MEETING

STATE OF CALIFORNIA

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL JUSTICE ADVISORY COMMITTEE

CAL/EPA HEADQUARTERS

JOE SERNA, JR., BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

FRIDAY, JUNE 3, 2005

8:40 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

ADVISORY COMMITTEE MEMBERS

Ms. Diane Takvorian, Co-Chairperson, Environmental Health Coalition

Ms. Detrich Allen, Co-Chairperson, City of Los Angeles, Department of Environmental Affairs

Ms. Martha Dina Arguello

Mr. David Arrieta, DNA Associates

Mr. Antonio Diaz, People Organizing to Demand Environmental Rights(PODER)(Alternate for Yuki Kidokoro)

Mr. Michael Dorsey, County of San Diego, Department of Environmental Health

Mr. Larry Greene, Sacramento Air Quality Management District(Alternate for Dr. Barry Wallerstein)

Mr. Greg Hermann, City of Burbank (Alternate for Sue Georgino)

Ms. Brenda Jahns-Southwick, California Farm Bureau Federation

Ms. Barbara Lee, North Sonoma County Air Pollution Control District

Mr. Joseph Lyou, California Environmental Rights Alliance

Mr. Bruce Magnani, California Chamber of Commerce

Ms. Cindy Tuck, California Council for Environmental and Economic Balance

Ms. Lenore Volturno, Pala Band of Mission Indians

Ms. LaDonna Williams, People for Children's Health and Environmental Justice (Alternate for Dr. Henry Clark)

APPEARANCES CONTINUED

DEPARTMENT OF TOXICS SUBSTANCES CONTROL

Mr. Leonard Robinson, Chief Deputy Director

Ms. Karen Trgovich, Chief, Statewide Cleanup Operations Division

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Ms. Deborah Borzelleri, Staff Counsel

Mr. Dmitri Smith

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Dr. Shankar Prasad, Deputy Secretary

Ms. Malinda Dumisani, Special Assistant for Environmental Justice

STATE WATER RESOURCES CONTROL BOARD

Mr. Pete Silva, Vice Chairperson

Ms. Beth Jines, Chief, Officer of Public Affairs

Mr. Adrian Perez, Chief, Office if Employee Assistance

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Dr. John Faust, Toxicologist

ALSO PRESENT

Mr. Jose Angel, Assistant Executive Officer, California Regional Water Quality Control Board

Ms. Basilia DeGuzman, Midway Village Resident

Ms. Alisha Deen, Environmental Justics Coalition for Water

Ms. Maria Downing, Midway Village Resident

Mr. Jahi Johnson

APPEARANCES CONTINUED

ALSO PRESENT

Ms. Penny Newman, CCAEJ

Mr. Pablo Orozco, Calexico New River Committee

Mr. Ron Reed, Karuk Tribe

Mr. Ben Riggan, Karuk Tribe

Ms. Mary Ann Tanner, Midway Village Resident

INDEX

	PAGE
Opening remarks - Commitee Co-Chairs and Shankar Prasad	1
IV New River Pilot Project	
- Staff Presentation	4
- Public Comments	20
- Committee Discussion/Recommendation	22
V Klamath River Pilot Project	
- Staff Presenation	60
- Public Comments	68
- Committee Discussion/Recommendation	68
Afternoon Session	150
VII Midway Village Site Clean-up Summary	
- Staff Presenation	154
- Midway Village Community Perspective - LaDonna Williams	182
- Public Comment	224
VIII Cumulative Impacts & Precautionary Approach Efforts Update	254
IX Future Meeting Agenda Topics	274
Meeting Adjournment	277
Reporter's Certificate	278

PROCEEDINGS

CO-CHAIRPERSON ALLEN: Okay. We are going to start with introductions. But just a few housekeeping items.

This morning we're going to start on the New River Pilot Project, because I understand from yesterday we completed the public participation. We're going to try to take a break around 10:30 so the tape can be changed. So we'll just be sensitive to that.

And for those of you who are here from Midway Village, it will not be taken up before 1 o'clock. So we want to make sure that that's the case. And if we get finished, we will probably move up the cumulative impacts to fill that. But Midway is not going to be heard until 1 o'clock.

With that, let's do start with introductions, I guess. I'm Dee Allen, the Co-Chair serving as Chair today. And I'm from the City of Los Angeles.

CO-CHAIRPERSON TAKVORIAN: Hi. I'm Diane Takvorian from the Environmental Health Coalition in San Diego/Tijuana, and the happy Co-Chair sitting over here quiet.

ADVISORY COMMITTEE MEMBER DORSEY: I'm Mike Dorsey. I'm with the San Diego County Department of Environmental Health. And I'm the representative -- one

of the representatives for the Certified Unified Program Agencies.

ADVISORY COMMITTEE MEMBER ARRIETA: Dave Arrieta with DNA Associates, representing big business.

ADVISORY COMMITTEE MEMBER LYOU: Joe Lyou with the California Environmental Rights Alliance.

ADVISORY COMMITTEE MEMBER VOLTURNO: Lenore Volturno with Pala Band of Mission Indians.

ALTERNATE ADVISORY COMMITTEE MEMBER HERMANN:

Greg Hermann, City of Burbank. I'm the City Planner there. And I'm representing Sue Georgino. And I'm not sure who she represents, but I'm here for her.

ADVISORY COMMITTEE MEMBER MAGNANI: Bruce Magnani with the California Chamber of Commerce.

ALTERNATE ADVISORY COMMITTEE MEMBER GREENE: Larry Greene from Sacramento Air District representing CAPCOA. And I'm Barry Wallerstein's alternate.

ADVISORY COMMITTEE MEMBER TUCK: Cindy Tuck with the California Council for Environmental and Economic Balance.

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: Brenda Southwick with the California Farm Bureau representing small business.

ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: Antonio Diaz with PODER, alternate for Yuki Kidokoro.

CIWMB STAFF COUNSEL BORZELLERI: Deborah Borzelleri, Integrated Waste Management Board Legal Counsel.

CALEPA DEPUTY SECRETARY PRASAD: Shankar Prasad, Cal EPA.

ALTERNATE ADVISORY COMMITTEE MEMBER NEWMAN:

Penny Newman, Center for Community Action and Environmental Justice in Riverside/San Bernardino.

MR. ABRAMOWITZ: Mark Abramawitz, Community Environmental Services.

MR. McKUIAN: Adam McKuian. I'm with OEHHA from Oakland.

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: Leonard Robinson, DTSC.

SWRCB EXECUTIVE DIRECTOR CANTU: Good morning. Celeste Cantu, Executive Director, State Water Board.

SWRCB VICE CHAIRPERSON SILVA: Good morning. Pete Silva, Vice Chair of the State Water Resources Control Board.

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

Adrian Perez, State Water Resources Control Board.

MS. ALT: Sheila Alt, Region 7 in Palm Desert.

CALEXICO NEW RIVER COMMITTEE EXECUTIVE DIRECTOR OROZCO: Pablo Orozco, Calexico New River Committee.

RWQCB ASSISTANT EXECUTIVE OFFICER ANGEL: Jose Angel, Assistant Executive Officer for the Colorado River Basin Regional Water Quality Control Board.

MR. FAUST: John Faust, Office of Environmental Health Hazard Assessment.

MS. WYMAN: Sue Wyman, the Air Resources Board.

MR. HUI: Steve Hui, Cal EPA.

CO-CHAIRPERSON ALLEN: And there's a gentleman coming in the door.

MR. McGEE: Jim McGee, CALFED.

MS. DUMISANI: Malinda Dumisani, Cal EPA.

CO-CHAIRPERSON ALLEN: Thank you, Malinda.

Okay. With that we're going to move into our first agenda item for the morning. And that's the New River Pilot Project. We're going to have staff presentation, public comment, and then we'll have Committee discussion.

Thank you.

SWRCB VICE CHAIRPERSON SILVA: Madam Chair and members of the Committee, good morning. Thank you for giving us the time here to give you a briefing on the New River Pilot Project.

What I'd like to do is first have staff give you a little bit of a presentation background on what the project is, what it entails. And then I'd like to go

through some of the activities that we've been involved with that I think have moved the project forward a little bit. And I think we're -- you know, we're very excited about where we're at. And then we'll also end up with some of the proposals in terms of where we want to go with the project; and obviously get your input on where we're at, and maybe give us a little bit of guidance on maybe some of the things that we're missing or some of the things that we could do.

So with that, I'll let Adrian give you first a little bit of a presentation on what the project is.

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

Thank you. Good morning, everyone.

Could we go back to the first slide please?

Thank you.

(Thereupon an overhead presentation was

Presented as follows.)

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

My name's Adrian Perez and I'm the project coordinator for the New River Pilot Project. We're also going to be doing a presentation on the Klamath River. Ms. Beth Jines will be doing that presentation. I don't think she's here yet, but she will be doing that along with members of the Karuk Tribe.

What I'm going to do is, my presentation is going to take you through any slides, but I'm also going to give you a lot of history.

Just a real quick show of hands. How many of you are familiar with the New River.

(Hands raised.)

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

Wonderful. So I'm not going to need to provide too much background obviously.

Next slide please.

--o0o--

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

The Calexico New River Committee approached the water boards late last year asking that we consider the New River as our environmental justice pilot project. They submitted an initial proposal for consideration and approval. We looked it over. We made some changes to it and we -- we gave it back to them and they agreed with the changes that we proposed.

This particular slide shows the Salton Sea watershed. It includes the Imperial Valley, which is a rural desert and farming region that extends from the U.S./Mexico border, which is the dotted white line, up to the Salton Sea, which is the grayish looking liver towards the top end.

The present-day channel of the New River was created in 1905-1907 when the Colorado River washed out diversionary works, creating what is now the Salton Sea, the Alamo River and the New River. The New River is what we're showing on that particular slide and it's highlighted in green.

It originates about 15 miles south of the City of Mexicali, Mexico, and drains about 60 miles north of the international border that goes of course right through Calexico. The City of Calexico is indicated in that little orange dot you see.

The two primary populations that are impacted by the New River are the City of Calexico, of course, and the Torres Martinez Tribe, which is indicated on that picture up on the top in an orange square.

As you can see, because of the long stretch of the New River and the fact that it drains into the Salton Sea, any decisions that are made about the New River will impact the Salton Sea.

Next slide please.

--o0o--

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

The New River is recognized as one of the most polluted rivers in the country. As it enters into the United States at Calexico, the river carries a stew of

treated and partially treated municipal and industrial waste into the U.S. It carries pesticides, PCB, selenium, uranium, arsenic, mercury.

The waste in the river is also known to carry pathogens that cause tuberculosis, encephalitis, polio, cholera, hepatitis and typhoid.

As the population in that particular region grows, and it's expected to grow at approximately three percent annually, the problem is expected to worsen.

Next slide please.

--o0o--

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

The population of Mexicali is approximately 800,000. And that's the charcoal gray and gray areas that you see. The dotted line is the international border and right above it is the -- in charcoal gray is the community of Calexico.

There are approximately 150,000 people living in Imperial County.

The new river flow is approximately 200 cubic feet per second at the international boundary and increases to approximately 600 cubic feet per second by the time it feeds into the Salton Sea. The high concentrations of fecal coliform bacteria and the stench at its point of entry has made the New River a significant

international environmental issue. And I don't know how many of you have been there, but the stench is absolutely incredible. And it's 24/7. I mean it doesn't go away.

Since 1980, the United States and Mexico have made efforts towards addressing the amount of pollution entering the United States. This has resulted in a set of strategies that will address Mexicali's ability to treat waste water. However, because the negotiation agreement process is so slow, there have been a number of quick fixes that have been introduced, you know, primarily to improve the collection systems and rehabilitate pumping facilities in the City of Mexicali. These overall efforts will address some, but not all, of the water quality problems. Specifically they don't address indiscriminate dumping of trash into surface waters, urban and storm runoff and agricultural runoff from the Mexicali Valley.

Those photographs, by the way, the one up on the right hand, that's people inside the New River. And like I mentioned earlier, it has a combination of treated and untreated waste water. Most of it, quite frankly, is untreated.

The picture right below it is an example of the type of trash that is dumped and some of collection areas that eventually drain into the new river.

The picture on the left of that photograph is the

international boundary. And that's the New River coming into the United States. And of course the farmland is the last photograph on there.

Now, potential reduction of water flow from Mexicali will also have an adverse impact in the overall health of, not only the Imperial Valley, but of course the Salton Sea as well. As the river flows -- if the river flows were reduced, it will turn into a very interesting and uncomfortable air pollution problem.

Next slide please.

--o0o--

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

The Water Board's goal through this EJ pilot project is to develop a children's environmental risk reduction plan. This is based on the 2000 census data indicating that 80 percent of the households in Imperial County had children. Of those, half were under the age of 18.

In addition, because the unemployment averages at about 26 percent, more than half of those children live in poverty.

Next slide.

--o0o--

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

Our first task is to establish a regional

advisory group representing the many facets of this region. It will include local, business, state, federal and tribal governments. It will also include members of the various quasi-governmental entities and other interested community members. And of course all of you as Committee members are invited to participate as well.

We have produced a formal presentation that will be made to each of the entities to enroll their commitment and participation. We will also be reaching out to the Torres Martinez Tribe through consultative government-to-government approaches.

Next slide.

--o0o--

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

We've begun identifying resources to obtain recent and historical health data that will be presented to the group at our first meeting, which is tentatively scheduled now for the end of August.

The group will be guided to identify tools to conduct cumulative impact analysis. Additionally, the group will be provided information on precautionary approaches that have been taken, outcomes, and of those that should perhaps be considered. Based on the findings, we anticipate that the group will develop with the help of the water boards a children's risk reduction plan. And we

also hope to have that plan completed by the end of this calendar year.

Next slide.

--o0o--

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

Our long-term objectives is to have the group assist us in considering other strategies that can be pursued to reduce the contamination on the New River. In addition to that, we hope that the group will also start looking at strategies where we can invite our counterparts in Mexico and discuss potential long-term contamination reduction strategies as well.

Next slide.

--o0o--

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

There is impact on the tribes. The region at the watershed that I showed you was once all territory of the Cahuilla Tribes. The Cahuilla Tribes have been there for thousands of years. 500 B.C. I think is the most recent recorded artifacts that they have found.

In 1875 President Ulysses S. Grant established the first Cahuilla reservation. The Torres and Martinez Tribes combined their reservations thereafter in what is today now known as the Torres Martinez Desert Cahuilla Indians.

In 1997, the Torres Martinez Tribe adopted an ordinance making it illegal for anyone to discharge pollutants into the waters of the reservation. It is consistent with the tribal concepts that held culture and the environment are all linked.

When the floods of 1905 occurred it left almost one-third of the tribe's land under what is now known as the Salton Sea.

As the New River winds its way up through 60 miles of the Imperial Valley, it picks up waste water mainly in the form of ag runoff, contributing to the Salton Sea's high salinity and nutrient levels. And as a result, any actions that are taken on the new river will have an impact on the Salton Sea, which will also impact the tribe. Decisions that impact water flow from the New River will expose silt and nutrients that have been lying at the bottom and the shores of the Salton Sea.

Next slide please.

--o0o--

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

Public participation will be initiated through a formal letter from Executive Director Celeste Cantu to Chairman Richard Torres. Copies of the letter will be shared with the tribe's director of environmental programs.

Upon obtaining permission from the tribe, we will conduct a formal government-to-government consultation on the pilot project and request tribal participation at scheduled meetings.

Next slide please.

--o0o--

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

The Water Board's pilot project is starting late compared to the other BDOs. However, we're confident we can develop a draft children's environmental risk reduction plan by the end of the fourth quarter of 2005.

Through the assistance of the Calexico New River Committee and the Department of Health Services, the water boards will obtain local data regarding health -- children's health. Data that is not available will require that the water boards work closely with our group to be able to conduct surveys of the community.

Next slide.

--o0o--

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

The group's options for reviewing data include tracking illnesses in children related to the New River, review or test water fowl and fish for PCBs or mercury, and review and continue to conduct water quality testing at various points of the New River.

The Palm Desert or the Colorado River Basin Regional Water Quality Control Board now conducts that testing, and they put the data up on their website.

Next slide.

--o0o--

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

Evaluation and deliverables. Not only will we be establishing this advisory group, but this advisory group I think is going to be very key in assisting not only the state and regional water quality control boards, but also the California Environmental Protection Agency in designing how we should work with sovereign nations.

The development of a plan to address children's risk reduction includes a successful awareness campaign, which is similar to a campaign we already conducted in Los Angeles called Erase the Waste, school instruction materials and also public service announcements.

Next slide please.

--o0o--

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

Our approaches towards the reduction of contaminants in the New River will really be dependent on the advice that the group gives us. A binational approach will also be very much dependent on, not only what the group advises, but also U.S. EPA, the Bureau of

Reclamation, Department of Water Resources, and of course the Mexican officials.

And that is my presentation. If you have any questions, we would be more than happy to entertain any questions.

And also, as Vise Chairman Pete Silva mentioned, we're also here to provide additional information. Okay.

SWRCB VICE CHAIRPERSON SILVA: Actually is there any questions first on just the problem itself?

CO-CHAIRPERSON ALLEN: I think the way we had the agenda is that we were going to have public comment at this point and then we'd have Committee discussion. But I don't have any cards here. So let me just ask the public: Is there anyone that would like to comment on this pilot project?

SWRCB VICE CHAIRPERSON SILVA: Madam Chair, if I could just -- I just want to give you an update on what we've been doing.

CO-CHAIRPERSON ALLEN: Certainly. Go ahead.

SWRCB VICE CHAIRPERSON SILVA: But maybe we could do it after the comments. I don't know if you want to do it now or after the comments.

CO-CHAIRPERSON ALLEN: Well, why don't you go ahead and just give the update, because the commenter may want to comment on that as well.

SWRCB VICE CHAIRPERSON SILVA: Okay, good.

Well, yeah, what I wanted to say is that we've been doing -- you know, besides the presentation we've moved forward on a couple of things I want to let you know. And, first of all, I want to say, from a political standpoint just the designation of this as an environmental justice project has been very beneficial in terms of getting support both at the state level and at the federal level.

And the way we're approaching it is that we want to do a very short-term project, you know, get a trash screen at the New River right away as soon as we can. And then the long term obviously is to try to come up with a long-term solution working with the local community.

And fist and foremost obviously for us it's a health issue, as you saw from the photos, very definitely a health issue, let alone the aesthetics for the local community.

You know, just to let you know, I've been working on this for about 22 years. I was with the International Body of Water Commission when I first went down to Mexicali in terms of looking at the problem. And I mean I can tell from a political perspective, I think -- you know, in any other community in the United States probably you wouldn't have this going on for so long.

Ultimately it's obviously a money issue, how do you get funding? Because it would take a lot of money to solve this problem on a long-term basis.

And the other issue that's very obvious here is that we're working with another sovereign nation, Mexico, that has its own problems in trying so solve some of the sanitation issues. And also the fact that it really is not a river, it's an agricultural drain, makes it very difficult also to address it.

And speaking frankly, I think one of the things that has happened unfortunately at the local level I think is that we have been unable to come up with a solution that the local community likes and also there has been a lack of regional support in the Imperial Valley politically.

And what we're trying to do is change that. We're trying to work with the New River Committee to expand, you know, the support base to come up with a long-term solution that everybody can buy into, and also get the political support to go back to Washington and get the money. And also to expand the way that we look at it, to look at it not only as a sanitation issue, which is the way we're looking at it now, but also in terms of how we can turn it around and maybe create economic benefit to the community, create parks, and get different kinds of

funding for the project.

On the short-term issue, on the trash, we've been, from a statewide perspective -- I don't know if you've been hearing about the border fence issue with the border patrol where they had gotten -- actually got a bill to sidestep some of the environmental requirements and have gotten funding for a border fence.

What we've done, we had a very good positive tour with Terry Tamminen, who's the cabinet secretary for the Governor. In the San Diego area, what we're trying to do is link this with the border issue and say, "Look, if you're going to be able to do this, well, why don't you do something positive for once and help Calexico." And we've gotten very positive response in terms of the political side. We've met with the congressional people in DC. They're very enthusiastic about doing something. We're hoping we can put language and money in the bill -- the same bill as a trailer bill to get funding for that particular project on a very short-term basis.

Obviously the long-term solution's going to take a lot more work. But I think -- I feel right now we have a very good window -- political window that I haven't seen in a long time. But I think it's going to take the local community to get more involved and get a more regional approach, more regional support for a long-term solution.

And that's where we're at right now.

But, again, I think the short-term one we want to get moving and get something positive done so that we can have momentum to look at the long-term solution.

CO-CHAIRPERSON ALLEN: Thank you.

We have Alisha Deen.

ADVISORY COMMITTEE MEMBER LYOU: Dee, if we have questions about the update --

CO-CHAIRPERSON ALLEN: If you could just hold your comments. Let's take the -- we only have two cards for the public comment. And then we will have Committee discussion and you can ask questions. And as a matter of fact, it may -- as I said, we have two comments from the public, so you may want to ask questions on that. So if we could just do it that way, we only have two. And then we'll take the Committee discussion.

MS. DEEN: Good morning. My name is Alisha Deen. I'm with the Environmental Justice Coalition for Water. We are a statewide coalition of community-based organizations and nonprofits, all working on environmental justice and water in some way.

And since the last Cal EPA EJ meeting I've had the honor to go down to Calexico and get a tour of the river. And it really does smell bad.

(Laughter.)

MS. DEEN: I can confirm that.

So I'll just be very brief. I wanted to express our support on this project. We feel like it's a step in the right direction. We realize that the long-term solutions are much larger than the scope of this project, and it's a great first step. It's necessary to also seek out funding from Mexico and the federal government as well.

Thank you.

CO-CHAIRPERSON ALLEN: And if you would stick around in case there are questions.

Thank you.

Next we'll have Penny Newman.

ALTERNATE ADVISORY COMMITTEE MEMBER NEWMAN:

Having sat through presentations on many of the pilot programs so far, I have to say that I think this is one of the most well thought out projects that we've seen. It clearly is community driven. I've seen the materials presented by the group. It is pretty phenomenal. They've put a lot of thought into this.

Being in the Riverside/San Bernardino area, we've dealt with the Salton Sea for a long time. And you can't get anywhere without dealing with, you know, some of the sources coming in to it.

So we are very, very pleased to see this

presented and have full support. And if there's anything that my organization in Riverside/San Bernardino can contribute and help out in that, we'd be more than happy to.

We do have a desert forum -- community forum coming up on Saturday, June 11th. And if the community would like to come and do a presentation on what your proposal is, we would love to have you there.

Thanks.

CO-CHAIRPERSON ALLEN: Thank you, Penny.

Now the hard questions.

I think I saw Brenda first, Joe and then Lenore.

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: Thank you.

I just have a quick question. You said clearly there's linkage with the Salton Sea. Were you able to secure any of the funding that was produced for the Salton Sea as part of this effort?

SWRCB VICE CHAIRPERSON SILVA: No. To be honest with you, we have not even begun that effort yet. But as was mentioned, I think we're -- we're trying to link everything. But the first step again is to again expand the support base, develop that group, so that we can bring in other players that have money, quite frankly, and get their support.

So to answer your question, we have not. But I think that's -- again, that's a goal that we want to strive for.

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: Thank you.

CO-CHAIRPERSON ALLEN: Joe.

ADVISORY COMMITTEE MEMBER LYOU: First I have I think two questions just for clarification. First you mentioned legislation.

Is there a specific bill?

SWRCB VICE CHAIRPERSON SILVA: You know what, I can get you that. But it was -- there's no legislation yet. The one I was referring to was the one that -- it was the Homeland Security. It was part of the funding for the war and it was included in that same bill.

ADVISORY COMMITTEE MEMBER LYOU: So you were talking about federal?

SWRCB VICE CHAIRPERSON SILVA: Yeah, it's federal legislation that goes to the border patrol for the triple fence.

CALEXICO NEW RIVER COMMITTEE EXECUTIVE DIRECTOR OROZCO: And if I may as well -- is this on?

SWRCB VICE CHAIRPERSON SILVA: No, go ahead.

CALEXICO NEW RIVER COMMITTEE EXECUTIVE DIRECTOR OROZCO: There's legislation at the state level we've

been -- Pablo Orozco --

ADVISORY COMMITTEE MEMBER LYOU: I'm not sure that's on, Pablo. They gave you the bad mike.

CALEXICO NEW RIVER COMMITTEE EXECUTIVE DIRECTOR OROZCO: At the state level, It's been SB 387, authored by Ducheny. And this is just some technical language for the -- part of the comprehensive project of one of the proposals that we had based on one of the regional water quality control board's proposals on building an encasement alongside the river channel, restoring the river, having the trash rack and then wetlands and treatment.

ADVISORY COMMITTEE MEMBER LYOU: Did it make it out of the Senate?

CALEXICO NEW RIVER COMMITTEE EXECUTIVE DIRECTOR OROZCO: It's out of the Senate, and it is to be sent in the Assembly in mid-June.

ADVISORY COMMITTEE MEMBER LYOU: Okay. Thank you.

In the document there was -- in the description of the project there was a mention of the promulgation of TMDLs. Do you know what the status is on that?

RWQCB ASSISTANT EXECUTIVE OFFICER ANGEL: Thanks. Jose Angel.

The regional board already adopted the priority

TMDL pathogens. That happened in 2002.

It is fair to say that we have a -- to say here and explain to you two side of the problem. One is the waste that comes from Mexico. And obviously we have discharges of waste on this side of the border. As far as our waste water treatment plans are concern, all our waste water treatment plans have current MPDS permits. They're all regulated. And they all disinfect with the exception a small waste water treatment facility that is under enforcement was provided a time schedule to begin disinfection.

The first TMDL that the Board adopted, as I mentioned, was a pathogen TMDL, and it was adopted in 2002. All our waste water treatment plants are in compliance with the pathogen TMDL. The problem is obviously the discharges of waste from Mexico that continue to contribute to gross violations of that TMDL.

ADVISORY COMMITTEE MEMBER LYOU: What about other TMDLs for non-pathogens?

RWQCB ASSISTANT EXECUTIVE OFFICER ANGEL: There is a draft pathogen -- draft disulfa-oxygen TMDL that is coming up for Board consideration this year. There's also a trash TMDL also scheduled for this year for Board consideration of adoption.

The Board -- the Board also adopted silt TMDLS.

One applies to the new river. But that addresses primarily agricultural contribution from this side of the border. Some of the pesticides attached to the silt --

ADVISORY COMMITTEE MEMBER LYOU: That has been adopted already?

RWQCB ASSISTANT EXECUTIVE OFFICER ANGEL: Yeah, it's in full force. And if I can say something on behalf of the folks down there implementing the TMDL, the program has been very successful and the farmers stepped up to the plate in Imperial Valley and they're in full compliance. We have about a 97 percent compliance rate with that TMDL. So --

ADVISORY COMMITTEE MEMBER LYOU: Great. Thank you.

Now I've got my comments. And bear with me.

On page 3 -- I'm not sure you have it in front of you -- but the description of the project on page 3, their goal is stated as to develop a children's risk reduction plan. And then under objectives, 1, 2, 3, 4 -- the 5th one down is to develop and implement a children's risk reduction plan. So, first of all, it's pretty redundant to have your objective being the same as your goal. But you left out "implement" under the goal. So just sort of a recommendation from me that you revise that in the next version of this.

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ: It is a living document and we are going to be making all kinds of revisions to it as we go along.

ADVISORY COMMITTEE MEMBER LYOU: And I'm just trying to help.

(Laughter.)

CO-CHAIRPERSON ALLEN: Joe, how many more do you have? Because what we'll do is take the Committee members and come back to you again. So give us your --

ADVISORY COMMITTEE MEMBER LYOU: You know, I have several. I can do it any way you want. I can mention them now or I can wait.

CO-CHAIRPERSON ALLEN: Okay. Do you have then one that's really burning right now? And then we'll take that one. And then we'll go to the Committee and then we'll come back.

ADVISORY COMMITTEE MEMBER LYOU: No, I just have a lot.

CO-CHAIRPERSON ALLEN: That's what I figured.

Okay. So if you wouldn't mind, then we'll go to the Committee members and we'll come back to you. Is that okay?

ADVISORY COMMITTEE MEMBER LYOU: I don't care.

CO-CHAIRPERSON ALLEN: Okay. Thank you.

Lenore.

ADVISORY COMMITTEE MEMBER VOLTURNO: Hi. Lenore Volturno from Pala.

And I just wanted to commend you. I Think that this is a good project. Pala does a lot of work with tribes in Mexico, so we have a lot of experience improving water quality in Mexico.

And that brings me to one of my questions, is: Have you brought this to any other agency? I know we currently work with U.S. EPA, and that's how we get our money over to Mexico. And I don't know if you have worked with any other agencies or is this your first stop?

SWRCB VICE CHAIRPERSON SILVA: No, no. On the International side we've been working very closely for -- you know, since the eighties actually with EPA. And EPA has come through in terms of through the Border Environmental Infrastructure Fund that gets -- it gets funded through the NAD Bank. And they have been spending money. Actually they're almost -- I think about a year and a half they'll be completed Mexicali too, which will be a major waste water treatment plant on the Mexican side that will help a lot.

We're also working with EPA to fund some short-term -- hopefully short-term fixes. Because they have a lot of old pipes in Mexicali. They break. And we're trying to help them through that to try to improve

that system. Primarily training and equipment to be able to do that.

We're working with IBWC, because ultimately they're the ones that are going to have to work with the border patrol on installation of any kind of a border facility. A trash screen, for example, that to be through IBWC. So -- no, we have been working with all the federal agencies. As I mentioned -- so that's when I met with border patrol about two weeks ago, just as a meet and greet. And we're trying to get them up to speed on what we're doing.

ADVISORY COMMITTEE MEMBER VOLTURNO: Now, have you applied for any of the funding through the Border 2012 Program that would be able to make those improvements?

SWRCB VICE CHAIRPERSON SILVA: To be honest with you, we work very closely with EPA on the Border -- as a matter of fact, I represent California on the Border 2012 Program. Unfortunately there's not a lot of money there. And most of it the EPA has been wanting to use more for other -- not hard facilities. They're using it more for studies and -- it's very limited funding. I think it's only in the -- about 300,000, I think. It's nothing to speak of. And there's no way we can use that funding for hard facilities.

ADVISORY COMMITTEE MEMBER VOLTURNO: Now, have

you done -- are there any assessments that are completed that would tell you how much the total project's clean-up would be on this particular project?

SWRCB VICE CHAIRPERSON SILVA: Well, yes and no. I mean we've gotten estimates, very rough estimates. For example, Calexico is very interested in piping the river through the city. And I think we've gotten estimates from 50 to 70 million -- very rough estimates. I mean personally I think we should go back to the drawing board, come up with a solution that's more comprehensive, to be honest with you, because I think we -- again, we need to get more stakeholders involved. I think the community would be better served to turn that into a positive perhaps, again, through park land development or economic development.

And so I think -- my personal view is that even though we have those studies in place, I think we have to go back to square one and develop a better long-term solution that everybody can buy into.

ADVISORY COMMITTEE MEMBER VOLTURNO: Okay. And then my next I guess kind of comment, Adrian -- I'm sure you're familiar that working with tribes isn't always easy. And so getting a tribe to buy in on a project when they've been included after the project has developed sometimes is even less easy.

And I'm just wondering, do you guys have a relationship -- I know you said that you have not met with Torres Martinez yet. But do you have a relationship with anyone at their office? Or how do you plan on --

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

We haven't formally met with the Torres Martinez Tribe. But we do have contacts. And I have been including them in the development of this proposal. In fact, I ran it by them and gave opportunities for their environmental folks to comment. And we've been working with them. I've met Chairman Torres, and he's very interested in working -- doing something long term with the water boards. So the answer is, yeah, we've been working with them. And they're waiting for us.

