRUP: Okay. If it's all right if I
24 get in contact with you maybe you can help us out with that.

25 MR. BARRAGAN: Thank you.

1 MODERATOR NORTHRUP: Thank you.

2 Other comments?

3 Yes, sir, if you'd come to the front.

4 Do we need to leave this overhead slide on
5 anymore? That noise kind of --

6 FROM THE AUDIENCE: It's a good idea.

7 MODERATOR NORTHRUP: Is it good? You want it up
8 there?

9 FROM THE AUDIENCE: So we know.

10 MODERATOR NORTHRUP: Sure. That's fine. Don't
11 let this limit you, though. We're talking about
12 environmental impacts, it can be anything. It doesn't have
13 to be something that fits into these categories. It's not
14 restrictive, it's just to help you think about it.

15 MR. BRICCA: My name is Kit Bricca. Last name
16 B-r-i-c-c-a.

17 I presently live in the City of Palo Alto,
18 although I lived in East Palo Alto on both Oakdale Road and
19 Weeks Street for about eight years in the '70s.

20 And the first gentleman that spoke, I think the
21 first thing he said was asking for more time for input, and
22 I think this is very very important.

23 I know that by law we, the community, do have a
24 right to come here and to give input so that we can shape
25 what it is that you evaluate in your EIR.

1 And the last gentleman said that the
2 Spanish-speaking community really hasn't had adequate time
3 to hear about it. I think it's really important to respect
4 those comments.

5 I just became aware, although it happened several
6 months ago, I just became aware of the Rodrigo Cruz incident
7 with Romic recently, and I would really like to be reassured
8 that this will never happen again, because this man does
9 have brain damage. It has changed his life.

10 I'm also aware that there is, I don't know if it
11 has the force of law, but it was commented that each
12 community be urged to take care of its own waste, its own
13 toxic waste and there may be an opportunity here in respect
14 to that for the East Palo Alto community to assess what risk
15 is being taken.

16 And this is a terrible problem. I mean, the waste
17 that we create as a human society has to be disposed of some
18 way.

19 So if this community, if we can assess the risk
20 that the community is taking, the workers and the
21 surrounding community, the water, the air, everything, then
22 perhaps if other communities do not take care of the waste
23 that is generated from manufacturing and household use in
24 that area that they can reimburse the City of East Palo
25 Alto. They could reimburse, they could create a fund here

1 that would accumulate for the betterment of the community.

2 I don't see why that couldn't happen.

3 That's all I have to say.

4 MODERATOR NORTHRUP: Thank you.

5 MS. SIWATU: Good morning. My name is Makini
6 Siwatu. Last name is spelled S-i-w-a-t-u. M-a-k-i-n-i.

7 As a about 30-year resident of East Palo Alto I'm
8 very concerned about the high cancer risk in this community.

9 And I also understand that there's no real studies
10 or anything that we can depend on. Some say they're not
11 that high, and others say that it's very high.

12 But I would really like to see the EIR add to
13 their list of topics health issues and that the health risks
14 and the health concerns and the cancer risk be studied and
15 researched before the Romic is allowed to expand.

16 And also that the possibility, or if Romic may be
17 somehow responsible for the cancer risk.

18 MODERATOR NORTHRUP: What kind of cancers? That
19 helps us a lot to know.

20 MS. SIWATU: Lung cancer, breast cancer and I have
21 even heard about the high infant mortality rate that may be
22 a concern.

23 And I am also concerned about the groundwater
24 level and maybe the toxics that may be getting in the
25 groundwater.

1 MODERATOR NORTHRUP: Thank you.

2 MS. SIWATU: Thank you.

3 MODERATOR NORTHRUP: Good. Thank you.

4 Other comments?

5 MR. BURROWES: My name is Trevor Burrowes. My
6 address is 1955 University Avenue, East Palo Alto.

7 B-u-r-r-o-w-e-s.

8 I would like to support Mr. Bricca's comment about
9 the burden, disproportionate burden for other communities'
10 waste that East Palo Alto has to bear.

11 I prefer to suggest that we look into which
12 agencies can be called. I know this is going to cost money.
13 It's going to be a political issue. It's going to be
14 difficult, but I don't see any choice.

15 So we need to figure out which agencies need to be
16 called together to set this up.

17 We may be thinking of Byron Sher in the Senate or
18 Assembly as the case may be.

19 We may be thinking of ABAG.

20 BCDC, is this still --

21 MODERATOR NORTHRUP: BCBC is still around.

22 MR. BURROWES: Still around.

23 But agencies that can bring together -- and also
24 an association of cities, association of city managers, is
25 that it, or just of cities. See, I don't really have --

1 MODERATOR NORTHRUP: A number of them, I think.

2 MR. BURROWES: -- the full information.

3 So and really I can see really quite a large
4 number of agencies. The Toxic Coalition, you know, all
5 sorts of groups coming together to figure out how do we
6 start the ball rolling for regional sharing of the
7 responsibilities that now all accumulate on East Palo Alto.

8 And the other thing I would like to suggest, and I
9 don't quite know where it fits in your areas of focus here,
10 is that we need to have a way to educate the community about
11 the technological or technical aspects of what goes on in
12 Romic.

13 Now, there was a suggestion that I heard that we
14 have independent, what, analysis of what goes on. And that
15 might be fine, but I think at some level there needs -- the
16 whole community of East Palo Alto needs to be better
17 educated as a whole.

18 And I think that maybe a conglomeration of
19 organizations, including Romic, could come together to try
20 to figure out how we can start the process going to educate,
21 perhaps high school interns, on the technical aspects of
22 hazardous waste.

23 And one advantage of which is that these people
24 can disseminate that information to other people in the
25 community and we can have a sort of rotating group each year

1 of five or more interns that go through Romic and other
2 agencies to be trained.

3 And then we're beginning to touch on the issue of
4 compensation, what is this community getting out of all
5 having to bear this heavy incredible responsibility for
6 everybody else's waste.

7 At least we can start developing a cadre of
8 trained people who will be able to get jobs in the 21st
9 century in this industry. And that could be one of the
10 advantages to East Palo Alto.

11 But these are two pressing -- oh, a third area is
12 in the mitigation of air quality. To be fair, because we
13 have such a burden on our environment from these industries,
14 we also need to look into ways to start environmental
15 mitigation. Such things as planting trees, such things as
16 supporting sustainable, ecologically sound land use. Some
17 level we've got to get coherent, coordinated attention to
18 these environmental issues.

19 So those are my three areas for now. Maybe I'll
20 have more later.

21 MODERATOR NORTHRUP: Please do. Those are good
22 comments. Thank you.

23 I know one of the areas, as you're coming up, one
24 of the -- from having gone through a number of EIRs before,
25 when we release a draft EIR typically people tell us that

1 our accident scenarios don't -- are ridiculous. So if
2 anybody has any ideas about what a worst case accident is
3 or we call it, what is it, maximum credible accident. So
4 any ideas you have about that kind of stuff would be real
5 interesting for us.

6 MS. FRANK: My name is Vali Frank. My first name
7 is V-a-l-i. I'm a law student working at the Environmental
8 Justice Clinic at 1395 Bay Road in East Palo Alto.

9 We're a group of students, scientists and lawyers
10 who work with residents, community groups on a variety of
11 environmental concerns.

12 Over the past few months we've talked to workers
13 at Romic, City Council members. We've talked to people door
14 to door and we also talked to school and city officials
15 about their concerns regarding Romic's operations.

16 Many concerns, many people are concerned, you
17 know, as several people have mentioned, that they simply
18 didn't have much information about what was going with
19 Romic. They didn't feel like they had adequate notice of
20 this meeting or Romic's operations in general.

21 Some people in fact that we talked to who are only
22 a block or so from Romic weren't even aware that Romic was
23 there, even though they lived there for several years.

24 Other residents were very aware of Romic and had
25 several concerns.

1 Some of these concerns were generally what
2 chemicals specifically Romic emits into the air, into
3 groundwater, into the sewer system.

4 Also, residents have complained about unpleasant
5 smells from Romic. They're not sure what those are from,
6 but they feel like those indicate that there are some sort
7 of emissions.

8 They also want to know what the difference would
9 be, you know, if they increased the expansion, but before
10 the permit for expansion is approved they need to know what
11 is going on right now and they feel like they don't
12 adequately know that.

13 Many people were concerned about the potential
14 health effects of the chemicals that Romic processes. They
15 were particularly concerned about the effects on children
16 and they wanted to know if health studies have been done or
17 are going to be done that look specifically on the effects
18 of these chemicals on children and elderly people as opposed
19 to adults.

20 Let's see. As noted already, there are over 2,000
21 children who live within a mile of Romic. There's also
22 several elementary schools that are within a mile of Romic.

23 Many people had concerns that there wasn't
24 adequate notification of emergency response program. The
25 school officials that we talked to didn't know of any sort

1 of notification program. And none of the people knew of any
2 emergency response program.

3 We did talk to fire department officials about
4 emergency response program, but it doesn't appear that if an
5 accident happened that people would be able to be notified
6 quickly and that was a major concern.

7 To the extent that this increases storage
8 capacity, this might also increase the risks of, you know,
9 of a dangerous accident or a fire.

10 Let's see. Residents also gave some specific
11 examples of problems that they had seen. One was -- one
12 group of residents we talked to said that a drum from Romic,
13 an empty drum, had dropped off from a truck in their
14 neighborhood and some kids had picked it up and were
15 planning to use it as a barbecue drum, that they had no real
16 awareness that, you know, what these sorts of chemicals
17 were.

18 And we want to -- those residents wanted to know
19 what sort of tracking system Romic has, you know, for its
20 drums, both coming in and going out, all the chemicals going
21 in and out.

22 Let's see. Some final -- let's see. Some final
23 concerns are that people want to know about the long-term
24 effects, not only on health, but also on economic
25 development within East Palo Alto. This makes it seem that

1 Romic property say that this is a small expansion now, but
2 to the extent that it affects East Palo Alto's ability to
3 attract other businesses which may employ more people and
4 which may be safer, they feel like that's an important --
5 something that should be dealt with in the EIR.

6 MODERATOR NORTHRUP: Something that you can help
7 us with is defining that in such a way that it can be -- I'm
8 sure you're aware of how --

9 MS. FRANK: Right.

10 MODERATOR NORTHRUP: -- CEQA talks about economic
11 impacts. And essentially we're precluded from looking at
12 economic impacts except insofar as they may have
13 environmental impacts.

14 So if you can send us a written comment that
15 defines that in a way that we can look at it, we would very
16 much appreciate it.

17 MS. FRANK: We'll submit written comments as well.

18 MODERATOR NORTHRUP: Thank you.

19 MS. FRANK: We've also talked -- lots of people
20 had heard about the Rodrigo Cruz incident. We've talked to
21 other workers at Romic who have concerns about adequate
22 training and safety measures there. That should be an
23 ongoing concern.

24 MODERATOR NORTHRUP: Could you tell us more about
25 that, what are the nature of the concerns?

1 MS. FRANK: That they didn't -- well, there's a
2 variety of things.

3 One, that they felt -- some workers felt that
4 there was -- that Romic was not completely honest, that
5 there had been smaller accidents or exposures before and
6 that they didn't feel Romic was actually telling them about
7 the health effects of the chemicals they're working with,
8 that they wanted to know that information, that, you know --
9 and they want to know about the safety of their work there.

10 So, I mean, people were concerned about the
11 cumulative effects, not necessarily an accident like the
12 Rodrigo Cruz is an acute problem, but people also wanted to
13 know what are the effects for them. They don't feel, some
14 of the workers felt like they couldn't really directly
15 approach Romic about that or that they felt like, you know,
16 that their jobs might be in jeopardy.

17 Finally, just getting back to the lack of
18 information issue. People, you know, residents really felt
19 like they should have access to all the information that
20 Romic does in this process, in the EIR process.

21 And I know that as students we've sometimes found
22 it difficult to get information from -- we have requested
23 documents from Romic about their operations or what
24 chemicals they're using. Frequently, many of the things are
25 that they -- some of the things that they've given us, they

1 have said, are covered under trade secrets. So a lot of the
2 stuff we've had a hard time getting, you know, full
3 information.

4 I think that that information should be made
5 readily available. It should be in the library. It should.

6 And anyway so that's the final concern.

7 MODERATOR NORTHRUP: Have you looked at the permit
8 application?

9 MS. FRANK: Yeah. We have looked at the permit
10 application.

11 But there's -- and we've also -- some of us have
12 also gone on, you know, a tour of -- Romic does offer a tour
13 of their operations for that's open to anyone, so we've also
14 done that.

15 But we're not -- there's both law students and
16 scientists have been working on this project with residents,
17 and particularly some of the, you know, graduate students in
18 chemical and biology and chemistry have felt that we're just
19 not getting full information. They get somewhat general
20 information, but we need to get more specific stuff.

21 And basically everything we feel that in this
22 process, everything that's -- all of their reports that the
23 consultants make available to DTSC should also be available
24 to residents by request or in the library.

25 MODERATOR NORTHRUP: Unless it's covered by trade

1 secret, by a trade secret determination, that's a given.

2 Everything that comes into our office is public.

3 In the fact sheet it says the full administrative
4 record for this project is in our file room and you can make
5 an appointment and come in and look at that. That's not
6 every report, but that's all the letters back and forth
7 between Henry and Romic and memos from me to him and all of
8 that. So all of that information is available.

9 There are from time to time, I don't remember in
10 this project, we have to take some information out because
11 it's considered trade secret or proprietary. And with other
12 projects I know we've had challenges to that as well.

13 So whatever you can't find, whatever you're not
14 getting, please call us and see if we can figure it out.

15 MS. FRANK: I don't want to take up any more time.
16 Thank you.

17 MODERATOR NORTHRUP: Thank you.

18 MR. AHMAD: My name is Ben Ahmad. I've been a
19 resident here of East Palo Alto approximately 20 years.
20 A-h-m-a-d.

21 I would just like to make a few comments. Every
22 time I used to look in the paper and see the letters EPA, I
23 don't know if it was East Palo Alto or Environmental
24 Protection Agency.

25 So I became -- well, there's some relation there

1 in many respects. In terms of this particular city having
2 gone through various phases of challenges of growth and
3 development and actually been studied in many areas right on
4 the peninsula here, Silicon Valley and there's a lot of very
5 high, advanced technological things happen here. And often
6 wonder what types of things that happen here related to the
7 human evolution, human growth and development.

8 So in just kind of observing the situation here
9 brings to mind a process that I think is evolving.

10 And first relate to some of the comments that
11 Mr. Evans made, because it really reflects the quality and
12 intensity that exists in the community and awareness and
13 that it just won't stop and it won't die. And it's very
14 much connected to human growth and development.

15 And that so that has been one of the unique
16 challenges for this community even in terms of its
17 incorporation.

18 I think one of the critical pieces that he brought
19 up in terms of it was correct information, because it really
20 reflects on quality of the intent, I think, when he
21 mentioned that there was an effort on his part and some
22 others to demand a EIR report be done on the expansion of
23 Romic's activity. And I do know that he put a lot of time
24 and energy into it.

