STATE OF HAWAII

DEPARTMENT OF HEALTH

EMERGENCY BACKUP GENERATORS

PUBLIC HEARING

Wednesday, October 19, 2011

6:26 - 9:00 p.m.

Kekaha Neighborhood Center

8130 Elepaio Road

Kekaha, Hawaii 96752

BEFORE:

FENIX GRANGE

KARL BROMWELL

MATTHEW ROSE

REPORTED BY:

TERRI R. HANSON, CSR 482

Registered Professional Reporter

Note:
Corrections and clarifications have been inserted by HDOH in red text boxes throughout the transcript, where appropriate.
The inserts are based upon transcript review by DOH representatives who participated in the meeting.
The original reporter's transcript has not been altered in any way - only suggested comments have been inserted in red.
<table>
<thead>
<tr>
<th>QUESTIONS/COMMENTS BY</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patrick Pereira</td>
<td>5</td>
</tr>
<tr>
<td>Jose Bulatao, Jr.</td>
<td>6</td>
</tr>
<tr>
<td>Van Warren</td>
<td>8</td>
</tr>
<tr>
<td>Krista Ruehaber</td>
<td>10</td>
</tr>
<tr>
<td>Van Warren</td>
<td>11</td>
</tr>
<tr>
<td>Patrick Pereira</td>
<td>13</td>
</tr>
<tr>
<td>Jean Warren</td>
<td>15</td>
</tr>
<tr>
<td>Van Warren</td>
<td>15</td>
</tr>
<tr>
<td>Krista Ruehaber</td>
<td>19</td>
</tr>
<tr>
<td>Van Warren</td>
<td>24</td>
</tr>
<tr>
<td>Van Warren</td>
<td>27</td>
</tr>
<tr>
<td>Dave Ovelar</td>
<td>29</td>
</tr>
<tr>
<td>Dennis Eguchi</td>
<td>32</td>
</tr>
<tr>
<td>Robert Sims</td>
<td>35</td>
</tr>
<tr>
<td>Merda Conics</td>
<td>37</td>
</tr>
<tr>
<td>Jean Warren</td>
<td>39</td>
</tr>
<tr>
<td>Van Warren</td>
<td>40</td>
</tr>
<tr>
<td>Gwen Cardejon</td>
<td>41</td>
</tr>
<tr>
<td>Steven Sullivan</td>
<td>43</td>
</tr>
<tr>
<td>Patrick Pereira</td>
<td>48</td>
</tr>
</tbody>
</table>
Index (Continued):

  Bruce Pleas 56
  Ioane Agemotu 60
  Linda Dela Cruz 61
  Van Warren 64
  Greg Holzman 66
  Sunny Lazaro 69
  Barb Childers 70
  Jose Bulatao, Jr. 72
  Patrick Pereira 75
PUBLIC HEARING

MS. GRANGE: What we need to do is get through the public meeting part first. So half hour presentation, half hour or so of formal public comment, and we'll close that meeting, stand up and take a breath for a second. And then come back for about another hour to talk more about that, or if you want to talk about water quality, the ditches, the mill site, other environmental concerns you might have. I don't speak for the whole department, but I'd be more than happy to listen to those concerns.

As we go through the comment period, if what you're talking about is not directly related to this site, I'll ask to wait for those comments after. The whole reason that we're here is that we want to know what you think about this recommendation. The ADC has come up with a couple of different ways to make the property safe for reuse, and the department's already weighed in on this. But we need to take your input into the process. So any questions about the overall.

AUDIENCE MEMBER: Would you be kind enough to write your name and title so we can see. And I can't hear you. Write your name and your title. You're with the health department?
MS. GRANGE: Yes. My business cards are on the back table. Okay. Let's get started.

(Presentation by Mr. Rose.)

PATRICK PEREIRA: My name is Patrick Pereira. I live right down the road here. I have been to umpteen meetings about Kekaha Sugar Mill site and its surrounding 30 acres, and I'm just wondering, who hears us? Who hears us? 'Cause I'm going to tell you right now the generators don't belong there. We're working on changing the zoning in that area. So somebody clean it up according to residential standards. Not put cement overlay and that kind of stuff.