ADVISORY COMMITTEE MEMBER VOLTURNO: Okay. So although you haven't formally met with them, it might be -- I think you guys did a great job putting the presentation together. But it might be worth mentioning that you have met with them and that they are kind of buying into the project. Because it sounded to me like maybe you had not met with them at all on that.

SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

Okay. Thank you. Yeah, we'll note it.

ADVISORY COMMITTEE MEMBER VOLTURNO: And then my last comment is just for Mr. Silva. And, that is, you

know, we have my pet project, which got me on to this Board, which is Gregory Canyon. And I'll be meeting with you about that soon. And we're hoping to prevent this kind of thing from happening in the United States.

SWRCB VICE CHAIRPERSON SILVA: No, that's a very -- I know it's been a very controversial project. And I know -- you know, our local regional board, Region 9, has been very involved in that. So --

ADVISORY COMMITTEE MEMBER VOLTURNO: So I just wanted to make -- I just had to throw that in there.

SWRCB VICE CHAIRPERSON SILVA: Oh, sure.

ADVISORY COMMITTEE MEMBER VOLTURNO: Touché.

SWRCB VICE CHAIRPERSON SILVA: No problem.

CO-CHAIRPERSON ALLEN: Okay. Diane.

CO-CHAIRPERSON TAKVORIAN: Thank you.

Yes. Let's make sure that doesn't happen here. I support Lenore's thought about Gregory Canyon.

But I do want to compliment you on the presentation that you've made. And I would agree that I think that from the tribal -- the potential for tribal involvement, significant involvement and the obvious community involvement that already exists, that this project has a high potential for success.

Environmental Health Coalition filed a petition in the early 1990's to U.S. EPA in which we were able to

secure information from some of the Maquiladora industries, which you demonstrated that there was a connection between the discharges from those Maquilas into the New River. And I'm getting from Jose's nod that you have that information.

RWQCB ASSISTANT EXECUTIVE OFFICER ANGEL: That information, yes.

CO-CHAIRPERSON TAKVORIAN: Yes. So we've been concerned about this for a very long time. And I must say that the demonstration of community involvement and your comprehensive approach tells me that things have moved along in a significant way, to a much greater degree. And I think from Pete and my involvement on the Border Environmental Cooperation Commission, things have advanced. So congratulations to you for that.

I would also suggest that this is very consistent with Secretary Lloyd's encouragement of binational cooperation, as evidenced by the meeting that he had in the San Diego/Tijuana region just recently. And I think it's a good -- a good pilot project, not only for the environmental justice, but also for his priorities in that regard. So I congratulate you for that.

The one concern I have is in regards to the pollution prevention aspects and precautionary aspects of the project. As I mentioned, I think that EHC petition

really demonstrated that there's work to do from both the agricultural industry as well as the Mequiladoras from the pollution that they -- the discharges that they're putting in. And I think there's opportunities for pollution prevention there.

So do you have some thoughts about how that might proceed?

SWRCB VICE CHAIRPERSON SILVA: Yeah, actually -- and it also goes to Joe's question of the TMDL's. I mean I think the one window that we have, and we haven't really pushed it that much, but I think we may push it more, is -- you know, we have this direction from EPA, a very strong direction, to implement TMDL's. And yet, you know, EPA's not doing it on the New River, for example. And I think -- politically I think that's an approach that we may want to take in terms of saying to EPA, "Look, you know, we're doing our part on the U.S. side. You know, it won't do us a lot of good to implement our TMDLs on the U.S. side if the federal government don't work with Mexico to implement them or even develop them and implement them on the Mexican side."

And so I think that's one approach that I want to take in terms of pushing EPA and IBWC to be more aggressive with Mexico in that regard.

But, you know, we are doing things. You know,

we've been working cooperatively with Mexico. As a matter of fact we have spent state money, not directly, because we can't legally, but we've helped Tijuana, Mexicali and Tecate to start implement their industrial waste pre-treatment program. We've done training. We've given them equipment. It's been very successful. That's one example. We want to expand that.

So, you know, we're going to continue to do everything we can, both from a state perspective and also pushing the federal government to do things in Mexico. Ultimately, if Mexico doesn't do it, you know, we're never going to solve it.

CO-CHAIRPERSON TAKVORIAN: And I think that's great. And I also think there's great opportunities for actual pollution prevention. And some of the industrial sources are those where pollution prevention can absolutely be used. We can substitute materials easily, there's technology transfer that needs to occur.

SWRCB VICE CHAIRPERSON SILVA: Exactly.

But what's funny is we had an anecdotal comment from -- in Tijuana where just the fact that there was people in front of the industries taking samples, they noted a drop in the discharges because, you know, they were concerned that somebody was going to go in and audit them.

So some very simple things that happen can actually make a big difference.

CO-CHAIRPERSON TAKVORIAN: Illegal dumping got switched to 3 a.m. instead of 10. I mean it's in our community.

(Laughter.)

RWQCB ASSISTANT EXECUTIVE OFFICER ANGEL: I'm glad also you asked that question, because it gives me an opportunity to go back to something that Joe mentioned or asked for.

We're also working on a volatile organics TMDL, Joe, for the border. And that goes at the heart of obviously industrial discharges. That one, however, is not scheduled for Board consideration this year. But staff is working on it. So we expect it for next year, for our board to consider for adoption.

Pete alluded to the pre-treatment program and the efforts. And as bleak as the current water quality results show, that there's no lack of cooperation from our end, or I would argue also from our counterparts in Mexico, that the level of cooperation is there. It's taken a lot of time. And never to get to the point where we can sit down and discuss what things that are very sensitive for both sides of the border. And also with the tribe. I mean we were one -- we were, I believe, the

first regional board that ever established a grant partnership with the Torres Martinez in the local community out there. So we're also proud of that.

So at the regional board level we do have that working relationship.

I just want to clarify. When it comes down to industrial discharges at least in the Mexicali area where -- that's where I'm familiar with -- we do have the information that you alluded to. And we have more current information that the Mexican government provided pursuant to the efforts that Pete described. That was a very successful partnership where we help them sample and correct and training and so forth.

And contrary to what I believe is a popular opinion, the majority of industry, at least in Mequiladoras, they do not discharge directly into the New River. They discharge into the collection system. That's what the data shows, that's what our water quality results show, and that's what our observations show. We go out there on a monthly basis toward the facilities. We don't call them inspections. But, if you wish, from a practical perspective that's what they are. And it takes a lot of courage where I -- from the Mexican government to take us down there.

(Laughter.)

RWQCB ASSISTANT EXECUTIVE OFFICER ANGEL: But having said that, the main concern is, as Pete alluded to, is its the collection system itself and the infrastructure. When it collapses, obviously indirectly we get the industrial discharges into the New River.

Now, having said that, there are a few Mexican-owned industries that do discharge directly into the New River. And, by and large, most of that waste is untreated.

CO-CHAIRPERSON TAKVORIAN: Okay. Thank you for your explanation about that.

I would just like to get us started. So that I would move to approve the pilot project with the --

CO-CHAIRPERSON ALLEN: I think we have a couple more.

CO-CHAIRPERSON TAKVORIAN: I know. But can we get a motion on the floor?

CO-CHAIRPERSON ALLEN: Yes, you can. That's fine.

CO-CHAIRPERSON TAKVORIAN: Thank you. Sorry.

And then folks can tear it apart.

-- with the understanding that additional attention would be paid to the pollution prevention aspects of it.

ADVISORY COMMITTEE MEMBER DORSEY: I'll second

it.

CO-CHAIRPERSON ALLEN: We have a motion and a second.

Discussion.

Any discussion?

ADVISORY COMMITTEE MEMBER TUCK: Just a few things. I strongly support this project. I echo Penny's comments that when you read the document, it's very well thought out and well written.

A few years back I had the opportunity to go on a tour in the Imperial area and was on the parking lots with the toxic foam blowing. And my background's in environmental engineering, and I'd never seen anything like this. I was just horrified.

So I strongly support this project. And I also want to note that I appreciate having the team here today, with two state board representatives but also two regional representatives.

CO-CHAIRPERSON ALLEN: Bruce. And then we're going to go back to Joe.

Mike, your card was down. You change your mind?

All right, Bruce.

ADVISORY COMMITTEE MEMBER MAGNANI: If someone could comment on -- if you have the perspectives, since you have people that are regional -- what are some of the

other pollution issues that exist between the United States and Mexico right now? And of those, where does the New River fall in order of priority? Would be my first question. And I'm certainly asking for your opinion.

And maybe in that answer you can talk about what Mexico's commitment is to any of these and specifically to New River, if they have a commitment to it, or if it's just a matter of responding to interactions that are begun by the United States and engaging them and, otherwise, they wouldn't do anything.

And the Last question is: What other responsibilities in international law in indiscriminately polluting a body of water, whether it be an irrigation canal or a river, whatever you want to designate it, that has a primary impact on another country, and what is happening in that regard?

SWRCB VICE CHAIRPERSON SILVA: That's like a two-hour answer. But I'll give you the two-minute answer.

But the short answer on your latter question is, you know, international law, you know, is very vague.

What you have to remember is we have the most powerful nation in the world next to a third-world country. That's one thing. In Mexico you have to understand that the northern boundary, like Tijuana, Mexicali, is viewed as the richest area in Mexico. But

when you look at from a local perspective in Mexicali, sanitation is not a priority. There's very few treatment plants in Mexico. Very few cities actually treat beyond primary, if at all.

So from a national perspective, you understand that Mexico doesn't see sanitation per se as a priority. That's one problem. As a matter of fact, the solutions that have come through -- and, you know, Diane was on my advisory committee when I was at the BECC. But a lot of the solutions have come -- on the border area have come from pressure from the U.S., not from Mexico's own initiative. And, to be honest, a lot of it has come from U.S. funding.

Unfortunately, as I mentioned, from a, you know, border-wide perspective from hear to Texas, right now California is not given priority in terms of funding. Texas gets a lot of the money. I'm speaking frankly here.

Also, as I mentioned, because it's such an expensive project, and again because there's so little political pressure from the community from Calexico, unfortunately -- I mean that's why it's an EJ issue, in my view. They don't get the attention. Because it's so much money to spend on one community that, quite frankly, it falls way below on the priority. What we're trying to do is change that and say, "Look, any other community in the

United States that would have raw sewage going through the middle of the community would be" -- you know, you would think about it and say that's not allowable, you know. But yet it's continued to happen for over 50 years.

So the short answer is, on the U.S. side it just has not been given the priority, quite frankly, because it's a lot of money. And on the Mexican side it's even worse I mean in terms of -- I mean you have to push them into solutions. And, again, we've been trying to work with EPA on a long-term basis. And, you know, the short answer is there's not enough money to go around for everybody along the border, and it's just not a priority in Washington.

Is that sort of the short answer -- is that a good answer there?

Diane, I know you've been --

ADVISORY COMMITTEE MEMBER MAGNANI: Well, Thank you for your frankness in the --

CO-CHAIRPERSON TAKVORIAN: Well, I just wanted to add one thing. I think it's an excellent answer. And I think one of the things that hasn't been mentioned that I meant to say is that this project, as desperately needed as it is by the New River, is also precedent setting for other rivers in the U.S. and Mexico -- Mexico originated rivers. So the Rio Alamar, which runs through Colonia

Chilpancingo and originates in eastern Tijuana crosses into and becomes the Tijuana River in San Diego. And so San Diegans are concerned because it crosses into the United States and causes pollution problems on the beach.

The community members that we work with in the colonia are very concerned because it's becoming a New River. I mean this is not the only waterway in Mexico and the United States that has this problem.

So I think if we can achieve success here, it will serve as a good precedent for other rivers that are becoming as bad as the New River, unfortunately.

SWRCB VICE CHAIRPERSON SILVA: Yeah. And as good as our presentation was, this is going to be a very long, you know, 10, 20, 30 year project. It's not going to get solved, you know, in 2 to 5 years.

RWQCB ASSISTANT EXECUTIVE OFFICER ANGEL: Well, some of us that don't live in Sacramento, we can be a little bit more blunt. I'll address your question more directly.

(Laughter.)

RWQCB ASSISTANT EXECUTIVE OFFICER ANGEL: We have a water treaty -- the United States has a water treaty with Mexico. And the water treaty prescribes water quality standards for the New River. And, sadly enough, Mexico has been in gross violation of those water quality

standards ever since the standards were established.

CO-CHAIRPERSON ALLEN: I think -- I promised to go back to Joe for his additional questions.

ADVISORY COMMITTEE MEMBER LYOU: Thank you.

Wow. Let me just -- go back to the document, because I'm going to base my comments on what's in the description.

On page 4 there's a -- this is probably the biggest concern of mine, under the risk reduction -- Reduction of Risk to Children's Health section: Number 1, review existing health data and identify if a correlation exists between children's illness and toxins found in the New River.

This is pet peeve of mine. I'm very concerned about efforts to draw linkage between exposures and pollution and health outcomes, because there are so many pitfalls in that process.

I would question what you have to gain by that. We know it's a problem. You admit that it's the most polluted river in the United States. Obviously we need to be doing something about it. So I'm not sure that spending your resources on actually drawing that linkage are important. That should be -- that should be distinguished from where I see in other places of the document where you say you want to gather health data.

The assessment of health needs and health problems in the community is one thing. Trying to draw that linkage is another. Does that make sense?

The drawing of the linkage involves -- I mean should involve toxicologists and epidemiologists and long-term studies and everything else. And I'm not sure you need to do that here, because we all recognize there's a problem, there's something that needs to be done. And if we focus on getting the things done that need to be done instead of trying to draw that linkage, maybe it's a better use of our resources.

SWRCB VICE CHAIRPERSON SILVA: Okay. Actually, Joe, if I could comment. That's something we've been struggling with too, I mean in terms of whether it's even worth making the scientific connection when it's so blatant.

However, on the other side I have to tell that you when people haven't been there and you go to DC and you try to sell this as a health issue, if you don't have the data, it's much tougher to sell.

And so I think anything we can do to make that linkage -- and I understand your point. But I think anything we can do to make that linkage on paper really helps.

ADVISORY COMMITTEE MEMBER LYOU: Yeah. I mean if

it can be done, then that's wonderful. My problem -- my concern is -- or if you're familiar with type 1 error, type 2 error and the false negatives, that there isn't a problem that exists you can't find, is a high likelihood when it comes to trying to establish that linkage. And that's where I've come across in my personal experience a lot of instances where communities have been sold short. And, you know, "Well, show me that there's an elevated cancer risk here" or, you know, some sort of health outcomes. Well, you know, we don't have the data. And the reason we don't have the data is because we haven't been tracking the exposures for all the time it takes, and there's a lag period between, you know, the health impact and all that.

So there's a lot of problems in trying to do that. And I can sea how it could be used for leverage. But I would also say that maybe you're better off trying to explain the problems with establishing that linkage when people ask that question than spending a lot of resources and trying to do that.

SWRCB VICE CHAIRPERSON SILVA: Okay. No, that's a -- and, again, we've been struggling with that same issue.

ADVISORY COMMITTEE MEMBER MAGNANI: Yeah. I think that's an excellent point. But I think it's a

classic Catch 22 for these gentlemen. I mean it's, "Have you demonstrated a linkage?" And if you say no --

ADVISORY COMMITTEE MEMBER LYOU: But I mean if you can't get people to do anything about the worst polluted river in the United States, I mean what can you do, right?

ADVISORY COMMITTEE MEMBER MAGNANI: And then if you do it on a cursory level, they'll say, "Well, that wasn't a robust enough study." So it's a classic Catch 22 and I have no solution for you. But to the extent that you can spend your resources on remediation or mitigation, I certainly would encourage that.

CO-CHAIRPERSON ALLEN: Can I add to this just as Chair. I haven't had my comments either.

ADVISORY COMMITTEE MEMBER LYOU: No, please, feel free.

CO-CHAIRPERSON ALLEN: But I think that this is a thing that's sort of struck me when I read the proposal. I think it's a great proposal. But I think it's really short on trying to figure out the short-term and the long-term solutions to the problem. Because at the end of the day we want it dealt with. And it's been around for 22 years.

And so while I understand and I think we ought to do the risk, but as a part of that plan that you're doing,

that there needs to be an effort put forward to look at some short-term solutions and some long-term solutions with time frames. Because when you say long term, you know, that could be anywhere from 5 to 25 years. But at least starting to have that discussion in your local advisory committees to really deal with the risk and also some solutions that you can do now.

RWQCB ASSISTANT EXECUTIVE OFFICER ANGEL: Jose Angel again.

We look at it more from a regulatory perspective, at least from our end anyway. We already have standards that have been promulgated and adopted for protection of public health. And obviously we -- from our end, we seem to continue to be proving the obvious. And we're not talking about discrete violations of the standards. I mean I'll be more explicit. The standards that we use for protection of public health has to do with pathogen indicator organisms, fecal coliforms, E. coli standards in the order of 300 or so average counts per 100 milliliters. We're talking about millions of pathogens present in the water.

So it begs to reason from our end.

Now, going beyond that, the TMDL that the regional board adopted went to peer review. And if nothing else, obviously we established there was a

violation of those standards.

As to whether or not we need to now start counting bodies, I suppose from our end, from a regulatory perspective, I guess it would be useful to satisfy our curiosity. But it is polluted, make no mistake about it. And even if there's no link, I think the notion of having a healthy ecosystem when you have 10 to 20 million pounds of raw sewage coming across the border, they have to be mutually exclusive.

(Laughter.)

ADVISORY COMMITTEE MEMBER LYOU: Yeah. Thanks.

Let me see where I was.

Under the description of partners, there's the -- and I'm sure they have some role. But you don't as explicitly mention elected officials. But I assume that Senator Feinstein and Boxer, Representative -- is it Filner? Obviously he's -- I'm sure he's being helpful. And I don't know who the state senator and assembly members are, but -- yeah, Ducheny, that's right, because she did the bill. But, you know, I would imagine you'd probably want to add them in as partners and make sure that their offices have representatives at your meetings, because a lot of this is going to be dependent on their willingness and ability to shepherd through the funding issue.

The performance indicators, you say they're going to be developed. Which I would just say that, you know, obviously the water quality indicators are -- are they going to be your key? You know, if you could show at the end of the day that these water quality indicators are showing improvement, then you're showing progress. So I would just make a suggestion there.

Also, on that -- I see. That was page 5.

Page 6. The deliverables. I would just suggest that you include the TMDLs as deliverables. And the other project, the Klamath project, you actually have the TMDLs as a deliverable. So you have the dissolved oxygen, the trash and the VOCs as deliverables. I mean I don't see why you shouldn't incorporate that into deliverables for this project.

And I think that -- I mean if this isn't a case of -- I mean when it comes to this linkage thing of the need for precautionary action, you know, I mean it's not even precautionary if you're -- you're in violation of the standards, I think. But the fact that you don't really need to show the bodies, I mean you need to take action. And I'm really glad to hear that Mr. Silva recognizes that the funding is the key. And I think that -- and I'm sure that your advisory group will point out -- that much of the effort by the state should be geared toward securing

that funding, because to me this is an instance where the problem is so blatant and so bad and so widely recognized and acknowledged that -- and the solution I mean may not be exact step-by-step solution in terms of the projects may not be known.

But we do know that the key is going to be funding. So we know that really there has to be a big focus on where those dollars are coming from. And I would just recommend that you keep your eye on that as what is going to be the solution in the long run, is really securing that funding, because that seems to be your biggest hurdle.

And thanks for the patience of listening through all my comments.

ADVISORY COMMITTEE MEMBER ARRIETA: Dave Arrieta. I'm representing big business.

And I'm an environmental engineer also. And I've done work in Mexico. And, you know, you've got big problems.

(Laughter.)

ADVISORY COMMITTEE MEMBER ARRIETA: But I think Joe was raising the issue of funding and the key to getting more funding. You know, if you look at the problem and you say Texas gets most of the money, well, the reason is they've got huge cities that they have

to deal with with lots of constituents and a more aggressive element to deal with. And I think --

ADVISORY COMMITTEE MEMBER LYOU: What about the presidency?

(Laughter.)

ADVISORY COMMITTEE MEMBER ARRIETA: And the President.

And I think the thing that makes the New River different that you really ought to focus on is the tribal impact on -- that I think is a key to changing the balance of power in that you've now got a constituency that is a force in Washington that Mike could help you with with that exercise. And bringing them into the equation is going to be really important.

SWRCB VICE CHAIRPERSON SILVA: No, I was just -- I was pointing to you to --

ADVISORY COMMITTEE MEMBER VOLTURNO: I just --

SWRCB VICE CHAIRPERSON SILVA: -- for you to respond. You know, the group has to take that into account.

ADVISORY COMMITTEE MEMBER VOLTURNO: There's a time that would have hurt you. But I would tend to agree now that it might help you out a little.

CALEXICO NEW RIVER COMMITTEE EXECUTIVE DIRECTOR OROZCO: And I just want to say that on behalf of the

community of Calexico and the communities of the Imperial Valley, this is just a next step in an effort that spans 50 years -- more than 50 years in trying to solve this issue. So we are very heartfelt, very hopeful that this will help us get that leverage, gather those resources and get more visibility for this project.

And I hail from Mexicali. I was born in Mexicali, so this is also something that's very close to me personally. Having that solution -- that long-term solution's also working with Mexico on this.

CO-CHAIRPERSON ALLEN: I have a couple of questions. And then we're going to call the motion back.

One is -- this is an environmental justice committee. And I'm always concerned with regard to resources from the agencies doing it, and want to ask the question about: What's your funding to support these EJ projects? And do we as a committee need to be considering some recommendations sometime, now or in the future, about allowing you to have some additional funding in the name of EJ to be able to do some of these projects, in addition to using that money to leverage with other money? But at the -- the resources agencies also have to have a level of funding to deal with that.

SWRCB VICE CHAIRPERSON SILVA: Yeah, if I can answer just in terms of the staffing. You know, obviously

we're going to do it as part of our overall jobs, you know, a priority for us in Region 7 and at the State Board and with our sister agencies. At the macro level, I mean at the federal level, I mean I've got to tell you, back in Washington just saying that it was an environmental justice project really made a difference. And perhaps -- I'm just thinking out loud here -- if we could get maybe as we go through sort of the, you know, the usual federal process of trying to get funding, that a letter from you all signed by all the different Environmental Justice Committee members might be very powerful in terms of funding efforts. And we could get back to you, perhaps with the Chair in terms of timing when that would be appropriate. But I mean certainly I think that would be very valuable.

ADVISORY COMMITTEE MEMBER ARRIETA: Absolutely.

CO-CHAIRPERSON ALLEN: I think that we would welcome that. And I think it could also sort of spread our wings, because we all represent constituencies, and having them also take a position on this is going to be very helpful in trying to get the money that we need.

So with that, I'm going to call back the motion.

So do you want to restate the motion and see -- we've had a lot of discussion about it -- and whether there are any amendments to the motion, and then we'll go

forward from there.

CO-CHAIRPERSON TAKVORIAN: Well, just to -- I think that -- the motion is to support the pilot project, the New River Pilot Environmental Justice Pilot Project and to ask that -- I would just like to incorporate the recommendations that Joe has made specifically, if we can do that without having to restate them.

(Laughter.)

CO-CHAIRPERSON TAKVORIAN: And I am assuming that we've captured those, because we have a great court reporter.

So if we could ask you to consider those recommendations as well as the other comments that folks have made here, then perhaps we can go forward with that, and ask that a letter be drafted in order to -- sorry -- and ask that a letter be drafted by the Cal EPA staff to be either signed by the Committee members or by the Co-Chairs or by the Secretary perhaps, or all of the above, in order to provide that for the state board and the project, so that you can utilize that.

Who was the second -- who made the second?

Mike made the second.

So does that work for you?

ADVISORY COMMITTEE MEMBER DORSEY: I would continue to second.

Okay. Can I --

ADVISORY COMMITTEE MEMBER ARRIETA: Modify -- you're asking Cal EPA staff to draft a letter. I think we ought to draft it ourselves with help from Cal EPA. I think it would be more powerful if we did it ourselves.

ADVISORY COMMITTEE MEMBER LYOU: I think David's volunteering to do that.

(Laughter.)

CO-CHAIRPERSON TAKVORIAN: Can we ask you to work can Cal EPA staff to do that?

ADVISORY COMMITTEE MEMBER ARRIETA: Yes.

CO-CHAIRPERSON TAKVORIAN: Okay. Great.

CALEPA DEPUTY SECRETARY PRASAD: Thanks, David.

CO-CHAIRPERSON TAKVORIAN: Can I just make two other comments?

I mean one is that -- you know, and I'm guilty of this in a way as well. And I know that there's a sense of concern and a little bit of hopelessness when we talk about concerns with Mexico. And I just want to say that our experience in working with the people of Mexico from Mexicali to Tijuana and the colonias there is very uplifting. People there desperately want to have a high quality of life. There's no question about that. And I think that they are becoming more and more empowered and demanding that and working for that.

So I just don't want to leave this topic without saying that I think there's as strong a desire on the Mexican side of the border as there is here to have a high quality of life, both environmentally and public health-wise.

And one question I didn't ask before was: Could there be representatives from Mexicali on the advisory committee? Is it possible to do that? I know that what I say is there. Are there other residents that perhaps we can really forge the binational nature of this project a little bit more?

SWRCB VICE CHAIRPERSON SILVA: Well, for -- do you want to answer it?

CALEXICO NEW RIVER COMMITTEE EXECUTIVE DIRECTOR OROZCO: Sure.

We think it would be essential to have the Mexican input and the community groups there. So that's definitely something we'd like to look into.

The Committee itself, the New River Committee has met with a lot of people and working with other people in the academic field. Of course we don't have the leverage to sit down with any Mexican officials. But of course that would definitely be something we could look into.

SWRCB VICE CHAIRPERSON SILVA: Yeah. And, Diane, just to add -- and I mean -- from a clinical perspective,

you know, we do meet with Mexican officials all the time. With respect to the EJ thing it's a little bit tricky because, you know, once you get the Mexican officials involved, then it becomes a whole different ball game in term of what you can accomplish. So I would just caution that I think from a community level standpoint, it's appropriate; I'm not so sure it's appropriate in terms of the funding and technical perspective.

CO-CHAIRPERSON ALLEN: Then I'm going to call for the question.

ADVISORY COMMITTEE MEMBER DORSEY: I would just concur with what Diane said. Having worked on a majority of border-related task forces over the years, I find that working at the local level has been much more fruitful than working with officials that come -- the farther up the chain you go up through to Mexico city, et cetera. And if you can somehow get the local community involved on the Mexican side, they can bear pressure on the officials on the Mexican side. Because without that -- I think you all know there's a high turnover rate at the government level. And as soon as the turnover rate occurs, you're starting at ground zero again. So you have to have some sort of continuity on the Mexican side. And if you can do that at the local level, the better chance you have.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO: In

terms of some of Joe's comments around making a link between disease and a specific toxin. What might be helpful -- and we've done this in some parts of L.A. -- is developing, you know, a children's health profile, so that you're looking at, you know, what are kids getting hospitalized for, what are they getting sick from?

And you're probably going to find, you know, the intestinal problems and the low birth weight and dehydration and some of those things that you're going to find based on what your -- the contaminants. So if you could develop a chart book or a children's health profile. And then you set goals in terms of reducing those. Because this is a -- you know, that's part of the precaution. It's saying we're going to wait to line up the dead bodies. We know that kids are sick, and here's their health profile in this community. And that might be a way to also, you know, really dramatize the problem of what kids are getting sick from, when you go to Washington.

CO-CHAIRPERSON ALLEN: Okay. Call for the question. I think we have a motion on the floor and a second.

All those in favor?

(Ayes.)

CO-CHAIRPERSON ALLEN: Any opposed?

So moved.

Okay. I think with this -- we have another presentation. But maybe we could break now for the tape. And come back in about what?

Ten minutes. And then we'll move to the next presentation.

(Thereupon a recess was taken.)

CO-CHAIRPERSON ALLEN: Okay. We're going to get started and call for our next presentation.

And we're going to let you go introduce yourselves and tell us about the project.

And we'll do the same, we'll listen to the presentation and we'll have public comment and then we'll have committee discussion.

Thank you.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Good morning. My name is Beth Jines. I'm the Public Affairs Director for the State Water board. And I want to talk to you about the Klamath Watershed Project that we're proposing.

(Thereupon an overhead presentation was Presented as follows.)

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

First of all, do many of you know where the Klamath River watershed is? Everyone pretty familiar with

that? It begins up in Oregon, runs down through the northwest part of California, and then the river goes out into the ocean at the northwest section of the state.

The goal of our project is to collaborate with the Klamath River Tribes and develop a locally driven action to try to restore the salmon fishery that used to be quite productive on the Klamath River, and now has primarily disappeared. And also has some significant fish die-offs in recent years.

A lot of the disappearance of the fishery is due to diversions of water, for agriculture and also for the production of energy.

--o0o--

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

There are several dams along the river that make it impossible for the salmon to complete their spawning and to reproduce.

Next slide.

--o0o--

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: So why do we choose the Klamath River? There were a lot of different reasons. But for this project, primarily timing. The river is a very valuable resource to the tribes that live there. It is valuable for not only food, for a source of salmon, but also for cultural and

religious and as well as economic benefits.

It has avoided urbanization for the most part. And it's also one of -- you know, it is one of California's most productive salmon streams.

The timing part of this is that right now there are a set of very unique regulatory events occurring. We are in the process with the State of Oregon of developing total maximum daily loads for the Klamath River for temperature and nutrients and dissolved oxygen.

We're also in the process of relicensing hydropower facilities on the Klamath. This is a process that only occurs every 50 years. So this is a very unique opportunity.

We have the support of the governors of Oregon and California in trying to work out a solution to the loss of the fishery and several different issues surrounding the Klamath River. And then we also have the agreement of Oregon, California and the federal government to address the environmental degradation.

But what's missing from these unique regulatory events is the voice of the tribes that are located along the river. What is also missing is the recognition in discussions about relicensing and TMDL development and other issues. It's the recognition of the cultural and the religious and the economic benefits that the salmon

provided to the folks that live along the river and in the watershed and what the loss has meant to them, both for religious and cultural and economic, but also for the health of those people.

Kari Norgaard from UC Davis did a study on the effects of the altered diet on the health of the Karuk Tribe, which is one of the Klamath River Tribes. The other tribes that are located there that we hope to work with are the Hoopa, the Yurok, the Klamath Tribes, the Resighini and the Quartz Valley Indian Tribe.

What Kari found in the study is that the Karuk Tribe has diabetes at twice the national average and heart disease at three times the national average. And she believes that, and makes a very compelling argument in her study, that that is due in large part to the loss of salmon as a fish -- or as a food. It was the primary diet of most of the tribal members for most of their lives. And in the lifetime of adult members of the tribes, the fishery has disappeared. It's been a very recent development -- or disappearance, maybe.

And she has found that the disappearance of the fishery is largely responsible for both heart disease, the obesity and diabetes in the tribes.

The next slide please.

--o0o--

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: As Lenore pointed out during the discussion of the New River Project, one of the things that we want to do with this project is involve the tribes in the development of the project from the beginning. We've met with a couple of different tribes. And actually yesterday -- if they're here -- there were folks from the Karuk Tribe were here. And they were hoping to return today, so they may be here eventually. But we've met with them and talked about it. And they are very -- they are supportive of the project.

But we want to do the majority of the development of what the project actually is with the tribal folks. We want to involve them, you know, basically from the beginning.

So as I was -- and I think telling Lenore, our project is not quite as thought out. There's a lot of things -- areas where decisions have not been made and won't be made until we have the opportunity to sit down with the tribal representatives.

One of the reasons for that is both to get their support early on, but also because one of the big problems with the Klamath is that the tribes have not been engaged in discussions and in decisions that have affected them. You know, sometimes they have not been involved at all. And other times they have not been involved early in the

processes and haven't had as much of a voice as they may have -- should have had.