25 So that it's important that that input in this

1 process is made known, because people's time and effort are
2 important in this process.

3 And it's not to say that, I mean, I'm familiar
4 with Romic and I'm more -- observed some of their requests
5 and, you know, I think that as a facility it's made some
6 contribution to the community.

7 But one of the things that's important in this
8 evolution is that we get the full picture, and that, you
9 know, and that's a part of this time, that things that
10 appear very well balanced and in order, you know, there's
11 some real, you know, concerns if they're not dealt with in
12 the proper sensitivity and correctly then, you know, there's
13 going to be some continuous reaction.

14 So that I think that in terms of whenever there's
15 an effort to present to the public what, you know, is the
16 intent or the motivation of Romic that it includes the
17 concerns of the people so that people will know that their
18 sensitivities and their concerns have been responded to on a
19 human plane, not just on a regimented technological plane,
20 but on a human plane.

21 And then in terms of I think that some of the
22 comments made earlier about maybe getting some, you know, a
23 regional plan is a very good idea, because it brings in a
24 level of communication and collaboration where it shows a
25 real concern and value for everyone. It's not like, well,

1 all indications say that you really disrespect us, you don't
2 bear, and you want us to bear the burden of your waste. You
3 know, that happens on many levels too.

4 So knowing the regional plan is a process now that
5 I'm becoming more active in today's, you know, I'm on the
6 Planning Commission, so obviously the whole idea now is to
7 come into the planning of more regional rather than just
8 local.

9 But East Palo Alto, because it hasn't had a
10 opportunity to really fulfill this local challenges and
11 determination to be, you know, self-sustaining community, it
12 has some other growth stages to go through.

13 But, you know, those growth stages, I think,
14 reflect some really valuable and sensitivities that are a
15 part of, you know, some of the so-called more advanced
16 community planning processes.

17 Then just I'll wind up.

18 In terms of there should probably be a
19 neighborhood response plan, in other words, all the local
20 block neighborhoods should be, you know, alerted and
21 educated and communicated with by Romic.

22 You know, there is initially a project brought by
23 the developer to the Planning Commission to build 74
24 single-family homes not too far from Romic, you know, right
25 along the Bay there.

1 And just speaking with the assistant planner a few
2 minutes ago, they are going to request a scientific report,
3 you know, on potential impact of having that type of
4 high-level density, residential density close to Romic.

5 But, you know, in terms of -- and then the air
6 quality. You know, when we look at CEQA's concern about air
7 quality, I'd like to know more about how radiation plays a
8 part in that, because the radiation can carry, you know,
9 problems beyond an area that's normally studied.

10 I know we don't look at that high area, you know,
11 how radiation can be carried or, you know, toxics can be
12 carried beyond a certain area that's normally studied. It's
13 because in terms of high frequency, you know, they talk
14 about, you know, there's a high frequency of microwaves and
15 so forth, you know. Right now they said, well, at this
16 level of frequency there's no impacts. Of course it is.
17 You know, but I mean in terms of the studies, it just hasn't
18 been found out or either they know or they just don't say
19 because at this time it's not a real concern.

20 So obviously there is some concerns about air
21 quality and its impact, because I can say there are many
22 different things that affect the behavior of people, you
23 know, and that's my area of study basically.

24 And then another area that, you know, might call
25 it environmental ethics. You know, the process of how you

1 assess, you know, hazardous waste facilities, you know, and
2 its potential impacts on human life.

3 You know, so there's just going to be another area
4 that's got to be studied and formally where it can be
5 better, you know, better response to the people, because
6 obviously this is a time that people are becoming more
7 conscientious. Human nature is really more, you know, tuned
8 to being more alive, more healthy and well, but it's got to
9 get through that phase of where it's been, you know,
10 depressed, oppressed or ignored.

11 So this dynamics to me is very, you know,
12 enlightening and it can be very productive if it gets the
13 right response.

14 And so once again I go back to my earlier
15 comments, you know, if the EPA, East Palo Alto and the
16 Environmental Protection Agency can make that balance there,
17 you know, some very good positive things could perhaps come
18 out of it.

19 MODERATOR NORTHRUP: Can I ask you a couple of
20 follow-up questions?

21 MR. AHMAD: Yes.

22 MODERATOR NORTHRUP: One, you mentioned something
23 about radiation and I heard that as wanting us to look at
24 the effects of global radiation in our cumulative impact.

25 MR. AHMAD: No. I used the term "radiation" as

1 how things can be carried in, say, through the air, the
2 atmospheric process where ordinarily you study it in one
3 respect, but it might make an impact but at a level that you
4 haven't yet identified.

5 MODERATOR NORTHRUP: Right. Okay.

6 MR. AHMAD: It's more in that sense. I use
7 radiation as a way of, you know --

8 MODERATOR NORTHRUP: Illustrating?

9 MR. AHMAD: Energies and influences, you know,
10 penetrating an area that's normally not seen as being
11 penetrated.

12 MODERATOR NORTHRUP: Thank you.

13 Another area we have a great deal of controversy
14 in with EIRS is defining what is appropriate to look at in
15 terms of cumulative impact. And the arguments range from
16 everything -- you should look at everything including power
17 lines as having cumulative impact and the contribution that
18 whatever you're looking at makes to that whole.

19 MR. AHMAD: Yeah.

20 MODERATOR NORTHRUP: When you look at all of the
21 impact that comes on all of us everyday, the impact for many
22 facilities generally very small, so we just shrug it off.
23 You can imagine the reactions to that.

24 But the other side of that is we have a lot of
25 pressures on us to limit our cumulative impact analysis to

1 similar facilities, which in this case we'd say, well, there
2 aren't any in the area, therefore there is no cumulative
3 impact.

4 MR. AHMAD: Right.

5 MODERATOR NORTHRUP: So I would urge you to help
6 us now and when we get down to the draft EIR stage to
7 address that issue.

8 MR. AHMAD: Yeah.

9 MODERATOR NORTHRUP: And you especially on the
10 Planning Commission, now that we know that there was a
11 residential area in planning, any information like that
12 comes to our attention we must include in our analysis as if
13 it could truly be there.

14 So anything else you know from, you know, that you
15 can talk about from the Planning Commission that will help
16 us define what the environmental setting is, like it's going
17 to be a lot different if there's a residential community
18 right outside the back gate. We're going to have a lot
19 different environmental analysis.

20 So please help us with that.

21 MR. AHMAD: Determine that there is sufficient
22 residential area and can't say how many feet, but I would
23 say about two or three blocks, no, two blocks and that they
24 should be informed, there should be some method about which
25 they are informed and there might be, I don't know.

1 MODERATOR NORTHRUP: Well, we do mail to them.

2 MR. AHMAD: Yeah. But I mean I think the facility
3 should make the effort to inform them and have them
4 educated. They might have a neighborhood forum, you know.
5 And that way it would be helpful to them.

6 MODERATOR NORTHRUP: Good. Thank you.

7 MR. GRIFFIN: Hi. My name is Chip Griffin. I'm
8 the assistant planner for the City of East Palo Alto.
9 G-r-i-f-f-i-n.

10 According to CEQA, cities are responsible agencies
11 subordinate to the lead agency, which is the DTSC. So in a
12 sense the City would like to open our files to anybody who
13 would like to look at them and hopefully we'll keep in touch
14 with DTSC and their correspondence will be available to us,
15 so we won't have to go to Oakland.

16 MR. CHUI: Berkeley.

17 MR. GRIFFIN: Berkeley or through the mail to get
18 this information.

19 There's a couple of other, say, issues or issues
20 that are somewhat linked to the standard EIR topics that the
21 City might want to raise with DTSC.

22 One of those would be the increase in types of
23 chemicals. I'm not sure if there are, if there's any other
24 types of chemicals that will be brought in.

25 And to expand on Ben Ahmad's comments about

1 community education, the City would like to see, if it
2 hasn't already been done, an evacuation plan with routes and
3 at least immediate community education of that plan and of
4 those routes, and orchestrated with possible and upcoming
5 truck routes that are now being studied within the city.

6 I believe that traffic increase and those impacts
7 have already been touched on, so we'll leave that alone.

8 Also to expand on when Mr. Ahmad was saying and
9 the DTSC as far as what is the worst case scenario. If it
10 takes a separate consultant or another part of the EIR to
11 study that, so the City can see what would happen, what
12 would happen just in case, whether it was seismic driven or
13 accident driven or what have you.

14 I will provide to you a zoning map that shows
15 local residential zones, one of which is -- has a large
16 residential, multi-family development proposed and it's as
17 close as a residential development can get at this point.

18 There's an industrial buffer zone that is between
19 the light industrial or -- well, Romic is in a heavy
20 industrial zone. There's a light industrial zone and an
21 industrial buffer before there's any residential zones.
22 I'll be providing that to you.

23 MODERATOR NORTHRUP: Thank you.

24 Have you all been in contact, just out of
25 curiosity, Contra Costa County, and this is, I understand

1 you all are a city, they have a Community Alert Network.
2 Have you or do you know if anybody at San Mateo County has
3 been in contact with them to see how that works?

4 MR. GRIFFIN: No.

5 MODERATOR NORTHRUP: Because that comes out of, I
6 believe that's a county-funded thing. You might want to
7 touch bases with San Mateo County Health people probably
8 and -- or the folks over in Contra Costa County
9 Environmental Health.

10 MR. GRIFFIN: Okay.

11 MODERATOR NORTHRUP: See how they brought that to
12 be, because that I believe only came into being a couple of
13 years ago and they've used it a couple times, even the
14 release they had out in Dow in Pittsburg this week they
15 activated it. And as I understand it they have immediate
16 access to all the phone numbers in a given area so you get a
17 phone message that says close your windows, stay inside,
18 we'll get right back with you.

19 MR. GRIFFIN: What was it called?

20 MODERATOR NORTHRUP: Community Alert Network.

21 MR. GRIFFIN: Okay.

22 MODERATOR NORTHRUP: Thanks.

23 Other comments?

24 Yes, ma'am.

25 MS. ZAPANTA: My name is Olivia Zapanta,

1 Z-a-p-a-n-t-a.

2 I'm a recent graduate of industrial technology and
3 am currently searching for a job.

4 If I am to apply at Romic, what kind of health and
5 safety rights and training am I going to be given?

6 And I have just recently learned about the case of
7 Rodrigo Cruz. And as a Filipino I would like to ask what
8 kind of awareness or health and safety training that is
9 culturally and linguistically sensitive to the Filipino
10 community and other minority groups. And I would like that
11 to be addressed in this EIR.

12 As you can see here, we have everything here
13 except the workers' health and safety issues.

14 Thank you.

15 MODERATOR NORTHRUP: Thank you.

16 That's an issue, incidentally, that we will look
17 at in the permit application in addition to -- the training
18 plan and permit application is what should address that
19 potentially more than the EIR, but we'll do that.

20 MS. CHU: Hi. My name is Flora Chu, C-h-u. I'm
21 the co-director of the Environmental Justice Clinic at Bay
22 Road in East Palo Alto.

23 I think we are -- one of my students have just
24 talked about it that the consistently most frequently asked
25 question and the things that people are most concerned about

1 is how will Romic affect their health.

2 And as someone that has seen a lot of tragic
3 results of overexposure to chemicals, I think that the
4 community and also the clinic would like to see the
5 Environmental Impact Report address specifically certain
6 ways on how people would like these questions answered.

7 First of all, I think that people don't know what
8 chemicals are at Romic. We know generally that there are
9 solvents there. There's some literature that says there are
10 acids and bases. We've looked at the Permit B application
11 there and it seems to me that there are lot of chemicals,
12 off the top of my head, looking at it, that are carcinogens
13 that can cause cancer, that can cause birth defects, that
14 can cause liver problems, kidney problems, brain problems.
15 Everything on the book that you think it can cause, seems
16 like there's a chemical in there that Romic is handling that
17 can do that.

18 So I think the first thing that we have to do is
19 find out what's in there, how much of each of the chemicals
20 they are handling and what are the health affects.

21 The second question I think that people want an
22 answer in terms of their health question is what are they
23 being exposed to. I know that there has been a lot of
24 comments from Romic, which we would like to believe and we
25 would like to see, is that there are very very low

1 emissions. But these are conclusionary comments and
2 obviously in terms of people who are working there, the Cruz
3 case shows that at least some people are being exposed to
4 high levels of some chemicals.

5 And so the issue is what is being emitted out of
6 Romic and how are people being exposed.

7 What we'd like to see, emission data and
8 industrial hygiene data that would tell people what they're
9 actually being exposed to for each of the chemicals that are
10 being emitted by Romic.

11 We would like this data to be independently
12 verified by experts outside of Romic, not only to assure
13 that these measurements are accurate, but that these
14 measurements are taken under the right circumstances, the
15 right time, the right place and that these measurements
16 truly are taken to reflect the true exposure.

17 I think that that's very important, because
18 without the basic environmental and industrial data as to
19 what's entering into people's bodies, what are they exposed
20 to, how can people really effectively analyze how it's going
21 to affect their health?

22 And once we get that data I think people would
23 like to be told what the levels of chemicals that they are
24 there exposed, what are the health effects of each of these
25 chemicals.

1 I know that things have been said that, oh, yeah,
2 everything is below federal and state limits. That is not
3 an indication of safety or health. That may be some
4 indication.

5 What people want to see is that are there any
6 scientific studies that show that exposure to the levels
7 that they're actually being exposed to show that it cannot
8 have any long-term or short-term health affects of any kind.

9 Are there peer-reviewed scientific articles that
10 would tell us that?

11 If there isn't, then I think people also need to
12 know that studies have not been done to show that there's no
13 adverse health affects, because the fact that people don't
14 know that there is -- whether there's an adverse health
15 effect at the levels that they're talking about is also a
16 very significant environmental health impact and it affects
17 on people, how people look at whether they're going to be
18 harmed or not harmed by Romic.

19 Hopefully the answer can be that there are studies
20 that are done and it doesn't affect anybody, but I think we
21 would like to see the actual scientific studies cited and
22 addressed in the Environmental Impact Report.

23 The other issue that comes into mind is the
24 cumulative effect in terms of not in terms of time, but I
25 understand a lot of health effects, a lot of health studies

1 are done looking at how one single chemical is affecting a
2 single person or group of persons.

3 What's happening in this community is that we're
4 not being exposed to one chemical. I think that we're being
5 exposed to hundreds of chemicals. How does the combined
6 effect of this chemical soup affect people's health? Are
7 any studies that address to it, does it say that it's safe,
8 that there's no health affects?

9 In fact I think that the bottom line of what
10 people are telling us is they want the Environmental Impact
11 Report to address the issue that if the department should
12 eventually come out saying that there's no significant
13 environmental impact, they want it proven that exposure to
14 the levels they're exposing to cannot cause health effects.
15 They don't want people to tell them, oh, yeah, we don't know
16 that there is a study that says it cannot cause effects, we
17 just haven't found any studies yet. I don't think that
18 makes people sleep at night better.