It seems like the board of health don't hear us. It seems like the agribusiness guys don't hear us. It seems like they're to going facilitate a meeting like this, yeah, a public meeting because they got to do it. But they're going to pass it through anyway.

Me, personally, I'm at this point, I don't trust our county government, I don't trust the state government, and I don't trust the federales. Who hears us? That's all.

VAN WARREN: Excuse me, sir. Are you a stakeholder?

PATRICK PEREIRA: What do you mean stakeholder? Hell no, I don't want any generators
around here.

VAN WARREN: You live here?

PATRICK PEREIRA: Yeah, I live here.

JOSE BULATAO, JR.: Just some things in terms of what I anticipate for the presentation. Coming from an educational background as a teacher, I would implore you to try to keep it as simple as possible and that we do not need a whole volume of high technical information which we cannot relate to. Please get to the meat of the matter and give us the information you feel that we need to have without bogging us down with information that is too technical. I would like to say that.

MR. BROMWELL: I appreciate your comment. No numbers on this presentation.

AUDIENCE MEMBER: No numbers.

MR. ROSE: I should mention, we do have a Q-and-A format fact sheet on the back table, which pretty much attempts to do what you just said, Jose, to explain in laymen's terms basic informational points on our projects. So I just want to get that in. It also has my contact information on it as well. Thank you.

AUDIENCE MEMBER: I just have one question right now. I notice that you have high tech stuff and whatnot. Because I'm having a hard time hearing back
AUDIENCE MEMBER: I agree.

MS. GRANGE: That was clearly an oversight.

I did not realize that we were going --

AUDIENCE MEMBER: That shouldn't be an issue.

AUDIENCE MEMBER: We must be able to hear the speakers.

MS. GRANGE: You're right. We should have had a microphone. I didn't realize that it would be this way. We'll ask you to move forward or ask us to speak up so you can hear what we're talking about today.

Let's continue.

(Continued presentation.)

AUDIENCE MEMBER: Are they grounded? We can't find good ground.

MR. ROSE: KAA would have to address why they trip off and exactly how the grounding. I'm not privy to that information.

AUDIENCE MEMBER: We are spending too much on this issue here on this system, and not going to impact. Spend more money on the fuel than we can use.

MR. ROSE: Let's talk about this at the end. We may have some input. I think it would be cheaper than KIUC, but I don't know.
AUDIENCE MEMBER: The public would have to maintain that. That's not good. To me, we don't need it. And we don't need this. KAA can handle that.

Bromwell

MR. ROSE: Let's keep that comment in mind.

MS. GRANGE: Just a quick sort of help to the community. We've got a court reporter who's trying to keep track of questions. So if you want to ask specific questions and you want it to be on the record, you actually need to stop and say, My name is so-and-so and let us know. If you're just asking clarifying questions, et cetera, that's fine. I would suggest that particularly when you have questions about where the generators get located, et cetera, those might more appropriately go to the ADC rather than to the consultant. So those are perfectly reasonable questions to ask. It might be easier to ask them at the end. But if you wish to ask them now, you can.

VAN WARREN: My name is Van Warren, and I made a comment and noted that there were only two places to put the generators because of the ADA. But I believe that if you build it up higher you can probably put in any flood area. So I think it's more than just two places. Thank you.

MS. GRANGE: Thanks. Very much.

MR. BROMWELL: The main reason was it was
close to the fuel tanks.

AUDIENCE MEMBER: I don't want to interrupt you. I have a basic question, and I want some clarification. You're saying this is going to be three generators are going in this area. And I'd like to know what's the difference between the generator and a pump? So if you're talking about generator to pump water, generators don't pump water.

MR. ROSE: We're trying to get through the presentation before we get questions. But the function of the generator is for backup emergency power that would hook up to our pre-existing grid. So if one of the hydro power plants goes down -- really the hydro power plants are powering our grid. So the generators are meant to be a source of backup power. That's their function. Now, the great powers are various components of our agricultural system. So that's, I mean, that's in a nutshell.

AUDIENCE MEMBER: I'm confused because I heard some say generators and then pumping water. Are they not --

MR. ROSE: A lot of what's done to manage the water system is pumping water.

AUDIENCE MEMBER: But generators don't pump water.
MR. ROSE: Well, when the power is down --

MR. BROMWELL: These are backup emergency backup generatorzs. So right now the hydro power plants are the main source of power that powers the grid. So if these experience down time, if they're damaged or if they get shut down for some reason, the backup generators are there just in case. A little like insurance basically.