What we're looking at in terms of activities, we want to coordinate with the North Coast Regional Board and the Oregon Department of Environmental Quality as well as the tribes on the development of the total maximum daily loads for the river.

We would want to also develop a nexus between the state and federal Klamath Basin coordination group and the tribes.

There are a number of organizations that are involved looking at specific issues on the Klamath. There's an upper basin water users; Klamath water users, which generally represent the agricultural interests in water; there's the Klamath River Basin Task Force; there's the Compact Commission; there's a Federal/State Working Group, Presidential Working Group, Trinity Restoration Council, Save our Shasta and Scott; there's an Intertribal Fish & Wildlife Commission, Pacific Coastal Fishermen Association. There's just a number of different organizations. And they're all pretty much working on their specific issues.

What we want to do is try to either bring to those organizations in those discussions, bring them together and -- or to bring to them a recognition of the

cultural and religious and economic things -- problems that have occurred because of the loss of the fishery.

We're also going to involve other Cal EPA programs on cross-media issues, such as some of the air issues and some of the environmental health. And we want to focus on children's health, on -- primarily on obesity and diabetes.

The next slide.

Thanks.

--o0o--

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Some of the objectives are to reduce or eliminate the fish die-offs, to try to increase the habitat -- the productive habitat, try to restore salmon, and eventually to enable to tribes to enjoy life as it once was, where they had an economic -- an economically feasible fishery, they could eat fish from the river. There were plenty of fish both -- not only for food, but also in order to do some of their ceremonies and things like that. We would like to get back to that stage.

It's not going to happen overnight. It's going to be a long-term process. And it may involve at some point removal of dams along the river as well as restoration projects. It's also going to involve watershed management and basically stewardship by the

tribes as well, which is something that we hope to include in our objectives.

Next slide.

--o0o--

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: And then in terms of this Committee, we want to utilize this project to define and develop public participation processes and precautionary approaches and tools to assess community -- excuse me -- cumulative impacts. And, in essence, the project in total is somewhat of a look at cumulative impacts in general of all of the different issues that have occurred around the Klamath River and trying to bring those together and look at specifically how those have affected children's environmental health.

Next slide.

--o0o--

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: And we will develop and implement a children's environmental risk reduction plan.

We are going to establish a consultative group comprised of the tribal members. We will try to -- and they're going to work with us also to have everybody come to meetings with all of the tribes together. I'm not certain that that will be possible, but we're going to try that. If not, we will meet with whichever, you know,

groups are willing to meet with us.

And then we're also going to use some of these existing forums that I described earlier to also create discussions about the loss of the fishery and the impacts on health.

Does anybody have any questions?

CO-CHAIRPERSON ALLEN: I don't have any public comment cards.

Anyone from the public like to comment on this project?

Seeing none, we'll move on to Committee discussion.

Thank you for your presentation.

And I think we have Mike first, then Brenda, then -- did I mess up?

ADVISORY COMMITTEE MEMBER DORSEY: I think the overall concept is a good concept. I have a little concern -- I have a little bit of a concern in the fact that, my understanding, having lived in that area about 25 years ago or longer, is this fishery issue is not something that is new; that in fact I think about 30 years ago it was a confrontation between the tribes and the local fishermen sort of leading to the depletion of the fisheries.

My understanding -- if I can recall, that the

tribes themselves feel it's their sovereign right to fish the Klamath, as well as to use nets. And netting has led to a depletion of the fish -- the salmon within the Klamath.

So I guess my question to you is: Have you -- it does not appear that you've -- there may be a few tribes you've talked to, but you haven't reached out to all the tribes yet. And I think you need to do that right up front. And, secondary, I think you also need to talk to Cal Fish & Game and U.S. Fish & Wildlife Service, who I think have been working on this particular issue for quite some time.

So I would just recommend that you might want to coordinate with them early on, because this is not a new issue from my understanding.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Yes, I agree with you. And we -- actually I have met with them -- there's a state and federal working group, and I have made a presentation to them about what we're doing. I just neglected to mention that. And now have been attending their meetings as well. So, yeah, they're aware of what we're -- what the project proposes.

Thank you.

CO-CHAIRPERSON ALLEN: Brenda.

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: Thank

you, Beth.

I can see the value in this project of a couple of the things that you've mentioned. One would be -- there are a number of groups already operating. There's a lot of state a federal involvement as well as stakeholder involvement presently on various aspects of the use of resources in this area, both locally and for exported water resources.

I think, echoing what Michael was saying, when I look at the narrative that you have here, it's a very, very small snapshot of the complexity of the issue and what's really going on.

I applaud your efforts to try to focus on the dietary health problems and how that leads to disease. I think what bothers me though is you make a statement in here that you're not going to make any effort to evaluate the short-term effects and the incidence of chronic disease. And I wonder -- would you elaborate on why that is the case. Because it seems to me that unless you do that and have that information as part of your database, you're not going to get a very good picture of the long-term health trend.

I'm specifically looking at pages 5 and 6 where you talk about evaluation of deliverables, towards the bottom of the page.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

Yeah, I see that.

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: I guess what troubles me is if you don't know what your starting point is, if you don't establish a base line, how are you going to evaluate whether anything that you're proposing to do as part of the pilot project is going to be helpful to your objectives, which seem to be focused on the long-term health trends?

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Yeah, this -- I'm not reading this as saying -- well, I guess my intent was not to say that we aren't going to do any short-term evaluation. But we'll be looking -- the focus will be long-term health trends, which will have to begin with some kind of a base line short-term kind of thing. And I guess this is just poorly written. But the intent is to look at what's going -- you know, what are -- what are the health effects now, and then look at long-term trends. I think what I was trying to say is that it's not going to be just this short-term snapshot. It's going to be a longer term evaluation.

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: But you are going to establish a base line is what you're saying?

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Yes.

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: And you don't know yet though what that base line will be?

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Right.

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: Okay. So you couldn't say whether it will take into effect some of the things that Michael mentioned as far as this being a long-term evolution, the situation, in terms of dietary changes, not just something that developed in the last ten years, say?

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: It will be longer term than that, yeah.

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: Okay. The second comment I have -- and I won't belabor the mike -- can you hear me now?

In the considerations, anticipated challenges and constraints, you note that it might be the desire of the tribes to restore the river to pre-European settlement condition, but you note also that that degree of restoration is likely not possible.

I guess what bothers me is the next sentence where you talk about the likely need to increase flows which might result in a reduced agricultural water supply. I think recent history has shown that it's very clear that there is a huge conflict in uses on that river and there's

been a very dire consequence for the farmers in that area. So I guess I would like to have that acknowledged, because when we talk about environmental justice, I think one of the things we need to talk about if we're going to talk about rural communities and low income communities and the effects that some of these resource management issues can have on people living in those communities -- I know your focus is on tribal health and I understand that.

But in the narrative, I think it would be important to acknowledge that there are broader concerns that are being addressed, which is part of the reason you have so much attention being paid to this particular issue, because it did come to a very dire consequence. Not to certainly belittle anything that has happened to the tribes in that area, but also not to belittle what's happened to other people who have made their homes in that area.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

Okay. Thank you.

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: Thank you.

CO-CHAIRPERSON ALLEN: I think we have Lenore.

I'll take Joe instead. And then you can --

ADVISORY COMMITTEE MEMBER VOLTURNO: Yeah, okay, because I think we're going to have a public comment.

ADVISORY COMMITTEE MEMBER LYOU: Yeah, I would actually -- I mean if we could take just a second, because I think we do have a public comment.

CO-CHAIRPERSON ALLEN: That's fine.

ADVISORY COMMITTEE MEMBER MAGNANI: Dee, and I just have a quick comment --

CO-CHAIRPERSON ALLEN: Go ahead, please.

ADVISORY COMMITTEE MEMBER MAGNANI: -- following up on Brenda.

Would there be a benefit -- I was looking at the list of agencies, departments that you're working with -- to have the Department of Agriculture also play a role in the consultations in establishing if you're talking about taking agricultural lands out of production or something of that nature to include them in your --

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

Okay. That's a good point.

CO-CHAIRPERSON ALLEN: Okay. Joe, why don't you make your comment and then we can -- do you need some additional time?

ADVISORY COMMITTEE MEMBER VOLTURNO: No, I think that -- but we may want -- the tribe is here.

CO-CHAIRPERSON ALLEN: That's fine.

ADVISORY COMMITTEE MEMBER VOLTURNO: And so we may -- you may want to hear the tribal comments.

ADVISORY COMMITTEE MEMBER LYOU: Yeah, I'd rather defer to the tribal members.

CO-CHAIRPERSON ALLEN: Okay. That's fine, yeah, if they're ready.

ADVISORY COMMITTEE MEMBER VOLTURNO: Please join us. Thank you.

Thank you for coming.

Ron Reed from the Karuk Tribe and Ben Riggan.

CO-CHAIRPERSON ALLEN: Please speak into the mike, because I understand they're having problems hearing over the internet.

MR. REED: Thank you very much for having me today. And I apologize for being late. I've had other meetings. I'm coming down and I'm coming from a long ways. So I'm trying to kind of hit more birds with as many stones as I have.

So, anyway, I think -- I guess what you're looking for from me is a public comment, and I guess in regards to the project.

And, first of all, I really appreciate the opportunity to give the tribal perspective from the Klamath River Basin. We all know -- I think we all know the water crisis issues and all these other different issues that are going on the Klamath River Basin. And I think this is one of the first attempts at trying to make

some rights out of all the wrongs that have been happening in the Klamath River Basin.

And so I guess -- it looks like a fabulous opportunity, but it seems overwhelming, because it's such a big broad subject and the issues are so broad also. And I guess what I was kind of looking forward to -- looking forward to in this meeting is to kind of like put some back-ends on this process.

But I do have a few concerns with the process. I think we have a great opportunity and I think all the tribes are going to -- I think they have a great opportunity also. But I think there's one concern of mine that really sticks out in my mind about this process, is that we have I believe six sovereign nations here. And obviously -- I mean I think this is the first attempt of trying to, you know, get tribal involvement in the environmental justice process. And so I guess it's pretty hard within one organization to get everybody on the same page. But now we're talking about six sovereign nations.

And there's some issues in -- you know, I guess maybe just for one issue, for instance, is that the median income in the proposal -- the median income of all the tribes involved is like right around $26,000 or something. And the Karuk Tribe, in particular, is at the range around 13,000, you know. So there's a vast difference. It's

double that difference, you know. So one tribe -- so there's going to be different -- I guess my point is is that there's going to be different issues for each tribe.

There's political statuses that are involved here. I don't want to go into all those political status, because I could probably fill up the rest of the afternoon just with mine. But I guess that's -- but I very feel confident of marching back up north and caucusing with the other tribes to -- you know, try to get all these issues out on the -- you know, out on the table.

And I guess -- I did -- I had one of my consultants kind of draft out something in that same format as a proposal just for the Karuk Tribe, you know. So I did do that, just to kind of -- and I didn't really want to bring it up to present it or anything like that. But I really want to do that for myself to say, "Hey, these are our issues." And I imagine all the other tribes could use that same format and write up their own document.

And so I think that's where -- what I'm really looking forward of doing is going back up and rolling up the sleeves, getting with the other tribes and doing these things.

And unfortunately for this process, we have the relicensing process, we have all these other processes

that -- a lot of the same players are at these same meetings, you know. So we -- so I have a chance to talk with these folks consistently. And we're consistently going over the issues, the sovereign issues.

And I guess that's my comment right now.

And so if there's any questions on that comment, maybe I can try to answer those.

CO-CHAIRPERSON ALLEN: Mike, do you have a question for us?

ADVISORY COMMITTEE MEMBER DORSEY: Can you talk more specifically on maybe your tribe's position on salmon fishing and your sovereign rights to salmon fishing and how you see the management of salmon fishing along the Klamath.

MR. REED: Sure, I'd be delighted.

Okay. The Karuk Tribe, like I said, I can get -- so thanks for the opportunity. The Karuk Tribe is one of the 15 -- I believe it's one of the 15 tribes in California that does not have -- that has treaties unratified by Congress. And so, therefore, we have a political status that is very much in a gray area as far as fishing rights. So the Karuk Tribe doesn't have any federally recognized fishing rights.

But we do have a fishing right. Dipnet Fishery at Ishy Pishy Falls. And the state kind of oversees that

to a certain extent that the tribe allows them. In other words, that the state feels like they have jurisdiction over this fishery. But the tribe, being a federally recognized tribe, we feel that the jurisdiction lies with the federal government. And so -- and actually we are making moves towards regaining those fishing rights -- federally recognized fishing rights. It's a right that we've -- we have the fishing right down at Ishy Pishy Falls because we've been acknowledged to have fished in that fishery since time immemorial.

So our fishery in particular, 2002, fish kill -- fish die-off or whatever. That year we caught around 1500 fish at Ishy Pishy Falls. The next year we caught a thousand fish. And I was like up in arms. I was like -- every meeting I was like bringing it out and with compassion and reaching into people's hearts saying, you know, that, "Hey, this isn't enough for our people. You know, this is our culture, this is who we are. And we're not available to get the resources that we need to carry on our culture." So they heard me loud and clear, loud and clear.

The next year, last year we caught less than 100 fish at our fishery. We're the second largest tribe in California, and we have over 3,000 tribal members. And so obviously there's some big issues there.

And I guess -- so for the Karuk Tribe, okay, we're at the tail end, the sun is setting on the Klamath --the Klamath River -- the Klamath River Act -- the Klamath Act, I guess. Excuse me. And that's a 20-year process where the Klamath River Task Force was put in charge to restore the fishery. And right now -- I mean last year -- I mean this is the last year this year. And last year we caught less than 100 fish at Ishy Pishy Falls. So obviously in the Karuk Tribe's perspective, they didn't -- that act didn't quite fulfill, you know, the objectives.

Not only the salmon fishery. But there's a lamprey fishery, there's a sturgeon fishery, you know. And then there's all these other aquatic resources, you know, for basketry materials and riparian -- you know, so there's a lot of different things that the tribe evolved through -- over throughout time to be able -- you know. So, anyway, I guess that's a health issue, I guess that's a river health issue.

And I don't know if that's -- maybe if you -- if there's more specific issues that you want to get to and --

ADVISORY COMMITTEE MEMBER DORSEY: Well, what do you see the tribes' role -- the various tribes' role in restoring the fisheries -- in restoring the fish? And do

you see -- what conflicts do you see between the tribes and, say, Fish & Game, U.S. Fish & Wildlife?

MR. REED: I -- first of all, the tribes' role. I believe that the tribes need to be co-managers, you know, in the forests or -- at least be consulted more effectively. Because I believe the tribe -- the Karuk Tribe specifically is working on holistic management processes that the whole rivering system, the forest, the river, has evolved throughout time, traditional management practices. You know, so I think -- and this is why -- why I'm so excited about this is that if we can move up-slope -- because obviously we're talking about, you know, the ultra-diet report by Dr. Kari Norgaard has really opened -- you know, shed some light on some of our issues, the Karuk Tribe in particular.

And when I started this FERC relicensing process, environmental justice came up, I said, "Hey, the definition fits us totally." We went three years of meetings with -- you know, through Pacific Corps in the traditional FERC relicensing process. And at the end of the day they termed that there's insignificant impacts downriver on culture resources. And so I'm up in arms on that again. And Basically what I did was got some money from our -- we have our tribal -- from the tribe and said, "Hey, we need to do this right here." And so we had a

fabulous report come out. So it's kind of so the politicians can really kind of hang their hat on something.

So that's why we're here now. And I think that -- you know, because we're talking about dysfunctioning wetlands, we're talking about overgrowth of the forests, that -- you know, basically what's happening is that all the water that used to go down these creeks that our elders used to tell us there used to be coho there, there used to be chinook there, there used to be steelhead there, and there used to be a fishery, now there's very little water in those tributaries.

And so I believe that if we go up and do traditional management practices, we go up and start doing those type of things to get what I term as politically untapped water, because right now there's too many -- there's -- the Klamath River Basin is over-allocated as far as water. And so now we're kind of looking at, "What can we do now?" We look at a 20-year process that we just got through, the Klamath Act, and to me it didn't do what we needed to do to restore the fisheries. So now we have, let's try something different.

In these processes, I've been -- a few of the tribes -- well, let's say all the tribes have been corresponding with the upper-basin water users, the

Klamath Water Users Association in particular. They have the political clout that can get things done in the Klamath River Basin. And so what has happened, we have conceptual buy-off by water users in the upper basin above the dams as well as conceptual buy-off to the Shasta and Scott Rivers. And so I think those have been the major opponents to tribal restoration, if you will. A lot of the farm bill money, a lot of the restoration money goes up to ag and things like that.

And if you drive down the Klamath River where I live, you're going to look in the forest and say, "This is the most beautiful place on earth." And I believe that myself. But there is some dysfunctions in that forest that doesn't allow a healthy environment.

ADVISORY COMMITTEE MEMBER DORSEY: Okay.

CO-CHAIRPERSON ALLEN: Lenore.

ADVISORY COMMITTEE MEMBER VOLTURNO: Okay. Bear with me. I have a few comments.

MR. REED: Okay.

ADVISORY COMMITTEE MEMBER VOLTURNO: But I want to thank you, Ron, for coming out today, and Thank you, Beth, for putting this project together.

But I do have some extensive comments. First and foremost is, you know, Ron had mentioned that, you know, tribe -- and I have mentioned this before, that tribal

participation is just essential in these kinds of projects from the beginning. And when I look on page 3 under the partnerships, I don't even see the tribes listed there. So that's a concern that I have, you know, right to -- and it says these agencies will work with the tribes. But I think that the partnership needs to start with the tribes. Because working with all those agencies and then going to the tribes, if the tribes don't buy in, you've wasted the time of all those agencies, you know.

And so I have some concern with that. I think that the first partner -- and I know that you've done some work with, you know, Governors of both states, and I think that's greatly appreciated. I'm glad that we have the support to move forward. But I just have some concerns in the order that things are going, in that I'm -- I want to see this project set up for success. I think that the foundation of the project is good. I think it is an environmental justice issue. But I'm just a little concerned that if too much effort gets put into this before the tribes have even been contacted, that we may be setting this project up for failure.

And so that's just where my concerns come in right there.

And I think that one of the things that -- I don't know if we're supposed to vote on this project

specifically today, if we need to vote on that today. But some of the follow-up that I would be most comfortable with before we bring this to a vote is to get some input from these tribes. And if Ron is willing to go to the tribes and have some discussions, I think -- you know, I just have concerns moving forward with a project where the five main stakeholders have not bought off on the actual concept of the project.

You know, I think that the idea is good, as I mentioned. But I don't know, are the other tribes going to be in the same role as Karuk as far as wanting this to happen? I mean -- or is this --

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

Actually most of the tribes -- all of the tribes have been contacted. And --

ADVISORY COMMITTEE MEMBER VOLTURNO: And what has their input been?

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

Their input has been -- they're supportive of the project. We just -- I have not personally met with all of them yet. But --

ADVISORY COMMITTEE MEMBER VOLTURNO: And who did you speak with at each tribe?

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

It --

ADVISORY COMMITTEE MEMBER VOLTURNO: I mean was it Chair people, was it environmental departments?

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

Well, Russ Kanz, who's working on the water rights in the FERC relicensing, he has had most of the conversations with folks, because we already knows them. So he told them about the project. And he spoke to their environmental folks as well as I believe some of the Chair people. It depended on the tribe. And he -- and I don't think I have a list of the names here of who specifically he spoke to about --

ADVISORY COMMITTEE MEMBER VOLTURNO: Well, I mean I just -- I just want to basically make sure that we had the buy-in of the tribes. That's just what I'm trying to ensure. Because I don't want to, you know, come up with the projects -- you know, and part of our criteria, you know, is to involve the stakeholders right from the beginning. That was some of the criteria we had come up with yesterday. And so I just want to be sure that we don't come up with a project and develop it before the tribes have been contacted. That's just my concern with this project.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

Right. And as I mentioned when I was in the beginning part of this speech, that I agree with you, and

that the effort has been -- is that the next step is we will send a letter out and invite folks to meet and so that we can -- folks from the tribes to meet and discuss, as Ron said, the bookends of this project, how do we want to proceed and how are we going to develop it further. But they have been contacted.

And, also, on the list on page 3, these are -- what we're describing here are partnerships that already exist. There's a state and federal working group. And that what we want to do is interact with them, along with the tribes as part of this project.

ADVISORY COMMITTEE MEMBER VOLTURNO: I just get a little concerned when I see partnerships and I don't see the tribe's name listed there.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: They are not a part of this group that is being described here, they are not part of that currently.

ADVISORY COMMITTEE MEMBER VOLTURNO: Okay.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: It's one of the many different groups. But this one we are actively involved in, and it is only state agencies -- state and federal agencies.

ADVISORY COMMITTEE MEMBER VOLTURNO: Okay. It just seems --

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: And

they are the ones that are doing the majority of the -- they're doing a lot of the negotiating of the FERC relicensing and those sorts of things. And so what we want to do is try to bring positions and a voice to that group. But we will not be a part of that group.

ADVISORY COMMITTEE MEMBER VOLTURNO: Okay. It just -- I just get concerned again, based on my history with tribal involvement, seeing that, you know, one of the things that you're going to -- that you've mentioned is that they're joined together to tackle this difficult environmental problem.

And so I just want to be sure that, you know, that the tribes are being stakeholders at the table when these things are going on. Because it's been my experience that, you know, when you go to these agencies first and you work all these issues out and then you go to the tribes, sometimes you don't get the buy-in because they feel that they've been cheated. You know, these agencies have all been meeting for months about what's going to happen on their river with their fish. And now that you're coming to the tribe after things have been decided.

So that's my concern just based on past experience. If you want to address that, Ron.

MR. REED: Yeah, I would just like to say that --

you know, I sit on, you know, the Klamath River Intertribal Fish and Water Commission that involves four of these tribes. And I've been speaking informally with these folks.

And the Resighini and the Quartz Valley Tribe is involved in a group that is foreign, but I'm not a part of. But I'm tracking it. It's the Tribal Water Quality Work Group that is dealing with a lot of their issues in the Klamath River Basin. And so I've been talking informally to those folks too. But it's such a big -- you know, my opening comments, such a big -- seems like a big animal that we can't wrap our arms around.

And because the altered diet report is basically what this project is based around -- and I think all the tribes have agreed on that altered diet report. And they feel that we can all agree on those issues are prevalent throughout the tribes in the basin. And so it's kind of like, "Well, Ron, what do you plan on doing" or "what do we plant on doing? It seems so big, what can we do here?" And so that's why I come down here and try to figure out, "Okay, maybe we can get another step closer to the bookends."

You know, what are we talking about here? You know, what are we talking about here? You know, are we talking about taking out the dams? Are we talking about

restoring water quality? No, we're talking about children, we're talking about community-driven processes.

And I feel that the tribe -- you know, the Karuk Tribe is very much into all those issues. And as well as the other tribes, I believe they're doing the same thing. So I'm just trying to get a feeling for, you know, "What are the bookends here?" you know. I mean it comes down to an issue -- I mean I can keep on doing this work here that I'm doing and try to -- you know, I can go meet with these tribes and I can get them together and I can say, "Hey, this is our common ground. This is where we need to step forward."

But it's kind of like, well, where do we get -- you know, are there any resources available, you know? So I guess that's a concern to the tribes too. Because we're strapped. We're sitting here fighting on these fights. You know, we're fighting all these different, you know, things that are going to have significant impacts to the tribes for a long time, 30 to 50 years.

So we're putting a lot of resources to these issues that are right there, right now a concern, right there in front of us that, you know, we have to do something right now. And this is almost like a secondary issue. But it could jump right in front that whole process we're dealing with right now.

So I am being very careful about, you know, approaching the tribes and trying to get this group together and mislead them -- I don't want to mislead them and say, "Hey, we have a holistic management process on the horizon here," and everybody puts their resources together and goes towards that. And it gets right back to the sovereign nation issues, that once you upset somebody, it's pretty hard to get back on that level plain again. And that's -- you know, that's talking from experience.

And so I want to just make sure that -- well, let me back up just a half a step and say that I think that those tribes, those six nations, when I seen that, I thought, okay, pilot project, great. I thought it was with the Karuk Tribe, which would have significant positive impacts with the rest of the tribes. But when I say all those names come on there, I was quite concerned with that just because of the issue -- not because I don't think that we all need to work together on these issues, but it's because of the different political status.

Like I can go into another hour about our political status of issues we're going through today, how we're trying to revive our culture, how to -- you know, to get some of the things that were attached to that unratified treaty. You know, so we gave up 1.4 million square acres of land for basically we've been on

uncompensated.

So we have a very unique issue in the Klamath River Basin. And I think we're the poorest tribe in the basin. But I'm not sure because I don't know about the other -- you know, the significance of the other tribes.

But I guess, you know -- I think that's my comment though. I think you get the feeling that it's a very sensitive issue. And that we are moving forward, but it's informal with this process. Because once you start writing it on your letterhead and you send it to, you know, the councils, then all of sudden it's almost like it becomes almost like law or it becomes a little bit more formal and it's a little bit harder to retract.

So I guess that's where I'm at in this whole situation. And I'm very much -- I'm very ready to contact the other tribes because, matter of factly, I've told the tribes that after this meeting right here -- this is kind of like the pendulum -- you know, right in the middle of the pendulum. You know, which way does it go from here? And so that's where I'm at. And I'm willing to go do that.

And matter of fact, I do have plans. I don't have any dates in my book right now. But when I get home I'm going to -- first of all, I have to go talk to my

tribal council, because I have been speaking to them on this issue informally as well. So I want to make sure that everything is, you know, packed nice and neat so we can present a process that, you know, it can be a win-win situation all around the table.

ADVISORY COMMITTEE MEMBER VOLTURNO: Can I just -- do you want to go ahead and speak before?

ADVISORY COMMITTEE MEMBER LYOU: No, go ahead.

ADVISORY COMMITTEE MEMBER VOLTURNO: Okay. I just want to say thank you to Ron. And that's just -- your concerns are my concerns. And so I want to make sure that this well thought out, that we don't go to the tribes not being ready. And that if it is too big of a project to tackle all at one time, that we maybe would have to narrow that down and to -- or to do something to come up with a process that's not going to have these tribes get involved in something that is uncomfortable for them, that we just go through this process the way it needs to be worked through.

MR. REED: Yeah. And I guess I would just lend to say just real quickly is that there's other processes that we're working on right now that all the tribes are going to be -- you know, kind of come -- that have the available -- you know, it's going to be available to the other tribes also. And so I think that you're very much

right on the point there, is that, you know, we're trying to get everybody's commitment and so we can move forward. And whatever that commitment is, and hopefully it's a commitment that's going to be significant enough to do some of the issues -- you know, work on some of the issues towards recovery of the species that we need.

ADVISORY COMMITTEE MEMBER VOLTURNO: Okay. And then that brings me to my next question, which is developing a public participation work plan. I notice that you're going to allow three months for that. And I'm just wondering if you think that that's going to be enough time based on all the issues that we just discussed.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

Yeah, I think that we can do that within three months.

ADVISORY COMMITTEE MEMBER VOLTURNO: And has any thought been given to -- I know getting health data is difficult. And I'm wondering if there's been any thought given to how to obtain health data, if you've thought about working with Indian Health Services. I don't know if there's clinics in that area that collect data from the children or if there's going to be -- how that's going -- or if you had planned on collecting that from the tribes.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: I'm not certain how we're going to do that. That will be one

of the things that we will discuss as a group, as well -- and look for advice.

MR. REED: Yeah, I would just lend that, you know, the ultra-diet report would be the foundation I believe for the other tribes to kind of start gathering those type of information. And I think Indian Health Service was a contact and, you know, as well as the other, you know, various clinics in the area that -- you know, the various tribal clinics and things like that. And I know the Hoopa reservation has a hospital or, you know, something like -- you know, so I think that data is readily available. And it's a matter of, you know, what type of information you want -- you know, we want to get.

ADVISORY COMMITTEE MEMBER VOLTURNO: And just getting tribal buy-in?

MR. REED: Yeah, I think that -- I think after this right -- after this meeting today, and now I feel kind of a sense or urgency now. We've waited for how long now? And we really haven't moved too much on this because of a lot of different factors. And so now I'm ready to move, I'm ready to, you know, shift gears and start moving and just start -- be ready to come back with something of substance so we can really hang our hat on and we can start moving forward.

ADVISORY COMMITTEE MEMBER VOLTURNO: All right.

Thank you for your time.

MR. REED: Thank you.

CO-CHAIRPERSON ALLEN: We have Joe, then Barbara, then Mike.

Oh, you want to make comments?

Okay. Go ahead.

MR. RIGGAN: Well, I just -- I wanted to add that -- you know, reiterate Ron's -- my name is Ben Riggan. I work for the Karuk Tribe. I'm Community Development Director. I wanted to reiterate that this is potentially a -- somewhat of a -- could initiate a precedent-setting process of collaboration among the tribes. So I think there's a lot of opportunity here to bring the tribes all together on some issues that are really relevant to the Klamath Basin and the dam relicensing right now.

I think when Russ Kanz developed this concept paper he was specifically thinking that we had a unique opportunity to affect the FERC process. But the goals of the pilot are actually a lot broader than that. It's not just a -- it's not identified that it's a dam decommissioning. It's identified that it's restoring the Klamath River fisheries. That's a much -- that's a much bigger horse to try to get on. And that involves a lot more than dam decommissioning. That would only be a part

of it.

So I think one of the things that we're wondering is, you know, how would a strategy develop, both amongst the tribes and getting them on the same page on a sort of a comprehensive strategy to restore fish, but also what could we look towards from the Water Board and Cal EPA in terms of support to forward the issues to this larger working group or to the different entities so that we can have the resources that it's going to take. Like Ron said, the Klamath Act is what's been funding restoration in the Klamath for the last 20 years and with limited effectiveness.

We need a new strategy. It needs to be more comprehensive. It needs all these stakeholders on board. This is potentially the right way to go. And I appreciate the Water Board's I think astute vision in developing this pilot. I think it's right on the money and I think it could affect dam relicensing and it could be a good platform for the tribes and these different agencies to come together.

But it's going to require resources. Restoring fish in the Klamath is no easy task. The more I've worked on it, the more I realize how complex the factors are affecting fish and watershed health. And like Ron said, it's not even just about the water; it's about the forest

management, it's about the up-slope. It ties into issues of, you know, the tribe's ability to manage on federal lands. It gets into legal and sovereignty issues that are very complex. We don't necessarily have the resources to get the kind of lawyers and legal advice that we need to even know where we necessarily stand on those issues.

So it's complex, it's broad, but it's essential. And I think this could be a part of a really, you know, critical process that could move things in the right direction on the Klamath. So I encourage the board here and the Water Board. I think they're on the right track. But it's a lot to work out but worthwhile.

And community-based is always good, you know, getting the public input and making sure that all your bases are covered. But I think this -- we're looking to this as potentially the right thing happening at the right time, that it could really step up in place and recognize some of the failures of the Klamath Act and look towards a legislative package ultimately, I think is what we'd really like to see come in the, you know, not too distant future.

Set up some pilot management projects, which the tribe's already developing, some watershed management pilots to implement cultural management, and also be doing research at the same time to show that, you know, the

tribe really does have a lot of management solutions, and sort of develop a track record in that sense and how we can affect the health of the children, how we can get the salmon back into some of these historic streams that aren't really productive anymore, and then take that ultimately to Congress as a success story and say, "Hey, this is the right way to go."

ADVISORY COMMITTEE MEMBER LYOU: Thank you.

First of all, I want to thank everyone involved in this project for educating me about this issue, because it's one that I had no idea about. I mean the same with the New River. And it's nice to be able to serve on this advisory committee and learn about these important issues in California. And we have a very big state, and I only get to deal with mostly stuff in L.A. County.