19 And one of the suggestions that I thought may help
20 with this Environmental Impact Report that's been brought up
21 is that the DTSC set up an advisory committee consisting of,
22 with Romic's financial help, of scientists, environmental
23 scientists, industrial engineers, health experts and maybe a
24 couple of community members and people from the various and
25 assorted city governments who actually know East Palo Alto

1 to walk through the Environmental Impact Report process
2 together so that some of the concerns that I talk about and
3 everybody else's concern can be dealt with and really
4 addressed in the Environmental Impact Report.

5 I don't know what the process is, whether that's
6 ever been done, whether that's even possible and maybe we
7 would like a response to that.

8 MODERATOR NORTHRUP: That's possible. Things --
9 groups like that have been set up. That's not something I
10 have the authority to commit to here and now, but it's
11 certainly something I will advocate for when we get back to
12 the office.

13 MS. CHU: Is there anything that the community can
14 do to help facilitate that happening?

15 MODERATOR NORTHRUP: Asking for it specifically is
16 a big help.

17 MS. CHU: Okay. Thank you.

18 MS. WOBOGO: My name is Nozipo Wobogo. It's
19 spelled W-o-b-o-g-o. I've lived here in East Palo Alto
20 since 1969. N-o-z-i-p-o.

21 Most of the concerns that I have have already been
22 stated here by the previous speakers.

23 There are a few little things I'd like to add, and
24 I would like to briefly sum up the concerns which were the
25 same actually.

1 The first thing that I'd like to point out is the
2 idea of the EIR and the fact that -- or if that it shows
3 that there is no significant impact.

4 I have a very radical position in that I believe
5 that Romic Chemical Company shouldn't even be here in the
6 first place. Since it is, it only indicates that this
7 community has already done more than their share of
8 shouldering the burden of processing toxic substances or
9 toxic materials.

10 This is usually the case. It's not isolated,
11 because the issues of environmental justice are worldwide.

12 People in communities all over the world,
13 communities of color have to bear this disproportionate
14 burden.

15 In the United States the kinds of damage that has
16 been done in communities like ours is a well-known fact.

17 So I would say that the halfway point between them
18 not being here at all and everything being okay for them to
19 just continue and continue would be that enough is enough.

20 The increase in capacity would simply indicate
21 that the communities that -- or the businesses and
22 communities that are shipping their toxics here to be
23 recycled need to figure out another way to do that. The
24 regional solution is good. Share the pain.

25 There's a lot of talk about what communities like

1 ours haven't done. A lot of the issues that we're facing
2 are about benefits that certain people in the government
3 feel should be taken away. And nobody talks about these
4 contributions that are made and in many cases against our
5 will.

6 The responsibility for having these businesses,
7 these businesses that produce a large amount of toxics in
8 our communities is one of the prices that we pay. It's one
9 contribution that we make.

10 So I say let's spread it, let's share it, let's
11 let the communities that produce the toxics let them also
12 take a share in recycling them.

13 The companies that have to do this, I'm not
14 technically into this, the companies that have toxics, the
15 companies that have processes that involve, that affect the
16 health of their workers and of the communities that they
17 exist in, the idea of doing the right thing is an expensive
18 proposition.

19 And as Pete Evans so beautifully stated, it's
20 something to be avoided at all costs. That is, the idea of
21 doing the right thing, being expensive and needing to avoid
22 that extra expense.

23 I, for one, am always mistrustful of companies
24 that produce so much of this or that have to recycle it
25 saying that, no, we can't do that, because the cost is

1 prohibitive.

2 In this country where people can afford and do the
3 obscene kinds of things that they do with money, there is no
4 cost here that is prohibitive. It is only prohibitive when
5 it involves a community like mine, which is East Palo Alto.

6 My first real exposure to Romic Chemical
7 happened -- I've known that the company has existed and have
8 to admit I myself didn't have a lot of knowledge about it --
9 but I was working in one of the companies down in the area
10 where Romic exists and they had some big thing, I don't know
11 what it was, all I know is that there was some big cloud of
12 smoke or something that went into the air. And it was a
13 cause for the movement of fire trucks or whatever was going
14 on. All I know was that the area was blocked off and we
15 couldn't go there.

16 I didn't know what was going on. I knew that we
17 had workers there where I was that were complaining of
18 watery eyes and feeling in the throat, a slight dizziness.
19 Some of them complained of nausea. It was very slight, but
20 it was something that I felt at first was my imagination.
21 They said, no, it's not, we've all been feeling that way.

22 My concern was that they just said, oh, it's just
23 the chemical company.

24 And I said just the chemical company?

25 The idea being that these things go on and they go

1 on all the time. People don't know. And it's something
2 that we're supposed to continually bear the brunt of.

3 I want this to stop.

4 One of the things that was also mentioned was the
5 idea of residents not knowing. This is community outreach.
6 Community outreach is important.

7 You can't send a letter in the mail. People, some
8 people actually do sit down with the mail and they read the
9 things that they get. You get election materials. Some
10 people actually do sit down and they read them and they
11 study them and they want to know the issues.

12 The majority of people just do not. They don't do
13 it.

14 In certain cases you can say, oh, well, you know,
15 if you don't do it, then that's just your fault.

16 In a situation like this where, you know, health
17 is affected and where the type of company that Romic is,
18 there needs to be a very definite community outreach that
19 involves not just the mailing of something, but it involves
20 somebody who is -- knows what is going on, knows the issues
21 and can communicate with citizens about this.

22 Whether it means that the outreach goes to the
23 block clubs, leaders or whatever, the fact is there should
24 be -- and it should be very definite and it should be person
25 to person or person to people.

1 I also had another question, which was who will do
2 this study, who will do the EIR?

3 MODERATOR NORTHRUP: A consultant.

4 MS. WOBOGO: A consultant?

5 MODERATOR NORTHRUP: That we have yet to select.

6 MS. WOBOGO: Who will be on the committee? Will
7 you select the consultant? Will this be something that
8 there will be any people in the city or will anybody else be
9 involved, other than you, to select the consultant?

10 MODERATOR NORTHRUP: Henry, can you talk about
11 that process?

12 MR. CHUI: Usually we have need to agree --

13 MODERATOR NORTHRUP: You need to use the mike.

14 MR. CHUI: It's usually a decision based on Romic
15 and us. We need to agree on who should be doing the work.

16 So right now we haven't had any involvement with
17 the community members or anything like that, so this is --
18 well, this might be one of the issues that we can cover.

19 MS. WOBOGO: Yes. I think you should. Because I
20 have a problem with, just like Peter, I have a problem
21 with -- something like this, to me, should be completely
22 impartial or it should be done by an independent, completely
23 away from Romic and that whole thing. So we were concerned
24 about that.

25 MODERATOR NORTHRUP: Well, it -- how can I explain

1 this?

2 I haven't looked at the memorandum of
3 understanding we have with Romic recently enough to remember
4 the details.

5 Typically what we do is we say we're going to put
6 out a request for proposal and we get in a bunch of bids
7 that we review and we pick the folks that we think can do
8 the job the way we need it done to make a regulatory
9 decision.

10 And in some cases the facility that's funding it
11 has some veto authority. In other cases they have, you
12 know, they pick three, we pick three and then if there are
13 one or two that cross over, then we interview them.

14 I don't know what the process is, but I can
15 certainly get back to you and tell you what that process is.

16 MS. WOBOGO: I'd like to know, because I've got
17 this thing about the foxes guarding the chicken house and I
18 just don't see how --

19 MODERATOR NORTHRUP: In terms of preparing the EIR
20 and writing it, they will be doing that at our discretion
21 alone. Romic will not have input into how the EIR is
22 written.

23 MS. WOBOGO: So I was concerned about that.

24 Then we have the idea of having inspections that
25 are not set up in any way that can be done at any time,

1 somebody can just pop in. Somebody independent, you know,
2 technically, you know, trained or whatever, having the
3 proper credentials to know exactly what they're looking at.

4 And this is a type of monitoring and inspection to
5 me that's like ongoing and all the time.

6 Then there's the idea of what this increase in
7 capacity, what pressures or added pressures will that put on
8 the services that the City would have to provide in lieu of,
9 which also links into the idea of the worst case scenario
10 which would involve these community agencies.

11 The question being is there an adequate training
12 or knowledge to respond to this in terms of Romic, by all of
13 the agencies that would be involved. Say, for instance, the
14 fire department, you know, the police department, the
15 sanitary district, medical or whatever. All of these types
16 of response things.

17 This tying in with the worst case scenario and how
18 the community residents respond.

19 We've got procedures that tell us what to do in a
20 fire and we've got procedures that tell us what to do in an
21 earthquake. And the children have drills at school and that
22 thing. Should they not have chemical drills that say we've
23 got, you know, businesses here located in the community and
24 if, you know, this happens what will people, you know, to
25 do. Some sort of written guidelines or that every resident

1 is aware of.

2 Because we can truthfully say certain disasters,
3 most residents are aware of what can happen and do have some
4 sort of procedure to follow in case of.

5 So that was a concern.

6 Let's see. Will this EIR talk about -- we had the
7 idea of the cumulative impact, but will it talk about the
8 total, really existing contamination that's there and what,
9 if any, will the increased storage capacity contribute to
10 that problem.

11 MODERATOR NORTHROP: The latter part of it almost
12 certainly.

13 The former part of it we were discussing in the
14 office the other day, just because of the way the project is
15 defined and we have lawyers involved in our office, you
16 know, doing their CEQA defining things.

17 I don't know the answer to the first part of it,
18 but the second part, what part could these units contribute
19 to that, clearly must be addressed in the EIR.

20 MS. WOBOGO: Good. Because we would also like to
21 know what we're starting with, because there's the idea
22 that, you know, you can say, oh, well, this is really bad or
23 whatever and you don't know exactly just what's going on and
24 then you add something to it and nobody knows what was there
25 before and what the resultant, you know, combination of

1 adding more to that.

2 MODERATOR NORTHRUP: What I'm hearing is putting
3 the -- considering the corrective action, the existing
4 contamination as part of the environmental setting.

5 Got it. Thank you.

6 MS. WOBOGO: Thank you.

7 Then there's the what I think maybe Flora brought
8 this up, are the substances that are processed there, the
9 actual chemicals. You know, from what I understand there's
10 a list of them, but the categories are kind of vague and we
11 don't know specifically, you know, what the ingredients are.

12 And since I'm not aware of, you talked about
13 health issues, you know, cancer rates and this sort of
14 thing, what I haven't seen is is -- and this would be
15 nationwide, because we're not isolated here, we're bearing
16 this unusual burden, just as other communities likes ours
17 are bearing, the question of the health concerns, you know,
18 just what kinds of health issues are prevalent in
19 communities that have to deal with this.

20 If this information I know is there's a little bit
21 of it in bits and pieces, but in terms of it's not to the
22 benefit of companies that are involved in violating these,
23 you know, environmental justice issues, it is not to their
24 benefit to have really have that kind of information out
25 there for people that are, you know, carrying this. It's

1 not to their benefit to have it out there.

2 So that would be a concern that we would have that
3 we would really definitely need to look to that, you know.

4 Sister Makini brought that up and that's really
5 important. We really need to know just what is different
6 about our health profile in this community, could be an
7 effect of the chemicals that are being processed at Romic.

8 What is Romic specifically -- this will be
9 addressed in the EIR, I'm sure, but it was a concern that we
10 had. What will they do, what specifically will they do to
11 prevent any and all dangers to public health, wildlife,
12 wetlands, well water, fauna and flora, et cetera?

13 What will they do to guard against illegal dumping
14 or discharging contaminants into the environment?
15 Specifically what would be done?

16 The idea of having an independent, ongoing, you
17 know, ongoing inspections, you know, or people to pop call,
18 you know, on them at any time to tie into that.

19 MODERATOR NORTHRUP: Our department actually does
20 that.

21 Are you thinking of something different than what
22 we do?

23 MS. WOBOGO: You mean these inspections?

24 MODERATOR NORTHRUP: Yeah. We do no-notice
25 inspections.

1 MS. WOBOGO: Okay. Good. It was a concern that
2 we had.

3 MODERATOR NORTHRUP: Okay.

4 MS. WOBOGO: And also the big concern, remember
5 we're thinking, you know, about the fox in charge of the
6 chicken house. We don't want -- we want it to be
7 independent. We want it to be something that we can trust.

8 Let's see. We also do believe that there should
9 be some sort of an ongoing, an ongoing panel, independent
10 panel, completely independent, very pro-community, which
11 means that they would be the, you know, the folks that the
12 technical people that would deal with this, but that their
13 whole thing would be to look at it and to look at it without
14 having any ties whatsoever to what Romic is doing and that
15 sort of thing.

16 MODERATOR NORTHRUP: Who is it -- can I ask you a
17 question about that? Who is it that you would have convene
18 that committee?

19 MS. WOBOGO: I don't have the whole technical
20 thing of how that would even be set up. It would be a
21 concern, because other communities --

22 MODERATOR NORTHRUP: Do you have any --

23 MS. WOBOGO: -- you know, I noticed that, you
24 know, when I read about other communities who are dealing
25 with these issues, there's always some experts somewhere

1 that are saying, well, no, this, this and this is going on.

2 MODERATOR NORTHRUP: Right.

3 MS. WOBOGO: And they are trained in that area and
4 they're speaking for the people who are having the problem.

5 MODERATOR NORTHRUP: Mr. Evans talked about the
6 Tanner committee and the Tanner laws which do not apply for
7 this project, but they set up a mechanism for forming a
8 local assessment committee, which I think may be sort of in
9 the direction you're talking about and that's convened by
10 the person who is the lead agency.

11 The reason I'm asking you about this is that means
12 we would be the ones bringing that committee together and I
13 don't know what your feeling is about how independent that
14 makes that committee.

15 See what I'm saying? Think about it and get back
16 to me.

17 MS. WOBOGO: I'll have to give some thought to
18 that too. Okay.

19 Also there's something that we are concerned about
20 and that was the idea of, you know, what is the situation if
21 they are people or workers inside a company like Romic that
22 will tell something that we might not ever see or that
23 people that would inspect might never see. You know, what
24 kind of allowance is there, you know, for that. And, you
25 know, if there's any kind of protection for, you know, that

1 kind of information or does that go on or what?

2 Because it's definitely a different perspective
3 when you're working there every day and watching certain
4 things happen. And, you know, you know, that's something
5 that concerns me.

6 Has Romic ever looked at any alternatives? Going
7 back to the whole question of the increased capacity, is
8 this going to go on and on and on and on, because the people
9 in the region that ship their toxics in here have made a
10 decision that, no, not in our backyards, and so therefore
11 there's no plan to cap it off.

12 You know, conceivably the space to grow larger or
13 to increase capacity could be become available.

14 My position and the position of people that I'm in
15 communication with is that this should absolutely, you know,
16 be forbidden.

17 So the alternatives or the whole looking and
18 getting with people and saying are there regional solutions
19 to this problem.

20 The last thing that I want to address is the idea
21 of communication. We talk about community outreach. We
22 talked about the mailings that happen. Then there will be
23 the Environmental Impact Report.

24 The question is at present we have quite a few
25 residents that would not even be able to read a lot of that

1 information, because it's not in the language that they
2 speak.