(Continued presentation.)

MS. GRANGE: There are about four sets of the fully printed out copies in the back. And you can download more, but you're welcome to take the ones that are here or ask about them if you wish.

(Continued presentation.)

KRISTA RUEHABER: First of all, has the public even been asked if they want this here? I mean, I don't know if people want it or not. I'm new to this. But first of all, none of this matters if they don't even want the generators, right? Then it's about cleaning up the land. It's not about putting a generator and making it good enough for that. Has that been asked? Do you guys want the generators?

AUDIENCE MEMBER: No.

KRISTA RUEHABER: Right there. They're saying no. Why are we having this discussion if they're
saying no?

MS. GRANGE: Okay. Hold on just a second.

May we have your name so we can get it on record?

KRISTA RUEHABER: All right. But I'll have to spell it for you. Krista Ruehaber, R-u-e-h-a-b-e-r.

MS. GRANGE: The community does have a very important role in deciding how the lands in your community are used, about what the zoning is, what decisions are made about your community. Those decisions are not something that I as the Department of Health have any jurisdiction over. So if there are zoning questions that you have real desires, you see things differently. I understand that. That is not something -- all the Department of Health can do, our rules say in this -- for this proposed use and this zoning, is this safe or not? That's under our control.

VAN WARREN: Again, Van Warren. Shouldn't you have to explain about the limits and what the dirt that the kids can eat and the dirt that the kids cannot eat? And since I'm talking to the Department of Health here, you do know that there is gardening going on behind the contaminated earth? Are you concerned about that? It's going to the market right now. Are you concerned about that, the Department of Health? You knew this areas was contaminated from 2005, and there's
food product being produced in there and released to everybody in the community. Is that not the responsibility of the Department of Health?

MS. GRANGE: That is the responsibility of the Department of Health. And you're talking about the settling ponds area, right?


(Many people talking.)

AUDIENCE MEMBER: ADC, I think, should know about that also because they're managing the land. They took control of this land. And so where is the Department of Health? Where is ADC? And you expect us to believe these numbers that you're putting up in front of us for generators? Take care of the stuff that's being spread out to the community right now.

MS. GRANGE: So what I can tell you is I don't know of any data for this particular site.

AUDIENCE MEMBER: You don't know?

MS. GRANGE: As far as we know we have not sampled that site.

(Many people talking.)

MS. GRANGE: Hang on. Just a second. We have sampled the settling pond area over here. Right in these areas. So I don't have data in here. That's a good question. We need to look and see what's going on.
here. We know where contamination -- we know what's going on over here. You're right, we don't know what's going on right here. Simple question.

AUDIENCE MEMBER: And we're expected to believe you now?

MS. GRANGE: What?

AUDIENCE MEMBER: I'm Amy Aborela. And in 2005 the report said it needs further investigation because it detected substances that wasn't done in 2005.

MS. GRANGE: Are you talking about this area?

AUDIENCE MEMBER: Many areas.

MS. GRANGE: I'm not familiar with this. You're talking about this particular property. We did assess this, and these numbers are very similar from what we see in old sugar cane fields and settling ponds around the state. And they are based on the early data from 2005. These numbers are well below our unrestricted use. There is a presence of dioxins, arsenic, and mercury, but they were at low levels. Hard to understand. I understand that.

PATRICK PEREIRA: Low levels based on the zoning industrial --

MS. GRANGE: No. No. These are -- these passed unrestricted residential use. That's all up in
here (indicating). I don't know -- I don't have data on this. And until tonight I didn't know there was question about this. So this may very well be a place where the state says we want to see -- make sure we understand what's going on in there.

AUDIENCE MEMBER: We were told that the settling ponds had a hundred times the level of mercury than is acceptable.

AUDIENCE MEMBER: That's in the mill ditch.

AUDIENCE MEMBER: Somewhere around there.

MS. GRANGE: I'm not sure what. You can come up and see the data that we have here. You can see what we're talking about.

AUDIENCE MEMBER: They're talking about the village.

AUDIENCE MEMBER: Have you guys been talking to our environmental consultants?