And I think, Ron, if I'm hearing you correctly and I'm -- and I understand what you're saying about the potential problems with getting other tribes involved. If I'm -- maybe one of the things that would work is to increase their confidence that they were going to have some control over this process. And Beth led off with the statement that the tribes were going to be the center decision makers in this process because it had to be driven by the tribal interests.

And I think that as long as that message is

communicated clearly and the State Board holds up its end of that deal, then maybe you can do this in a way that, like you said, I mean it brings the tribes together and moves us forward. I would really hope that that would happen. I mean I think if there's an opportunity there, let's hope that you can take advantage of that.

MR. REED: Yeah, if I could respond to that.

I guess, you know -- I want to be very blunt to you, that, you know, I want to say that if I didn't feel very comfortable with this process, I would have through up a red flag long time ago. And I think that what really -- what this Committee needs I think is a kind of a full blown presentation that says, "These are the issues," because like right now I don't feel like I have the time or I'm not prepared to kind of come up and say from A to Z this is the Karuk Tribe.

And this is, okay, the other tribes' involvement. I'm down here still trying to wrap my mind around it, while I'm still trying to wrap my mind around the settlement negotiations in the FERC relicensings and TMDLs and all these different things that are going on that very much affects the tribes.

And I think the TMDLs in particular is going to be a driving force, a driving factor in the way the force is managed. I think, you know -- so, anyway, I appreciate

that. And I think that if we can kind of get more information, because this is very new. I mean a couple years ago when I was talking on this specific issue, I wasn't getting through very many doors, you know.

So I think the more I'm able to get perspective, the more that the tribes are able to give their point of view in the world and how -- we know how to fix the fish because that's our life, that's our tradition. That's what we did for thousands of years. And so we still have that in our blood. We still have that in our minds.

And so I think what we could do is be able to present to this Committee at some point and to be able to say, "Hey, this" -- to give the people around the table a little bit firmer understanding of what we're really talking about. Because this is kind of an issue that I'm very afraid of that if we don't get something going, that the fishery in the Klamath River Basin is very -- is very much at risk right now.

And I'm concerned if there's another lengthy process that comes along and it doesn't do the things that is needed for recovery, that we're going to be sitting here looking in 20 years instead of my children down there when I'm sitting up on the hill above my fishery -- when looking down there -- I'm not going to be sitting down and looking at my children fishing. I'm going to be sitting

down there remembering.

And so I think right now we need to make sure that the future in store -- I mean has something positive in store for the tribes. And I think that this process, there's going to be -- I think there's a lot of enthusiasm informally. But until we go back and get formal, until we can kind of come up with a common ground base -- a platform that we can, you know, cast our stones off from, then I think that's -- and like Beth said, I think we can do that in a short order. It's just a matter of -- now I'm feeling such urgency. So I may really roll up my sleeves on the way home, be thinking about this, and next week I'm going to really dive into this thing.

ADVISORY COMMITTEE MEMBER LYOU: So I assume that we'll probably get an update on the pilot projects generally, but this pilot project in particular at future meetings?

CALEPA DEPUTY SECRETARY PRASAD: Actually I stepped out and had a brief conversation earlier. And she did say that she's willing to make sure that -- she will make sure that all the tribes are properly contacted. And she also wanted to check whether she -- if Lenore can be kept abreast with the issues as they arise, as well as in helping in making the contacts and so on.

ADVISORY COMMITTEE MEMBER LYOU: Great. That's

going to be really helpful.

I just had three brief comments on the description of the project and the document.

There's an acknowledgement on page 3 of the religious issues, but only in passing. And I think you could probably just describe some of the religious implications a little more fully at the top of page 2 when you talked about some of the other tribal concerns.

And then the power plants, these are -- the power facilities are all hydro facilities from the dams -- that are associated with the dams?

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Yes.

ADVISORY COMMITTEE MEMBER LYOU: And they're owned by whom?

MR. REED: Pacific Corps.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Pacific Corps.

ADVISORY COMMITTEE MEMBER LYOU: Pacific Corps. Okay.

Because that's not clear from the description. It kind of left me guessing.

MR. REED: Pacific Corps/Cottage Power.

ADVISORY COMMITTEE MEMBER LYOU: Okay. See, I'm not familiar with that at all. That might just be helpful to identify that.

And then in terms of describing the sort of -- the regulatory or the decision-making processes in the agencies, the TMDL, the Section 401 process, it might help to say, "Look, these are the stages we go through."

And also the FERC process, the relicensing process, I'm not sure -- from reading the description, I'm not sure where you are in that process and where you're going and, you know, what lies ahead. So I just think that that would help for people to identify what needs to be done and what are the opportunities for tribal input at the various stages of those processes.

Thank you.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

Thank you.

CO-CHAIRPERSON ALLEN: Barbara Lee.

ADVISORY COMMITTEE MEMBER LEE: I have a couple of questions and comments for you, Beth. And I want to start off by saying you have my sympathy, because obviously you and Ron and -- was it Ben? I'm sorry, I didn't get your name.

MR. RIGGAN: Yes.

ADVISORY COMMITTEE MEMBER LEE: -- are tackling something of a scope that is far beyond a pilot project really. And it's going to take a commitment of resources and from so many different sectors and organizations and

sovereign governments, that it's mind boggling to think about. And it sounds like you're very enthusiastic about undertaking it. And I wish you success in that journey.

But I am from the perspective of a pilot project concerned about what's scoped out here. Not that the larger project shouldn't be undertaken. It obviously is critical to the tribe that you represent, Ron, and it sounds like to all the tribes in the Klamath River Basin.

But when I look at what's in the document that you've prepared as a pilot project for us to review, I'm concerned about how successful the pilot is going to be, because it's hard for me to pinpoint what exactly the pilot is. You've termed it a pilot project in community capacity building. You've identified objectives for reducing or eliminating fish die-offs, increasing productive habitat, identifying and -- researching and identifying tools to conduct cumulative impact analysis.

And you have deliverables listed that include the establishment of TMDLs, the renewal of power facilities licenses with appropriate environmental conditions, and establishment of appropriate end-stream flow requirements. And then you talk in the narrative about the measure -- or the target being a change in children's health. And that's like saying you have a pilot project to change the world.

And I would encourage you to rethink how you present the pilot aspect of the project. Identify the other projects -- you know, the total project of restoration and improvement in children's health as a context within which there are a number of projects occurring at the same time. I think if you can do that; and then you have as your pilot project in environmental justice, community capacity building and enhancing tribal participation in decision making, the project that you would scope out that we would be looking at would have a much shorter time frame, with much clearer focused measurable deliverables. You would be able to focus your resources on guaranteeing success for enhancing tribal participation and doing the community capacity building with the Yurok Tribe or with more tribes if that's the focus.

But I think that could be a one-or-two year complete, start-to-finish, with success project that would set the tribes up as partners -- full capacity participating partners in the larger projects that are determining the future of the Klamath River Basin.

And I want to be clear. I'm not saying the children's health -- the long-term children's health is not important. It's critical. The restoration of the fishery is critical. The process for pursuing appropriate

relicensing of the power plants, that's critical. All of those things are critical elements in the long-term health of the basin. But I think they go beyond the scope of a pilot project in community capacity building.

And my concern for you is that in not focusing your pilot project plan on something that is a pilot project in scope, you're not going to succeed with that piece. And if you don't succeed with that piece, you're not going to have the same level of success with tribal participation in the long-term future of the Klamath River Basin.

And I'm looking around at my fellow committee members, and it seems like maybe I'm off base. I don't know. I'm seeing some pretty blank looks.

So what I'm recommending you do is -- I would do a more thorough scoping out of the context within which you're doing your pilot project so that we see all of these other pieces that are going on that you're trying to prepare the tribal participation in. But then tell us in detail specifically what you're going to do in the next year or 18 months to bring the tribes to a place where they're effectively participating in that process. Because I think what you were hearing from the commenters is we're not clear how they're going to be effectively participating in that process. And that's actually your

pilot project, according to the title of your document.

MR. REED: Okay. That gives me somewhat of a clearer expectation level. You're right, I feel that -- I mean when you're talking about this, I guess that's kind of where I'm at also. And it helps me -- it's another baby step for me. And basically I need to figure out -- or, no -- I need to have some people figure out for me what all these processes that, you know, you're talking about. What about, you know, kind of like the Forest Act -- you know, the Healthy Forest Act, how is that going to be implemented? The TMDLs, the FERC relicensing?

And so we kind of like have -- their I go, talking with my hands again. But, you know, you start having all these different boxes, you start filling up these boxes, and then all of a sudden these circles start -- you know, you're starting to circle in all these different issues. And so I'm thinking that, while doing this, we can kind of -- significantly kind of crunch our objectives so -- like you say, so we can quantify our efforts. And I think maybe that is something -- I'm not sure. I'm just speaking off the cuff here. So I'm just going to -- you know, I guess I'm thinking out loud here.

And so I guess what I'm thinking is that if I -- think that would help out the process, regardless of whether I agree with you or not, that we need to figure

out all these different processes and how it relates to the tribes, how it relates to federal regulations, state regulations and mandates with law and things like that. So I think that would be very helpful for not only I think this committee, but I think that would help out the tribes also to be able to kind of get a firmer scope. And I think that is one of my -- going to be one of my marching orders when I go back home.

MR. RIGGAN: I think that was on the money. I think really there are so many issues going on and this is such a big beast that really the -- probably the best thing that can happen right now is in the short term, that there's a focus on in these processes the capacity building of the tribes, so that they can play on a level playing field. And that's in regards to particularly right now FERC relicensing, TMDL implementation, implementation of, you know, health forest initiative on forest service lines. There's a few things happening in the "right now" that we do need to have our capacity built up. And I think that is a realistic goal.

We've already have some ideas that, you know, we've kind of put on the table, sent to Beth, that we feel would help us be in a stronger position. But I think -- the other thing that we were really hoping is that working with the Water Board that we could sort of support each

other in moving different issues. And that if our capacity is stronger, we can help move some of the Water Board's issues a little further, and vice versa, that we can really develop some kind of symbiotic relationship that way. And I think building our capacity is right -- in the short term is the way to do that.

ADVISORY COMMITTEE MEMBER LEE: Well, I think that would be the definition of a true partnership. And I think that you -- it sounds like you have the level of commitment from the Water Board and also from your tribe to make that successful. And then I think what happens is when you have the successful partnership and you've done the capacity building, so that the tribes are more effective in their participation in these larger efforts that are all underway right now, you're more likely to see success for the river basin and success for the tribes coming out of it at the other end.

CO-CHAIRPERSON ALLEN: Okay. We have three. We have Mike, Brenda and -- let's see. I have Mike, Brenda, LaDonna and Martha and Penny, who's in for Diane.

Oh, did I miss you? No? Okay.

Okay, we have that. But before that, because I am the Chair, I get to ask one question --

(Laughter.)

CO-CHAIRPERSON ALLEN: -- related to this

conversation.

And we talked about a partnership -- which I agree with you -- a real partnership. But I'd like to ask the Water Board: What about resources for participation and these conversations and work -- meetings and all that? Do you have allocated funding to help support the capacity building that you absolutely need for this partnership? You know, like getting to meetings and just stuff that supports that kind of partnership.

ADVISORY COMMITTEE MEMBER LEE: Or getting them to the tribe for meetings. You know, instead of saying, tribe come to us to meet, let's --

CO-CHAIRPERSON ALLEN: Exactly. So do you have resources allocated for that within this pilot project to do that?

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Yes.

CO-CHAIRPERSON ALLEN: Okay. Adequate resources?

(Laughter.)

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Is there such a thing?

CO-CHAIRPERSON ALLEN: Because I'm hearing two things. I'm hearing -- the two gentlemen are saying, you know, "We need funding, we need this," and now you're saying, "Yes, we have it." So I just -- I'm just --

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: We

have the resources for our participation and to get to meetings and those kinds of things.

Do we have a fund for this? No.

CO-CHAIRPERSON ALLEN: Okay. That answers my question.

ADVISORY COMMITTEE MEMBER DORSEY: Well, I have some comments and some questions. But just to piggyback on that first. You have funding for the Water Board to get to meetings. Is there any barriers for the various tribes in the area to get to meetings? I mean I don't know the distance between the tribes and any issues that they might have if they are to get together. Is there any problem with them getting together funding-wise?

MR. REED: I believe that -- you know, I'm already in a whole host of meetings, you know. And I think that we could piggyback, if you will, on these other meetings, you know, right now. And I think we can -- you know, we can get to where we need to be in a short term about -- you know, kind of get on page, common ground, all those different things, I think we can do that piggybacking on these other meetings, initially.

But at some point when it starts becoming more than just an hour or two meeting, you know, after these other meetings, I think it then becomes an issue where, you know, then the other tribes might, you know, need the

funding, you know, to be able to participate.

ADVISORY COMMITTEE MEMBER DORSEY: Okay. With that in mind I would ask the Water Board to sort of keep that in their mind that they may have to come up with some sort of a funding mechanism in order to facilitate these meetings, if that even means bringing -- paying for the tribes to get there or paying for some time for the tribes.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Yeah, we're cognizant of that. And, you know, when we identify resource needs, at that point then we'll take a look around and see how we can meet those. There shouldn't be any huge obstacles to that.

ADVISORY COMMITTEE MEMBER DORSEY: And the other comments that I have are just more to reinforce what some of the other Committee members have said. And, first of all, again the fact that this pilot project -- to be successful I think you've got to get the tribes on board in the beginning. And they have to be the focus -- the focal partner of this particular project.

I also agree that this project is way too large in scope. And I look at this project as being very parallel to the New River Project. It has the same types of issues. It's in a different part of the state. It's the northern part of the state versus southern part of the

state. But you've got another state that also has impact on the Klamath River -- Oregon -- where the New River Project you have Mexico. You have tribal issues just like in the New River Project. You have a broad array of issues. This has been -- the project's been going on for at least 30 years in that area. It's been the same kind of situation in the New River Project.

So my recommendation would be, as you're trying to refocus the pilot project, take a look at the New River Project. And I think if you take a look at the New River Project, you could draw some deliverables and goals similar to theirs. And you have very similar issues that you need to address. And you could use theirs as sort of a model to reestablish yours.

The other thing is, when you get into children's health, particularly on dietary health and diabetes, I am concerned that if that's one of the -- that ends up being one of the performance measures or one of the goals, that you need to somehow bring in some health agencies. I don't see any health agencies as partnership here at all. And I think it's important to bring in health agencies.

MR. REED: Good point.

CO-CHAIRPERSON ALLEN: Okay. Next we have Brenda.

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: First

I have a question, Madam Chair, as clarification. Are we voting to say whether we endorse the pilot project today the same way we did with the New River?

CO-CHAIRPERSON ALLEN: I would assume that that's the case, yes.

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: Okay. Well, in that case, and if Barbara agrees, I would -- I wholeheartedly agree with what you're saying. I wasn't giving you a blank stare. That was a stare of approval.

(Laughter.)

ADVISORY COMMITTEE MEMBER LYOU: We're still trying to read those.

(Laughter.)

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: And what I would like to do, with your permission, is to make your statement in the form of a motion in terms of clarifying that this is a community capacity building pilot project, and then refocusing the narrative and perhaps bringing it back to the Committee with that renewed focus. Because I feel uncomfortable with it the way it's written now. But I'd feel a lot more comfortable with it if it had that focus, because then it would be truly a pilot project. Because, otherwise, I am with you; I think it's too ambitious and probably doomed to failure. And I'm very skeptical of the timelines that are listed in

the project work plan right now.

ADVISORY COMMITTEE MEMBER VOLTURNO: Brenda, I'd like to second your motion, but I'd like to add something to it. And, that is, that there be some follow-up on being sure that the tribes are being included in this. And I'm happy to be a point of contact for that. But just to be sure that the tribes are getting included, because I also -- what I want to see is your vision, you know, about this being, you know, something that's setting an example, you know, for future projects. And I don't want to see this set up for failure either. And I feel like right now it is. The scope is too broad. So I would like to just add to that motion that there be some follow-up from the Water Board specifically with either myself or someone else on the Board, if necessary, just to be sure that there is some -- that there's tribal involvement that's happening.

CO-CHAIRPERSON ALLEN: And I'd just like to add one additional thing to that -- and she might want to -- is that the Water Board look to find additional funding to support the capacity building for the tribes when it's necessary, so that's one of the things that they do look for.

SWRCB OFFICE OF PUBLIC CHIEF JINES: Okay. There apparently is some confusion. It may be on my part.

The effort here is to address a concern, Lenore, that you brought up originally and is -- and I think is crucial to this, which is that the tribes are involved early on and in the scoping of the project. Now, what I'm hearing from you is that you wanted the tribes involved before the project was approved by this Committee. They have been contacted. There have been presentations at meetings on this project, the scope of it. The write-up was sent out. We did receive some comments back, and they have been incorporated. So tell me -- I'm confused by what we want. I'm hearing two different things. You want the tribes involved prior to the scoping. And then I'm hearing that they should have been involved already.

But the effort was to have them involved in the scoping.

ADVISORY COMMITTEE MEMBER VOLTURNO: I think what we're saying is that the scope of the project is too large at this point to really be a one or two year project. And I don't know -- correct me if I'm wrong, Brenda or Barbara as well -- but I think that the scope of the -- and Ron has said that, I have said that, and other people on this Committee have said that. And I think what we're asking you to do at this point is to just go back and revisit: Okay, what is the total vision for this project and what is going to be the pilot project in this specific

instance?

And I think that if we narrow it down to something that actually can be accomplished, that we're all comfortable, you know, that we all buy in on, that we all understand can be accomplished in one or two years, that, you know -- and I think that there does have to be further discussion with some of the tribes to see that they're going to buy in, because for this Committee to approve the project we just want to know that there's some other tribal buy-in. And I think Ron has kind of offered to move forward with that.

But I think until we have the scope of the project figured out, it's really hard to vote. Because at this point I think it's just overwhelming for everybody. I this there's a clear vision for the future for the next 30 to 50 years. But what we're looking for here on this Committee is something that can be accomplished in one to two years. And I don't know if I said that right, but -- so what we're asking you to do is go back and revisit the vision of the one to two year pilot project within the scope of your total vision and focus on community capacity building.

CO-CHAIRPERSON ALLEN: Okay. We have a motion and a second on the floor. I'm going to have additional discussion on the motion before we go forward.

And I think with that I have next -- Brenda's done -- LaDonna and then Martha and then Penny.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: I think what we've heard here is the difference between Agency and community. It's a perfect example of Barbara explaining from Agency understanding, knowledge and community trying to communicate to Agency what they're trying to say.

The problem here is that we as communities need to stop having to live up to Agency's expectations in that it puts the beast of the burden on our communities to have to be technical. Epidemiologists, biologists -- we've been saying this over and over again. So when we come to the table trying to explain what we need as community, we get fuddled, we get confused. And so the look was not, I don't think, of confusion. It was just that divide there, where we understand where you're coming from. You're telling them the layout. And what he's saying is, "We've got all of these problems. We're trying to start somewhere." Am I right or wrong?

MR. REED: Correct.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: Okay. And we don't know necessarily how to proceed. We just know that we have to get started somewhere.

And I think the other question before I go on, I

wanted to ask you a question. Were the tribes involved in the beginning of the design of the pilot project or was it brought to you as a pilot project? In other words did they come to you and say, "We're meeting with all of you. We need to know what all of the issues are that you have here"? Or was it, "Here is this pilot project we want to present to you"?

MR. REED: Actually, this whole process developed in the FERC relicensing process with all the federally recognized tribes. So I would say very -- I can say that the four federally recognized tribes that are involved in a FERC relicensing in the inter-water -- the Inter-tribal Fish and Water Commission, they're very much aware of it. And the Resighini and the Quartz Valley Tribes is aware of it also by, you know, the tribal water -- the water group that I was talking about.

So it's not something that was thrown upon us and said, "Hey, do you like this" or you don't. It's like all these issues have been coming out, not just in the FERC relicensing but throughout time, you know. And so I think these issues are -- they were all discussed informally. And I believe at one point there was an attempt to get this on the pilot project radar screen and it failed. So by way of the of the altered diet report from the Karuk Tribe, we revisited again, wrote an issue paper,

basically -- you know, it made another run at it. So I would say that.

I would say that, yes, the tribes are very much aware of this, the tribes are very much in support of this. But the only -- again, it goes right back to: What are the bookends here? And I think we're starting to, you know, narrow that down. If I'm comfortable with that or not, that's irregardless. But, you know, I think that the bookends are starting to -- you know, I'm starting to see a little bit more clarity, you know, just from this short discussion today.

And I think that -- you know, I can't really tell you exactly what I'm thinking right now, because I don't know what I'm thinking. But I guess where I'm lending to think is that, you know, there's a lot of processes in this system already and that we can kind of dovetail into those processes and figure out how we can do that capacity building, and dovetail into those processes that are already on a track and they're going -- you know, they're going somewhere.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

And I think that's --

ADVISORY COMMITTEE MEMBER VOLTURNO: So -- Oh, can I just step in here.

I think what you're saying then is that the

issue -- you guys had this issue long before the pilot project, that it was partially your paper that helped bring up this pilot project. So I think they were included from the beginning.

MR. REED: Correct.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: No, I understand that part of it. But what I'm asking is: When they begin to develop these criteria and these objectives and laying it out, were you at the table and saying, "This is what we needed" from X, Y, Z? And I understand where you're going with it too. But I'm talking about from the community input, what involvement you had from that point on. Because it appears to me, and that is what's happening in all of our communities from tribal to, you know, the urban -- the low income housing projects, is when these become projects, they're thrown at us, so to speak. So therefore we're stuck in the position of having to figure out all this technical stuff. And then when it's not presented in a way that Agency can understand, it's considered a failure.

So my problem is is that I don't think we should be labeling it a failure if it can't be completed in one or two years, because these are huge problems that were allowed to develop over the years. So they cannot be measured in that aspect.

The other thing is -- and I'm not saying that Agency is attempting to do that, because I know Barbara gets it. I'm just saying that when we begin to put a time frame on, you know, can you accomplish, you know, this and this and this? And if not, it's a failure. I think it's good to list all of this stuff in here and to take baby steps to try and accomplish them and do as we can. But they need to understand also that community is put in this position that is difficult enough. And then when we have to have an answer for all of these issues, you know, it overwhelms you. And then you're supposed to present it to us in three minutes, which is impossible.

MR. REED: Right. I appreciate that. And, you're right, this has happened over a long period of time. And I don't know. You know, I guess that -- I just lost my train of thought, and I had a -- a had something good to say.

(Laughter.)

CO-CHAIRPERSON ALLEN: Okay. Well, hold that point. We're going to listen to Martha and we're going to listen to Penny. And then we're going to have Barbara restate the recommendations from this Committee to the Water Board and call for the question.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO: Now that I'm thoroughly confused. I don't know if my comments

make sense. But I'm looking at the timeline and I -- having done a lot of data collection around health issues, I don't think you can do it in two quarters. And I think -- I'm looking on the last page. I just think there's a number of elements of the timeline that are going to be really difficult to meet.

And I'm not sure where those comments fit in in the context of everything else, but -- and given that you don't have a lot of resources and that you don't -- haven't been working with Indian Health Service or Rural Health Services and the Department of Health Services, I don't know that it's going to be -- it's not that easy to collect health data, believe me. And so getting it may just take two months, and then compiling it and presenting it may take another. So I think -- I'm only speaking from my own experience on this.

ALTERNATE ADVISORY COMMITTEE MEMBER NEWMAN: I think that fits in really well with -- and I got to say it's nice being at the big table here.

(Laughter.)

ALTERNATE ADVISORY COMMITTEE MEMBER NEWMAN: I think that the confusion is something that's happening with all of the pilot programs. I think we're being very contradictory. You know, the BDOs have been asked to come forward with pilot programs. And then we talk about the

community needs to be the driving force in these pilot programs.

The communities don't even know the pilot programs are going on until the agencies come to them and say, "We have pilot programs." And then we critique the timeline when we haven't developed the local advisory committees to develop what's going to be done. If we're going to do it community driven, then we need to allow that time for them to get together, and not come in with "this is what we're going to do" when all the t's are crossed and everything. But you've got to allow the time for the process to happen. And the process has not happened if we don't approve the idea, the concept, and then allow a process that is community driven and get them to the table. And it's very difficult for a community to say, "Okay, we'll take our time. We will put this off to the side and devote some time to doing this," if we haven't even adopted the pilot program. Because for -- and I totally understand your position.

You have all of these other meetings. Until you know this is official and that the Agency's committing some time and money and resources into it, "why should I put my time into this and it not go anywhere?" And this Committee says, "We don't think you've done enough here" and, you know, "you don't have the correct wording here,

so therefore we're not going to do it yet, we'll wait a few months." Well, there the tribes are again waiting to see, "Is this real or is this another dummy thing that's been thrown in our face?"

I don't see this one as being much different from the New River, which was a very big project proposal. I was reading it more as a planning process. Let's see -- get people together, let's contact them, let's set up a process for us to develop what we need to do to get our arms around it, to set up the bookends. And we'll develop where we need to be or where we can be within two years together, not having the Agency come in and dictate what's going to happen.

I would much rather see a big picture idea like the two we've seen today than what we saw out of ARB, which was they're going to come in and monitor trucks, instead of dealing with the real impacts on the communities. And that's why you had the communities come to you with a bigger vision of what ARB could be doing, and hopefully ARB will do.

So, you know, I think that we're really setting up a process that is very hard for any of us, if you're on the Agency's side trying to get an idea of what they're supposed to be doing; if you're from the community side trying to say, "Well, it's community driven. Why have

they already set up the thing? Well, we can't move forward until the Committee approves what the Agency presents to them."

So, you know, I think we're -- we need to be a little giving on some of this. I think we need to use them as pilot programs and really explore how we can have a process that is community driven that meet those goals that we've outlined from the last few meetings and establish a process where we can come back and revisit them to say, "Okay, where are we at with these?" Are they working from the community's perspective, from the Agency's perspective?

I think the other thing that the comments this morning or this -- is it still morning? -- have emphasized is what funding is really out there for the pilot programs. Are each of the agencies simply trying to pull nickels and dimes here and there in order to make this happen? I know with even the meetings that we've had in Mira Loma on the ARB one, you know, we've been the one who have gotten the facility, put up the insurance for it and whatnot in order the make it happen, and then a lot of the outreach for it.

So for a lot of the communities that's going to be hard to do continually over a long period of time if there isn't some resources really dedicated to this.

And it goes back again I guess to: Where does EJ fit? You know, is there a pot of money?

And it also raises another thing, which is a little off track, and, that is: We saw yesterday where we had the alternates at the table, a lot of them. And if the alternates are not here for each meeting, it's going to be very difficult for them to step in in these discussions without having to retrace their efforts.

And I really would like to encourage us to look into how we could make sure that they're able to travel and that their expenses are covered as well, or else it's not going to be as effective. And I think there's also some confusion when you have luncheon for the members, and the alternates are kind of "Okay, where do I fit in?" So anyway.

CO-CHAIRPERSON ALLEN: Okay. What I'm going to do before I go to Bruce and Barbara -- we did have a card that came in after the Committee discussion from the public. And I want Alisha to come -- Deen -- and give her comment. And then we'll go back to Bruce and -- or Barbara first.

MS. DEEN: Alisha Deen with the Environmental Justice Coalition for Water again.

I think Penny and LaDonna said a lot of the same things that I wanted to say, probably a lot more

eloquently than I can possibly say it. But I just did want to express my organization's support for this concept, for the pilot project. And that the problems and the background of the issue is very real. And I guess the -- I'm seeing a lot of back and forth here. And it would be easy to just walk away from the project and say, "This is too tough to do." And I think the real challenge is this Environmental Justice Subcommittee has to explore alternative ways to make it happen and to solve the problem. Because the problem is real, and you're seeing, you know, the giant gap between Agency protocol and community -- the way that community members need to get things done. So I just wanted to remind everyone of that challenge, and I hope that we can see it through.

CO-CHAIRPERSON ALLEN: Thank you for your comment.

Barbara.

ADVISORY COMMITTEE MEMBER LEE: In light of the more recent comments that have been raised, I want to -- before we move to a motion I think we need to be clear what the motion was and what the intent of the end-product was when I at least made the suggestion to Beth and I think it was the basis for what others in the Committee have suggested.

I want to be really clear that I am not saying

the larger issues in the Klamath River Basin should not be pursued. They should be. They must be. And it appears to me, just as I tried to make a list of the things that I pulled out of your document that are going on, there are many, many activities that are happening that impact the future of the Klamath River Basin that are not all under the purview of the Cal EPA, that your Agency will interact with, that the tribes will interact with. But it looks like it extends to a number of other agencies, to other levels of government, intergovernmental relations. It's very complex.

And I recognize that it's extraordinarily difficult to come into a process when you don't speak the acronyms that the people in the process speak. You know, I live in the world of air regulation, which is replete with all kinds of acronyms that most people have no understanding of. And when we get talking, it's alphabet soup.

And my understanding of where the pilot project, not the larger effort for the Klamath River Basin, but this pilot project identified in environmental justice, is seated is in making it possible for the tribal community to participate effectively in all of these other arenas.

So I -- I understand, you know, you're dilemma, Beth, of all of the different ongoing projects or upcoming

projects or just completed projects, it sounds like, with the 20-year Klamath Act and all of that, trying to provide that context and identify all those different goals that are so important to your agency and will have so much impact on the lives of the tribes. And you did a good job I think of raising the issues.

And our lack of familiarity with them is what's causing us to say we'd like to see more context at some future time. And I think Ron's suggestion of, you know, explaining the larger tribal situation to us is something that at a future meeting I would be very interested in learning about, because it will inform us as we interact with you on this effort.

But I think in terms of what we've been asked as a committee to do, which is to give you feedback on the pilot project aspect of this larger effort that you're involved in with the tribes, my suggestion is that for us you shape more specifically this first step, which is the capacity building and the enhanced public participation for the tribal members. I think that appears to be, at least from the title of your paper, the intent of the pilot project part.

And I think, you know, over time we will -- because you've brought this issue now to our attention, I think this Committee will over time be watching how the

effort to enhance the tribal participation and the capacity building shapes the other projects as they unfold and shapes the success of those projects, which is, speaking I think to the issue Penny raised, of what the community wants. And I think the larger project is in fact getting at what the community wants, which is the restored health of the river and the restored health of the community and the restored culture of the community.

But I think the first step is the enhanced capacity building and public participation that makes all of that possible. And for us, I think it would be helpful if you could spell out how the -- how you're going to be approaching the capacity building and the public participation piece of it, unless I have misunderstood what the pilot part of the project was supposed to be. And I don't know if -- I just saw Adrian nod his head. So perhaps we're inching in the right direction.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: What I'd like to propose is that we go ahead and have the meeting that we're talking about having with the tribes, we jointly work out what we want the scope to be, and then we'll come back and talk to you again in a couple of months or whenever the next meeting is. Because, you know, I don't want to do it, to develop the scope without their input. But we're awaiting for --

ADVISORY COMMITTEE MEMBER LEE: Absolutely.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

-- the blessing of this Committee on the project. And I view -- this is a --

ADVISORY COMMITTEE MEMBER LEE: Well, I was going to say, I don't think we need to see --

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

-- cart and horse thing.

ADVISORY COMMITTEE MEMBER LEE: Yeah.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: So we need to do that. Now, if you want to or feel the need to bless it now before that, you know, that's what I thought this process was. And then let us come back to you and tell you what the group thinks the scope needs to be.

ADVISORY COMMITTEE MEMBER LEE: I think based on the questions and comments you've heard from the Committee, I think you have complete buy-in on the part of the Committee that this is an important effort and this selection was appropriate. And that your effort to bring the tribes in and, you know, create the platform from which, as Ron said, the stones can be thrown to reach the long-term goal, I think that that's excellent. And I don't foresee that this Committee is going to say, "No, you should have picked something else." I think you're

going to get a vote of, "Yes, good selection" from us.