3 So we would want that to be available, you know,
4 in those languages, in Spanish and that if five percent of
5 the population speaks a given language I think that the
6 materials and reports and letters and whatever should be in
7 that language.

8 Thank you.

9 MODERATOR NORTHRUP: Thank you.

10 We have more comments or do we want to take a
11 break?

12 Come on up.

13 MR. SANDOVAL: Good afternoon. My name is William
14 Sandoval. I've worked in this community for about two
15 decades now and I intend to stay for a lot longer.

16 The issues that we're confronted with here are of
17 great concern to me. Most of the concerns I have have been
18 expressed earlier this morning by speakers who have come up
19 here. However, I'm going to reiterate them briefly.

20 As you, lot of you already probably know, a lot of
21 the water that is consumed here in East Palo Alto does come
22 from wells. I want to know what the impact is going to be
23 of potential spills of chemicals in the Romic area, the
24 impact that it will have on the water system here.

25 Additionally, a lot of the chemicals I believe are

1 held in cement holding tanks. If I think you mentioned,
2 Henry.

3 MR. CHUI: Yes. They are in secondary
4 containments. Right.

5 MODERATOR NORTHRUP: In other words, you have a
6 metal tank and then you have a curb, a big cement, sealed
7 cement area with a curb around it. That's what we call
8 secondary containment, so if the tank fails it all dumps
9 into this area and doesn't go off-site or even go out of the
10 immediate area. That's what secondary containment is.

11 MR. SANDOVAL: Okay. If there should be
12 earthquakes in this area, how would it affect those tanks or
13 potential spillage in other areas off the site where Romic
14 is located?

15 I've talked to some fellow residents, those
16 particularly living in the area that's right near Romic and
17 they mentioned that they have smelled strange substances in
18 the air, I presume emitted by Romic. I think that that
19 should be further explored as well.

20 Transportation. I've been down that road several
21 times myself and it's very very narrow. If there should be
22 an emergency, a spill of some sort, it would seem to me that
23 there would be a serious traffic jam. It looks like a
24 single-lane road to me. There's multiple fire trucks going
25 down it, I wonder if they would get clogged or not. I think

1 that's something that should be addressed.

2 Also, Romic does have chemical tankers coming in
3 and out of East Palo Alto. Some of these roads are in
4 disrepair. I'd like to know what routes they particularly
5 take in particular to get to Romic and the effect it will
6 have on the roads, particularly University Avenue and Bay,
7 where I think most of the tankers go.

8 Also I know that this study, the Environmental
9 Impact Report, will implicate issues of redevelopment. I
10 want to know exactly what effects the expansion will have on
11 the land directly adjacent to Romic, which could be
12 potentially be redeveloped over the next decade or two,
13 whether or not these companies that might move in will, you
14 know, have to clean up any toxins that might be released by
15 Romic itself.

16 Because, as we already know, Romic is just a small
17 piece in a greater community and I think that they need to
18 integrate their operations as much as possible into the
19 community and they also need to be very wary, very concerned
20 about the effects that they have on that particular area.

21 I think that there needs to be an analysis of the
22 various emergency procedures. There's a lot of schools
23 within a mile. I know there's at least two or three schools
24 within a mile radius of Romic. I mean, I would like to see
25 what the effect is on those schools if there should be an

1 emergency of some sort.

2 And also there's a lot of residents who are just a
3 lot of apartment houses, single-family homes just within
4 two, three blocks of Romic. What sort of an effect an
5 emergency would have on them.

6 How aware those individuals are of Romic's
7 operations in general.

8 Also, Romic is, of course, next to the Bay.
9 Extremely beautiful area. I'd like to -- I think that this
10 Environmental Impact Report should address the impact that
11 Romic has on the Bay and the coastlands in that area.

12 And the questions that I'm putting forth and the
13 questions that have come before me and the questions that
14 are going to be addressed later, I think that we should take
15 a very long-term perspective on with these questions, what's
16 going to happen, not next -- not over the next ten years or
17 20 years, but 30, 40, 50, 60 years, how Romic operations
18 play into East Palo Alto.

19 That's all. Thanks.

20 MODERATOR NORTHRUP: Thank you.

21 We have a woman in the back just stood up and then
22 you.

23 MS. JAMA: My name is Tiombe Jama. T-i-o-m-b-e.
24 Jama, J-a-m-a.

25 The basic reason that I'm here, I'm glad to see

1 that people are here, that they have faith in the system. I
2 don't.

3 I'm just basically here in case there's a judgment
4 day that I can answer, did you do anything, I said, yes, I
5 tried.

6 We had an Environmental Impact Report for
7 University Avenue. They got paid. I would love to have
8 that job. They got paid nice money. And they said there'd
9 be no impact on the traffic to East Palo Alto. Thank you.

10 I don't believe you care at all.

11 I hope that our advisory committee will have a
12 whole lot of very good questions and comments and have done
13 the work. I hope they prove me wrong.

14 I hope you prove me wrong, but I don't think you
15 care. I think you'll go away from here laughing and saying
16 as if we care or as if we have any interest in this
17 community. And I'll tell you why.

18 There was no concern, we never heard of Romic at
19 all, not as far as employment or community input at all
20 until there was a big spill. That's number one.

21 Then number two, back in whatever it was, '85,
22 '86, '87, whenever when they wanted to get their other
23 building in they had people in their pocket on the City
24 Council. They said it wasn't for expansion. We knew it was
25 a lie then.

1 So now we come to a little expansion.

2 And again, like the last person, Ms. Wobogo,
3 suggested about how much expansion they're going to do,
4 they're doing as much they can put money in their pocket,
5 because that's what's important. That's what they care
6 about.

7 Now, I'm not an intellectual giant, nor a
8 technological giant. Sometimes I do have common sense.

9 And I do know that when I go down there and I
10 smell the smell I'm sick from the smell, which is one of the
11 reasons I moved down here from San Francisco, because at
12 5:00 o'clock in San Francisco I was sick because of all the
13 pollution.

14 Again, I'm here to say I'm opposed to any
15 expansion. Romic has its business, it's successful in its
16 business, and it's been here.

17 The only way, again like I said for judgment day,
18 I want to be able to say what I believe with my little
19 reasonable common sense.

20 Only several things that could happen here for us.

21 One, if we had enough money, which we don't, to
22 hire people who can get the information for us and to fight
23 for us. We don't have that and we're depending on your good
24 will, which is not there.

25 Or the other one, of course, is just blow it all

1 up and that would be the end of Romic. Now, I'm not
2 advocating that, and of course I would never do that, so you
3 don't have to worry about investigating me.

4 But those are the only two options that I think
5 that will really happen that would assure that I could say
6 to my children that you have a safe, healthy environment.

7 Now, again, I need to explain to you why I don't
8 have faith in the system.

9 Right next to Costano School where the bus stop
10 stops is one of their transmission towers right next to the
11 school. And right at the other end of the school there's a
12 transmission tower on the school, actually at the end.

13 Now, we haven't been able to get them -- the
14 minimal thing is put a fence around that transmission tower,
15 because the kids climb up on it. They sit on the base of
16 the thing and they try to climb up. Now, there's big sharp
17 wires, so they can't really climb up on it, but they stand
18 up on the base of the thing.

19 And it buzzes. Again, like I said, I'm not an
20 intellectual giant, but I happen to know that if I hear the
21 thing buzzing that there's something happening and there's
22 some kind of impact, whether they simply need to clean it or
23 whatever.

24 We haven't been able to get them to do anything.
25 A little lady comes and she's so proper. She comes and she

1 sits on committees and advisory committee and says, oh, PG&E
2 is there.

3 Haven't been able to get them to put a fence
4 around it.

5 Again, this is right at the site of the school.
6 They don't care about our kids and you don't either.

7 That's what I feel.

8 That's one thing.

9 Another thing with government, one time I was
10 trying to get a tax-exempt status and I kept trying, we kept
11 putting our papers in, putting the papers in, come back. I
12 don't know how many times we put our papers in.

13 Come to find out years down the road about why
14 we -- took us so long to get through, actually had to go
15 through another office to do it -- was the guy who was in
16 charge of it was named Robert Roberts and he was head of --
17 he was one of the people that were bearing arms in Arizona
18 for the race war.

19 I don't believe you have our best interest in
20 heart.

21 I think that people that are wasting our Saturday,
22 which I'm not planning wasting any more time, actually, our
23 Saturday.

24 But again I hope you prove me wrong. I hope that
25 people's input will make a difference as it does in other

1 communities and that we'll at least stop the expansion of
2 this, because it's not healthy for our community.

3 Like I said, if I can smell the smell, I don't
4 need to be a technological giant to understand that that's
5 an impact, you know, a little bit of science can clearly see
6 that.

7 Again, the advisory committee, to me, has done a
8 good job in terms of information and the questions that they
9 have asked.

10 If there's a way that it can be where we could
11 somehow have funds to hire experts on our side and experts
12 can say crazy things, do crazy things too.

13 But that's the only thing I see.

14 But I just wanted to register my complaint, like I
15 said, in case there's a judgment day.

16 Thank you.

17 MODERATOR NORTHRUP: Thank you.

18 MS. MOUTON: Good afternoon. I'm Mrs. Mouton.
19 I'm a 40-year resident of the city. Retired educator,
20 mother, grandmother, great-grandmother. Served on the
21 founding City Council with the City and served as first
22 mayor.

23 I know, as I look around, a lot of the things that
24 I would have said have already been said by Sister Tiombe
25 and Brother Peter.

1 But just to respond to one of the things that
2 Sister said about the expansion. Yes, the expansion is
3 going to go on. Being as that I understand it, this is the
4 only use of its kind in the entire County of San Mateo,
5 Romic. And as such, the other cities, the other
6 municipalities do not want it in their backyard and so it
7 will just expand and expand.

8 I'm just going to concern myself with one thing.

9 I've been very concerned about the
10 disproportionate amount of carcinogenic illnesses in our
11 population. I've said this many many years. Each time I
12 get up here I speak about that.

13 On any block that you go on you can find several
14 instances of carcinogenic illness in there and if you just
15 extrapolate that, it's really a disproportionate amount.

16 As I said, I've raised this many many times and
17 there's never been any response. There's never been any
18 really effort to really see what the amount is and then
19 to -- I do believe and I sincerely believe that it has to do
20 with the polluted air and the polluted water.

21 And of course we know that Romic treats hazardous
22 solutions, wastewater, that whole kind of thing, and I think
23 that the illnesses can be traced back to that.

24 Thank you.

25 MODERATOR NORTHRUP: Ms. Mouton, the last time I

1 saw you at one of these meetings years ago I thought
2 sometime right after that San Mateo County did do some work
3 with the Cancer Registry. Am I making that up?

4 MS. MOUTON: They did a little bit.

5 MODERATOR NORTHRUP: Didn't respond to the need?

6 MS. MOUTON: No.

7 As I -- a dear friend of mine died recently of
8 lymphoma on my block.

9 And on the blocks surrounding me there's so many
10 people that were here when they first started the hearing
11 that are no longer here.

12 And then the rest of people have suffered cancer
13 and things like that.

14 MODERATOR NORTHRUP: Okay. Thank you.

15 MS. SIWATU: My name is Makini, and I just have a
16 few other quick comments. Is it okay if I speak again?

17 MODERATOR NORTHRUP: Please.

18 MS. SIWATU: I don't know if this was mentioned
19 before, as far as community outreach is concerned, is it
20 possible to have these meetings and hearings televised by
21 cable TV?

22 MODERATOR NORTHRUP: That would be a wonderful
23 thing.

24 The last time I looked into it where the
25 department would pay for it was on the order of \$10,000 and

1 I was told to take a hike.

2 So I'll see what -- you know, does East Palo Alto
3 have a cable, community cable system?

4 MS. SIWATU: Yes.

5 MODERATOR NORTHRUP: They do? I'll ask the
6 question again.

7 MS. SIWATU: The other concern was you kind of
8 mentioned that the selection process for the consultant
9 could include several people.

10 MODERATOR NORTHRUP: I'm not sure how it's going
11 to work. I don't know. I was speaking from what I know has
12 happened with other projects. I just -- I don't know what
13 this process is laid out to look like.

14 MS. SIWATU: If it's possible I would like to
15 suggest that at least an organization like Environmental
16 Justice or some organization like that be included in the
17 selection process, because we know that Romic has a lot of
18 friends in San Mateo County and in the state and federal
19 government.

20 I would suspect that any consultant worth his salt
21 would know about Romic and know about other companies like
22 Romic.

23 It should be as fair and just as possible.

24 So if not Environmental Justice, some organization
25 like that.

1 MODERATOR NORTHRUP: I'll be honest with you, I
2 don't know if we can do that administratively, but I will
3 certainly ask the question.

4 MS. SIWATU: Okay. Thank you.

5 MODERATOR NORTHRUP: Thank you.

6 Yes. I'm sorry. Are we lining up over there?

7 MS. SCOTT: Time is running out. There's a line,
8 darling.

9 MODERATOR NORTHRUP: Oh, no. Time's not run out.
10 We have the room until 2:00.

11 MS. SCOTT: Good morning. Thank you very much for
12 coming.

13 My name is Beverly Scott. S-c-o-t-t.

14 I've been a member of the advisory panel and for
15 myself and for the advisory panel I'd like to thank all the
16 members of the community for coming. It's been instructive
17 for us. We certainly don't consider ourselves experts.

18 And I needed to know a flow of the emotion and of
19 the interest and concerns the community has. I think most
20 of us are here today throughout the audience.

21 I have a few comments of my own, and a friend of
22 mine gave me letter that I will give to you, but I'd like to
23 share it.

24 Also from Makini's statement, Siwatu's statement,
25 you'll want to know that we have some very charming young

1 men and women who have been trained by Channel 6 in this
2 community to do filming and there might be some cooperative
3 effort in order to do that.

4 The letter is from Ida Berk, Jason Berk, Rosemary
5 Berk, Daniel, Jasmine Berk, their children, grandchild.
6 Ida, I-d-a, B-e-r-k.

7 Many of the things she states have already been
8 stated so I'll just give you the introduction and the things
9 that I think you have not heard already.

10 My grandparents, my parents, my wife and I, this
11 is Jason speaking, and my children, have lived in an
12 historic house on Runnymede Street for the past 30 some
13 years.

14 We are presenting the following concerns on our
15 own behalf and on behalf of our future family members.

16 Among them are what measures will be taken to
17 ensure that accidental runoff and drainage will not be
18 discharged into the Bay.

19 That's been a common theme here.

20 One that has not mentioned is what measure will
21 you use to advise the City and the public about long-term
22 storage of dangerous materials on the site.

23 And another that has not been mentioned is will
24 you comment upon the Redwood City site similar to the Romic
25 site where there have been recent accidents?

1 What has been done to clean up that site or
2 contaminated materials brought here?

3 MODERATOR NORTHRUP: Do you know the site?

4 MR. CHUI: Yes. The transfer operation over at
5 Redwood City. Romic has a transfer operation over there,
6 which sends their waste to the East Palo Alto.