AUDIENCE MEMBER: He really urged the community, everybody who has been to the last three meetings not to get bogged down in the science. Because we have a team of scientists that is challenging a lot of the methodologies. Because what happened after 2005 is that they did another study with a different methodology that brings all the levels down. And we just really wanted to look at that. We're not saying
that it's wrong, but the scientists say that we need to look at that. So instead of getting bogged down by the numbers, let's stay with the fact that what we want for our children is a clean Kekaha. That's what we want. And so put it on the record. Like he said, this is our opportunity to change things up. If you really want those generators somewhere else, if you really want the soil to be taken out, you really want this done to the residential standard, then put it on the record. That's the best we can do today. Best we can do. The science, I don't get it. I don't know. Who knows? We have scientists on our side. (Applause.)

JEAN WARREN: My name is Jean Warren, and I work at Kekaha Elementary School, and I was trying to not make any comments and waiting for you to make your presentation. Since you brought it up, there is industrial standards and there's residential standards. This is a very rural community. And there are no signs posted that I'm aware of that says to kids, Stay out of this area because it might be dangerous to your health.

MR. BROMWELL: It is part of this project.

JEAN WARREN: It's a comment. I want it cleaned up to residential standards because I'm worried about our Kekaha kids.

VAN WARREN: And the Department of Health,
you put up signs in Kekeha by the State of Hawaii or any of the places where our kids go up and down the road for the past six years, I guess that's when you guys found out about it. We feel really safe with you folks now. Now that you want to put a project up. Oh, you put the signs up now. Thank you very much for thinking about us. Van Warren.

JEAN WARREN: Let me add that I do not want the Department of Health to do this. I would like an outside agency to come in because if you look at this, the Department of Health is run by the state. You guys are governed by the state. I think there's a conflict of interest.

AUDIENCE MEMBER: Corruption.

AUDIENCE MEMBER: I agree. (Applause.)

VAN WARREN; I think that's what's happening on Wall Street or something right now or something.

MS. GRANGE: I know you guys are very suspicious and feel like the Department of Health hasn't done its job and we're trying to pull something over on you here. If this was my community and I didn't understand all the facts, I would be scared myself. I get where you're coming from. Go ahead.

AUDIENCE MEMBER: I think there's an
historical basis for that. And the suspicion may be well founded because from my understanding from what I think the health department should have been aware of this, maybe they are, but this site, from what I understand is supposed to be put on the EPA list but wasn't because EPA let the state handle it. So if it was serious enough to be considered to be put on the EPA list, obviously a lot of people knew about this from way back. So the community knows about this. People come here and they act like people here are somehow ignorant of all the facts. That's not the case. So when you hear Kekaha, people have information, they have background information, and they have good reason to be suspicious.

MS. GRANGE: Thank you. So I would like to interrupt and let us get through this presentation. We can talk into the evening on the concerns that you have. That's the whole reason we came here tonight.

AUDIENCE MEMBER: You mentioned about the facts that what happened, the kids eat dirt and get sick. But what we're really most concerned about -- or I am and I know that we've talked about this is the cumulative effects, that fact that we have school, we have dust blowing off of that area constantly going up and down that road. It's a very dusty environment. We
have the trade winds blowing that goes directly into the Hawaiian school. So it's really the cumulative effect that I hope you'll address in your position. So that we understand that.

MS. GRANGE: Dust control and managing, do a job of managing the soils on the site, on that site at all is part of what we're here about. You are absolutely right. The site has been unmanaged and we see moderate contamination levels. I hate to tell you that there are quite a few of these sites around the state. And the Department of Health jumps on sites we think are going to be an immediate health threat.

I don't know if you saw the paper a few months back, taking some major action in Kilauea. In that case we got data -- as soon as we saw the data -- I think before we saw the data we realized houses were built on one of these. We were out there immediately talking to neighbors saying, There is a potential immediate health threat here. So this -- may I finish.

AUDIENCE MEMBER: Sure you may finish.

MS. GRANGE: So there is contamination here, but honestly not only as the regulator and a scientist, but also as a mother of a nine-year-old, these levels on a piece of property away from the neighborhood are not a huge risk. This remedy is going
to make a difference. It's very little threat.