I think in terms of the pilot project, the scope that we -- the part of this that we can give you some help on at the outset, it's this first step that we're asking for some more detail on, understanding that there are all these other important efforts that you have ongoing that are going to get out the community's long-term goals.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Okay. I appreciate that. And I just -- all I'm asking for is the opportunity for us to take that first step with the folks that need to be there. And that would be the tribes.

MR. RIGGAN: I think when it comes time for us to meet, each tribe is going to have a pretty clear idea of the different ingredients that it would take to help them build their capacity to be a part of these processes. I know for us, we have a list. So I think once these meetings come -- and actually we're in a unique situation because you are dealing with nations and governments, that often do have staff biologists and different things. So we're not quite like normal communities. But it's -- the complexity's going to be there since you are looking to partner with six different nations. So this is almost like six different pilot projects in a sense. It will be complex that way. But I think, like I said before, it

might be an opportunity for the tribes to all get on the same boat on some of these issues.

CO-CHAIRPERSON ALLEN: Okay. We're going to have Bruce, LaDonna and Penny, and then we're calling the question.

ADVISORY COMMITTEE MEMBER MAGNANI: The one question I had was for Barbara. Do you have a statement as far as restating what the question --

ADVISORY COMMITTEE MEMBER LEE: I'm prepared to do that and I will do it. But I need to make sure that those of us who are focused on what the Secretary said was supposed to come out of this pilot project effort and what the Committee is supposed to, you know, give feedback on, which is the perspective I've been looking at, that we're not missing important elements from the community perspective and if there is a way to make sure we've captured all of it.

So I'm not -- I am purposefully not stating it as a motion now or restating it for Brenda and Lenore to accept or not accept as their motion, because I want to make sure we've gotten at these other perspectives and incorporated them or addressed them or figured out what the Committee really as a body wants to do before we make a motion that reflects only what a part of the body wants to do.

ADVISORY COMMITTEE MEMBER MAGNANI: And my comments are going to probably relate to the actual motion. So if you can incorporate these, if you find them appropriate, into your motion, so we don't have to amend it and go through that exercise in trying to streamline them a little bit.

I think it is an appropriate project. I think you've selected one again that we all agree. I think there's a lot of good that can come out of this. If the capacity building is indeed successful and there is assistance, it's something that the tribes can even beyond this project take forward and continue in their interactions with other governmental entities in those issues that impact them on a daily basis on all of these important issues, cultural, religious and economic.

The others is that I think the timing is right. You've mentioned the long-term hydro contracts that are going to be put into place.

And so I think all of these things are lining up for something to be done here that's very good.

I would like to reiterate in the motion or in the recommendation the impacts on farmers and that the Department of Agriculture be consulted in this as well so it's -- because there are so many interests and it's such a huge issue -- that they are also brought. And not

necessarily in the capacity building in that regard. That's I think more focused on the tribe. But I think in scoping I think they need to be at the table to help understand those ruthian issues that are going to be taken on here.

And the other -- I believe Michael mentioned some. I mentioned ag. And, Michael, I don't know if you want to take an opportunity on my time to restate the departments that you mentioned that you thought should be included as well that maybe we're deficient.

And that concludes my comment.

Thank you.

ADVISORY COMMITTEE MEMBER DORSEY: I just felt -- and I did notice that you do have Fish & Game and Fish & Wildlife as potential partners. Reiterate those. But also again health agencies need to be involved in this.

CO-CHAIRPERSON ALLEN: Okay. We have LaDonna and Penny.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

This is more of a comment to Cal EPA in that -- and I think we've stated it before, that it would have been a good idea for a health department to be a part of this Committee also.

In addition to the fact that it was brought out yesterday -- and, Barbara, you really helped simplify it,

and Joe, by putting together this comparison chart. This is what happens when Agency ignores the recommendations of the Committee. We worked two years, almost three years on giving recommendations for these pilot projects to say they should be community driven, community at the table helping drive it. And they ignored it.

And so what you're seeing is a lot of effort kind of going backwards in addressing the issue because it was brought to the communities as opposed to them really being community driven, which is different than hearing tidbits of issues that were in the communities. Had they been at the table helping design these projects, I don't think we'd be spending as much time on all of these issues.

CALEPA DEPUTY SECRETARY PRASAD: We have heard it loud and clear on this in the last three meetings and this meeting as well. And our response is the same as before. And I'm not trying to hide the fact or anything. But these were workshopped. We did hear the communities. We have gone four times around the state and have done it to the extent feasible and their social availability.

So to say that we did not receive any kind of a public input is not being completely fair.

And to the extent in terms of including the Department of Health Services, I did go around the table with a few members of the people to include Department of

Health Services in this Committee, and there was a very big difference of opinion. So that I'm still exploring that option. It is not that we do not want to have them at the table. So there was that difference of opinion as to whether they should be part of this Committee or not this Committee or should they be at the Interagency Working Group. So that's being -- kind of still being explored.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Well, let me respond to that. What also isn't fair is the impacts from the lack of effectiveness on the part of the agencies that has caused these burdens on our communities. So let me state that.

Also, I have experience -- extensive experience with DTSC. So I'm speaking for that particular agency, which is under your view -- or control. And that is the fact that they are and have done -- like with the West Oakland Project and this drug project that was being implemented, community was not involved in the very beginning. And it is what it is.

We have reached out to various communities in Oakland. We have reached out to Hayward and Richmond to find out that when this was brought up, it was brought to them. They were not at the table designing it. So, you know, that's the truth.

CO-CHAIRPERSON ALLEN: Okay. Penny.

ALTERNATE ADVISORY COMMITTEE MEMBER NEWMAN: Just a couple quick ones. And, that is, I would hope that the vote from the Committee is to approve and support this pilot program, at least in concept, and that we come back with all of them, because I think all of them have some major problems. I mean the same kind of conflict between what the communities' input has been into this and what are they really going to look like; and the directive that was given to the agencies to come to this Committee with a proposal, and here's the outline of what that proposal should look like.

So, you know, I think that we are -- one of the unique things about the environmental justice policy or recommendations is that it really is exploring new processes, and that we have to kind of give on both sides in trying to figure out how that's going to work.

It doesn't fit into the old models because the old models have not met the needs of the EJ communities. And that's what's resulted in a lot of these problems. And so we're going to have to try and explore a new way of doing this. And that's going to take a little patience, it's going to take stepping out of our comfort zone on both sides, it's going to take communities trying to learn what the obstacles are and the barriers of agencies and

how they work. But it's also going to take the agencies stepping out of what is the usual way of doing things and trying new ways. And it takes for this Committee to be open to allow that to happen.

And I think you've got a number of community people here who are going to let you know when we're overstepping where we should be. Most of us are not too shy about speaking up on that.

(Laughter.)

ALTERNATE ADVISORY COMMITTEE MEMBER NEWMAN: And I also want to say that a lot of the success for the programs relies on individuals who are involved in them. And I can tell you from experience that Beth Jines knows how to do community outreach and involvement. She was trained at Stringfellow.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: By you.

ALTERNATE ADVISORY COMMITTEE MEMBER NEWMAN: So she has been through it the hard way and has really taken those lessons to heart. And we've had a very good working relationship with her in recent years. And very few people can say Stringfellow.

(Laughter.)

ALTERNATE ADVISORY COMMITTEE MEMBER NEWMAN: So I have faith --

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

Thanks.

ALTERNATE ADVISORY COMMITTEE MEMBER NEWMAN:

-- total confidence that she's not going to let me down or she'll hear from me on this.

So I really hope that we move this one out, and that we establish a process where we come back and revisit all of these pilot programs. Maybe each meeting take one and kind of see from the community and the Agency where are we, what is looking at. And I would love to hear from the communities what they view as the problems, so that we all get educated on that. So far we've basically heard from the agencies. And I think it would really be eye opening to have a presentation from the community representatives on that.

CO-CHAIRPERSON ALLEN: I think with that I'm going to -- hopefully Barbara can capture all of our comments made today in a recommendation that we can send to the Agency.

And I think -- Penny, just with regard to a couple of your last comments. We do have on the agenda agenda items for the upcoming meetings, the next meetings. And so maybe as we discuss that, we can think about some of the comments you made about status on what's happening with some of the pilot projects and schedule them for

advanced agenda so that people will have time to get here and prepare for it and that kind of thing.

So I'm just filling space, but --

ADVISORY COMMITTEE MEMBER LEE: Give me two minutes of silence to finish this.

CO-CHAIRPERSON ALLEN: Okay. She's so good at that.

Okay. We're going to have lunch at 12 or thereabout, as soon as we get done with this action. And we're going to ask the alternates to join us for lunch. However, it will not be paid by the state. But please join us for lunch on the -- Training Room 2 East and Training Room 3 West over here. Jeanine's pointing that way. So we'll do that.

And then we will break and then come back at 1 o'clock for the second half of the meeting.

Okay. Is that enough time?

ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: Not totally just to fill space, but as a follow-up to the comments that were just made about agendizing report-backs, if you will, about the pilot projects and obviously about the importance -- this was raised at the last meeting as well -- about the importance of having community perspectives that this Committee hears, so it's not solely from Agency representatives.

To me it sort of begs the question that we've been talking about already in terms of resources. So it seems to me that if we're going to have community perspectives presented, then we need to make sure that there are resources available to get those community people to the meeting.

So I hope that there's a commitment, whether it's either by the specific agencies that are doing the pilot project, Cal EPA as a whole, to make sure that that happens.

CO-CHAIRPERSON ALLEN: I had one discussion -- and this is just -- not a recommendation. But I did have a discussion with staff about perhaps being able to have one of our future meetings at some location that's near a pilot program. That way we go out to the pilot program. We're there. The agencies can get their people there. And then we can work with the local community to have a place and do it that way. And that way we get out and get to see the project.

So, anyway, they're entertaining that suggestion.

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: We're not going to New River, are we?

(Laughter.)

CO-CHAIRPERSON ALLEN: Any more comments from the Committee?

ADVISORY COMMITTEE MEMBER LEE: Okay. I think I got it.

CO-CHAIRPERSON ALLEN: Okay.

ADVISORY COMMITTEE MEMBER LEE: All right. It's a long motion. Bear with me.

Okay. I would make a motion that the Committee find that:

1) The project selection is appropriate.

2) That there be a scoping effort done with the tribes as you have outlined, Beth, to identify the long-term tribal goals for their community; the ongoing processes and projects that are going to affect their ability to realize those long-term goals, like the Water Board's establishment of TMDLs, like the Forest Act, like the agricultural conflict, all of those things; and that the scoping effort also identify the elements -- and this be done with the tribes -- the elements that the tribal members need to have in place in terms of capacity building for the tribes to effectively participate in these projects and processes that are ongoing that are going to affect their long-term goals. And that once you've identified what those elements are, with the tribes you set out near-term timelines to make sure that those capacity building public participation elements are put in place.

Then once you've completed that scoping effort, that you rewrite your summary to describe:

First, the cultural and economic, political, religious and environmental context of the tribal circumstances; 2) their long-term goals; 3) the ongoing projects and processes that are going to affect their long-term goals; 4) the elements that you're going to be putting in place with them to help them effectively participate in all of those projects -- processes and projects, and the timelines that you're going to be putting them in place under.

And that you identify finally in the summary what measure you're going to use to judge the success of the capacity building effort as the other processes and projects move forward, and come back and make adjustments if other things turn out to be important or needed, so that the tribes do in fact have effective participation in the long term in these other forums and their long-term goals are realized.

ADVISORY COMMITTEE MEMBER LYOU: I'll second that motion.

CO-CHAIRPERSON ALLEN: Any discussion?

ADVISORY COMMITTEE MEMBER LEE: Oh, I'm sorry.

And in recognition of Bruce's comment, to also make sure that once you've identified all of these

different processes and projects that are happening, that other governmental agencies or offices or levels of government, stakeholders that are going to affect the outcome of these projects be included somehow in your efforts, so that you have the right people at the table.

CO-CHAIRPERSON ALLEN: Okay. We have a motion and we have a second by Joe.

Any discussion?

ADVISORY COMMITTEE MEMBER MAGNANI: Call the question.

SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: It's too prescriptive and limiting. It won't work, and is -- I think is against the goals and objectives of this Committee.

CO-CHAIRPERSON ALLEN: We have recommendations from the Committee and we have a motion before us as recommendations going back to the Agency. So I'm going to call the question.

All in favor?

(Ayes.)

CO-CHAIRPERSON ALLEN: Any opposed?

(Noes.)

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK:

I have a question. Do I need to withdraw my previous motion before you --

CO-CHAIRPERSON ALLEN: Yeah, because he jumped in. I was just kind of thinking that you were going to second it.

Okay. Help me out, counsel.

CIWMB STAFF COUNSEL BORZELLERI: Yes, withdraw it.

CO-CHAIRPERSON ALLEN: Just withdraw it, yes.

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: Okay. I hereby withdraw my previous motion.

ADVISORY COMMITTEE MEMBER LEE: Lenore needs to agree.

ADVISORY COMMITTEE MEMBER VOLTURNO: I agree.

ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: And can I ask for a clarification?

You had a part that you added about insuring governmental agencies and stakeholders will affect the outcome. Was that including Bruce's comment about --

ADVISORY COMMITTEE MEMBER LEE: Yeah. I just didn't want to start identifying everybody in the motion.

ADVISORY COMMITTEE MEMBER TUCK: Did you include the impact on farmers? I didn't hear that.

ADVISORY COMMITTEE MEMBER LEE: Yes.

CO-CHAIRPERSON ALLEN: Okay. I call the question.

All in favor?

(Ayes.)

CO-CHAIRPERSON ALLEN: Any opposed?

(Noes.)

CO-CHAIRPERSON ALLEN: Anyone abstaining?

So moved.

CO-CHAIRPERSON ALLEN: So we'll be back here at 1 o'clock.

(Thereupon a lunch break was taken.)

AFTERNOON SESSION

CO-CHAIRPERSON TAKVORIAN: Okay. We'd like to reconvene the Committee.

Leonard, did you have handouts that you want to pass around?

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: I'd rather wait till after the presentation.

CO-CHAIRPERSON TAKVORIAN: Okay. Okay. I thought we'd just get it.

Okay. So welcome back to the Committee. And congratulations for a very productive morning.

We're going to start this afternoon with the Midway Village Site Clean-up Summary. And Department of Toxic Substances Control will be providing us with a background of their activity on the site and their current involvement.

And the point -- I should have said this before I start on what you were going to do.

The point of our discussion today, based on a request that we received from an advisory committee member at the last meeting, was for us to look at the viability of Midway Village as a pilot project, as the community has brought that forward.

So that is the focus of this Committee's view -- this Committee's discussion. We want to hear an overview

and a summary of the involvement on the project. But our Committee is not going to be making a determination about what we think about the condition of the site or DTSC's involvement or any of that. We're going to be looking at: Is this appropriate as a pilot project? That's what we had been asked to take a look at.

So DTSC is going to provide us with that overview. And we've asked them to do that within a 10 to 12 minute period. We've then asked a representative from the Midway Village community to present to us within a 10 minute time period. And then we're having, which is not indicated here, but we will have any other public comment, that would be limited to 3 minutes per person, after that. And then Committee discussion on that. Okay?

CALEPA DEPUTY SECRETARY PRASAD: Just a point of clarification.

We at Cal EPA and DTSC are making this presentation at the request of a couple of members basically to give the whole picture of what the Agency has done. And they -- one of the members brought out the issue of why Midway was not selected. But the Committee of course has the freedom to make that kind of a recommendation. But we as Cal EPA did not come here to have that piece of it as a discussion point.

CO-CHAIRPERSON TAKVORIAN: But the Committee -- I

think we're trying to focus the Committee's discussion on that, as that was the reason why it was brought forward.

So the Committee -- we're trying to keep the Committee out of being in a arbiter kind of position as to the total condition of the site and the activity on it. And I know this is difficult because we know that there's a lot of arms and legs to this issue.

So we are trying to focus, and hopefully we've done that, clarified instead of confused.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Actually I'm confused. So if we could repeat it again, because I really am confused.

CO-CHAIRPERSON TAKVORIAN: Okay.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: I mean in his position, because he's --

CALEPA DEPUTY SECRETARY PRASAD: Dr. Wallerstein asked that can we have a presentation on Midway Village as to what DTSC has done, because that issue has been brought over for a couple -- quite a few number of times in front of this Committee.

So to give that complete picture of what has been done is what the presentation is focused on. The presentation is not focused on why Midway Village was not chosen -- was not chosen as the pilot project.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

But it still won't stop us from asking those questions?

(Laughter.)

CO-CHAIRPERSON TAKVORIAN: No.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: Right. Okay.

(Laughter.)

CO-CHAIRPERSON TAKVORIAN: And it will not -- and that's what we're saying the focus of the Committee is. Is that we're not trying to get to a Committee decision about what we think about DTSC's involvement on the site. It doesn't mean we can't discuss that. But we're not going to try to make a decision today about what we think has been done, right or wrong, and what should be done in the future on the site. And we obviously would need to dedicate a lot longer than this amount of time to do that.

So that's what I was trying to clarify.

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: Are we ready?

CO-CHAIRPERSON TAKVORIAN: I think we're ready. I think everyone's clear.

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: I think this is the moment everybody's been waiting for. And just want to clarify that we're simply going to talk about our activities at Midway Village and Bayshore Park at the

request of the Committee, specifically Barry, who's not here. So we're going to take it to his office and give him his own presentation.

(Laughter.)

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: But, you know, I see it as a good thing, because DTSC had been silent or it just hadn't communicated that. And, as you know, communication is a big key.

So we're going to talk about the Midway Village/Bayshore Park. I would ask that any questions wait till after the presentation, because we're on a very -- you know, we're told we're on a very strict timeline. And to get this across I brought over my Division Chief, Karen Trgovcich. She can explain it more eloquently than I can. We're going to talk about what we did at Midway, the cleanup and the resources, and a kind of a step by step. And, again, questions -- we'll take questions afterwards.

Karen.

(Thereupon an overhead presentation was Presented as follows.)

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: If you all don't mind -- when I sit I tend to start moving in my seat. So I'd prefer to stand if that's okay.

All right. As Leonard said, I'm Karen Trgovcich. I'm with the Statewide Cleanup Operations Division. We handle all of our enforcement lead, state superfund, federal superfund and voluntarily cleanups within the state under the auspices of the Department of Toxic Substances Control.

To move to the next slide please.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: I just -- you know, I probably shouldn't have even put this picture up, because I wasn't thinking the screen was going to be so far away. But I just wanted to try to find a way to orient you. If you've seen any of the reports on Midway, this map kind of occurs over and over and over again. And I don't have a pointer, so -- but the point is is that San Francisco's to the north, Brisbane's to the south, and the Cow Palace is just a little bit to the west there. So I apologize for this. I would have put a different map up.

Midway Village itself is -- the site as we describe it, Midway Village/Bayshore Park, it consists of Midway Village, the adjacent Bayshore Park and the Bayshore Park Child Care Center. And just for point of reference, the Midway Village complex itself consists of approximately 35 apartment buildings, with 150 individual

units and approximately 850 residents plus an on-site office.

Next slide.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: I thought I would give you a little bit of information on the historic activities at the site, because it's really why it became a site. This site was developed in 1905 as a manufactured gas plant operation. It was operated by the San Mateo Power Company originally. And it went through a series of successions where it then become a part of PG&E. And the plant itself was operated from 1905 to 1916. So the contamination that we're talking about occurred during that time frame.

The U.S. Government, the military, through an act of, I think it was eminent domain, took possession of the property in 1944. And they took possession of this property, the area that was considered to be Bayshore Park, the adjacent PG&E parcels as well through a lease. And what they did was through the Housing and Urban Development group within the federal government they developed federal housing -- Navy housing.

And the site itself sits -- or some of the site is within a drainage basin, the San Francisco Drainage Basin. And so what the U.S. Government did in order to

put housing there was they took 20,000 cubic yards of soil from the manufactured gas plant location and they just moved it down. They graded the site in order to be able to put the housing for the Navy on top of it.

So the contamination was then spread that was associated with that site.

And there were about 20 acres, is my understanding, that the soil was moved to in order to be able to put this housing together.

Next slide please.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: In 1955 the San Mateo Housing Authority then acquired most of this property. And they began operating the facility or the location as a public housing project.

A small portion of the site was transferred to the Bayshore Elementary School District in September of 1955. And that area is currently occupied by the Bayshore Child Care Center and the Boys and Girls Club.

The property that was originally PG&E's was then transferred back to PG&E.

And then in 1977 the city of Daly City acquired title to Bayshore Park, and the San Mateo Housing Authority constructed the park facilities themselves.

So that gives you a bit of a backdrop.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: This next slide provides you with some very historic activity. We don't have a lot of information on it. Our predecessor agency, the Department of Health Services, was involved at the time. But PG&E itself was doing some construction at their yard, the Martin Service Center, and they encountered this black tarry substance, which is what we traditionally associate with manufactured gas plants.

And that black tarry substance was then sampled. It was determined to have PAHs. And there was -- according to our records about a hundred cubic yards of soil was then excavated for disposal. And then the rest of that site was paved.

And so during this period, this 1980 to '89 period, the predecessor agency to Toxics worked with U.S. EPA to investigate numerous other dumping complaints. There was a remedial investigation conducted. And that remedial investigation found in 1989 that there was contamination at the property line with Midway Village. And the Department of Health Services was notified of those results in March of 1990.

Next slide.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: I just put this up very briefly. The investigations also included allegations that PCBs were dumped at the site. My understanding is that EPA investigated these allegations and determined that there were no PCBs detected in the samples taken on site.

Next slide.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: This gets into the actual activity that the Department began to be involved in.

So as a result of that notification in March to the Department of Health Services, those results of the contamination at the property line, there was a meeting held then in June with PG&E, San Mateo Housing Authority, San Mateo County Board of Supervisors, San Mateo County Department of Environmental Health to discuss the results and figure out how to move forward with it.

As that was happening in July of 1990, the San Mateo Housing Authority initiated on its own an excavation and trenching project in order to address the drainage issues that apparently occurred rather frequently at this location. And so the Department of Health Services stepped in -- once it was determined that those excavated soils contained PAHs, they stepped in and issued a stop

work order to San Mateo Housing Authority.

And so that was put on hold. There was a letter that said, "You've got to cover the trenches, the soil piles. You need to submit a plan for management of those stock piles that you've now established on site. And you need to do this by employing dust control practices, and to be able to limit or eliminate any potential exposure pathways."

There was a fact sheet issued in September of 1990 that covered both Midway Village and the adjacent Bayshore Park to the area. And then a subsequent public meeting was held on September 19th. That's the first public meeting that we are aware of in our files, on September 19th of 1990.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: So there was then discussion about: What is that initial removal action going to be? How are we going to address the situation of the contamination that's now been exposed as a result of this excavation and trenching activity that the San Mateo County Housing Authority undertook?

And so there was a public meeting on November 27th that was held to discuss proposed interim actions, and a work notice was issued. And so what you have on the

screen are the activities that were undertaken as an interim action. That is not a final remedial action. This is what was done in the interim to be able to eliminate the exposure to the residents in that housing complex.

There was air monitoring that was conducted during the activities. And the air monitoring covered both PAHs and total dust.

In November of 1991 then -- so that's almost a year after -- or sometime after this action occurred -- I'm not sure of the exact time frame -- there was then a public meeting that was held. Residents called a meeting, and DTSC attended that meeting in November of '91.

Next slide.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: Beginning in the -- towards the end of 1991 DTSC began issuing its orders to responsible parties, now that the interim action had been undertaken, for the responsible parties to step forward, conduct a remedial investigation and determine what action needs to be taken at the site.

What you see on the screen is a subset of the series of orders and amendments to orders that were issued during that time frame.

In addition, in order to access state funding -- so maybe just to digress for a quick minute. The state has a very limited source of funding available for what we call orphan sites. They are not different from our enforcement lead sites other than that there is no responsible party that has either stepped forward to take responsibility and take action at that site or there is no viable responsible party. And in this case, we certainly had a viable responsible party, the U.S. Government. But they did not at that point step forward. So we issued a determination of noncompliance, which is a necessary step for us to be able to access those state funds.

So a series of activities associated with those orders happened. And we had fact sheets issued in September of '92 announcing upcoming remedial investigation work that was being undertaken. We sent letters out to about 40 residents in April of '93 that described the results and announcing an upcoming public meeting that was going to be held. We had a public meeting on April 20th of 1993 then as well to discuss the sample results associated with that remedial investigation.

And then in July of '93 we distributed a fact sheet that announced the public comment period for the draft remedial action plan.

So to step back a minute for those of you not familiar with DTSC's process. Once we investigate a site, then what we do is develop a plan of how to approach what we found during the course of that investigation. And we call that plan either a remedial action plan or a remedial action work plan -- removal action work plan, depending upon the scope of the project.

Next slide please.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: So we announced the availability of that remedial action plan for the Midway site. And then in 1993 the activities associated with that remedial action plan actually were underway.

And I'd like to point out that there was a contribution made by the federal government relative to the 1993 remedial action plan. Congressman Tom Lantos actually facilitated, among with others, a $1.8 million grant from HUD that went to pay for the implementation of the RAP at this site. It certainly did not represent the federal government's total liability at this site, but it was a start.

And so the actions that were taken are up on your screen. I can go into detail. But I think what I'll do is continue moving. But the objective of these actions

was to remove the potential exposure to the contaminants that could affect human health and the environment.

So what we were doing was we were through this remedial action plan creating a situation where there was no exposure that would occur, either through soils or through other mechanisms, as a result of this contamination.

And as a part of this action, the San Mateo County Housing Authority was required as well to provide written notification to the residents regarding remaining contamination that existed at the site.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: The next slide in here, I just wanted to briefly describe, there was a period of time where the federal government became heavily involved. As a result of a letter by a resident to the President of the United States, U.S. EPA became involved in this site. So it tells you your letters really, really do get read and they do count. And U.S. EPA came in and they evaluated in a cursory fashion -- I don't think they'd say that they did a complete analysis -- but they evaluated the work that the Department had done. And in 1997 they issued a letter that basically said the work that was done was appropriate for the situation and removed potential exposures.

So, remember, what we're focusing on here is that -- eliminating those pathways for exposures.

And then ATSDR, which is the Agency for Toxic Substances Disease Registry, also became involved in that point in time. And they provide health consultations to communities. And it's my understanding anyone can request health consultations. For those of you that live in the Sacramento area, you know that ATSDR just did a series of consultations on the natural occurring asbestos issue up here in the foothills. And so it's my understanding that anyone can request that.

And so there were several meetings that were then held with ATSDR. And it's my understanding that there were three meetings that were held. And as a result of that, ATSDR began to come out with a series of what they call health consultations. And so in April of 1999 the first health consultation said that additional samples may be warranted, but that the actions that were taken were protective.

So, what they were saying is there may be the need to be able to -- for you to go out and provide additional sampling. "But based on the information that exists, we believe that that's protective."

And then they issued a second health consultation in June of '99. And I personally am not very familiar

with the basis or purpose of this consultation. It related to some DNA data that was submitted. And the consultation that they issued concluded that that data was inadequate to assess PAH exposure to the residents in that area.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: In the next slide we begin to talk about then the Bayshore Park removal. We've been talking about Midway up to this point, Midway Village. Adjacent to Midway Village is Bayshore Park.

So there was a RAW that was actually approved for the Bayshore Park area in 1998. As a part of that process telephone interviews were conducted to update the public participation plan, a fact sheet was distributed on April 20th of 1998 regarding the availability of the draft removal action work plan for the park and the draft remedial action plan for the Martin Service Censer site next door.

And then there were public meetings in July of 1998. There were two informal and one formal meeting with the community. And those meetings did result in changes to the RAW for that site. And those changes affected site access provisions, monitoring provisions, and community notification provisions. There was a deed restriction

that was then recorded for the capped areas for the park in September of 1998.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: In the next slide, this is a continuation of that Bayshore Park implementation. There was a public meeting held in August of '99 to discuss the sampling plan and schedule. So this is the actual implementation of the RAW at the park.

In preparation for this, our public participation specialists were in the community meeting with residents on three separate occasions in August of 1999 to talk about temporary relocation; that it's my understanding that PG&E actually paid for both per diem as well as hotel costs. A review of the files shows that one family did request to be relocated off-site to a hotel during the Bayshore Park action.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: In the next slide -- the next slide describes then subsequent confirmation sampling that the Department undertook. There were a series of concerns that were raised regarding the Department's actions at the site. There were requests for information, requests for follow-up. There was a UC peer review that was done. And

as a result, the Department prepared a confirmation sampling plan in order to address any additional sampling that may be warranted at the site.

That sampling plan was made available to the community for review and comment. There was a fact sheet that was issued in March of 2000 regarding that sampling plan. And then in June the work notice to start work for that sampling activity began.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: The next slide briefly describes that 2000-2001 sampling that was actually done. We sampled over 150 locations.

And the distinction here is that what we were doing at this point in time was looking -- using a different screening level for PAHs at the site.

The cleanup level that was established for the first cleanup at Midway Village was established at 10 parts per million. But that is a sum -- I don't want to get too technical here -- but it's a sum of cancer causing and noncancer causing analytes of PAHs. There, my understand, is about 30 different things that make up PAHs. Some are cancer causing, some are not.

So the level set in '93 was the sum total. What we're looking at here is only for the cancer-causing

analytes of the PAHs.

So we then collected samples. We collected samples at both Midway Village as well as Bayshore Park in response to some of the comments received from the UC peer review that was conducted.

And there were some -- a few areas where we did find contamination in Midway Village that did exceed the 10-part-per-million cleanup level established in 1993. My understanding from a quick look at the sample results is that about 10 of the samples out of the 150 exceeded -- and I'm not saying that's an absolute. I just did a quick review of the results. There was an 11, there was a 13. I think the highest one was 22 or 26. And these were, my understanding is, at the outlying edges of the areas that were excavated.

And, remember, this is not a homogeneous contamination that exists at this site. So you may hit something here. But like at many of our sites, you can go three or four feet away and you may not find anything.

But we did find -- we did get hits that were above that 10 ppm. And we also were then as well looking at our new screening level.

And so based upon these sample results, then we convened a public meeting. We issued a fact sheet in February of 2001 and then convened a public meeting to

discuss those sampling results. And over 40 people did attend that public meeting.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: In the next slide we talked about then -- we're moving now from the sample results. So we got the results. What did we do? We then developed or took steps to move into a subsequent removal action. I think -- go back to the last slide please.

The subsequent removal action, in order to get there from here we had to amend our orders because we're setting a new cleanup level now. So we did an -- what's called an Explanation of Significant Difference for both the Midway Village as well as the Bayshore Park sites.

And we established that new cleanup level. We established some other criteria in what we call an ESD, Explanation of Significant Difference. And in June of 2001, we held -- we issued a fact sheet on the changes that we were proposing to make to those original remedy selection documents. And on June 13th we held a public meeting to receive comments on those proposed changes to the remedy selection documents for both of those locations.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF

TRGOVCICH: So in our next slide, this is now the amended RAP and the amended RAW. So the changes you'll see for Midway Village, what we did was we increased the soil cap in areas where contamination was found at depth, certainly not in all areas, but where contamination was found at depth. And the remedial goal, as you see, was updated to reflect the more current methodology of looking at only those carcinogenic analytes.

And I'd like to point out that the .62 was the screening level which we saw in the prior slide. The .9 was the ceiling that was established in these amended documents. And the point I'd just like to make is that as a ceiling, what that means is that in all likelihood most of your -- many of your sample results are going to come in much lower than that number. And I do have the confirmation sample results that were taken; and, in fact, for almost all of the locations the results came in far below .9 number, because that .9 number is that upper -- 95 percent upper tolerance.

--o0o--

CO-CHAIRPERSON TAKVORIAN: Karen, I'm sorry. But we need to -- you're like well over.

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: I apologize.