7 FROM THE AUDIENCE: Can't hear.

8 MODERATOR NORTHRUP: We're caucusing to figure out
9 if he knew what site was being addressed. So I think we do.

10 MS. SCOTT: There have been some questions about
11 transportation. It is common information among community
12 members that transportation would be restricted to Bay Road
13 and Willow Road, but all of us know that we see Romic's
14 trucks going through Whiskey Gulch, which is off University
15 Avenue and straight line to the freeway.

16 MODERATOR NORTHRUP: Whiskey Gulch?

17 MS. SCOTT: Yes. It's difficult to name. It's
18 called the University Avenue, but it's not really. It's an
19 offshoot of the University Avenue.

20 MODERATOR NORTHRUP: To get to the freeway, that
21 way?

22 MS. SCOTT: Yes.

23 MR. CHUI: Small street.

24 MS. SCOTT: The other concerns I'd like to address
25 are that the standards may be too low, that Romic may be

1 meeting the standards.

2 The data is old and dissimilar from the population
3 here. The data that the federal and state government used
4 is not necessarily representative of the need of this
5 community.

6 I'm told that San Francisco's data is based on
7 50-year-old data about white men and there has to be some
8 change in that. That is not the only population affected
9 and that's not the bulk of the population here.

10 I share with the panel's -- with the panel the
11 concern that we have some distribution of ABAG's data and
12 concerns and some regional effort to share information, to
13 share responsibility for understanding what is happening and
14 helping to protect the community.

15 I worked as a scientist in medical research for a
16 number of years in the early '60s. I was part of that crowd
17 that dumped stuff into the drain because nobody said that
18 was wrong. Not many people knew that that was wrong. And I
19 think there's been a big change and I appreciate that
20 change.

21 I don't want to dump on Romic for making the
22 change.

23 I do want to protect the community. I do want us
24 all to work together to protect the community.

25 That means that when we walk around and we know

1 that we can smell things in the air but maybe the people in
2 the Romic plant can't smell the things in the air or have
3 standards that are too low and we have to say to them,
4 hello, the air out here is dirty, fix this.

5 It is also a concern because there are many people
6 who have illnesses that are apparent, like asthma or other
7 breathing difficulties.

8 The area around Romic has some problems of its
9 own. There have been dismantling businesses there for a
10 very long time. There is some contamination of the land
11 around Romic from other sources.

12 There has to be some research, some information
13 for this community about the cumulative effect and the
14 crossing effect of any contamination that might occur from
15 Romic's activity when it is combined with contamination from
16 those other businesses.

17 And what interaction is there of those chemicals
18 over the long term as the land shifts and changes?

19 We would like -- I think it's important to have a
20 cooperative effort to measure the impact on the community by
21 consultants who understand the issues involved in
22 environmental cleaning, in recycling and using people who
23 live in this community, who know this community, so you're
24 not asking questions that we don't answer.

25 Often, consultants come from the outside and are

1 insensitive to the language or the cultural restrictions of
2 a community, ask all the wrong questions, get all the wrong
3 answers.

4 I think that if there's involvement of the
5 community in any kind of survey that it's done it will be
6 more valid.

7 Finally, there are often measures that are made of
8 what exists, what problems exist in the community and
9 they're the cheapest measures that are made. Sometimes the
10 equipment that's used to measure impacts on people is not
11 readily available, is expensive to use, or expensive to get.

12 The kinds of things that are done to measure for
13 lead contamination, for example, might be blood tests, but
14 they don't show the effect on bones. It costs \$2 per person
15 to measure the effect on bones.

16 I don't know what the corollary is for the
17 chemicals that Romic is processing, but there is a very high
18 concern of the impact on the students in the schools
19 surrounding, which are some considerable distance from the
20 site, and the impact that has come from the other businesses
21 around it.

22 There, I think, can be some cooperative effort of
23 Romic and some of those other companies to have some testing
24 done to find out what exactly exists in our population, what
25 difficulties, what illnesses as a result of the corporation,

1 the work of the corporations that are in our community.

2 Thank you.

3 MODERATOR NORTHRUP: Thank you.

4 Kind of general question while our next speaker is
5 coming up, that just popped into my head.

6 Which way does the wind typically blow around
7 here?

8 FROM THE AUDIENCE: Every which way.

9 MODERATOR NORTHRUP: Every which way? No
10 predicting it? Okay. That's interesting, because that
11 will -- that changes a lot of risk factors. If the schools
12 are X miles away and we come out with a wind review that
13 says the wind is always blowing the other way, then I can
14 already tell that we're not going to get away with that.

15 Yes.

16 MS. NARVAEZ: I'm Sarah Narvaez. I'm a law
17 student also working with the Environmental Justice Clinic
18 on Bay Road.

19 MODERATOR NORTHRUP: Spell the last one.

20 MS. NARVAEZ: N-a-r-v-a-e-z. S-a-r-a-h.

21 MODERATOR NORTHRUP: Thank you.

22 MS. NARVAEZ: Most of my comments have already
23 been touched on, but I think they're worth underscoring.
24 Most of what I am addressing is to request that you take
25 Environmental Justice considerations in the particular

1 the peninsula.

2 As I understand it, Romie accepts hazardous waste
3 from all over the West Coast. We'd like to know where the
4 waste comes from, where its final destination is.

5 We believe that without adequate social, economic
6 and environmental setting information you won't be able to
7 adequately evaluate what the effects of Romie and the
8 expansion will be.

9 MODERATOR NORTHRUP: Thank you.

10 MR. MANAN: Hello. Good afternoon. My name is
11 Romie, R-o-m-i-e, Manan, M-a-n-a-n.

12 For the last 15 years I have worked in the
13 semiconductor industry, and during this time I've known
14 people who have been exposed to all kinds of hazardous
15 chemicals, and people who had suffered from asthma, who have
16 died.

17 Actually there were about -- there's two Filipinas
18 who died because of the cancer and then one Indian guy who I
19 had known for many years died also because of a chemical
20 exposures.

21 And the reason why I'm bringing this up is, and
22 also the reason why I'm here today, I've talked to the
23 families of Rodrigo Cruz, which has been mentioned here
24 several times through the different speakers who came up
25 here today, and what it is is the effect to Rodrigo Cruz's

1 family is so devastating. It's like having a problem with
2 his system, particularly his brain. I'm not going to go
3 into the details of his case, it's just how it affects his
4 family now. It's just so devastating. I talked to his
5 wife, and she talk about problems in the family.

6 And then going a little bit about the accident
7 that took place, maybe it's one good example if we are here
8 working, every one of us are here working, this is a
9 confined room with all the toxic wastes that we're cleaning
10 up in this area, and then at Romic it's just sloppy. It's
11 not an accident for Rodrigo Cruz having this problem now.

12 It's like, okay, this is the microphone here. If
13 the source of the air going to this confined room, okay, and
14 this is the coupling, and then this wrapped with duct tape,
15 how are you sure that inside that part of this coupling is
16 not rip off or, yeah, that's just the problem. This is a
17 common sense case.

18 And we're talking about millions of dollars here.
19 It's like millions of dollars by Romic going to an expansion
20 program. How can we even talk about expanding their
21 operations here when they don't even take care of their
22 workers? This is a very simple case.

23 And this is, this one attitude of employers around
24 Silicon Valley is very common. The company where I work at
25 there was one time that we had a big -- we had a chemical

1 spill and then we had trained people to clean up the spills.

2 What we did is evacuated the whole building in
3 this particular company, so all workers has to go out.

4 And then the trained people who are supposed to do
5 this called up the -- called up the janitors. They're all
6 Latinas. They were all women workers. Then they asked them
7 to clean up the spill. And they're not even trained to do
8 that. They don't have the protective clothing to do that.

9 So it's how these companies treats workers in this
10 valley.

11 And going to Rodrigo's case, I think what it is is
12 my concerns being a worker in the industry is how much
13 accidents are being recorded in such companies like Romic.

14 Where they come from, we are limited to the number
15 of these incidents because it will definitely adversely
16 affect their ability to apply for permits like this one that
17 this in process now.

18 So that workers who gets -- who has accidents in
19 the work areas, they don't bother to report these accidents
20 by nature because for fear of losing their jobs.

21 And this is very important because we don't know
22 the recorded accidents at the Romic, the recorded, the
23 unrecorded and then how much of these accidents are being
24 investigated by OSHA.

25 I have the experience of bringing up reports to

1 OSHA in the past, but there's no action. There's no such
2 action.

3 How do we expect that -- how do we expect that
4 workers are protected? This is a simple case of duct tape.
5 How would you -- this is your life that is mistake when
6 you're doing such cleaning inside a confined room with all
7 the hazardous waste.

8 So this is just one thing. So this is one major
9 concern that I would like to bring up to this body.

10 And I'm not even so sure of myself that I'd like
11 to participate in this, to legitimize this process because I
12 always hear that they always make their case because they
13 have the money and they're dealing with this community.

14 Just like in Arizona one time when I went to
15 Arizona it's how they treat people. The chemical waste, the
16 hazardous waste from Arizona, they send it to Mexico.
17 That's where they process.

18 So it's how you treat the colored people, the
19 ethnic people, the minority people. That's how it's
20 generally treated insofar as in working as everyone is
21 concerned.

22 And then I'd like to end this, my concerns, here.

23 I saw -- I read a flyer. This is dated July 29,
24 1993. And it says here, and I'd like to read it, it's so
25 short.

1 Attention all East Palo Alto residents. It's
2 about public hearing, Romic Chemical toxic waste permit
3 renewal. It's on Thursday, July 29th, 1993, 6:30 p.m. at
4 this address, East Palo Alto Municipal Chambers, 2415
5 University Avenue. Please come to the public hearing and
6 demand an Environmental Impact Report, EIR.

7 Okay. What I know is that this didn't take place
8 on that date, but this is one message that this particular
9 flyer is sending to the community of East Palo Alto.

10 It says here, we are now known as the cancer hood.
11 How many on your street died from cancer?

12 This is the flyer. This is dated 1993.

13 So I just wanted to share this to all the people
14 here.

15 And thank you very much.

16 MODERATOR NORTHRUP: Thank you.

17 MR. BRICCA: My name is Kit Bricca. I spoke
18 briefly before. B-r-i-c-c-a.

19 When I heard, when the question came, how was the
20 consultant selected, I guess I shouldn't have been
21 surprised, but I'm really outraged.

22 The selection of the consultant is really
23 important in this process, and it's difficult for me to see
24 how we can get an effective Environmental Impact Report
25 without the information from workers at Romic who can speak

1 freely without losing their jobs, from people in the
2 community most interested today and able to be here have
3 been here this morning, and how -- and experts who many of
4 whom are -- this is a new field, many of whom who are not
5 maybe recognized, you know, by publication or whatever as
6 experts, but people who really know this situation, if the
7 consultant is someone that's agreed upon by the corporation
8 which we're studying.

9 So I just think it's very important that the
10 process of selecting the consultant involve the people who
11 have spoken here.

12 I worked as a paralegal for the last year with a
13 public interest law firm in San Francisco on behalf of a
14 foundation that was -- whose purpose was to bring
15 corporations who are in violation of California Proposition
16 65 into compliance. This is the proposition that says that
17 if a industrial or commercial product has a carcinogen or
18 reproductive toxin in it that it needs to be clearly
19 labeled.

20 In doing that work I got an education about the
21 chemicals used here.

22 The law firm, in order to document violations, we
23 bought things in Orchard Supply, in auto stores, in hardware
24 stores and we needed to dispose of these after we studied
25 them and used them for law cases and we needed to store

1 them. And simply having them in another room in our office
2 for a day in a closed container caused effects on us. Okay.

3 I also learned, people have talked about the
4 smells in the community, I do happen to know that some of
5 the most dangerous chemicals that cause cancer and
6 reproductive toxicity are odorless, have no smell.

7 And so my main point is that I feel very strongly
8 about the selection of the consultant and I even wonder if
9 there's some sort of way -- maybe you can respond to that.

10 MODERATOR NORTHRUP: Not right now. Henry and I
11 need to go back to the office and consult with a number of
12 different people.

13 MR. BRICCA: Okay. Well, I'm going to register my
14 feeling that unless community representatives here are
15 involved in this selection of that consultant that I see a
16 very strong conflict of interest if Romic has a heavy
17 influence on that. I know they're a party to this, but
18 they're the party that EPA is trying to hold accountable to
19 the environment and to the community.

20 Thank you.

21 MODERATOR NORTHRUP: Thank you.

22 MS. EPSTEIN: My name is Jennifer Epstein.

23 E-p-s-t-e-i-n.

24 I'm a community member of the South Bay and I'm
25 concerned with public health. That's why I'm here.

1 I just wanted to make a couple points. Most of
2 the things I wanted to say have been said already.

3 I think that workers in Romic are exposed to much
4 higher concentrations of chemicals than people in the
5 community and so we can use the workers as an example of
6 really extreme case of exposure in order to understand what
7 the community is exposed to as well.

8 And I think that it's really important to get
9 information from workers about what's going on in Romic and
10 if there's any way that there can be some kind of anonymous
11 reporting system so that workers don't put their jobs in
12 jeopardy when they talk about this, that that would really
13 make a lot of sense.

14 I was able to look at something called the Log
15 200, I believe, which is a accident report put out by Romic.
16 By law they have to report all accidents. And I was able to
17 look at this and the Rodrigo Cruz accident was not on that
18 report. There was an accident, previous accident that he
19 had had. It was, I believe it was a shoulder contusion.
20 But there was no reporting of this incident that everyone
21 has heard about today, which I think lends us some kind of
22 information about what kind of reporting they're doing.

23 So I'm wondering who is in charge of this Log 200,
24 who makes sure that they're reporting everything, who makes
25 sure that they're not paying workers off to keep quiet and

1 what other kind of accidents have happened that we don't
2 know about?

3 MR. CHUI: I saw the inspection report or the
4 accident report over there, so I'm not sure where or who did
5 you ask for it.

6 MODERATOR NORTHRUP: I don't know what this Log
7 200 is. It may be an OSHA thing. We'll look into it.

8 MS. EPSTEIN: Okay.

9 MODERATOR NORTHRUP: Thanks.

10 MS. EPSTEIN: Perhaps it hasn't gone onto the log
11 yet. This is an outdated log, I'm not sure.

12 But in any case, the majority of the things that
13 were reported on there were scrapes, sprains, scratches. No
14 long-term exposure kind of things. There was nothing that
15 had to do with chemicals on this Log 200. It was all
16 physical things to the body.

17 I don't think that those are the really serious
18 injuries that are going on. I think we all probably
19 understand that.

20 In addition, of course, as long as the Log 200
21 doesn't talk about chronic exposure, it's not like there's
22 going to be a specific accident that happens. It's going to
23 be a worker or community member that for 10 years, 20 years
24 is exposed to these kinds of things.

25 So if there's any way to account for that in the

1 EIR, I think that's really crucial.

2 I also think that Romic should be pressured to
3 have some kind of system to account for that, to have
4 reports of mortality rates of workers in their plant or even
5 mortality rates of people in the community.