CO-CHAIRPERSON TAKVORIAN: You're twice as many

minutes. So if could wrap up in the next couple minutes.

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: I will do that. I will certainly do that.

Why don't we just skip through the next slide. It's just a map. Which if anyone wants to look at later, we can do that.

The work began. That was the RAP/RAW changes that we saw in the last slide. We set up a hot line for the residents. We also issued a work notice. Temporary relocation was offered to the residents. And approximately 10 to 12 households took advantage of that temporary relocation.

We also offered to commercially clean approximately 55 units. And about 22 of those the residents came forward and requested that commercial cleaning to occur.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: On the next slide, which is our second to last slide, this just describes then subsequent indoor and outdoor air monitoring that was done in 2002 at the request of the community. We looked at the vacant apartments, nearby schools, and the Midway Village Housing Office. The reason we looked at the vacant units is because PAHs are not just unique to manufactured gas plant

locations. They are something that are found everywhere in our environment. They are found as a result of smoking. If you go into a house and sample a house where you have smokers present, you will find levels of PAHs that far exceed the levels that we found as a result of this sampling event that we did.

And what I'm going to do, instead of talking about it, is pass around a fact sheet that describes the sampling results from that June 2002 event.

--o0o--

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: And then moving into the next slide, which is the final slide, the ongoing activities at the site. We did not -- at any of our sites with deed restrictions we always have an ongoing obligation. And at this site we have an operation and maintenance agreement. That operation and maintenance agreement calls for inspections of the concreted areas for cracks, anything that shows a faulty area, every six months and the repair of it. We conduct annual inspections for all of our deed restricted sites. The most recent one was actually conducted last month. That was its scheduled time frame. And that report will be completed in the next few weeks.

And we do five-year reviews. And the last five-year review for this site was completed in June,

2002. And the next five-year review is scheduled for 2007, to be completed at that point.

I apologize for going over. But I would be happy as well to answer any questions.

CO-CHAIRPERSON TAKVORIAN: I just want to make sure there's enough time.

So, Committee members, questions for Karen?

Thank you very much. A very comprehensive presentation.

ADVISORY COMMITTEE MEMBER LYOU: I have one quick question.

Did you say deed restriction?

What does the deed restriction -- what does it eliminate, since you have residents there?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: The deed restriction is limiting any activity that may affect the capped areas or the areas where there's clean fill that's been brought in.

CO-CHAIRPERSON TAKVORIAN: Are there questions?

ADVISORY COMMITTEE MEMBER LEE: I have two questions.

You talked about the soil contamination being nonhomogeneous. Do you have a special methodology for sampling nonhomogeneous soils?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF

TRGOVCICH: There's certainly methodologies when you're going out and conducting an investigation for sampling in general. Nonhomogeneous soils -- I am not familiar with the specific methodology because it's very hit or miss. It's the problem -- and since I was not involved directly with Midway Village, I cannot speak to the actual sampling plan there. But if you'd look just up the hill in the foothills related to the natural occurring asbestos issue, it's very difficult, if not impossible, to construct a sampling plan that will account for pockets that you may find. So it's a very difficult undertaking to do. But that's why this confirmation sampling was conducted.

ADVISORY COMMITTEE MEMBER LEE: Okay. My other question was: What is a final notice of noncompliance and what -- what does it cause to happen or what is it's force?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: The purpose of a final notice of noncompliance is for this department or any agency to be able to proceed with legal action. In our case, we proceeded with respect to cost recovery as a result of that notice and other actions. But what was especially important was to be able to use state funds for an orphaned site. We cannot use those funds unless an order is issued or -- and what we call an imminent and substantial endangerment

determination is issued. So we need that mechanism to be able to access those limited state dollars. It's basically saying that party has said they're not willing to pay or they can't pay, so it gives us the go-ahead.

ADVISORY COMMITTEE MEMBER LEE: And is the party then off the hook or is there some other --

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: Absolutely not.

ADVISORY COMMITTEE MEMBER LEE: -- process that follows up with that?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: Absolutely not. They're not off the hook. We pursue those parties through available legal mechanisms. The DTSC attorneys pursue through the Attorney General's office. And those activities are ongoing.

CO-CHAIRPERSON TAKVORIAN: And can you say what the total cost was?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: I don't have a complete total. What I can tell you is that the state -- DTSC spent approximately 5.2 to 5.7 million between the 1993 action and the 2001 action and the intervening sampling events. It's also my understanding that we have the $1.8 million HUD grant. The PG&E -- it's my understanding that PG&E contributed approximately 3 to $500,000. And there were also

contributions made as partial contributions by I believe the city of Daly City and other parties.

CO-CHAIRPERSON TAKVORIAN: Okay. Thank you.

Barbara, no other questions?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: Oh, excuse me.

CO-CHAIRPERSON TAKVORIAN: I'm sorry.

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: And the federal government did make a partial payment of $500,000 as well. So you need to add all those costs together.

CO-CHAIRPERSON TAKVORIAN: Barbara, any other question?

ADVISORY COMMITTEE MEMBER LEE: Yeah. I'm sorry. I forgot. I had two other questions.

One, the air sampling, did you do it yourselves? Did the Air Resources Board do it? Did you involve the Bay Area Air Quality Management District?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: We conducted the air sampling through our contractors. But we worked with the Air Resources Board on the development of the work plans, the sampling plans themselves. And then we worked with them after to compare those results to both the 1989 as well as the 1993 indoor air studies that the Air Board had published on ambient

levels of PAHs. And all of those results fell well below the ambient levels documented in the '93 and '89 reports.

ADVISORY COMMITTEE MEMBER LEE: Okay. And my other question was -- you said in the history discussion for the site that in 1944 the site was acquired by the Navy for housing purposes. Was there in fact Navy housing on the site? And for what length of time did people occupy that housing?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: The Navy housing, it's my understanding -- and I wasn't even around at that time -- was constructed in 1944. And it was turned over to San Mateo County in 1955. What I do not know is if that housing was occupied during that entire 11-year duration or not. But we can certainly get back to you with that.

ADVISORY COMMITTEE MEMBER LEE: It would seem potentially useful to look at whether or not it was occupied and whether or not the people who occupied that housing experienced any effects from contamination.

CO-CHAIRPERSON TAKVORIAN: Mike.

ADVISORY COMMITTEE MEMBER DORSEY: Karen, perhaps I missed it. But what was there any industrial hygiene type sampling done within the residences and what were the results of those samples?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF

TRGOVCICH: I cannot answer you with respect to actual sampling that was done. I do know that we had an industrial hygienist on the site for the entire duration of the 2001 implementation of the RAP and RAW -- or amended RAP and RAW.

I cannot speak to IH sampling that was done. We can get back to you with that.

We did do monitoring. We monitored for dust on -- and I believe -- I can't tell you the frequency of that. But we did a 24-hour monitoring for PAHs as well.

CO-CHAIRPERSON TAKVORIAN: Joe.

ADVISORY COMMITTEE MEMBER LYOU: Were there other contaminants of concern other than PAHs?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: Not to my knowledge, no. But I would need to get back to you on that. There's a number of -- well, a number of things associated with PAHs. I know cyanide was an issue because it's associated with manufactured gas plant sites as well. But other than those, I'm sure there were others listed, but this was the driver at the site.

ADVISORY COMMITTEE MEMBER LYOU: For the education of other people in the room who don't know what PAH is, can you explain to them what PAHs are and the relative toxicity to other chemicals that your agency deals with?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: They're Polycyclic aromatic hydrocarbons.

ADVISORY COMMITTEE MEMBER LYOU: Also referred to as --

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: -- PNAs.

ADVISORY COMMITTEE MEMBER LYOU: -- polycyclic nuclear hydrocarbons.

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: Right. PNA was the older terminology that was used. And everything is now referred to as PAHs.

I am not a toxicologist, Joe. So perhaps you could provide the comparison results in terms of --

ADVISORY COMMITTEE MEMBER LYOU: Just generally speaking, they're really nasty chemicals.

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: Yeah, it's -- it contains things such as -- naphthalene is one of the analytes there.

I will point out that in the indoor air sampling that we did in 2002 the naphthalene results were very well below the 1993 and '89 CARB ambient air monitoring results for the state.

ADVISORY COMMITTEE MEMBER LYOU: I mean just generally speaking, they tend to be measured in orders of magnitude more stringent standards than other -- the usual

chemicals that we run across at cleanup sites?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: I'm not certain of that.

ADVISORY COMMITTEE MEMBER LYOU: Parts per trillion instead of parts per billion or parts per million?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: These are measured as parts per billion. The cleanup levels and the --

ADVISORY COMMITTEE MEMBER LYOU: Point nine is actually 900 parts per trillion.

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: Okay. We can certainly call it that.

CO-CHAIRPERSON TAKVORIAN: So, Joe, you weren't here yesterday when we talked about public participation, but I know you're familiar with this concept. And I just suggest that Joe is demonstrating good plain language discussions, so we can take some lessons from that.

So we'll have you write the next fact sheet.

(Laughter.)

CO-CHAIRPERSON TAKVORIAN: That would be good.

All right. Any other questions from the Committee?

Okay, great. Thank you very much.

We're going to ask that the Midway Village

representative, who I believe -- LaDonna, are you making the presentation?

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: Yes.

CO-CHAIRPERSON TAKVORIAN: Okay. We can ask you -- wherever you feel more comfortable.

Thanks.

And you guys are sticking around?

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: Oh, yeah. We're going to hang around.

(Laughter.)

(Thereupon an overhead presentation was Presented as follows.)

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: What I passed around to you was a map of what Midway Village actually looks like. That map that DTSC showed you, they've got thousands of maps in their office, and they picked a map that none of us have been able to identify with the thousands and thousands of documents that we've gotten from DTSC.

So it leads us to believe that they didn't want you to have a clear picture. So I had to dig through mine to try and give you a clear picture of what it looked like.

So if you take the long sheet and you have that

in front of you; and then the shorter sheet, you kind of measure it sideways where Geneva Avenue points -- what is it, south, north? -- it kind of gives you more of a square picture of what Midway Village looks like.

Also -- and this is what happens when you don't get funding and support and you have to use your own money to put together this stuff. It's pretty hard go up against Agency, but we're going to try to work this out.

So we have up here -- I forgot my notes. Hold on, because I wanted to answer them.

We have up here a presentation of what the issues are at Midway. And we have just a couple of still pictures. But I also wanted to run a short video so that you get a visual of what Midway looks like.

So should we do the presentation first or maybe the video, so that they can kind of get a -- whichever way?

Okay. Why don't we run the video first.

(Thereupon a video was played.)

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: And this is going to give you a picture of what -- this starting right here is PG&E. This is the site. And this is on Geneva Avenue. And then we're going to like cut pieces and kind of take you into Midway Village.

Even though that was a school bus, it's still

PG&E.

Now, right there, you see the buildings. That's Geneva Avenue and Schwerin, which is the street that you go down to get to Midway Village. There's a building right there. That is -- I think it's a lighting company now. It used to be auto.

And those little square buildings you see on the right side is actually the school. That's Bayshore School right there.

And this map -- when you see Schwerin, that's going towards the unit.

Now, that's the school on the right-hand side. Where the light is, that's Pacific Gas & Electric Company. And it's an elementary school.

There are the kids playing during service hours, business hours, whatever, and school time.

And bear with us. This is amateur videoing.

Still the school on the right side. PG&E is right across the street, about ten steps away from the school.

And this is Midway Village entering into -- off of Midway Drive. We tried to pull up Cypress Lane so that you could see it on the other end. But we had to cut and piece.

Midway drive leads you -- you can actually access

it from Cypress Lane or Midway Drive.

What you're looking at now is the child care center and the basketball courts. And there are the units that DTSC spoke about surrounding the site.

That's Bayshore Park. And as you can see, PG&E is still surrounding. So Midway sits in the middle of PG&E. To the right side of you, which is not in your view, is the Housing Authority office, the other child care site, and an annex of the school.

And that's the park that all the kids use for recreation. That's part of the buildings which leads to Cypress Lane. And those are the areas they were considering the highest hot spots. Although it's hot spots all over Midway.

Was that the end of it?

MS. DUMISANI: Yes.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: So

So that I don't know at this point if I should just run the presentation, because I'm sick of presentations, or if I should just pretty much answer some of the issues that DTSC raised.

First of all, if you can recall, they mention that there were various cleanups done. And if you look at their presentation, they had a lot of supposed activities going on between 1990 and 2002.

The first thing we wanted to note was in 1990 when they mention the work that they started, if you notice, they mentioned all of the meetings between the agencies. Those meetings did not include the residents. They had not informed the residents of what was out there even though they knew. They did not share this information with them.

The information began to come out when the men in bubble suits appeared in Midway between '90 and '91. That's when the residents started asking questions. I actually had moved away, still had people that lived there. My relative here, she was the one that was alerted by someone that still lived at Midway and said, "Hey, these men looking like space people appeared in the community. What's going on?" And the lady was sick. She had that look on her like, you know, she had cancer.

And so at that point my mom was diagnosed with cancer. And I thought maybe this is a connection. Went back to the community, tried to find out what happened. At that point nobody knew. And I just started digging. I instinctively went to the library. Now, prior to this I knew nothing about it. So we went to the library. There was no information at that time there. It was located in the Brisbane, more knowledgeable community that was three miles away.

That building -- I think they tore it down. But next to it was also a library, next to that first building turning into Midway. There was a library there. So they could have put the information there. Originally it did not come until after we started asking questions, and they told us that the information should have been available in the library. A couple of weeks after we inquired it appeared there. Some of it, anyway.

After we began to inquire we started getting information. But we were told at that time that what was found at Midway were organic chemicals. Now, you're talking about residents and normal people that never knew anything about contamination or anything like that. They tell us organic chemicals, which leads us to believe, "Okay, no health hazard." As we start digging a little further -- wait. They go into a little more detail. "It's no worse than eating the barbecue chicken that you people eat." That's what we were told.

And then we get to digging. And we find out that not only are there a hundred times above background levels of PNAs, which are polynuclear aromatics, and PAHs, which are poly aromatic hydrocarbons, we had to learn all this stuff ourselves. And then we find out the levels that are there, along with the naphthalene, which is right next door at PG&E site, are 500,000 ppm's. And we're

wondering, "Okay, wait a minute. What does all this mean?"

Well, DTSC gives us the runaround again, and they tell us, "Well, we're going to do a drainage project." Which they didn't tell us was drainage. They explained it as a beautification project, which means they removed at that time I believe it was two feet of soil and covered over everybody's back yards and front yards with concrete. That was supposed to be the solution. But they never cleaned up under the units.

So we kept pushing and pushing. And we kept saying, "It's a public health threat out here, to the residents, to the public, to the visitors. We know it's a problem out here. What's going on?"

Well, we keep digging it -- DTSC, before they had a chance to restructure it and get rid of a lot of these documents, we see a document between DTSC and W.R. Grace, which was a construction company that the Housing Authority used to construct Midway. And W.R. Grace sends back a document that says, "We were put on notice in 1982 to destroy the files of Midway Village."

So what you saw when they were talking about there was no health threat and that the agencies deemed Midway Village clean between the federal agencies and the state agencies, they were using PG&E's documents which

were actual historical documents, some of them that weren't destroyed. And their mental recollection is what they stated in the depositions, that a lot of it was just mental. Those were the records that they were using to determine if Midway was a continued health threat.

Well, we kept digging. Then we began to get anonymous letters and documents from different employees, from their families who the employees that were out there cleaning up had died. That's how we began to get a lot of stuff. It wasn't that DTSC sat down with the community and explained, until we demanded accountability.

At that point, again not knowing, not having the resources for technical assistance, being able to read all of this stuff, I get a document that shows me all of the sites in California, DTSC's cleanup levels. And in DTSC's cleanup levels, the industrial site standards were set at a higher rate of cleanup standard than Midway Village. Midway Village was the only site that was allowed that 10 ppm's. Even the industrial sites in California were lower.

Now, I come to you with this because, when you sit here and you hear this presentation and you see the slide, it looks like they have done all that they could to eliminate the supposed threat -- or to supposedly eliminate the threat to health out there. When they did

all this -- she mentioned these hot spot cleanups and there's some levels here that are higher and some over here that are lower -- in other words you're not going to get the regular cleanup levels in all of them. However, even saying that, and they went around the perimeters, they never cleaned up under the units.

And the accommodations that they made for the residents were -- they didn't go off site. They moved them to a hospitality unit while they supposedly paved around the area. And it was only some. From my understanding, it was three. And those three were in the middle of chemotherapy. So they were the ones that were moved to the hospitality unit that was still directly on this toxic site.

Now, the other thing was -- yes, we did write the letter -- I wrote the letter to President Clinton and I did get a response. And I also appealed to Hilary Clinton, that I think kind of nudged Bill and said, "Look, we've got to do something about it." Because I wrote like ten letters. And we did get a response from the White House, which ultimately got DTSC back involved and also got federal EPA involved. And they began to work together finally, and that's why we got the new cleanup standard of .06, or whatever it was, as opposed to 10. It wasn't just that they decided to do the right thing by this community.

It was because we kept demanding accountability.

Now, you wonder why we don't trust them. That's because you sat here and you saw how, first of all, they weren't even going to be up front about the map to give you a clear picture And then they give you this long history of all the things that they supposedly did right. Why did they have to keep coming back doing cleanup if it was done right, if there was no health threat?

And they talk about the Navy not being accountable. Well, here we have on the Navy's part was -- there was a settlement between DTSC and the Navy, and the Navy paid DTSC a half million dollars. So they got some activity going on and some money paid at that point. They didn't have to keep chasing them. They got them to divvy up the money. And the lawsuit was because there was contamination at Midway and that they were being -- whatever the legal jargon is. But in other words they could no longer come after them because of this contaminated site.

There was relocation -- I mean a redevelopment money that was paid to everybody but the residents, from the Boys Club, to the Fire Department, to a new library. But they left the residents out of the process.

Now, it talks about the community being involved in a discussion, like we've had here earlier this morning.

Community wasn't involved in it. It again was them talking at us and telling us what they wanted to do, which was a drainage project. They didn't even want to address the issues of the PAHs, PNAs, as well as the cyanide, chromium, arsenic -- the chromium 6, excuse me -- the arsenic and all the rest of the chemicals that were out there.

And, yes, ATSDR did come in. They did nothing close to a health consultation. What they did is they came in, we set down with them, we tried to agree to come together and bring in doctors in the process and that we would work together. And what they did at the last minute was brought in Hispanic speaking people to the people that spoke not very good English and tried to make arrangements with them, who were afraid to come out and get involved in the environmental issues.

Because, as you'll hear from the residents, they were being intimidated by their housing was threatened. They were coming in their housing units without permission, intimidating them once they stood up to speak out against the injustice.

So when we hear that we have a committee and the committee is to oversee processes and give recommendations on trying to what we thought was supposed to be eliminating a health threat or a toxic threat or

eliminating toxins in an environment, and what you actually get is a bunch of jargon back and forth and all these stats and all of this, and the end result is, "Is it reducing the threat to public health? Is it reducing the threat to people's lives?" And if it isn't, then we're all failing in this process. And this is a prime example of what you're seeing here at Midway that has occurred here from the agency level.

Now, what we're also asking -- hold on a second. I want to address the issue of the naphthalene that was found where she mentioned the levels that they tested for. First of all, they didn't test in the units where the people lived. They tested in the areas where there was nobody. That's number 1. And then when you look at -- and I don't know if you could recall it, but -- is it possible, that you can just show the picture that shows the unit? Not that one.

Okay. Right there. That's the park right there that's directly on the site. That building right there is Cypress Lane. That's where they considered most of the hot spots. Maria lived in the building adjacent to that.

If you look right by the tree, they -- that's part of their beautification that they called it. Right there at the tree is a six-foot berm that contains still those high level PNAs. And it's just a Cyclone or a black

fence now that separates it. Those back yards walk directly -- or back then they did. Now you take two steps and you're in the park. Those areas, as we talk about, that's underneath the units were never cleaned. But right next to it, those naphthalene levels were found at 500,000 ppm's. Now, a lot of the health problems that the residents complain about are exactly the same illnesses or characteristics that are listed in ATSDR's, what they call it, a health analysis or whatever this report is. But it lists each chemical and what it causes. And Midway Village has all of those illnesses.

So I feel like a lawyer up here trying a case. And I think had I tried the case, I probably would have won it. But what I'm asking is that, yes, we take a strong position and demand that DTSC uses Midway as a pilot project. It shows all of the things that they didn't do right. And maybe we aren't here to judge them. But in order to move forward in a positive way, you got to revisit what happened in the past so that you don't make those same mistakes again at the expense of innocent people.

And that's what we're asking here. We had lack of public participation. We have a real continued health threat to the public, to the residents, to the visitors. And what we're asking is for DTSC to step back in, to

acknowledge the fact that it is still a superfund toxics site, and then to learn from those mistakes of the past and start to address them on how they can do it right and to begin the process of real toxic elimination, eliminating the threat to public health and eliminating the cancer and deaths that are really happening out there at Midway.

CO-CHAIRPERSON TAKVORIAN: Great. Thank you, LaDonna.

Before you leave --

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Oh, questions. I'm sorry.

CO-CHAIRPERSON TAKVORIAN: -- let's make sure that -- I'm guessing that we may have some questions for you from members of the Committee.

Mike, and then Martha.

ADVISORY COMMITTEE MEMBER DORSEY: Can we ask questions of the DTSC staff based on a couple of things that LaDonna had brought up?

CO-CHAIRPERSON TAKVORIAN: Certainly. I'm just hesitating because I know that we have public comment as well. So I think it would be fine to ask those questions now, just knowing that --

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Oh, let me add one other thing. In your fact

sheet, if you notice DTSC failed to mention the black mold that is currently also out at Midway. They didn't mention that. And a lot of -- majority of the units have that black mold. We just had a another resident die of severe asthma attack out there. Well, she's a former resident. She had to move away. Still died. And we have a couple other members that had died between the last meeting and now.

CO-CHAIRPERSON TAKVORIAN: Okay. So, Karen and Leonard, if you want to step back up to the table. LaDonna, why don't you stick where you are as well, so that if we have questions for either of you, we can do that now.

And if -- Mike, if you have a question, direct it at whoever you'd like to direct at.

If you all have a response, please direct it back to the Committee. And let's just keep the conversation going between any of you and us.

ADVISORY COMMITTEE MEMBER DORSEY: Karen, one of the statements made was the military had cut a deal -- my understanding, probably this was an enforcement order that was issued and they paid $500,000. Does that indicate that the military no longer is a responsible party at the site?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF

TRGOVCICH: No, it does not. I think I indicated earlier when I responded to Ms. Lee's question that there was a partial settlement. They did step forward for $500,000. And we're continuing negotiations and discussions. There's a huge past cost that's unpaid right now. And the N bar for the site, which is the document that we use to apportion liability, which is not binding, assigns the military or the U.S. Government with 75 percent of the liability at the site.

ADVISORY COMMITTEE MEMBER DORSEY: And what has been the military's level of cooperation to date?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: I would say it's not stellar.

ADVISORY COMMITTEE MEMBER DORSEY: One of the other statements made was there was no testing done within the units that the people actually lived in. Is that also a true statement?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: For the indoor air testing, the 2002 testing that I showed up earlier, yes, that is correct, because we were concerned that we would not be able to distinguish other sources of PAHs that would be occurring as a result of occupancy of the units.

ADVISORY COMMITTEE MEMBER DORSEY: And just one final question.

Are these units individually owned or are these units that are rentals?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: I'm not aware.

LaDonna.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

They're rentals. They're HUD.

CO-CHAIRPERSON TAKVORIAN: Martha and then Barbara, then Joe.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO: My question is: On the second round of testing when you decided to only test for cancer causing agents, why was that done?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: That was the accepted -- that is the current accepted methodology for evaluating PAHs, is to focus on the cancer causing analytes and to assign them an equivalency to one of the analytes called benzopyrene.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO:

Okay. I have a question for LaDonna.

Aside from the cancers, have you found a lot of reproductive and developmental problems?

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Yeah, you'll get a lot of that. The reproductive, childhood learning disabilities,

deformities -- what else is it? -- respiratory, high level of course of asthma. And dementia out there too. There's a lot of neurological problems, because they had found a couple of people that had committed -- not a couple. It was actually over ten that had committed suicide. And then there were simultaneous murders between spouses out there too.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO: So, again, I'm forgetting my toxicology, and I'm not a toxicologist, but there's probably -- Joe, there's probably endocrine disruption going on --

ADVISORY COMMITTEE MEMBER LYOU: I'm not a toxicologist either.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO: I know. But you know more than I. You're who I call when like Joanna's gone and stuff.

ADVISORY COMMITTEE MEMBER LYOU: I would just look it up too.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO:

Okay. Now, I'm a little curious as to why -- it seemed like very few of the residents were relocated. I mean I'm really glad you gave me the map, because it's quite a few units. So if you say there's 35 buildings and there's 150 apartment --

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

See, this has got four.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO: Right. And how many people were moved out? And only one person got a -- I'm a little unclear as if you're -- right.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: Well, there were three people that were temporarily relocated to the upper part of Midway, that they said is not toxic, but it is. And it was temporary, and they had cancer. And then there were I believe two people that were permanently moved away, and they had cancer. The other people they eliminated through various criteria, if they an issue with Housing Authority, if they were late on their rent, that kind of thing.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO: So were all the people gone when they did the remediation? No, they were --

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: No, they were all still there. That's why they talked about the dust cleaning and having a professional person clean. And then what they did is covered over the windows and the door -- the windows especially and the sliding glass with plastic. And then the people began to complain they were suffocating in the units.

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF

TRGOVCICH: My understanding -- and I was not there, so I would need to follow up for you on that -- is that temporary relocation was offered to a large number of residents. And then on August 19th, 24th and 26th of 1999 our public participation specialists went out and went around and offered that relocation. And that one family took advantage of that. And it may be three.

CO-CHAIRPERSON TAKVORIAN: Any more questions?

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO: No.

ADVISORY COMMITTEE MEMBER VOLTURNO: I have a follow-up on that.

CO-CHAIRPERSON TAKVORIAN: Okay.

ADVISORY COMMITTEE MEMBER VOLTURNO: How were the people contacted to know that this was available to them?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: My understanding is that they went door to door. I was not a part of that. I don't know if there's any other DTSC staff here who would like to -- who were there at the time. But I can certainly follow up with you on that.

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: We'll find out.

CO-CHAIRPERSON TAKVORIAN: Okay. Thank you.

Joe.

ADVISORY COMMITTEE MEMBER LYOU: LaDonna, do you

know if any of the community members were ever consulted with regard to any of the settlements and asked to comment on any of the settlements prior to them being finalized?

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: No, they were never contacted about any of it.

ADVISORY COMMITTEE MEMBER LYOU: And, Karen, I mean do you know if DTSC ever did any -- request public comment on any of the proposed settlements?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: I don't know the answer to that in terms of contact prior to or during negotiations. Remember, what we are settling for are past costs. That is what our action is for, is to recover the costs spent by the state government.

Our settlements -- certain settlements are required to be noticed. What I don't know is whether or not these were subject to that. I'm sorry, I would need to get back to you on that.

ADVISORY COMMITTEE MEMBER LYOU: Okay. I was just curious.

Let me just make sure that I understand what I believe to be DTSC's priority with regard to cleanup and remediation and protection of public health at this site. You made a statement that -- you said that you're focused on eliminating the pathways of exposure. Is that a

correct characterization?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: Yes, of eliminating exposure pathways to protect public health and the environment, so that there is --

ADVISORY COMMITTEE MEMBER LYOU: Okay. I just -- I'm thinking maybe -- I mean that I understand some of the differences of opinion, because -- now I'm going to ask LaDonna a question.

LaDonna, from what you said, you were concerned that they never cleaned up underneath the units. And I'm assuming that they didn't cleanup underneath the units because they were thinking that people aren't going to be exposed to the stuff underneath the units. So your priority, if I'm understanding right, is elimination of the pollution; you're not as concerned about the pathways because you think that people are going to get exposed if the pollution is still there?

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: We feel that the pathway of exposure still remains, and --

ADVISORY COMMITTEE MEMBER LYOU: -- as long as you have pollution there, that's not acceptable to the community?

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Exactly. And the fact that in some of the units

not only there is there mold growing, but there's also through the cracks, what do you call it, a grass and weeds.

ADVISORY COMMITTEE MEMBER LYOU: So there is ways for things to move.

Okay. I just wanted to get that clarified.

Thank you.

CO-CHAIRPERSON TAKVORIAN: Barbara.

ADVISORY COMMITTEE MEMBER LEE: Karen, does your -- I know you can't comment on the details of your ongoing enforcement. But in terms of the ultimate legal disposition when the case is concluded, to whatever extent fault has been found, does the case address damages to the community?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: No. The --

ADVISORY COMMITTEE MEMBER LEE: Does it preclude liability on the part of the responsible party for damages to the community?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: Absolutely not. It is solely a settlement between the state agency and the responsible party for either the costs incurred or anticipated future costs associated with future remedial action that's been determined or ongoing operation and maintenance.

ADVISORY COMMITTEE MEMBER LEE: And if there were a determination at some point that health services were appropriate for the community, would your action recover those kinds of costs or would that require a separate action by a separate agency?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: My understanding is that would require a separate action by a separate agency. That is not within the Department's area of jurisdiction. It's not something we'd pursue, that we have the authority or ability to pursue.

ADVISORY COMMITTEE MEMBER LEE: Do you consult with the agencies who would have the authority to pursue that?

DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH: In this particular instance, my understanding is that there were conversations a number of years ago regarding the potential of providing health clinic -- on-site health clinic type services. I do not know where that ended up. It's my understanding that actually members of the Legislature were involved in that discussion.

ADVISORY COMMITTEE MEMBER LEE: Okay. Based on your presentation, which I was able to follow -- and I'm sure you condensed quite a lot of information into not a

lot of time -- I have a kind of understanding I think of what your prospective site maintenance objectives are. I was -- I'm curious if the Department has any objectives, you know, in light of the difficult relationship between the Department and the community, if you have discussed objectives for repairing that relationship in some way.

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: Well, I wasn't around during the cleanup. But we are. I went out to Midway. LaDonna and community invited me out. I walked it. And I think we -- we are doing that, we are communicating, we are listening. You know, we want to find out -- you know, I wanted to get the facts, I wanted to hear both sides. I talked to my department and I talked To midway.

ADVISORY COMMITTEE MEMBER LEE: I wasn't meaning to question your actions at this point. I just was curious if you have a stated desire to repair the relationship. That was -- and it sounds like you do.

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: Yes, we do.

ADVISORY COMMITTEE MEMBER LEE: Okay. LaDonna, if I were to approach you and say to you, "I'd like to help repair a relationship here," what are the things you would want? And I don't mean in terms of ultimate site cleanup. I mean just to get to a point of a working partnership relationship where there is some trust and

ability to move forward together.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Okay. If you were to approach me or just kind of looking in and figuring out if we could develop a relationship with DTSC?

ADVISORY COMMITTEE MEMBER LEE: If anything other than divorce is possible.

(Laughter.)

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Well, let me say this in all credit to Mr. Robinson, he did finally reach out.

(Laughter.)

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Initially I did send him a couple of e-mails, and I told him I was going to put him on the spot though. And it took him a while. And he responded like the day before our last meeting, which really had me PO'd. But after that he did call us and he did come out to the community and he took a view -- I think that was a step in the right direction.

And ultimately we need everybody at the table. So we've got to develop a relationship where the agency is working with the community to resolve these problems.

But they've got to show us that they're worthy of our giving them a second chance and trusting the process.

And when we see that -- of course these people weren't there, so it is new administration. But I mean even looking over the documents, it doesn't take, you know, an expert to figure out all the wrongs that has happened there.