6 Another point is that I hear that Romic doesn't
7 hire a lot of East Palo Alto residents in their plant, and I
8 wonder if perhaps that's because they don't want people who
9 work in the plant to live in the community because they'll
10 know too much about what's going on there and they're going
11 to raise too much hell about it.

12 So I just wanted to make that point.

13 I was thinking about what would happen if there
14 were some kind of accident, some kind of emergency. What is
15 Romic's accountability in terms of financial responsibility
16 to those it would effect? Does Romic have some kind of fund
17 or some kind of community outreach or something that would
18 reach out to those who are affected?

19 Perhaps they have -- they probably have an
20 insurance plan and I would assume that that insurance plan
21 would be really minimal, like, oh, you were exposed for ten
22 minutes, you get \$300, or something like that.

23 I would assume that this, whatever this insurance
24 plan is, it doesn't really account for the kind of exposure
25 that people are having.

1 And they're given, perhaps they're given some
2 money, but it doesn't account for the effects on their life
3 and their health and their well-being and their ability to
4 survive in this environment.

5 Lastly, I hear that the way Romic works is that
6 they recycle a lot of the chemicals that go in there and
7 turn them into chemicals that can be used again and that the
8 companies actually buy back what Romic has processed.

9 But within that process there has to be some
10 toxins that are left over and those have to go somewhere.
11 So I think what happens is they distill all the toxins down
12 to a small amount of concentrate, but that concentrate,
13 although they claim to be a recycling plant, that
14 concentrate still goes somewhere. Is it in the Bay? Is it
15 in the land on the site? Is it -- who knows where that
16 goes. I mean, that should be something that everybody
17 should know about.

18 MODERATOR NORTHRUP: That should be something we
19 describe quite well.

20 Henry talked about that at the beginning. A lot
21 of that is concentrated down into a sludge, some of that
22 sludge is then again reused as a fuel for cement kilns,
23 which presents interesting issues in and of itself.

24 And if there is stuff that has to be disposed of,
25 it has been disposed of at a permitted facility.

1 We have a principle in the environmental
2 regulation business of cradle to grave tracking of chemicals
3 so that -- and one of the things our inspectors look for out
4 there is that you have manifests that this much stuff came
5 in, you know, you treated it this much, that produced that
6 much.

7 So clearly you're not following molecule by
8 molecule, but you're doing some kind of thought process
9 about they ought to have this much sludge, they didn't
10 manifest that much out of there, where did it go.

11 You know, those are the kinds of questions that
12 our inspectors would ask and the kinds of information they
13 would look at when they are out there.

14 MS. EPSTEIN: My question also would be what is
15 that grave? Where is this grave? Because I don't think
16 these toxins ever really have a grave. They continue to
17 exist.

18 MODERATOR NORTHRUP: It would depend on the nature
19 of it. It would depend on the hazardous constituents and
20 properties.

21 Very often a lot of this stuff goes to what we
22 call a Class I landfill, which is a permitted hazardous
23 waste land disposal facility.

24 And where? It's not ours to tell them where to
25 send it, as long as it's a permitted facility. There's only

1 one in the State of California, it's at Kettleman City.

2 MS. EPSTEIN: Interesting location.

3 MS. SUSAG: My name is Karen Susag. The last name
4 is spelled S-u-s-a-g. K-a-r-e-n.

5 I'm here today representing Greenpeace.

6 I'd like to first say that the Class I hazardous
7 waste dumps in the State of California, the three of them
8 are all in Latino communities.

9 Romic is a toxic threat to the East Palo Alto
10 community, the health of the workers and the environment.

11 Romic has already caused soil and groundwater
12 contamination.

13 Any new permits that Cal EPA and Department of
14 Toxic Substances Control issue would allow Romic permission
15 to continue to pollute the surrounding soil, air and water.

16 Among the highly toxic chemicals that Romic stores
17 on site are chlorinated solvents which have been linked to
18 cancer, reproductive disorders disruption of the internal
19 workings of our body by altering hormone levels, birth
20 defects, infertility, impaired mental function in children
21 and decreased resistance to diseases by suppressing the
22 immune system.

23 What chemical pollutants interfere with such basic
24 functions of human life, and when we allow their presence in
25 our communities to continue, we undermine the biological

1 foundations of our species.

2 The history of this Romic facility is plagued with
3 fires, explosions, leaks and toxic spills.

4 The environmental assessment of Romic must include
5 the cumulative impacts of Romic's numerous accidents on the
6 community and the ecosystem environmental health.

7 It must also include Romic's inability to comply
8 with the law and the State's inability to regulate the
9 facility in a way that's protective of the community's
10 health and the environment.

11 As stated in July 1995, State of California OSHA
12 memorandum, a recent incident at Romic has forever changed
13 the life of Rodrigo Cruz and his family. Many folks today
14 have already spoke of this.

15 Rodrigo Cruz was severely disabled when his
16 respirator failed to provide him oxygen while he was
17 cleaning toxic sludge from a tank car.

18 As an employee of Romic, Rodrigo depended on his
19 employer to provide the proper safety equipment for the
20 dangerous job he performed for Romic.

21 Romic failed to protect Rodrigo.

22 If Romic's workers cannot trust their employer for
23 reliable safety equipment and protection from dangerous
24 chemicals, how can the community of East Palo Alto feel safe
25 living near Romic's toxics facility?

1 Cal EPA and the Department of Toxic Substances
2 Control are perpetuating environmental racism by continually
3 putting the people of color community of East Palo Alto at
4 serious risk to Romic's irresponsible handling of hazardous
5 materials.

6 It is widely known across the country that
7 communities of color suffer a disproportionate burden of
8 environmental degradation, yet this is yet another example
9 of lax regulations at the facility and serious
10 foot-dragging, two years of serious foot-dragging, after
11 cancelling the public permit process without the public
12 having a right to decide whether they want this facility in
13 their community.

14 The primary role of the Cal EPA and Department of
15 Toxic Substances Control is supposed to be pollution
16 prevention.

17 Granting this permit to Romic would essentially
18 expand the volume of hazardous waste handled, contradicting
19 the Cal EPA's and Department of Toxic Substance's
20 responsibility to implement pollution prevention measures.

21 We question whether Cal EPA or the Department of
22 Toxic Substances Control is doing anything to regulate and
23 monitor Romic. Cal EPA and DTSC has allowed Romic to
24 operate for years on interim and extended permits without a
25 proper public process, including cancelling the public

1 hearing scheduled for July 29th, 1993.

2 One week after this hearing was cancelled by the
3 State a fire occurred at the Romic facility. The lack of
4 public involvement violates the CEQA process and endangers
5 the lives of thousands of California residents.

6 Greenpeace is opposed to any new permits being
7 issued to Romic and believes that this facility should be
8 closed immediately.

9 Perhaps the State should place this facility in
10 the rich community of Palo Alto or maybe in Pete Wilson's
11 backyard.

12 A Health Department study released last month
13 concluded that African American women under the age of 50
14 living in Bayview Hunter's Point, a community that has many
15 toxic sites, have breast cancer rates that are double that
16 of women who live in other areas of the city.

17 The Bay Area is supposed to have the highest rate
18 of breast cancer in the world.

19 In a few years, similar statistics will reflect
20 the rates of cancer for the communities of East Palo Alto.

21 It's time for the State agencies to do their job
22 and to protect the health and the safety of the people, not
23 the interests of corporate polluters.

24 Thank you.

25 MODERATOR NORTHRUP: Thank you.

1 MS. FRANK: Hi. My name is Vali Frank, and I
2 spoke earlier. I just have a brief comment to add.

3 Many people have talked about -- have been
4 concerned with the selection of the consultant who will
5 perform this study, because that is really what will
6 determine, that's the foundation for the entire process.

7 The Environmental Justice Clinic has talked --
8 we've met and talked with a very well-respected
9 environmental planner who provides services to many cities
10 and counties in the Bay Area, as well as environmental
11 groups in EIR processes.

12 She would be happy to meet with either DTSC or
13 she's offered to give us a list of what she considers to be
14 excellent and well-respected consultants.

15 When we met with her she stressed that the
16 consultants do vary widely, that some consultants are much
17 better than others and that we really feel that this is a
18 very important decision and that there should be some
19 community input. And we'd be happy to provide that
20 information to sit down with you to give you her name as
21 well.

22 MODERATOR NORTHRUP: Good. Thank you.

23 Should we contact you?

24 MS. FRANK: Yes.

25 MS. SANCHO: Good afternoon. My name is Raquel,

1 R-a-q-u-e-l, Sancho, S-a-n-c-h-o.

2 And I work at the Santa Clara Center for
3 Occupational Safety and Health based in San Jose.

4 I'm here because I am concerned about the East
5 Palo Alto communities and residents, especially the Romic
6 workers.

7 First, I'd like to introduce what we do.

8 SCCOSH, a shortcut for the name of the
9 organization, educates workers on health and safety issues.

10 We focus on prevention of work-based injuries,
11 accidents and reproductive harm, which is very common to
12 expose workers in Silicon Valley.

13 These are also caused by cancer-causing chemicals,
14 reproductive toxins and hazardous and unsafe work process on
15 the job.

16 Our office has a lot of information that can help
17 identify known cancer-causing chemicals and how it affects
18 people.

19 Recently I met Romic, I met some of the Romic
20 workers. They could not be here to tell their story,
21 because they don't want to jeopardize their job.

22 According to them, Romic processes a minimum of 21
23 substances. Of course, they are registered under the
24 Romic's report here, waste stream permitted for storage.

25 And according to them it is known to the State of

1 California to cause cancer or reproductive harm.

2 My question is what are the steps Romic has taken
3 to ensure a safe and healthful working conditions? How are
4 the communities going to be protected from regular emissions
5 through airborne steam containing high level of toxic
6 vapors, including chlorinated solvents like B-E-R-C, BEREC?

7 And this was raised by one worker because he saw
8 it was being emitted at night between 11:00 p.m. to 1:00
9 a.m.

10 So how are the communities going to be affected,
11 you know, by inhaling, because he himself had complained of
12 constant migraine and respiratory problems.

13 Another worker who is on leave right now because
14 he got injured from cleaning a chemical leak spill, he said
15 he was asked to clean that spill without proper shoes and
16 there was no light inside, so he hit a sharp object while
17 doing that cleaning. He had two surgeries after that.

18 And another worker was complaining of severe
19 dermatitis. And he also said his lips crack after working
20 each day after the rail tank being cleaned, five to six
21 tanks being cleaned every day. And he suffers from cracked
22 lips and he coughs at night and he doesn't -- cannot sleep
23 very well.

24 According to him, they are asked to use Tyvex
25 suit. And one of them, or some of them, even said that the

1 chemicals penetrate the suit, so it's not safe, and they
2 complain about it.

3 And the respirator, they said the mask, the full
4 mask they can taste the chemical. That's why it's causing
5 the cracked lips. So they are also concerned.

6 One of them complained to the health and safety
7 manager of the place to include that in their report and the
8 health and safety manager said don't rock the boat, it's
9 safe to work here.

10 And according to OSHA, which a lady had reported
11 the Log 200 that she was referring is about Romic's report
12 to OSHA and it's being shared to workers, it's supposed to
13 be posted inside the workplace so that the workers can tell.

14 But since it's only telling half of what it's
15 physically seeing, the injuries, the sprains, the back
16 problem, everybody can have that anywhere, but what they're
17 saying is that they're not telling the truth because it
18 hurts.

19 Workers are being exposed to high dosage of
20 cancer-causing chemicals, and they're very concerned about
21 this.

22 So we hope that the EIR draft will seriously
23 include the workers' job environment, and it's not here, and
24 the health and safety concerns of workers and especially the
25 community.

1 And my other concern is that another worker, who
2 used to be a lab analyst, was fired there when he observed
3 that toxic substances, including corrosive acids and bases
4 that are -- and also very highly flammable chemicals are
5 being stored together. And East Palo Alto sometimes have
6 high temperature. And according to them, one mistake of a
7 worker can cause a big explosion that could reach up to
8 Redwood City, up to East Bay, up to San Jose.

9 So how are we going to be protected if that
10 happens?

11 Thank you.

12 MODERATOR NORTHRUP: Thank you.

13 MS. EADY: My name is Veronica Eady. The last
14 name is spelled E-a-d-y.

15 We've heard a lot of comment today about concerns
16 with the community of East Palo Alto, particularly people of
17 color that populate this community and work for Romic.

18 As you probably know, in 1994 President Clinton
19 signed an Executive Order which required federal agencies in
20 their EIS process to be sensitive to the needs of
21 communities of color and also sensitive to environmental
22 justice and the environmental racism syndrome.

23 What are your responsibilities as State agencies
24 to be sensitive to those and to end environmental racism
25 through your permitting process and your environmental

1 assessment process?

2 MODERATOR NORTHRUP: We actually got a letter from
3 our EPA contact restating a lot of what you're saying as an
4 official part of the scoping thing.

5 The Department of Toxic Substances Control
6 believes that justice is in the fair and equitable
7 application and enforcement of the environmental laws and
8 stands behind those laws being solid to protect human health
9 and the environment.

10 And we also believe and have found through
11 experience that full disclosure and as much involvement as
12 we can get, even when it's not particularly comfortable, is
13 the best way we know to kind of level the playing field.

14 MS. EADY: Say for example you have an impact with
15 this project that is for the most part an environmental
16 justice impact or a socioeconomic impact with placing an
17 undue burden on the community of color, would you still be
18 able to approve or permit this expansion with that impact
19 alone?

20 MODERATOR NORTHRUP: I guess what it gets down to
21 is what do our laws and regulations allow us to decide. And
22 that kind of speculative question is difficult to answer.

23 We would need a substantial part of a record that
24 said that this was flawed, seriously flawed, in terms of
25 environmental impact or impact to human health.

1 You know, we would need to find out that -- well,
2 as a wild example, that the owners of Romic were known
3 felons and we can't give permits to known felons.

4 And so that's what we think about.

5 I don't know that I can answer it, because I can
6 say no and be proven wrong, and people like you are going to
7 prove me wrong. So it's all a part of the process of
8 getting there.

9 MS. EADY: But there's no specific like State
10 counterpart to the Executive Order?

11 MODERATOR NORTHRUP: To the Executive Order, no,
12 there's not.

13 MS. EADY: Thank you.

14 MODERATOR NORTHRUP: Yes, sir.

15 MR. WEBSTER: My name is William Webster.

16 W-i-l-l-i-a-m, W-e-b-s-t-e-r.

17 This is my third meeting for the day, so I'm sorry
18 I wasn't here beforehand.

19 I guess I simply wanted to make a statement, I'm
20 sure it's already been made before.

21 The reason why Romic is here in East Palo Alto is
22 that this is East Palo Alto, a community of diversity.

23 Should the day come that East Palo Alto is no
24 longer East Palo Alto, but Palo Alto East, there will be no
25 place for Romic in this community.

1 What I mean by this is that were this meeting
2 being held in Palo Alto there would be several hundred
3 people in this room protesting against the continuance of
4 Romic in this community, but because it is not Palo Alto
5 East, but East Palo Alto, there aren't.

6 This being the fact, that's the reality, what I
7 would like to say is that East Palo Alto, as a community of
8 diversity, and Romic have a reciprocal relationship. Those
9 are the facts.

10 And because of the fact -- because of this fact
11 that East Palo Alto is a community of diversity, which makes
12 it possible for Romic to continue, I certainly trust that
13 Romic will continue to be supportive of this community of
14 diversity. It's a strange, ironic situation, because this
15 is a threatened community. Threatened by recent
16 developments from our State Legislature which have basically
17 set in course a pattern of gentrification through basically
18 undermining the rent stabilization ordinance of the city
19 which is the guarantor for a majority of the people in this
20 community to continue living here.

21 And that should be bad news for Romic because as
22 East Palo Alto gentrifies there will be a less favorable
23 climate for Romic to continue on in this community.

24 It's a tragic relationship, but it's a reality.

25 My only hope is that since Romic is in this

1 community that Romic will recognize its responsibilities to
2 enable people of color, people who are poor, to continue
3 having a community, by supporting the community and
4 permitting, somewhat abating the process of gentrification,
5 which is going to displace the majority of people from this
6 community.

7 So there you have it. It's a strange relationship
8 where a community depends upon a corporate entity that it
9 would prefer not having in this community, but ironically
10 that corporate entity depends upon East Palo Alto continuing
11 to be that community of diversity, continuing to be East
12 Palo Alto and not Palo Alto East.

13 Thank you very much.

14 MODERATOR NORTHRUP: Thank you.

15 MR. BURROWES: I'm Trevor Burrowes. I spoke
16 briefly. I guess I don't have to give my spelling again.

17 Somebody spoke earlier and with great misgivings
18 about how serious this process was and what it would lead to
19 and I can understand and somewhat share her misgivings.

20 This is very very difficult, what we face here is
21 a very difficult thing to change.

22 But the last speaker spoke to it in some degree
23 because there's a high level of comparability between the
24 kind of community this is and Romic.

25 Let me also say, by the way, that I am also on the

1 Community Advisory Panel of Romic and I personally have very
2 cordial relations with the people that I've met there, but
3 I've heard nothing but just serious misgivings by almost
4 every single person here and it would be a real travesty if
5 this was sort of brushed off lightly.

6 So why I came back up here again to speak is that
7 I'm trying to get at the principle that will assure, will
8 ensure that this matter is taken seriously. And I'm
9 certainly not trying to be one of those who is interested in
10 running Romic out of the community, although I certainly
11 hear the misgivings of the broad general majority of
12 everybody here.

13 One thing -- one possible way of approaching this
14 in terms of principle would be to see that Romic can't
15 change the basic equation of creating a healthy society in
16 East Palo Alto by itself. East Palo Alto's health does not
17 impinge entirely on Romic's presence.

18 I am head of an organization, it's only one of its
19 kind in East Palo Alto, that is trying to do things right to
20 ensure that trees, mature trees are maintained and are
21 protected and respected, that land is kept clean, that
22 people again return to the land, nurture the land, even make
23 their living from the land, that we plan the community
24 rationally in such a way that you build your most dense
25 areas, you have your areas of density where people can, A,

1 walk to facilities that they need, walk to the stores, B,
2 where they can access public transportation.

3 And in general we are working very hard to see
4 that sustainable, healthy uses of the land are followed
5 through.

6 If this audience doesn't support those goals very
7 forcefully, then it's futile to think that Romic can do
8 anything that would create a healthy East Palo Alto.

9 The other point is that to simply -- part of the
10 problem where we are and the way in which we use chemicals,
11 the way in which we use substances, the way in which the air
12 gets polluted, all has to do with a lack of holism, a lack
13 of looking at all the systems that affect our community
14 together as a whole.

15 Now, this, we splinter things up, we have you, an
16 environmental agency, and we have all sorts of other things.
17 We have economics, we have rent, we have all of those things
18 going off in different directions. And I think they need to
19 be brought together.

20 Now, you may not consider it within your purview
21 to try to set that in motion. You may say, well, what the
22 hell is this, I mean, gosh, I'm going to save the world? I
23 mean, we can't do that.

24 I also put it to you that if we don't somewhat
25 approach this even in a limited way we're not going to get

1 to anything substantial.

2 I also suggest that East Palo Alto is a good
3 model, a good unit, as it were, only two and a half square
4 miles, to start the process.

5 Give you one example.

6 We have, somebody said to you before, 75 units
7 being proposed for two blocks away from Romic. Five blocks
8 from there there's another 57 units by the same company
9 being proposed. That would come up to a total of 130
10 something units, with 300 and whatever cars, plus their
11 visitors and there's people who service them. And if that's
12 going to be healthy for East Palo Alto then I guess I'm
13 wasting my time, you know.

14 These are part of the cumulative danger that East
15 Palo Alto faces.

16 That kind of development should not be there right
17 next to the Bay land, right next to Romic. We ought to be
18 looking at densifying areas that are central, that can be
19 accessed by public transportation, as I said, where people
20 can walk to the shop.

21 That's just one example.

22 I think that if we approach land use planning in
23 East Palo Alto as a way of looking at the broader issues
24 and, as Mr. Webster said, looking at the issue of
25 gentrification and how do we protect the people that live

1 here and ensure that land use planning is sympathetic and
2 harmonious with their needs, then I think we -- if we can do
3 that, if we can start to do that we may be making a
4 meaningful start. I certainly hope so.

5 MODERATOR NORTHRUP: Thank you.

6 MS. WALKER: My name is Myrtle Walker.

7 M-y-r-t-l-e, W-a-l-k-e-r. I reside at 794 Green Street here
8 in East Palo Alto.

9 I'm truly concerned because, first of all, the
10 information, the background information on this sheet is
11 wrong.

12 There's a day care center just back of Romic where
13 there are approximately 280 children and approximately 20
14 employees. So there's not 50 there.

15 The other issue, and I apologize if I'm repeating
16 some things that other people have spoken about, but I too
17 have ten meetings to attend on Saturdays, plus my other
18 duties in the community.

19 But the wells in East Palo Alto have continued to
20 become an issue. Every time Romic comes up before us and
21 wants to expand, people come out from this community and say
22 there are a lot of homeowners in this community that have
23 wells that they use for gardening. That water comes from
24 the water table in East Palo Alto. Romic has assured us
25 that the waters stops, you know, the contamination stops

1 right around their plant.

2 And I personally want to say that I don't believe
3 that because when toxics begin to flow, they get into the
4 groundwater and they run for miles.

5 So we need to consider the health hazards of
6 people in this community, who are not wealthy, who must rely
7 on their gardens each year for a lot of their produce for
8 them to be able to live off of.

9 The other issue is the air quality.

10 I serve on the CCAG board for the City and County
11 of San Mateo, which is the City and County Association of
12 Governments, and I serve on the CMAC committee which looks
13 at air quality in the county. The congestion on University
14 Avenue is 40,000 cars a day. We're already polluted to the
15 hilt. We can't get the County to do anything about that
16 kind of congestion and that kind of pollution that's going
17 on, and we're saying that we want to expand a hazardous
18 waste material plant.

19 Well, I say let them go build it someplace else.
20 We have our share. We have enough. We don't want them to
21 expand it any further.

22 We're only 2.5 square miles in this county. We've
23 been neglected by them for the past 30 years. And we
24 continue to be the dumping ground for everybody that wants
25 to dump something. It comes in on us, the people who least

1 can afford it, and the people who can least fight it.

2 I recently visited Romic Chemical Company and I
3 went on the tour and I looked at the plant. The question I
4 asked them was, as we were getting ready to leave, was it
5 when the trucks come into Romic with the toxics on their
6 wheels, are those trucks washed down before they leave the
7 company? And the answer was no, the wheels on the trucks
8 are not washed down.

9 Well, that tells me that if they're coming from a
10 hazardous waste site and they're not washing the truck
11 wheels down before they come into Romic and they're
12 certainly coming in there dumping whatever it is they're
13 going to dump and back out again, there's got to be some
14 kind of pollution that's going on there.

15 And the issue of other -- I mean trucks coming
16 from as far away as Arkansas and Canada. I just happened to
17 sit and have coffee with one of the drivers one morning in
18 McDonald's. He didn't know who he was talking to, but we
19 were just casually talking, and he told me where he come
20 from. This man came from another state, quite a ways away
21 from here, bringing their hazardous waste into our community
22 to go into that facility.

23 I said that's intolerable, that's uncalled for,
24 for that kind of exposure, for us to be placed under that
25 kind of exposure.

1 So I hope that you will take my comments
2 seriously. I'm very serious about this.

3 And I am not against Romic Chemical Company per
4 se, but I am against what they're doing to this community.

5 And I know every county has to have a hazardous
6 waste facility, and we just happen to get it.

7 But I say enough is enough. If they want to
8 expand, then they need to go up to Burlingame or
9 Hillsborough or up in South San Francisco or Brisbane or
10 somewhere up in there, there's land up there to do it, and
11 let them build another plant on the end of the city.

12 Thank you.

13 MODERATOR NORTHRUP: Thank you.

14 Any other comments that anyone would like to make?

15 We certainly appreciate you all coming on a
16 Saturday, and for giving us a wealth of information to look
17 at and think about.

18 For those things that we didn't know, that we said
19 we'd get back to you, if you signed in we'll get back to you
20 one way or another with what we can extract from this.

21 The transcript is going to take us about two weeks
22 to get. So it will be another week or two after that before
23 we can answer some of the questions that came up today.

24 But I am inclined, unless there's something going
25 on in our department that's going to make me not do this,

1 I'm inclined to communicate in some way with the people who
2 have been in this meeting to the follow up on those issues
3 that we did promise that we would follow up on. So you
4 should hear from us sometime before the, I don't know, end
5 of November, first of the year, who knows how this will go.

6 Yes, ma'am.

7 FROM THE AUDIENCE: Can you just tell us like what
8 sort of time scale you are in terms of hiring a consultant,
9 what kind of time scale to prepare the report and what
10 happens?

11 MODERATOR NORTHRUP: Do you have one?

12 MR. CHUI: The official comment period should end
13 end of this month. After we get all the comments together
14 and see what the EIR, what the proposed EIR will cover,
15 that's going to take another month or so, then we'll get
16 that proposal or begin selecting the consultant.

17 MODERATOR NORTHRUP: So what he's saying is we
18 can't go out and ask for a consultant until we know the
19 scope of the EIR. We don't start defining that until the
20 end of the month. So I would expect sometime after the
21 first of the year is when the hiring process will begin.

22 If you're concerned that we're going to go out and
23 hire next week and then just like I'm going to send you a
24 letter and say we've been there, done that, that's not the
25 case.

1 FROM THE AUDIENCE: How long will it take to
2 prepare the EIR?

3 MR. CHUI: It all depends on what's going to be in
4 there. If it's just a couple items, it shouldn't take too
5 long, but from what I heard, it could take up to a year or
6 more, so it all depends what's going to be covered in the
7 EIR.

8 FROM THE AUDIENCE: Thank you.

9 FROM THE AUDIENCE: Does this meeting conclude the
10 public input process?

11 MODERATOR NORTHRUP: Oh, no. This is the
12 beginning.

13 What we're here today is to get comments on the
14 scope of work for the EIR. We will continue to accept those
15 comments. The formal end of the public comment period is
16 the end of this month, but, you know, keep telling us what
17 your concerns are and we'll look into it to a committee.

18 When the Environmental Impact Report is completed
19 in draft we must -- and we'll release it for public review
20 at that point, when you actually have the EIR, so we'll
21 release that for public review.

22 The California Environmental Quality Act requires
23 that we do it for a minimum of 45 days. We typically do
24 that for 60. And that will probably come out at the same
25 time as the draft permit. So at that point we'll really be

1 looking at the whole package.

2 The EIR says here's an impact so why don't you
3 change that operating condition.

4 And then at some point, a couple of months after
5 that, we will make a final -- we will make a final
6 determination.

7 Yes.

8 FROM THE AUDIENCE: What is your project deadline
9 for making that final determination?

10 MODERATOR NORTHRUP: I don't know that we have one
11 specifically.

12 As Henry said, it's real dependent on how we
13 define the scope of the Environmental Impact Report and how
14 that work goes on that. We have a lot of information about
15 the facility and emissions and that kind of thing, but we
16 may need to look at gathering some other information.

17 I could predict it and I would be -- I have
18 predicted it in the past and been wrong by three years, so I
19 don't choose to do that ever again.

20 Hopefully within a year or year and a half, I
21 think, would be what we would target. There's no way to
22 say.

23 FROM THE AUDIENCE: Aren't you required to make a
24 final determination within 180 days after the EIR is
25 adopted?

1 MODERATOR NORTHRUP: After the EIR is adopted,
2 right. The final EIR, yes.

3 I'll be really honest with you. There are all
4 kinds of ways around the regulations.

5 CEQA says that you should finish an EIR within a
6 year.

7 We have never finished an EIR in a year and that's
8 because we never truly define the project. We have to do
9 something administratively to say here's the project.

10 And we have had EIRs that have taken seven years,
11 because we've never said this is the project. We've never
12 done that formal part and the other process, which is a
13 benefit for most of the communities we've worked with and
14 most of the projects, because it's allowed some things to
15 unfold that if we'd taken that just defined year would not
16 have occurred.

17 FROM THE AUDIENCE: At the same time for the
18 people here who have expressed concerns about the ongoing
19 and possible expansion operations of Romic, the lack of a
20 target date for wrapping up this process basically means the
21 community is going to have to continue in a way that we're
22 going, without any outer time limits or boundaries. That's
23 why I posed the question.

24 MODERATOR NORTHRUP: I can appreciate that
25 concern.

1 Are we back on again? We're going to have to ask
2 you all to come up to the podium. It's just too difficult to
3 hear.

4 MS. MOUTON: Something that triggered something
5 for me.

6 I'm Mrs. Mouton, 2575 Emmett Way, East Palo Alto.

7 Several people have talked about what would
8 happen, the potential for explosion, et cetera, et cetera.

9 One of the things that the EIR ought to speak to
10 is the requirement of Romic that there be a warning system.

11 Several times we've had spills down here on Bay
12 Road and whatever. You hear the fire engines and the police
13 sirens and whatever and yet the natives didn't have any
14 warning or whatever. And we might have been able to save
15 one or two people that way. So there is a warning system
16 requirement of Romic.

17 MODERATOR NORTHROP: Thank you.

18 MS. HAWES: I'm Mandy Haws from SCCOSH, Santa
19 Clara Center for Occupational Safety and Health. M-a-n-d-y,
20 H-a-w-e-s.

21 As valuable as it is to open the process for as
22 broad as possible participation and to have an inclusive
23 EIR, it's my question is this, are there any circumstances
24 where anything might happen at Romic that would cause your
25 agency to take any action to protect this community while

1 awaiting for that final shoe to drop?

2 I think that's the concern people are expressing.

3 This is not somebody looking for a permit to get
4 started doing something once you finish the process. They
5 are basically -- they have got their license to do whatever
6 they're doing, as long as they can do it, unless and until
7 you decide to stop them.