So I would say it is possible to have a relationship in working towards a new goal of eliminating this threat to the residents and the public's health. Because it's not just underneath the units either. There continues to be a threat there. There's VOCs, there's other toxins out there. So it's not only the residents, but it's the kids on the park, it's the kids at the school, it's the kids at the child care center, it's the visitors that come there that set up their barbecues. This is a public health threat.

So, you know, DTSC has to begin the process of really doing what they're there to do. And that is to work towards protecting public health. And they haven't done it so far. So, you know, we'll give them the opportunity. But we're going to hold them to the fire on it.

But, you know, we figure starting the process with a pilot program is a start. Like all the other pilot projects you've heard earlier, these huge problems that exist, but there's a start and the acknowledgement that

they need to do further activities out there. And what they're proposing here or saying here is that Midway is clean, and it's no way possible.

ADVISORY COMMITTEE MEMBER LEE: So if you were going to propose a pilot project, what would you say the scope of the project was?

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: It would first have to begin by real community actual inclusion, not just this "meaningful" word that they throw around. Because "meaningful" for them in the past has been, "We talk at you, we make the decisions before we come to you, and basically you're stuck with it."

They need the residents here who have been long-time advocates in fighting for justice -- and their families are ill and many of them are losing family members as we speak -- they need to be at the table listening to them, to hear what their recommendations are and what their idea -- or their solution ideas are, and then to include them in the actions that are taken. And they know, it's no secret, relocation, because the site cannot be cleaned up. It is an industrial site. It should have never been permitted for residents to live there or children to be educated there, elementary schools and the child care centers. So they're being exposed at early ages, which accounts for a lot of these problems.

They have to have the community there leading the charge on what needs to be done out there.

ADVISORY COMMITTEE MEMBER LEE: Okay. I don't know if relocation is within the scope of what the Department's able to provide and I don't have enough information to say, you know. And I don't know what legal action against a responsible party would yield in terms of, you know, remedy for the community. And that's way beyond the scope of what we could discuss here. But I --

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Well, just so that you know, the community did file -- are you aware that the community did file a lawsuit against PG&E and the city and county and the Housing Authority, and that was another whole process. And, you know, come on now, we had a black -- or a community of color.

We're blacks, Hispanics, Asians, low income going up against these huge entities. And before we walked in to that courtroom, it was already a done deal. And at the end of the day, the judge who had been on the bench for two weeks said, "Thank you, gentlemen. It was a pleasure doing business with you," talking to PG&E and the housing and the state's attorneys. So there was no way we were going to get justice that way.

However, look at the flip side of this. They've

been able to come to an agreement for the state agencies to be bayed on this in the tune of $5 million. They sure found that money to pay them for a supposed cleanup that never occurred. And it does not include the residents. Come on now, this is environmental justice in its highest form and nobody can deny it.

ADVISORY COMMITTEE MEMBER LEE: Where I was going was I don't know that identifying a pilot project whose scope and success would be determined by relocation of the community is something that you will get Cal EPA to buy into at this point if they feel they're not capable of delivering that.

But you might be able to frame a pilot project to get the dialogue going between the community and the Department or other departments within Cal EPA to at least explore what might be done to address the community's concerns. So my questions were designed to find out if the Department is interested in repairing the relationship, and they say that they are. And it sounds like you're interested in repairing the relationship. Whether or not it's a formal pilot project under this action plan or some agreement between the community and the Department to sit down in some defined time frame and work on repairing the relationship, I think that there is an avenue there for you to pursue. And I would encourage

you to think about that piece.

Without being able to partner with the agencies that are working on this case, the unfortunate reality, as you've experienced, is that your ability to achieve what you want as a representative of that community is not going to be as good, I think. But I think if you're able to partner with these agencies, you may have some better success.

So that would be one of my recommendations --

CO-CHAIRPERSON TAKVORIAN: Barbara, can I ask you if you can make -- are you making any kind of a motion for the Committee to then weigh?

ADVISORY COMMITTEE MEMBER LEE: I want to let the Committee make their comments. But I'm -- in terms of giving feedback to LaDonna about the presentation she made and the requests she's made of the Committee, my personal feedback is I don't know that you're going to get a recommendation --

CO-CHAIRPERSON TAKVORIAN: No, I heard it. I'm not asking you to repeat it. I'm just wondering if you were making a recommendation that you wanted the Committee to consider.

ADVISORY COMMITTEE MEMBER LEE: I think it's premature. I think there are other people who want to comment.

CO-CHAIRPERSON TAKVORIAN: Okay. Thank you.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: I was just going to say I disagree with thinking that I won't get the outcome that not just myself but the community is looking for. It's possible if they're willing. But we understand DTSC is not a relocating agency. But all these other agencies do look to DTSC's reports and their findings.

And the fact that DTSC had even -- which we didn't get into -- but had even labeled the Navy or -- Navy -- I guess federal government 75 percent liable, when you ask them how did they divvy up the percentages and how did they come to those conclusions, they can't even give you an answer that makes sense. Because if they looked over their documents, they would see -- we also hold documents that show it -- the Navy didn't even move the stuff there. It was the contractors that did it.

But DTSC sided with PG&E, helping them in our court case, so that the judges and everybody else used what DTSC's report stated of this being 75 percent, PG&E only being 10 percent when it was PG&E's stuff, that kind of thing. So I say that to say what DTSC determines at the site is what other agencies go by, from ATSDR to all of them.

ADVISORY COMMITTEE MEMBER LEE: I understand

that.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Right, right. Because you're Agency so you know how it works, right?

However, they've shown their willingness and the ability to make the Navy and everybody else pay up and come to the table. Why can they not finally support the community and use that same power that they used to put the money in their pockets, put that behind the residents and say, "Hey, look, we all know what has happened. We're tired of LaDonna at the table talking about Midway. So let's finally do the right thing." I think it's possible. It is possible if they want it.

ADVISORY COMMITTEE MEMBER LEE: I agree it's possible. I think you have a better chance of success if you're able to repair the relationship with the Department and work together.

CO-CHAIRPERSON TAKVORIAN: Okay. So we have two other Committee comments and then we have four comments from the public.

I'd like to have folks think about if there's an action that you'd like the Committee to take, because we're going to wrap this up by 3 o'clock.

So Martha and then Mike.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO:

Yes. One, I think that there are certainly ways that we can draft this into a pilot project on a number of levels, everything from how to partner with communities to do effective community outreach -- because I think if you'd worked with the residents and hired from within the community, people would have gotten to every door and every person would have showed up at a meeting.

My other question -- and maybe you can talk to me about this later -- where was HUD? And what -- I'm just going to have to say -- you realize that --

CO-CHAIRPERSON ALLEN: Just take a breath.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO: I think that this is -- you know, when I was listening to the conversation yesterday around the land use guidance -- and had there ever been anyone within your department that would have said, "This is not okay," and sent that over to HUD, that would have really resolved the problem -- I mean it would have gone a long way into saving residents. And I think that this is where, when you say this is EJ -- this is such an injustice for two agencies to behave in such a bureaucratic manner that nobody is held accountable for housing that should have never -- for homes that should have never been there.

Worse yet, tax dollars being used to place low income residents at risk. I just think that's

reprehensible. And I'm sure no one feels personally responsible, but we're all responsible for that. And that just -- a pilot project to do -- how to do community -- there's just so many levels where this is really incredibly upsetting in terms of the failure of public agencies to hold each other accountable and to protect residents. I mean it's just astounding.

And I'm sure that everybody feels that they did their job and what they should have done. But somebody needed to hold HUD's feet to the fire. And they weren't going to listen to residents. That was part of the public trust that was within this department. And -- sorry.

CO-CHAIRPERSON TAKVORIAN: That's good.

Okay. Thank you.

Mike.

ADVISORY COMMITTEE MEMBER DORSEY: Let me start off by saying to Leonard, I'm -- don't take any of this personally, because I think you've --

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: I just feel that way.

ADVISORY COMMITTEE MEMBER DORSEY: -- you've done a great job in the short term you've been with DTSC. But I do have some -- I do have a few comments to make first and then some questions.

The comment that I have to make is: Is there

anybody in this room who would think that if this occurred in an affluent area, that this would be allowed to continue?

Second comment I have to make is: There's more here than direct health effects. There's social health effects. The fact that people are living on a contaminated site is a whole mental affect that can also affect their health. And that's something that a lot of people don't consider, but it's something to consider.

What Martha had said with regards to HUD. The first question I have, Leonard, is: Do you feel that you've cleaned up the site or you've contained the site? Because there's a big difference.

The way I'm seeing this is you've contained the site. But I'm not sure you can clean up the site. And if you can't, is there a way that you can still get HUD involved with some sort of legal process that would allow the residents to be relocated, and somehow be able to push the military, as a responsible party, to help in the whole cost of this process? I think if there's a way that you can do that as an agency, I think that would be very beneficial.

And those are my comments.

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: Okay. I was digging for the question. And I understand, and I

appreciate everybody's, you know, saying that DTSC have -- you know, there's more perceived power than what we have.

You know, we have to look into that. I came into this real -- you know, kind of late, but I did want to look into it. We're not a relocation agency. We're not a health -- we're not a medication agency. We're not a compensation agency. We're reactive. And so I asked my staff, you know, "What would take a trigger for us to get involved?"

But this -- it needs some kind of trigger. It was U.S. EPA that got us involved. If DHS or if the local county health people came in and said, "Something there is still making people sick," that's a trigger for us to get involved. We need a trigger. We're public -- you know, you can appreciate being an agency. You have the -- we're on tax dollars. Believe me, there's no big pot of money. We're not in a profit-making business. We're government. We're funded by taxes, fees, fines and everything else. So there's a public entity to it.

So if there's some new evidence, if there's something new to get us engaged.

But the best way is the relationship. I think a pilot program would limit -- from what I've seen the control of the pilot programs in here, I think that would try to limit any kind of repair of a relationship. I'm

willing to -- you can monitor our relationship. I want to build a relationship with the community. I think that's really, really important. Not only -- I think DTSC and a lot of the other agencies, the fault is maybe, not the message but the messenger. Maybe we can do a better job communicating.

But I agree, we need to repair the relationship, and let's explore the possibilities, and what it takes to get DTSC engaged.

But as far as DTSC is concerned, you know, contained, cleaned, we need something new to get us engaged.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

So was the question answered, was it cleaned or is it considered contained?

CO-CHAIRPERSON ALLEN: Well, just a follow-up to your answer to really try to make some headway.

You said that there needed to be a trigger for you to get involved, and you mentioned having DHS do something. I mean --

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: As an example.

CO-CHAIRPERSON ALLEN: Give me some examples of what could trigger your agency to get further involved. I mean just -- not to put you on the spot.

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: Okay. Another letter -- another letter to the President, U.S. EPA, Department of Health Services, the county health, just something people -- let me see a scenario. Somebody goes to the doctor. The doctor says, "You're sick because of your environment." It goes to the county health people. The county health goes to the state. Again, it has to be triggered -- it has to be an outside trigger for us to get engaged.

CO-CHAIRPERSON ALLEN: Thank you.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: But the white communities don't have to write the President like we do, because they don't allow it to begin with.

CO-CHAIRPERSON TAKVORIAN: Let me make a suggestion before we go to the public comment. And, that is, that it sounds to me like this -- that you've received a fair amount of comment here. And that I'd like to have the Committee think about whether or not there's enough of a trigger that's come from the questions, the substantive questions that have come from these Committee members who represent stakeholders from all over the State of California in a variety of areas, that you consider what the relationship should be from here on out, and that you talk with the Midway Village community -- LaDonna, I just

want to make sure you're hearing this too -- that the Midway Village community and DTSC talk with each other about a pilot project as a possibility, or another mechanism if that is not the mechanism, by which the relationship can be repaired and we can get on a road towards repairing not only the relationship but the damage.

Then I think this Committee -- I know I would be interested in hearing back what that mechanism might be. I think the community has offered potentially a pilot project. If that's not the mechanism, then what might it be? So that you're not in a box, but that you are asked to come back and say, "So what is the mechanism by which the community and DTSC become re-engaged?"

And I would offer that up as a potential motion that someone might want to make in order for us to keep this moving. Because per Barbara's comment, it sounds like both parties want to be engaged. And I think this Committee would like to see what that looks like, you know, what's the mechanism, what's the framework for that? And the only framework we have right now is a pilot project, so that's what we're focused on.

ADVISORY COMMITTEE MEMBER LYOU: Can I just make a point of order?

We're we going to take further public comment?

CO-CHAIRPERSON TAKVORIAN: Yeah, we are.

So I just wanted to put that forward as -- because I think we need to move forward. But I said in the beginning that we wanted to focus on does this qualify as a pilot project from the Committee's perspective? And so if the public would like to comment on that as well or if someone wants to make a motion, that would fine.

Barbara.

ADVISORY COMMITTEE MEMBER LEE: I'm not going to make a motion right now. I think we ought to hear the public comment, if there is any.

But just as I made a suggestion to LaDonna about framing her desire for a pilot project around the relationship, because that's where the Department can comfortably go and commit to go right now, I think, I would encourage the Department to contemplate an openness to exploring things you can do that are not your standard "we have a regulation or a specific authority to relocate a community," for example. But to consider the ways in which you can leverage others who have that authority and responsibility to step up to the plate. It's an attitude, a perspective that you bring to doing your job.

And I know -- to take things totally outside the realm of this discussion and use a very small, almost trite example, in my office, you know, we are -- as an

agency my air district covers part of the county and the rest of the county is part of another air district. We get calls all the time from people who don't know which one they're in. And we could very easily say to the people who call with complaints or questions or whatever, "You're not in our air district. Call this other number."

If someone's calling to say they want to get a permit, certainly we refer them to the appropriate place. But when someone's calling because they're confused or they're concerned, they're worried about a smell, we don't just give them another number. We also make the call because we know the inspector, and we say, "You know, we've got this call. We've got a person who's worried" --

CO-CHAIRPERSON TAKVORIAN: Barbara, I'm going to have to ask you to wrap up. I'm sorry. But we are not going to make it here.

ADVISORY COMMITTEE MEMBER LEE: Okay. There are a lot of ways you can be creative and use the authority that you do have if you're operating from the standpoint of a relationship that you've got something invested in and you want to try to find a positive outcome for people. And I would encourage you to explore that.

CO-CHAIRPERSON TAKVORIAN: Okay. We're going to take the public comment right now. And we're going to ask the public members to try to limit their comments to three

each. And so we're going to start -- and then after that we're going to need to get a break for the court reporter, and then we're going to come back. And we -- again, you know, I'm not going to make a motion from the Chair, but either we're going to have a motion immediately after we get back or we're going to wrap the discussion, because we need at least an hour for the last item, and we're not getting there. And many people have told me that they wanted to leave by 4, and we're not going to get there. So we're trying to leave by 4:30, and so we need to move forward. And so we both can be thinking about that.

Okay. So Maria Downing.

Thank you.

Why don't you come forward.

MS. DOWNING: Okay. First of all I'd like to ask all of you here, because you represent the Environmental Protection Agency, we're wondering where the protection part comes in. I happen to live on Cypress Lane, which is the highest contaminated area in Midway Village. They were talking about the edges. Well, that's where I live. And I've been living there for almost 30 years. When is the protection going to come in? Like this gentleman brought out here, which was very comforting to see that finally somebody is acknowledging the cleanup, was it just a band-aid?

Which that's what it basically is. Because my whole backyard is concreted and there's cracks everywhere, and I don't know -- when the other lady that was talking, that she says that every so often they come and check. Nobody has ever come and checked since they concreted the backyard whether there's cracks or not. There are cracks in my backyard.

And I wanted to pose a question to all of you sincerely and morally and ethically: Would you put your family -- your families, would you allow them to live, knowing there's studies -- in fact, we don't want any more studies, we don't want any more beautification. I personally would like somebody to ask me what I want. I can't move because I'm -- on my own because I'm so sick, that I can't even move -- I can't even -- I can't move on my own. I'm obviously low income. Somebody needs to take responsibility, like this lady brought out, which was very -- also very comforting to know that somebody is really listening to us.

We can't move on our own. We need, like it was brought out, a viable, responsible agency person, somebody to take responsibility and say, "We're liable. We need to relocate these people." We want to get out. We can't do it on our own. We need to have somebody take responsibility for all our health issues, all the money

that I've spent on products in order just to stay alive. Some medical and some compensation for knowingly being -- the supposedly Environmental Protection Agency knowingly putting us there.

Now, like it was brought out, if we were a white community -- but we're all minorities -- we wouldn't have to be dealing with this because the government would have done something for us. And that's all I'm here -- and I will be coming every time when you guys have your meetings, because somebody needs to do something for us. We don't want to hear anymore about relationships, remedial -- remedial solutions. No, I want a permanent solution. And the only permanent solution and the only moral solution is to get us out. And nobody should be allowed to live on Midway Village anymore.

Thank you.

CO-CHAIRPERSON TAKVORIAN: Thank you.

So the next public comment is from Basilia DeGuzman.

MS. DeGUZMAN: I thank you very much each and everyone of you here for giving me this opportunity to speak up.

We have spoken so many, many times with the different departments of the environment. Nothing has been done but emphasize good relationship. We were trying

to have a very good relationship.

My family and I, we are military dependent. My husband was in the Navy. We arrive here October 1st, 1973. So you can imagine -- you can figure out how long I was -- I am there.

To shorten the -- to have the synopsis of what has been said by my friends and you, I'll just give you a very short summary of what we are undertaking right now. Excuse me if I'm emotional.

Especially myself, since I live in Midway Village, we had been suffering from allergy, asthma, stomachache, and so on and on, until the most serious one that I am recently operated in tumor, from here up to this -- this lip of the skin and they take off -- whatever they want to take it off there.

That is not the only serious one. My children are suffering too and my grandchildren.

I am glad you mentioned about divorce. And I love it.

(Laughter.)

MS. DeGUZMAN: It is better to live far apart to be near. So so far, yet so near, and they love that.

Is it not right? Rather than living together, for being better far part. Meaning, I am talking about the departments and the residents of Midway Village. What

is to use of living there. Maintaining the good relationship? When you are being murdered everyday, abused everyday and night?

We are really suffering so much. That's why I'm very emotional, because I am really sick and my children. Not only me. Look at the child. She was born there. My children grew up there when they were 3, 4, let's see, I think 6 or 7, 8 we move from one Guantanamo Bay to Midway Village. Since then, and now I am very sincere to repair relationship. But I'm suffering. I am being abused. How can you help me? How can you help the people in Midway Village? It's no use for having a plan, project or objectives whatsoever. We need to be protected.

Can you suggest, please? We will be happy to hear from you how -- what you can help us, how you can help us, how we can live far apart you -- not you -- the Department, who is not taking care of us, who are not doing their job? The taxpayers' money are theirs, while we are not being protected at all. I do not pay that much taxes because I'm very poor. So maybe because I do not pay much taxes, that is why they cannot see us. But, please, be fair, especially to the very little people. We are very little people. And if you do not help us to stand up, we cannot live, as you are doing now.

So please thank you very much for this what you

did -- you give me. And I'm very emotional. That is not the only illness I have.

I cannot stand up before I came here -- be quiet -- I took the pain pill. Don't tell anybody.

(Laughter.)

MS. DeGUZMAN: Because if not, I cannot talk to you like this. I can sit down like this. I mostly lay down. I have a very bad backache. There is something, a nerve or something, that grows between the bone in my back. And I was healthy when I came here. I did not live in this contaminated area. I came from the Philippines. We rarely use fertilizers. We have fresh air. Then I came to Midway Village. I have see allergy. I have the asthma. I have the short breathing. Everything. I cannot sleep.

I live one foot away from the fence of PG&E.

I called somebody when they were constructing that middle of the night, 1 o'clock. They were still working. Why do they do that?

CO-CHAIRPERSON TAKVORIAN: Ms. DeGuzman, I'm sorry to interrupt you, but I have to ask you to wrap up and --

MS. DeGUZMAN: Okay. My last question is: Please help us. And we expect it very soon.

Thank you very much.

CO-CHAIRPERSON TAKVORIAN: Thank you.

MS. DeGUZMAN: I am very emotional, because -- look at my face. But when people ask me why, I told them facelift. I do not tell them -- I don't tell them it's cancer. "Oh, Mrs. DeGuzman, you look good."

CO-CHAIRPERSON TAKVORIAN: Thank you.

And just to say, so everyone knows, that this California EPA Environmental Justice Advisory Committee, as I think everyone here is committed to environmental justice, and we're going to do the best we can to try to figure out a way for Midway Village and for Cal EPA to work together to achieve environmental justice for your community and for throughout California.

So thank you.

MS. DeGUZMAN: Soon.

CO-CHAIRPERSON TAKVORIAN: Yeah.

And next we have Mary Ann Tanner.

MS. TANNER: Hi. I'm very grateful that the Committee today is here to listen to -- I am a Midway resident, a present one. And I am very grateful that you're listening, because we do have a lot of problems there.

And also I'm grateful to LaDonna for sticking with us, because its been very hard. And I am -- I've been there for 30 years, a little over. And I have a lot

of respiratory problems. I can't sleep at night. My nose is stuffy all the time. And as soon as I leave Midway and I'm away from it about two hours, I clear up. And it's very hard -- and I'll be very short and brief, because I do have respiratory problems. And I think they should close it down because I don't think anyone should live over there because it's really miserable.

Thank you.

CO-CHAIRPERSON TAKVORIAN: Thank you very much.

Next, Penny Newman.

ALTERNATE ADVISORY COMMITTEE MEMBER NEWMAN: Over the last 25 years I've really had a lot of experience with DTSC and its predecessor at DHS. And I also know that the staff can be extremely creative when it needs to be. You've demonstrated that with Stringfellow. We have the only site that has its own section within DTSC. It's not allowed in any other area. We have our own budget. It's never been raided by the Governor. We have dedicated staff at Stringfellow. And -- you know, I know I shouldn't have said that out loud.

(Laughter.)

ALTERNATE ADVISORY COMMITTEE MEMBER NEWMAN: Although I'm still trying to find out where that 93 million has gone to out of the settlement.

I know working at Wyle Labs and Norco that that

the agencies had that site listed as being abandoned, even though it was operating up until this past year. And that DTSC has come in and, because they've been willing to sit down and talk, we've been able to come up with some pretty good solutions. And you've also been very, very creative and very, very cooperative in that effort.

And in that situation they had even made a comment, Wyle suggesting they bring in 20 feet of dirt to cover the contaminated area and then build homes. And DTSC has said, no, that that is not a solution. And yet we hear from Midway Village that they came in and their solution was to take their back yards and put concrete over it. How many of us would allow somebody to do that to our homes? It's not a quality of living. It's not a solution -- it's not a viable solution any of us would accept.

I know that people can be very, very, very creative if they put their mind to it. Redevelopment has been used where we've taken -- I mean talk about creativity. You take ag preserve land and declare it blighted to build warehouses.

This is a blighted situation. And I think that if DTSC, if you need a trigger, I think this Committee asking that this be a pilot program would be the trigger.

And I also believe that the relationship is not

going to be mended without their being some intermediary. And I think this Committee can act as that, that you provide some oversight into this to help rebuild this relationship. Not just for the sake of building a relationship, but so that we can come to a resolution here, whatever that resolution may be.

I have no doubt that the Agency can be as creative as you've been in the past. And I'm willing to offer my assistance in any way in making that happen. So I hope you move forward.

I think this is a disgusting example of how bureaucracy has let down a community.

CO-CHAIRPERSON TAKVORIAN: Okay. Thank you, Penny.

And last, Jahi Johnson.

MR. JOHNSON: Hello. I don't think that this is just a problem with Midway. Someone here mentioned Housing. As a tenant of San Francisco Public Housing, I've had some similar issues with the mold that she discussed. I've never had a seizure in my life. But after dealing with this mold, there they were.

Got to a point to where I had to call the Department of Health. They came out, spoke with Housing. Housing came in, bleached the walls and repainted. Next month, it's there again.

So, it's like every six months they'll come into our apartment, repaint, bleaching the walls or whatever. It got to the point to where they were painting so much, it seemed like the rooms were getting smaller.

(Laughter.)

MR. JOHNSON: Another thing was they had a project where tenants had first priority to these jobs doing fencing. Now, I had to dig all these holes. So I had first priority to be exposed to lord knows what. So now I've got skin problems.

Lo and behold, three years later, after everybody was relocated, and they did demolition and excavated and all that, they find human remains.

So I'm wondering what's being done. I think Housing should be held accountable for some of these things too.

That's it. Thank you.

CO-CHAIRPERSON TAKVORIAN: Thank you very much.

Okay. Martha, did you want to --

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO:

Yes.

I want to make a motion that we accept Midway Village as a pilot project.

And the second part of that is that I think this Committee can do a whole lot by looking at just the hot

spots that you have and where you have data where things are exceeding acceptable levels, to write a letter to HUD. I think that that is certainly part of our responsibility and we should be doing that.

ADVISORY COMMITTEE MEMBER LYOU: Question of clarification.

CO-CHAIRPERSON TAKVORIAN: Do we have a second to the motion?

ADVISORY COMMITTEE MEMBER DORSEY: I'll second it.

CO-CHAIRPERSON TAKVORIAN: Thank you.

Can I -- Joe, are you going to speak to the motion?

ADVISORY COMMITTEE MEMBER LYOU: Yes. I have a question of clarification.

CO-CHAIRPERSON TAKVORIAN: Okay. Can I just ask you to hang for one -- just because --

ADVISORY COMMITTEE MEMBER LYOU: You're the Chair.

CO-CHAIRPERSON TAKVORIAN: Thank you. I just want to -- we had said that we would take a break.

Are we okay?

Okay. Joe.

ADVISORY COMMITTEE MEMBER LYOU: What I need to understand is whether we can accept a pilot project or

whether we could only make a recommendation to Cal EPA to accept a pilot project.

CO-CHAIRPERSON TAKVORIAN: We can recommend. I don't think we yet have the power to require. But I'll check it.

(Laughter.)

CO-CHAIRPERSON TAKVORIAN: So, Martha, can you amend your motion? And, Mike, would you accept that?

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO:

Okay. We are recommending to the Committee that they accept a community-driven, community-suggested pilot project.

ADVISORY COMMITTEE MEMBER DORSEY: I'll second that.

ADVISORY COMMITTEE MEMBER LYOU: Thank you for the clarification.

CO-CHAIRPERSON TAKVORIAN: And did you have another comment?

ADVISORY COMMITTEE MEMBER LYOU: I have comments, yeah. But we've got to change the tape.

CO-CHAIRPERSON TAKVORIAN: Okay. So we have a motion to think about. We're going to take a six-minute break and -- no, how long --

ADVISORY COMMITTEE MEMBER LEE: Can I ask one clarifying question?

CO-CHAIRPERSON TAKVORIAN: Okay. How long should we -- ten minutes?

Okay. A ten-minute break. And then we're going to come back on this motion.

Barbara.

ADVISORY COMMITTEE MEMBER LEE: Just to clarify. We're recommending that the Department make Midway Village a pilot project. And is there any scope that we're recommending to the pilot project or not?

CO-CHAIRPERSON TAKVORIAN: We'll come back and talk about that. Okay?

ADVISORY COMMITTEE MEMBER LEE: Okay.

CO-CHAIRPERSON TAKVORIAN: Thank you.

Okay. Ten minutes.

(Thereupon a recess was taken.)

CO-CHAIRPERSON TAKVORIAN: Can we get the Committee members to sit.

And, Deborah, can you yell at people out there?

CIWMB STAFF COUNSEL BORZELLERI: Sure can.

CO-CHAIRPERSON TAKVORIAN: Okay. Joe and Larry are over here.

I want to be in a conversation on a plane.

(Laughter.)

CO-CHAIRPERSON TAKVORIAN: Sorry.

And we're going to lose our quorum, I believe, if

we don't move forward, because a lot of people do need to catch planes.

So we have -- are there people standing right outside that door that I should be waiting for?

ALTERNATE ADVISORY COMMITTEE MEMBER GREENE: I'll go chase them.

CO-CHAIRPERSON TAKVORIAN: No, Deborah just checked.

CIWMB STAFF COUNSEL BORZELLERI: Most of them came back in.

CO-CHAIRPERSON TAKVORIAN: Okay. So we have a motion and a second on the table. We're going to have Committee discussion and staff response as well.

So, Leonard, do you want to respond to that motion first?

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: Can I hear the motion again, just one more time?

CO-CHAIRPERSON TAKVORIAN: Yeah, okay.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO: The motion is that we accept Midway Village as a pilot project.

ADVISORY COMMITTEE MEMBER LYOU: We make a recommendation.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO: I'm sorry?

ADVISORY COMMITTEE MEMBER LYOU: Yeah, we make a recommendation to Cal EPA.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO:

Yeah, we make a recommendation. That's right. I'm always told I'm bossy.

I make the recommendation that we recommend Midway Village as a pilot project, that we instruct the residents of Midway Village to meet with DTSC to come up with the scope of what that would look like. And then the second part of my motion was that we write a letter -- to look at some of the documents we've seen today and write a letter to HUD, because we think they need to be part of this equation.

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: Wow.

Okay. That's a large motion. The thing is, a pilot program, you know, we have to -- what is it that you want to see in the next meeting? I mean a pilot program has certain deadlines. It has certain criteria. I think this would probably be best suited for a pilot program for the Committee rather than the agency. But, you know, I think -- I believe that, you know, if we're going to do that, everybody needs to be engaged. And that includes everybody sitting here.

But what is you'd like to see at the end of it? We're working on a relationship -- pilot program or not,

we're working on building a relationship with LaDonna and the people at Midway Village. What is it you'd like to see in a pilot program? And something measurable, not just happy feelings and holding hands and singing Kumbaya. What would you like to see?

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO: I really don't like when people sing Kumbaya or even suggest it. So I would never want that as a pilot project.

And I will defer to LaDonna. I think that it's her community. And if this is -- I would say that this is actually an exercise in doing the things the right way. A community has come to us and said, "We want this pilot project." And from what I've heard at this meeting and others, that there is models for public participation, there's model for approaching precaution, cumulative impacts. And so I would not presume -- I would gladly work with LaDonna and the Committee to come up with those parameters and help write it up. But I think it is to be a community-driven one and you all need to get together and meet.

And this to me is a model for the way all the projects should have been done.

CO-CHAIRPERSON TAKVORIAN: Shankar, if you had --

CALEPA DEPUTY SECRETARY PRASAD: No.

CO-CHAIRPERSON TAKVORIAN: Okay. Antonio.

ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: Well, just in terms of the clarification that was just given. I think that's the important point about how this one might operate, that part of the motion is that the agency and communities sit down together to figure out what this would look like.

So I think it's hard to say right now what we want out of it when that conversation hasn't happened. There's expressed willingness on both sides to engage in discussion. So I think that's the first important step to take. And then at the next meeting, you know, we could have a report back about what was developed in terms of scope and goals and objectives based on the discussions that took place.

CO-CHAIRPERSON TAKVORIAN: Joe.

ADVISORY COMMITTEE MEMBER LYOU: Yeah, I'd like to state my support for the motion and say that, first of all, I think that this pilot project, if it does move forward -- I hope it does -- would be much more representative of the type of environmental justice issues that DTSC confronts on a daily basis than the other two pilot projects. I've had 15 years of experience as an environmental advocated.

And I have come across very similar types of facilities and cleanup sites and issues, both DTSC and

regional water boards, so many times that I -- I tried to make a list, but I can't even come up with them all. And It's happened in community after community. And this case is much more representative of the types of cases that come to me as environmental justice problems in California for DTSC than an outreach program in west Oakland, however important it may be, or the meth labs proposal. So that's my main reason for supporting this. And of course I want to support what the community's asking for.

But I would suggest that when you meet with the community and when the community meets with you, that those parameters that we talked about in terms of our goals and criteria be the basis for the scope and that you start there, that you look at public participation, which is obviously an issue at this site, that you talk about precaution.