8 MODERATOR NORTHRUP: They are operating --

9 MS. HAWES: That's what we're asking.

10 MODERATOR NORTHRUP: They are operating under a
11 permit.

12 MS. HAWES: I understand that.

13 MODERATOR NORTHRUP: They're operating under a
14 permit against which we enforce. We have inspectors to go
15 out and inspect them and, you know, they have to comply with
16 those permit conditions.

17 If the department at any time finds a situation
18 that presents an imminent and substantial endangerment, we
19 have a broad variety of authorities to stop that from
20 happening.

21 And, you know, we exercise those from time to
22 time.

23 MS. HAWES: Other than your inspections, what
24 process or means is there to bring information to your
25 attention that might cause you to take that action, other

1 than the explosion that answers the question once and for
2 all?

3 MODERATOR NORTHRUP: We take information from any
4 means, including complaints. Call into our office and
5 actually call just about any number in our office. If you
6 call me, because my name is on the fact sheet, I'd send you
7 right to the complaint person, and everybody in the office
8 does, and the department will take anonymous complaints.

9 MS. HIRONAKA: My name is Jolani Hironaka,
10 H-i-r-o-n-a-k-a. I'm a resident of Redwood City.

11 I would like to thank Sister Beverly Scott for
12 raising the attention to the fact that Romic is not only
13 impacting East Palo Alto, it is also impacting Redwood City.

14 I believe that proper communication and
15 notification has not been provided to residents of Redwood
16 City.

17 I think that the transport facility is in a
18 heavily populated area, predominately Latino and other
19 people of color. And I would like to see that community
20 brought up to speed on these proceedings.

21 My concern is that the right hand does not know
22 what the left hand is doing.

23 Part of the environmental justice Executive Order
24 requires that agencies begin to cooperate with one another
25 and share information precisely because of the

1 jurisdictional problems that allow facts to slip through the
2 cracks.

3 We're aware that Cal OSHA has received reports of
4 illegal dumping from workers and they were not sure who to
5 pass along that information to.

6 So the environmental justice Executive Order
7 specifically requires interagency cooperation and
8 communication.

9 I think under these circumstances it would be
10 important for the East Palo Alto City Council to be welcomed
11 as a responsible agency, the Planning Commission, the
12 sanitary district, Cal OSHA as well. Even though there is
13 no precedent for Cal OSHA serving as a responsible agency,
14 obviously it has jurisdiction over an area covered by this
15 permit.

16 In fact RCRA and the requirements under Section
17 3004 for personnel training are identical to the regulations
18 under OSHA for personnel training. That is clear grounds
19 for Cal OSHA to be brought into this process and because of
20 the very sensitive information that they have developed
21 through the Rodrigo Cruz incident I think it is really
22 imperative that discussions be developed around this issue.

23 MODERATOR NORTHRUP: Thank you.

24 MR. BRICCA: Kit Bricca again. B-r-i-c-c-a.

25 Just so I have clarity, will this -- there will be

1 no community review of who the consultant may be from
2 hearing you take the things --

3 MODERATOR NORTHRUP: That's not necessarily true.
4 I can't -- I can't give you an answer. I don't have the
5 authority to give you all an answer about changing our
6 consultant selection process. I just can't do that today.

7 So, you know, I will let you know if in fact that
8 is true, that, you know, we'll just see ya in a year,
9 whenever we get done with the EIR.

10 My hope is and what I will argue very strongly for
11 is that that is not the case.

12 In our department -- when you get into contractor
13 selection, there's a whole lot less room to move around.
14 DTSC has always been very supportive of its public
15 involvement program. So I have some confidence that we'll
16 make some headway there.

17 MR. BRICCA: One comment, then.

18 I'm just uneasy with hearing that answer about how
19 to select a consultant and Romic was mentioned.

20 Someone whose responsibility is such at the EPA,
21 if I would -- if I were you I would select, it's not
22 personal to Romic, it's just their interest, I would select
23 their input on who they would like to see as consultant and
24 I would look very critically on that list.

25 And I would hope that the people who have offered

1 to give you selections for consultants would be placed high
2 on that list and at least those people who have a chance to
3 review the people that Romic says they want.

4 MODERATOR NORTHRUP: Okay. Fair enough.

5 A number of good ideas around that today.

6 Thank you.

7 MODERATOR NORTHRUP: Yes, ma'am.

8 MS. WOBOGO: I had one question.

9 The idea of -- the Sister here brought up the idea
10 of the environmental justice and environmental racism and
11 protection for communities like ours.

12 My question is, when does that kick in? If you
13 already have a what would be considered a risk and an
14 operation that is risky, any time you have an operation, to
15 me that could have an accident that could seriously, you
16 know, impair health that has an ongoing problem such as, you
17 know, the pollution of the environment and, you know, it's
18 been shown that our communities across the country, even
19 around the world, you know, bear this disproportionate
20 burden. When, when can we expect relief?

21 And are you an agency who has that responsibility
22 to consider these things and protect us?

23 I mean, at what point will you say, okay, Romic,
24 you're operating here, there are people who are very radical
25 in the community that don't want you here, but you're here.

1 So what we would say is you don't need to expand
2 your presence there, because their very survival is
3 dependent on keeping that kind of activity at an absolute
4 minimum.

5 There may be the potential for development. That
6 area is not good to develop because of their presence there,
7 so there's always this impact.

8 So my question is when? How? What do we have to
9 do to get this from these agencies?

10 You got all these agencies and they're supposed to
11 be looking out, you know, saying, well, we have to follow
12 this procedure.

13 And I'm always frustrated, because I'm listening
14 to all the procedures and listening to all the ways that
15 they say we have to play fair or that they have to play
16 fair, but ultimately after the whole process is done, I
17 never see any relief. It all goes on.

18 I remember when they first bought the land over
19 here, there's a development over there where they built a
20 whole office complex or industrial park or whatever.

21 I remember when the road was built out here to
22 continue and connect to the Dumbarton Bridge.

23 These are things that, you know, for whatever
24 reasons or procedures just go on.

25 There are a lot of things here, issues of

1 environmental justice in this community that we feel very
2 strongly about.

3 But, you know, at what point do we hear from the
4 powers that be that enough is enough?

5 And if we feel that in this county or in the
6 surrounding counties or in the state or in this region that
7 includes other states bringing, you know, toxics here to
8 recycle, at what point do the larger entities say, no, we've
9 got people to look out here for?

10 So your business is going on, but expansion is a
11 detriment in that area, look for alternatives.

12 So I'd like some answer, you know, to that
13 question, because this feeling of helplessness and
14 hopelessness, you know, after a while gets to be unfairly,
15 you know, difficult to deal with.

16 MS. CHU: I'm Flora Chu from the Environmental
17 Justice Clinic.

18 I think maybe people would like some clarification
19 of the process and what your power is within this whole
20 permit renewal process.

21 For instance, is it within DTSC's power to say
22 that the people of East Palo Alto are concerned about
23 Romic's environmental impact and because of this make -- can
24 they make a decision, can you make a decision saying, look,
25 we won't give you the permit?

1 MODERATOR NORTHRUP: The department? No. No.
2 Short answer is no. The department considers permit
3 applications given to it if they meet technical standards
4 and if they do not cause, you know, there's -- then you get
5 into the CEQA thing. If they meet the technical standards,
6 then we have no option but to permit it.

7 And then you get into CEQA. Does it cause a
8 significant, adverse impact? If it does, is that impact
9 mitigateable and if it is not mitigateable is it like
10 eligible for what we call a statement of overriding
11 consideration.

12 Now, you're seeing where all of this is going.
13 The department is limited by its regulations to what is
14 presented to it.

15 Other agencies, other entities, the primary being
16 the local land use authority, whether that's a city or a
17 county, have to do with siting. Department has nothing to
18 do with siting unless, unless, we were to determine that
19 this facility was being operated in a way that would
20 seriously and significantly adversely impact the
21 environment.

22 MS. CHU: But you're the one that makes the
23 determination, the final determination, based on the
24 consultant's report, whether there's a significant
25 environmental impact?

1 MODERATOR NORTHRUP: Based on our own internal
2 technical expertise, the consultant's report and community,
3 public and agency input to that EIR and the permit
4 application, we make the final determination. And the
5 person, the actual if you're looking for the body who makes
6 that determination, it's Weiwei's boss, Lester, who is
7 not -- who wasn't able to be with us today.

8 MS. CHU: So it is possible that the Department of
9 Toxic Substances Control can essentially not -- I wouldn't
10 say ignore, but take into account but decided to go against
11 a consultant's report that either finds or not finds a
12 significant environmental impact?

13 MODERATOR NORTHRUP: You know, who knows? This
14 may have happened. I don't know that DTSC would let an
15 Environmental Impact Report out for public comment that it
16 didn't substantially support. We consider our
17 responsibility as the agents of the people of California to
18 do a lot of the technical work and a lot of the, you know,
19 policy and evaluation and that kind of work and put it
20 together into something that a community can get its arms
21 around.

22 So we're not going to put something out that we
23 think is just ridiculous.

24 MS. CHU: So it is within your power, then, if you
25 find the consultant's report is not adequate or if you don't

1 agree with some of the conclusions to ask for another
2 Environmental Impact Report?

3 MODERATOR NORTHRUP: We do that all the time. We
4 ask for revisions all the time.

5 MS. CHU: I'm not asking about revisions.

6 I'm asking if the consultant should not work out
7 and somehow that their way of approaching or analyzing the
8 impact is different from what you would view as a way to do
9 it, would you, could you require another consultant to do
10 the report?

11 MODERATOR NORTHRUP: We could do just about
12 anything, yes.

13 I can't tell you specifically. I can't speculate
14 on, you know, a what-if situation. That's -- that has never
15 occurred with the EIRs we have done. It's been a matter of,
16 no, no, you didn't do it right, go back and do it right.
17 This is more right than that and just continue to get a
18 document done.

19 Could we do that? Probably. Never heard of it.

20 MS. CHU: So once the -- I'm just trying to figure
21 out the process. Once the EIR is out for public comment we
22 can safely assume that you would support the conclusions of
23 the Environmental Impact Report?

24 MODERATOR NORTHRUP: Barring significant new
25 information, arguments to the contrary or something that we

1 just missed, that's why we put it out for public comment.

2 MS. CHU: If that's so, if let's say the
3 Environmental Impact Report should find some environmental
4 impact, what would happen then?

5 MODERATOR NORTHRUP: I cannot --

6 MS. CHU: How would you handle that?

7 MODERATOR NORTHRUP: -- speculate about that. Who
8 knows? I just can't -- I don't -- I can't say if it did
9 this, we would do that, when nothing has -- the report
10 hasn't been prepared.

11 MS. CHU: What I am trying to figure out is how
12 much discretion does DTSC have versus how much of it is
13 bound by law to do certain, take certain actions?

14 MODERATOR NORTHRUP: I don't think that's possible
15 to define in a short period of time. And I just -- that's
16 not something I would care to try to address.

17 We have a considerable amount of discretion, but
18 if you want to know the limits of our discretion then I
19 would recommend you to Title 22, California Code of
20 Regulations, RCRA and CEQA, and all of the case law around
21 CEQA.

22 You see, this is why I can't answer these
23 questions.

24 MS. CHU: How can we as a community work with DTSC
25 to influence the extent of the discretionary power that you

1 have to make sure that it reflects --

2 MODERATOR NORTHRUP: By doing what you all are
3 doing here today.

4 MS. CHU: But other than this process, we won't
5 have essentially the opportunity to be involved in the
6 process --

7 MODERATOR NORTHRUP: I can't say that because I
8 can't direct what you may and may not do. I'm feeling like
9 I'm -- you're attempting to interrogate and corner me and I
10 don't want to do that and I certainly don't want to end this
11 meeting on that kind of note.

12 I think that maybe if you and I had a discussion
13 about this, I believe that I may not be getting the point of
14 the question, but I also can't answer it, because every time
15 I try to answer it, I've seen communities direct agencies in
16 directions they never thought they would take.

17 So why bother, why bother speculating? I'm not
18 going to do that.

19 MS. CHU: I'm not trying to speculate. I'm
20 looking at it from the community's viewpoint. After today,
21 before the EIR come out --

22 MODERATOR NORTHRUP: I don't know. I just -- I
23 just said, and I'm getting very excited about this, I have
24 said repeatedly, I have heard what you all have been saying
25 about participating in the selection of the contractor.

1 I have heard that there is a considerable amount
2 of interest in some kind of CEQA EIR review committee.

3 I cannot make -- I, Carol, cannot make those
4 decisions. Henry can't make those decisions. Weiwei can't
5 make those decisions.

6 And none of us can make them alone. I need to go
7 back to office. I need to consult with people. I am very
8 very much interested in coming back out to this community
9 and putting together some kind of group to go with us
10 through this process, but I cannot commit to that.

11 MS. CHU: I'm not trying to. I have a very simple
12 question.

13 What is the next step that the community should do
14 to make sure we are involved in the process?

15 MODERATOR NORTHRUP: Continue --

16 MS. CHU: Should we just call you up?

17 MODERATOR NORTHRUP: You've done this. You can
18 write comments. You can use the written comment --

19 MS. CHU: Yeah. After the comment period shall we
20 just call you up and talk to you and find out what the next
21 step is?

22 MODERATOR NORTHRUP: You should hear back from me
23 at some point fairly soon about what, you know, what's going
24 to happen, and then you just keep participating. You just
25 keep doing what you're doing now, which is asking the same

1 question over and over until she finally gets it and answers
2 it, you know.

3 MS. CHU: Keep bugging you?

4 MODERATOR NORTHRUP: Yeah. Bug me.

5 Any other questions, comments?

6 I apologize if I sounded short. At some point I
7 snapped. It must be the Motrin.

8 Are there any questions?

9 It's going to take us a little while to break
10 down. Please stick around.

11 Henry didn't say much, because I wouldn't give him
12 an opening, but he's the technical expert and knows a great
13 deal about the project and will be actually writing the
14 scope of work.

15 FROM THE AUDIENCE: One ten-second comment.

16 MODERATOR NORTHRUP: Yes.

17 MR. BRICCA: Kit Bricca again.

18 The frustration sort of in hearing the
19 nebulousness end of it, I think if every group, every
20 organization in East Palo has to become a legally
21 responsible agency -- in other words, I think we need to
22 organize together and get the City Council, the sanitary --
23 everybody, the Environmental Justice group, all of us to
24 work together and speak in one voice on our issues. If we
25 do that we have a chance of it.

1 MODERATOR NORTHRUP: Thank you.

2 Hope you all have a wonderful weekend. Thank you
3 for coming.

4 (Thereupon the hearing was adjourned
5 at 1:58 p.m.)

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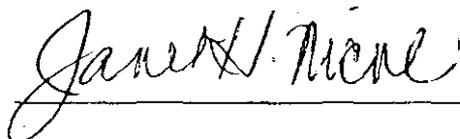
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I, JANET H. NICOL, a Certified Shorthand Reporter of the State of California, do hereby certify that I am a disinterested person herein; that I reported the foregoing hearing in shorthand writing; that I thereafter caused my shorthand writing to be transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, or in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of October 1995.



Janet H. Nicol
Certified Shorthand Reporter
License Number 9764