And in terms of precaution I mean the real difference I'm seeing is whether it's pollution cleanup or just trying to avoid exposure pathways. And that's a -- you know, there's some precautionary decisions that need to be made around that issue. And also the idea within precaution of alternatives analysis, so that you don't go in with a preconceived outcomes, even though -- they've got me convinced that no one should be living there. But that you go in and say, "What are the alternatives here?

What alternatives do we have?" And let's clear the slate and not think within, you know, the boundaries of the regulations that are in front of us. But, like Penny suggested, you know, let's be creative, let's look at alternatives, see what else can be done.

Cumulative impacts: I mean there's PAHs; there's other chemicals of concern; there's mold, I would bet, because there's housing goes back a long time; there's lead issues; and there are health problems. So the issue of cumulative impacts is ripe for analysis and mitigation.

And obviously there are policy ramifications that go far beyond Midway Village as just itself alone and to all these other sites that come up on a constant basis. And the most recent one I've been involved in has been the Whole-Chem facility in Pacoima and the needs of the community group Pacoima Beautiful to deal with the cleanup issues at that facility, which are in some regards very similar to what's going on at Midway.

Thank you.

CO-CHAIRPERSON TAKVORIAN: Okay. Michael.

ADVISORY COMMITTEE MEMBER DORSEY: First of all, I think maybe DTSC has taken a little bit of bashing today. And I just want to say in support, I think within your legal bounds you appear to have done the job that you could do. I think maybe in looking back -- and, again,

Leonard and Karen, you weren't involved in the onset of this -- maybe the communication could have been better. And hopefully that will be rectified in the future. And I think, Leonard, you've already taken steps to do that.

I think in the pilot project one of the things that we need to keep in mind is that DTSC does have some restrictions as to what they can or cannot do. So I think that needs to be at least identified up front so that -- you know, I mean that's important.

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: And that's what kind of worries me. We have a certain scope we can react in. And I don't want at the end of the day saying, "Hey, we can't do this." I mean that doesn't help anything. So that's one of the limitations of the pilot program, that each department -- our agencies are supposed to react in the -- supposed to respond in the scope of their work and what they do, their purview.

ADVISORY COMMITTEE MEMBER DORSEY: There may be some additional things that can be done by the agency. But maybe -- again, looking outside the box, as penny had suggested and Joe recently suggested, is again working with -- somehow working with HUD, the Navy and PG&E on those other issues and related to the site itself that you don't -- you can't control. And you control basically containment. And we can call it cleanup all we want. But

in reality the contaminants are going to remain there.

And somehow there may be some -- the Agency can somehow put some pressure through this pilot project -- I'm not sure how -- to get the military, PG&E or HUD, or all three of them, to work towards resolving the community issues and taking the lead if that area.

So just something to think about.

CALEPA DEPUTY SECRETARY PRASAD: I mean as we heard from the community people, all the community is asking is the relocation. That seems to be the driver here. Short of that it looks like that they are -- there is no other solution in their mind, at least so far in all the things we have heard over the last few years in this Committee and other forums. So can the -- so, in essence, are we agreeing that the pilot project should work towards that as an end goal?

CO-CHAIRPERSON TAKVORIAN: Okay. I don't know if that question's for the maker of the motion, Martha, because we have two other folks who have their cards up.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO:

Okay.

CO-CHAIRPERSON TAKVORIAN: LaDonna. I'm sorry.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Your question was if there was any other alternative other than relocation?

CALEPA DEPUTY SECRETARY PRASAD: Yes.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: I don't think so. However, relocation is just not the only focus. It is to stop the threat to public health in addition to that. And since it is a site that should not be inhabited, what solution would you come up with?

CALEPA DEPUTY SECRETARY PRASAD: As a pilot project, is that the final goal to go after? That's what -- if the Committee is looking for? Because what we have heard today from all the members and all the time is that then the community wants a relocation. So this pilot project, in essence, with the end product to achieve the -- the objective of that pilot project will be to explore options on how to achieve that goal? Or is there any other alternative at all? That's my point.

Since there is motion on the table to explore this, go back and talk about, come back in three months. But there's no -- other than that there is -- I have not heard that there are other alternatives to explore.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Well, yeah, there's others. We want to begin to, you know, monitor and address the health impacts from the many years of exposure. And we want to be sure that this doesn't continue to happen on other sites and in other areas, especially low income areas.

So if I'm not mistaken, the pilot projects are not projects just to be doing something for the sake of doing something, right? The end result of any of these pilot projects were to address community health issues -- am I right? -- EJ issues, which ultimately were related to exposures, right? Health concerns, children's health, adult's health, because the adults have to take care of the kids? But these projects were to set up actions to, I thought, begin to eliminate the threat to public health, community health and that kind of thing. Am I right or wrong?

CALEPA DEPUTY SECRETARY PRASAD: You're right.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Okay. So then Midway would be right in alignment with that, wouldn't it?

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: Unfortunately, if relocation is the ultimate thing, I'll tell you right now we're going to -- DTSC is going to fail.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Well, that's only if you're looking at it from the aspect that we're fully expecting DTSC to do the relocation. That's not what we're saying. What we've asked is that DTSC begin to support the community in, first of all, acknowledging a problem is there -- and let

me say this: We have seen a new attitude with this administration. I want to acknowledge that.

And it started -- I think your other question was: Where do we start? I think you all attempted to start that when you came out to Midway and in the respectful manner that you came to the community and you listened to their concerns for a change. I think that was a step in the right direction, so I want to acknowledge that.

However, DTSC still has a long way to go. And as we promised, we weren't going to let you off the hook on it, we're going to hold you to the wire on it. But we realize that DTSC, Department of Toxic Substances Control, deals with toxics. We understand that. It doesn't say relocation. It says toxics. So we figured that much out.

(Laughter.)

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

But we also have watched your ability to get million of dollars behind this toxic issue. And what has happened is nobody seemed to understand or think or have the opinion that the residents should have been a part of those benefits. It was the agencies that shared in the pot of gold. You say it ain't no money. But that's whole lot of money that's passed hands. How is it that they were creative, as Penny said, in making those other things

happen, but kept the idea that it was okay for people to live on an industrial contaminated site? I mean to the tune of millions of dollars, it being labeled a superfund project, it qualified for Brownsfield, and nobody thought that these people should not be living on this site? Not to mention the visitors.

There's visitors that come there. There's children that are there. This is a public health issue, not just the Midway current residents. We got former residents. I'm a former resident. I buried a mother. My daughter looks like the young lady in that stroller. She's 32 years old. They think she's 14 or 15. She's 32 years old. I have a daughter that's in her late twenties. She looks like her, except for she walks. She looks young. But she has brain damage.

This is the real life impacts from agencies failing the public in protecting their health. And that's all we're asking is for you to do what you can, within your power, just like you came up with the percentage of what you thought each entity was responsible for. So they thought that process out enough. But they didn't think, "How can we begin to reverse the negative impacts that we have caused as a result of lack of adequate action to protect public health?"

So we're basically asking DTSC to come to the

table, acknowledge what has happened out there, reverse that "it's no health threat out there," acknowledging that, and then start putting the power behind -- or the push behind HUD housing, because they are definitely responsible, PG&E knows their responsible.

And Navy -- the only reason I don't hold Navy as responsible because when you look at your documents, you see that they built navy housing. They're as much victims as we were, because they didn't move the dirt there. PG&E did it, with Housing Authority's approval. And they hired these fraudulent contractors that we know throughout the world has done this stuff.

CO-CHAIRPERSON TAKVORIAN: LaDonna --

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: I understand, Diane. We'll get to the point. But I'm going to make my point.

CO-CHAIRPERSON TAKVORIAN: Okay.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

So in saying that, if they've been -- DTSC has been that creative in bringing all these other entities to the table to pay out this money, then why don't we do the right thing? We should not have to write the President again, especially not this one we got in office right now.

(Laughter.)

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: We

should not have to sue. That should not be the remedy. If Agency simply stepped up to the plate, it would eliminate a lot of the litigations that we see. So we're just asking for you to do the right thing by the community and work with us in getting that done.

CO-CHAIRPERSON TAKVORIAN: Okay. I was going to say, I think there's a lot to talk about and it sounds like there's a lot of options to talk about, in and outside the box.

Martha.

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO:

Yeah, I think we just started to get an outline of who the partners would be, who would have to come to the table to define this further project. And so I -- and I think you stated beautifully. It's not we're -- we're not asking DTSC should do the relocation. We're asking you to work with the community so that the community has the tools to advocate for the best solutions. And I think that that's the role you can play.

CO-CHAIRPERSON TAKVORIAN: Dee.

CO-CHAIRPERSON ALLEN: I think from me just adding on. The fact that Leonard has been here -- excuse me for calling you by your first name -- has been here and LaDonna's on the Committee, we know the constraints of the pilot program -- we're familiar with that. We have that.

And so for me it is a start of a conversation to really define within the context of the pilot programs, within the context of what you can do as an agency, can we scope out some kind of pilot program for this community?

And also realizing that the criteria that we had for this pilot program was pretty standard. But this community and the situation here may not do that. We may not be able to capture every requirement that you had to do for a pilot program here.

But if you're talking to the community, maybe we can decide, well, there are three of them that we can do. And a part -- the community and the agency can then determine the success of the pilot program in the context of what we want to do. So I think that would be the benefit of a conversation, to really kind of see with the meeting of the minds of what we can and cannot do.

CO-CHAIRPERSON TAKVORIAN: Okay. If there are no further questions or comments, then we call for the question, if everyone's clear on the motion.

Do we need for that to be repeated or are we good?

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Can I vote or should I abstain?

CO-CHAIRPERSON TAKVORIAN: We don't have a conflict of --

ADVISORY COMMITTEE MEMBER LYOU: That's her interest.

CO-CHAIRPERSON TAKVORIAN: -- interest clause here.

So all those in favor of the motion?

(Ayes.)

CO-CHAIRPERSON TAKVORIAN: Those opposed?

Those Abstaining?

Okay. The Motion passes. And we'll ask you to come back at our next meeting with a report on how it's going.

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: Okay. And, you know, again, I accept this as an advisement and we will respond accordingly.

CO-CHAIRPERSON TAKVORIAN: Thanks. We'll look forward to seeing you back.

DTSC CHIEF DEPUTY DIRECTOR ROBINSON: I'll be here.

(Laughter.)

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO: And I will volunteer to work with you on the letter. And then we can send that out to Committee members --

CO-CHAIRPERSON TAKVORIAN: Okay. We have our staff that have been working hard on the cumulative impacts and the precautionary approach who have also been

patiently sitting throughout the meeting.

We're going to ask that you come forward and make the presentation.

Now, this was intended to be an update for us so that we know how this project is going.

We're going to ask that each of you spend no more than 15 minutes on that. And we're going to hold Committee discussion on it, and ask that folks send by e-mail our comments as to what resources or ideas we might have that we'd like the two projects to take into consideration. And then hopefully at the next meeting, based on that input that you've received via e-mail or telephone or whatever way folks want to communicate with you, that we will have a fuller discussion of that. Okay?

Thank you for your patience and for being here today.

OEHHA TOXICOLOGIST FAUST: Thank you.

For those of you who don't remember me from the meeting two meetings ago, I'm John Faust from the Office of Environmental Health Hazard Assessment, also for the alternates in the introduction.

I'm going to give you an update on what we've been doing since we adopted the working definition of cumulative impacts.

--o0o--

OEHHA TOXICOLOGIST FAUST: So my first slide is just a reminder of that definition that was adopted as a slight modification of that proposed by this body at the February 16th meeting of the Interagency Working Group.

And that definition is: "Cumulative impacts means exposures, public health and environmental effects from combined emissions and discharges in a geographic area, including environmental pollution from all sources, whether single or multi-media, routinely, accidentally or otherwise released. Impacts will take into account sensitive populations and socioeconomic factors where applicable and to the extent data are available."

--o0o--

OEHHA TOXICOLOGIST FAUST: So with respect to cumulative impacts, the second phase of the action plan has been to inventory current science-based cumulative impact studies, protocols and tools, and determine where gaps exist in current methodologies.

So as you all are aware, the development of guidance or a cumulative impact assessment is a complicated process and presents a number of challenges. And on this slide sort of divided those into two categories: One I've called challenges to timeliness; and the other, challenges to completeness.

Currently we -- there's lots of information that

could be had, and assessments can, as we all know, take years. Yet people continue to live in overburdened communities. So I think one of our challenges is to look for ways to improve timeliness.

A second category, that I've called Challenges to Completeness are areas where human health risk assessments may become limited. They include the limited ability to address all relevant and meaningful exposure pathways; undeveloped risk values for chemicals, which may be due to limited information; limited knowledge of interaction between chemicals; limited knowledge of factors that increase sensitivity to pollutants among individuals; limited integration of human health and environmental impact; and limited or absent integration of socioeconomic factors.

So in approaching an inventory of tools and methods for assessing cumulative impacts we've focused on -- if I could have the next slide.

--o0o--

OEHHA TOXICOLOGIST FAUST: -- Approaches which modify or improve existing approaches or provide alternative approaches. And included in that search is a focus on tools or methods which increase speed or timeliness; take advantage of existing resources or data sets; account for socioeconomic factors and population

sensitivity, which can be effectively used to identify disproportionate burden and also engage the community.

--o0o--

OEHHA TOXICOLOGIST FAUST: So in the next few slides I'll present a brief overview of some of the information that's becoming part of the inventory. And this includes existing guidance; categories of the types of tools that are available, with a few examples, certainly not all; and community-level case studies that have attempted to look at impacts from multiple sources.

I'm not presenting the complete inventory, but trying to give an idea of the types of information that we're collecting.

--o0o--

OEHHA TOXICOLOGIST FAUST: On the slide one back -- sorry to jump around -- there is some existing guidance that discusses cumulative impacts and cumulative risk, primarily from the national level. These include U.S. EPA's Guidance on Cumulative Risk Assessment Planning and Scoping Document from 1997; the more recent framework for cumulative risk assessment from 2003; and the most recent, but still draft, product from the National Environmental Justice Advisory Council from the Cumulative Impacts and Risks Work Group.

So if I could have the next slide.

--o0o--

OEHHA TOXICOLOGIST FAUST: Generally tools for doing cumulative impacts analysis have been categorized into a few categories. Among them are geo-spatial or Geographic Information System, GIS, based tools; matrix type tools; modeling tools; check lists; networks; and trans-analysis and several others.

I think primarily the ones that have become the greatest part of the inventory are the first four. And I think in this cumulative impacts effort, since we defined cumulative impacts in a geographic area, geo-spatial tools are probably particularly powerful.

And I would mention also that these tools can be combined.

So for just a few specific examples, on the next slide --

--o0o--

OEHHA TOXICOLOGIST FAUST: -- I kind of identified California's Hotspots Analysis and Reporting Program, or HARP, which is a program designed to fulfill the reporting requirements of the Air Toxics Hotspots program. Among other features, the program can combine air modeling data to combine emission estimates from multiple sources, in addition to keeping emissions inventories and doing probabilistic modeling.

Secondly, in the National Environmental Justice Advisory Committee report a pollution burden matrix approach was discussed, which is a comparing and scoring mechanism for geographic areas, looking at pollution burden in which individual factors can be weighted. And those that were discussed in the document include pollution sources, sensitive receptors, health impact information, traffic levels, level in composition and so forth.

Third, there's a GIS screening tool which was developed by Region 6. This was a tool that combined both vulnerability and impact factors, which could be also weighted, in this case, on a 1 to 5 scale. And that sort of input could be put into geographic basis or matrix-type information to help inform decision making in a geographic area.

And, finally, a different type tool was the computer assisted environmental justice index methodology, which basically provided an index -- an environmental justice index that was used in some decision making that incorporated a factor for both minority status within the community and economic stress.

So these are just a few examples.

If I could have the next slide.

--o0o--

OEHHA TOXICOLOGIST FAUST: The inventory was also being -- is also being built to include case studies. Some of those include the Chelsey Creek Community based comparative risk assessment by U.S. EPA and the Chelsey Creek Action Group; U.S. EPA's Environmental Loading Profile for Cook County, Illinois, and Lake County, Indiana; The South Phoenix Multi-media Toxics Reduction Project; and a community-based risk assessment -- or risk-based air screening in Baltimore, Maryland.

What these have in common is that they were -- they rose from community concern about pollutants from multiple sources. Community groups were formed, and they worked with a regulatory agency either at the federal or state level. And they worked towards prioritizing what was important using emissions inventories and so forth of data from their community. Also looking at where there were gaps.

Just to go into a specific example, I prepared a slide for the Chelsey Creek case study.

--o0o--

OEHHA TOXICOLOGIST FAUST: And in this particular project in Massachusetts it was initiated out of community concern for multiple sources, which were grouped as either environmental issues, public health issues or social issues.

And using their community group, they settled in on a few specific factors, including air quality, water quality, open-end green space, respiratory disease traffic, and noise.

Just to say a little bit about the community. It's a corridor near the International Airport in Boston that has petroleum industry as well as traffic issues. And there's also a sewage overflow system that presents water quality issues during times of heavier rain.

So their report presented information in the geographic manner. And they gathered existing data in conjunction with a technical advisory group. So it had some similarities to how our -- some of our pilots are being built.

And without going into detail about the technical findings in that community, some of the overall conclusions were that available data were insufficient or of poor quality, regulations were inadequate and fragmented across regulatory agencies, and that action was needed.

As a consequence of the report, there was some minimal action that was taken. For example, a large salt pile of road salt that was not covered and was contaminating the surrounding areas was covered. And as a result, they did get more monitoring information to occur.

So they overall grouped their actions into community actions, longer term priorities, as well as personal actions. So things like avoid being in the creek when it's raining heavily and so forth.

--o0o--

OEHHA TOXICOLOGIST FAUST: So just to move on to next steps for our project. Through the summer we'll continue to evaluate the usefulness of the studies that we're pulling together and make recommendations to the pilot projects, particularly with respect to type of assessment that might be useful. I think we recognized that each assessment is not going to be the same and different approaches might be suitable for each one.

We're also going to expand input by using the conference call format so that we can focus in specific areas. Obviously cumulative impacts is a very large issue. And I think with some focus we'll be able to make some progress.

And then, finally, in the fall as part of our action plan we're developing a document to identify gaps in current methodologies.

So at this point I can turn it over to you.

CO-CHAIRPERSON TAKVORIAN: Okay. Great.

Good timing.

And I just -- the one question I guess, since

you're having the conference calls, those will be noticed to everyone on the Committee so they might be expecting to hear from you?

OEHHA TOXICOLOGIST FAUST: To distribute it to everybody on the Committee just to make sure?

CO-CHAIRPERSON TAKVORIAN: The conference call notification.

OEHHA TOXICOLOGIST FAUST: Yes.

CO-CHAIRPERSON TAKVORIAN: So that they -- folks can participate if they would like?

OEHHA TOXICOLOGIST FAUST: Yes.

CO-CHAIRPERSON TAKVORIAN: Okay. That would be terrific. So you have this list.

And we thank you.

Can we -- I was looking. We don't have a copy of the slide show. So you'll forward that to us as well?

OEHHA TOXICOLOGIST FAUST: And I have a copy of an abbreviated bibliography that presents some of the information that I've talked about. So I can pass that around.

CO-CHAIRPERSON TAKVORIAN: Okay. So I think all us in the interests of time will commit to reviewing that and the slides and getting our feedback back to you and then participating in the conference calls that you convene.

Thank you very much, John.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Can I ask him a real quick question. I know it's -- and I know everybody's trying to get out. But I want to get this in --

CO-CHAIRPERSON TAKVORIAN: We have one minute.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

One minute. All right.

Your department is the Office of Health Investigation Branch?

OEHHA TOXICOLOGIST FAUST: No, it's the Office of Environmental Health Hazard Assessment. It's part of Cal EPA.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Okay. Does that deal with the workers also on -- it's hard to -- I get confused on who does what as far as like the health criteria and assessment of, say, workers that would go out on a hazardous site.

Do you guys write up part of that or do you deal with --

OEHHA TOXICOLOGIST FAUST: No. We're predominantly in the risk assessment arena. We set health values under various programs; and review information, risk assessments that are prepared by other boards and departments.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: Maybe I'm saying the wrong thing.

Okay. So in other words when you set up the evaluation -- say, for instance, like the gentleman, Jahi Johnson, that spoke. And he talked about on housing sites that were toxic, how he had to go out and -- he did cleanup. And I guess some of the things that he -- he said he was nervous -- and sort of left out was the fact that they didn't really explain to them the health risks.

Is it your department that sort of set the parameters of what they consider a risk? For instance, like with them, they were given a standard of supposedly safety information. But he didn't realize -- or they out there don't realize that until years later. Who sets those guidelines and things like that? Is -- that's not your department?

OEHHA TOXICOLOGIST FAUST: Well, it sometimes is, depending upon the regulation that --

ADVISORY COMMITTEE MEMBER LEE: Isn't worker safety done by OSHA -- worker safety --

CO-CHAIRPERSON TAKVORIAN: CalOSHA from the Department of Industrial Relations.

ADVISORY COMMITTEE MEMBER LEE: And the Office of Environmental Health Hazard Assessment evaluates compounds that might be contaminants in the air, the water, the

soil, and looks at dose response relationships to figure out how toxic things are?

OEHHA TOXICOLOGIST FAUST: Yes.

ADVISORY COMMITTEE MEMBER LEE: Looks at procedures -- helps the other offices establish procedures and guidelines for evaluating risk within the different media, things like that?

OEHHA TOXICOLOGIST FAUST: Yes. Thank you.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Okay. Well then you explained it. That's what I thought. Because I wanted to find out, and then we can go: Have they taken into account the workers that they are employing from these various sites, especially the low-income housing sites, that these kids -- I call them kids because they're between the ages of 18 and, say, 30 -- 25 or 30 -- but they're going into these sites and they're doing this cleanup, and they're not being provided any health coverage or insurance, and then they're left with these cumulative impacts that seem to not be mentioned or evaluated when they're putting together these standards.

So I ask that question because, for one thing, I want it on record so that when we do bring these things up, but also for your offices to target those sensitive populations that keep being overlooked and, when they're

setting these guidelines, taken that into account.

OEHHA TOXICOLOGIST FAUST: When my department does set standards, to the extent that we have information available we do cover sensitive populations frequently.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

But the key is having information available, right? Because that's information that we haven't really been able to find. We just happened to find that out by talking to people like Jahi Johnson, who's had numerous visits to the emergency, who can't afford this health coverage, and he's had these huge knots lacerated out of his face and all over his body. And the other workers are experiencing the same thing. And it's not always prevalent -- or obvious right then. It's happening like two, three, some of them five years after this work has been done. So, you know, I just want to find out what would be the target that would make you pay attention to these kind of things?

MR. FAUST: Revisit a health value?

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Yeah, revisit a health value or the guidelines or something like that is set out.

CO-CHAIRPERSON TAKVORIAN: See if you guys can have this conversation outside. I apologize, but I feel like we won't get the other presentation. And we're going

to -- we need to end --

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

Oh, there's another?

CO-CHAIRPERSON TAKVORIAN: Yes.

ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: I thought you said we were ending.

CO-CHAIRPERSON TAKVORIAN: No, no. That's what I'm trying to say, is we have one minute left. And we went beyond that. And now we have another presentation. So I'm sorry.

But I think it's a really good question, so maybe you two can confer afterwards.

But thank you, John.

And now we'd like to get the update on the precautionary approach.

MR. SMITH: Hello. My name is Dmitri Smith of the California Integrated Waste Management Board. I'm the lead person for the precautionary approach efforts.

--o0o--

MR. SMITH: As you may recall, the first phase of the Environmental Justice Action Plan required the development of an approved IWG working definition.

The slide before you is a reminder of that IWG-approved working definition. It is defined as: "Precautionary approach means taking anticipatory action

to protect the public health or the environment if a reasonable threat of serious harm exists based upon the best available science and other relevant information, even if absolute and undisputed scientific evidence is not available to access the exact nature and extent of risk."

--o0o--

MR. SMITH: This working definition was the initial phase in achieving one of the objectives of the action plan, which is to develop guidance for the precautionary approach.

This slide summarizes the steps involved in ultimately developing guidance. Please note that the steps coincide with the EJ action plan phases as indicated by the phase numbers in the parentheses.

Step 2, which is identified as "seek and accumulate resources" is basically Phase 2 of the EJ action plan; and, that is, to "inventory where and how precautionary approaches are used in Cal EPA programs and to identify obstacles that may limit precautionary action."

As you can see, in addition to the primary objective of the inventory of the existing precautionary approaches and identifying the obstacles, I've also included the task of developing working groups, attending LAGs, workshops, and additional research researching

articles, literature, case studies and all other relevant or pertinent information. As a whole, the inventory and the identification of the obstacles, and all other resources will be used to explore if additional precaution is warranted in the pilot projects.

Next slide please.

--o0o--

MR. SMITH: I plan to work with the pilot project coordinators so that these resources can be utilized when exploring the application of precautionary approaches in identifying reasonable and cost effective approaches and mitigation strategies.

Meanwhile, I will also make recommendations on the application of precautionary approaches in regards to the pilot projects.

Once we are able to explore the applications of precautionary approaches, we'll be placed in a better position to develop guidance.

Next slide please.

--o0o--

MR. SMITH: One of the first steps to developing a process to inventory a precautionary approach and identifying obstacles is to create an in-house working group. And that working group primarily is comprised of the environmental justice coordinators who represent each

of our BDOs. As a starting point I refer to some of the Environmental Justice Committee's recommended reading. That was in the final report. So we did pay attention to those.

And, in particular, I looked at some of the Tickner articles, which in particular I believe it was called the Precautionary Principle in Action, which gave some models of precautionary methods.

So we wanted to establish some sort of framework to assist us in inventorying all these precautionary approaches within the agencies, and that framework transition into the creation of a matrix which will help with the organization of the various precautionary approach methods and to help with the identification of the obstacles that limit precaution.

Next slide please.

--o0o--

MR. SMITH: If you refer to the screen, this slide shows examples of the categories that would be considered in the matrix. And, please, just keep in mind that this is a preliminary matrix and none of these are really set in stone. This is a concept at this point.

The subcategories are examples of the methods that would fall into the main categories. Please note that these are only examples, again, and are not

exhaustive of the list of the categories that we plan to look at.

And another thing I want to also mention is that in addition -- when looking at these categories we have identified that alternative assessments should be considered in all of these categories and definitely will have its own place too within the matrix.

We expect more categories and subcategories to be created as we move further along in the process. And that's exactly why we call this preliminary. Just want to keep in mind that, you know, there will be more information coming available as we start to inventory and send information out to the various BDOs.

And another good thing with this list, it's going to be used as a brainstorming for when we do send out to the BDOs, it gives them a chance to look and see and just focus on what we're looking for to make sure that the information is concise and very presentable.

Next slide please.

--o0o--

MR. SMITH: So what are the next steps? Well, through the summer our plan to continue with the Internal Working Group meetings. This will give us a chance to touch bases periodically, see what information comes available. And also we need evaluate the usefulness of

the resources. And primarily those include the inventory precautionary approaches, but also the resources that we accumulate during the process, the literature, case studies, various -- et cetera.

And through the fall 2005 I plan to explore various precautionary approaches within the pilot projects.

And, finally, I plan to expend input by conference calls and workshops. Hopefully in conference calls my goal is to also get some more resources, get some more information, and see how these apply or can be applied possibly to the pilot projects.

--o0o--

MR. SMITH: That pretty much concludes my presentation.

At this time if have any questions, feel free to ask and I'll answer to my best ability.

CO-CHAIRPERSON ALLEN: Do you have questions?

She says no.

MR. SMITH: No?

CO-CHAIRPERSON ALLEN: Any questions from the Committee?

ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELO:

It's smart to do this at the end of the day. Everyone's tired.

MR. SMITH: Everyone's tired, huh.

Okay. Everyone's worn out. No questions.

CO-CHAIRPERSON ALLEN: Okay. This is what we've agreed on -- and we are so glad that you actually stayed. And I'm also glad to meet a face with a name. You've worked with my local enforcement agency --

MR. SMITH: That's correct.

CO-CHAIRPERSON ALLEN: -- and we appreciate your support there.

I think we have agreed to -- if you have comments or any suggestions, that you e-mail them, because we're losing one Co-Chair -- she's gone -- and I'm leaving at 4:30. And so we will have a ship without -- anyway I think if --

ADVISORY COMMITTEE MEMBER ARRIETA: Can we get a copy of the presentation?

CALEPA DEPUTY SECRETARY PRASAD: Yes, it will be forwarded.

CO-CHAIRPERSON ALLEN: Okay.

Okay. Shankar.

CALEPA DEPUTY SECRETARY PRASAD: Quickly.

Question about the one thing we could not talk much about was the next meeting's agenda. We are -- and the timing of the next meeting.

We are looking at the late September, early

October we'll send out some potential dates. Because we thought that that's the amount of time we need to have some meaningful progress to be reported on the pilots and so on.

At the same time we also wanted to spend a few minutes asking you as to what you would like to see the agenda besides the update on the pilot projects, and whether you had any thoughts more on the charge that the Secretary made at this first meeting regarding the other activities that need to be pursued within the Agency. In pushing this program further, are any specific issues that you may have interest or that needs to be looked into? And that so naturally we are looking that, if you have some specific ideas, to forward that. And also whether we can use the same subcommittee for the ad hoc committee -- sorry, not the subcommittee. The Committee.

ADVISORY COMMITTEE MEMBER LEE: I was just going to make a motion that you needed to nominate another different five people to have three or four two-hour conference calls to figure out your agenda.

ADVISORY COMMITTEE MEMBER LYOU: You're not going to get a second out of that.

ADVISORY COMMITTEE MEMBER LEE: I bet I've got a second.

ADVISORY COMMITTEE MEMBER TUCK: Second.

ADVISORY COMMITTEE MEMBER LYOU: Not going to get a majority vote.

CO-CHAIRPERSON ALLEN: As Co-Chair, I would actually like to thank the subcommittee or ad hoc committee for working with us on the agenda. Because I think our conversations were longer than the meetings, and it really paid off and our meetings ran smoothly for the two days that we had. So I really want to thank them for their effort.

Thank you.

CALEPA DEPUTY SECRETARY PRASAD: So the same group is okay for all of you. And I assume that --

ADVISORY COMMITTEE MEMBER LYOU: At least enough of us, not going to get a majority to change.

CALEPA DEPUTY SECRETARY PRASAD: Thank you.

Thanks you all. And thanks for the support from our staff, Malinda, Steve, and Jeanine. Thank you all for also staying until this time.

CO-CHAIRPERSON ALLEN: One other thing I'd like to do is to also thank the agencies who came and presented and gave presentations and worked along with Cal EPA to do it, because, you know, they have a --

ADVISORY COMMITTEE MEMBER LYOU: And make sure that for those who aren't here --

CO-CHAIRPERSON ALLEN: -- so we really appreciate

that. We do.

ADVISORY COMMITTEE MEMBER LYOU: -- for those that aren't here, that, Shankar, please pass that along how appreciative we are of their cooperation and support of this process.

ADVISORY COMMITTEE MEMBER LEE: I'd like to go a step further and thank Leonard and the Department of Toxics and LaDonna and the community members who came for taking the time to give us the perspective and to do it in a way that was largely without rancor, but very moving nonetheless. And I know that that was not easy for either side. And I really appreciate that you both were able to do that.

CALEPA DEPUTY SECRETARY PRASAD: The current dates we are looking at are October 11th, 12th and 17th, 18th.

We will try to see if we can get an end of September dates as well and send them to you.

(Thereupon the California Environmental Protection Agency, Environmental Justice Advisory Committee meeting adjourned at 4:15 p.m.)

CERTIFICATE OF REPORTER

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, and Registered Professional Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing California Environmental Protection Agency, Environmental Justice Advisory Committee meeting was reported in shorthand by me, James F. Peters, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of June, 2005.

JAMES F. PETERS, CSR, RPR
Certified Shorthand Reporter
License No. 10063