KRISTA RUEHABER: That's not the case. You really can't say that. You can't say that. So right there, that where the property stops. I would say ask the people here because these people here want to see it cleaned up to residential, bottom line. Bottom line. It qualifies for agri funding. This is a huge problem. It's not okay to kind of cover it up. That's what I hear being said. So I'm just trying to say, if you're not going to do that, then you shouldn't waste people's time.

MS. GRANGE: You get that on the record, get to the question and answer, one after another or inviting, go ahead and put that. I hear that feedback that you want to give us. Go ahead and get that to us. And we will incorporate that in our decision making. That's what I want to say.

AUDIENCE MEMBER: I don't think there's any decision to make. It's so easy. You have to clean up the contamination before you can think about putting in a diesel-powered generator, and how can you even think about doing anything else before you clean up the mess? There's a school right there. There's houses right there.

MR. BROMWELL: Let's get through the
presentation, and I'll address everybody's --

AUDIENCE MEMBER: Let me make one comment. She just said and we all know that all the mills in the state are contaminated, but we're still looking at this orange spot over here. Even though we know, because it's taken the state however long, that all the mills are contaminated sites. There is nothing to think about anymore. That's what you guys said right there. That's what you just said. You guys know about how contaminated mill areas are, right? And then all of a sudden you're only worried about that area. I have a hard time understanding your logic and reasoning.

AUDIENCE MEMBER: And homes get built on the other side.

AUDIENCE MEMBER: And I apologize. Maybe I'll apologize for myself. But it's not even an issue with you. It's an issue with the state. They knew about this. They need to clean it up. And it's not even -- you can go through your presentation, but I tell you, I feel it's going to fall on deaf ears.

MR. BROMWELL: The key is, I want to say this, the EPA and DOH to clean the site before the project is identified it has to be put in the MPL list. Since this project is coming in it forces legally HDOH to look at the site. If there's no projects going on,
the site is not being looked at unless it's put on the EPA NPL list. Does that make sense? And --

AUDIENCE MEMBER: Put it on the list.

MR. BROMWELL: That would be great.

AUDIENCE MEMBER: We don't need your project to put it on the list. We want the site cleaned up. We don't need you to tell us that we can live in contaminated level of this junk.

MR. BROMWELL: But there's where the money comes in, the ADC to do this project is going to pay to make this site more protective of human health and the environment.

AUDIENCE MEMBER: By industry standards. Don't forget that.

MR. BROMWELL: We're actually going beyond and the slides will show this. If you just have patience, and we'll get these questions answered.

AUDIENCE MEMBER: Whoever made the mess, cleans it up. Bottom line. Whoever made that mess, cleans it up.

AUDIENCE MEMBER: Make them clean it up.

AUDIENCE MEMBER: Amfac.

AUDIENCE MEMBER: State of Hawaii has the responsibility to clean it up. When we qualify for the super fund list, the State of Hawaii took it upon
themselves to say that they would handle it. So don't even go back to Amfac. Amfac is no longer. The State of Hawaii took it upon themselves. They have the responsibility.

MS. GRANGE: The State of Hawaii took the responsibility for oversight. That is different than taking on responsibility for the clean-up.

AUDIENCE MEMBER: Well, you're overseeing it. Somebody needs to clean it up. It's not going to be addressed.

VAN WARREN: Continue your presentation.

MR. BROMWELL: Thank you. Just for clarification, the numbers are based on lifetime consumption, not just a one-time thing. These numbers from the EPA. I don't know how they come up with the numbers, and they're based on lifetime exposure.

MS. GRANGE: They're very conservative and the key thing that you'll hear in the presentation in a second is the thing that matters in terms of whether or not the soil gets into your body, what you're going to hear from these guys tonight is a practical solution for insuring that the soil isn't going to get moving around the community, it's not going to be -- children are not going to get exposed to it. They're much more protected. It is possible to consider digging up the
soil and moving it to the landfill. We do not think that is an appropriate solution.

AUDIENCE MEMBER: Is a landfill a certified haz mat disposal site?

MS. GRANGE: These levels are not high enough for that to be required.

AUDIENCE MEMBER: Oh, they're not high enough.

MS. GRANGE: For certain sites. There are other pesticides --

AUDIENCE MEMBER: Mercury, arsenic, dioxins, they all can go in the landfill?

MS. GRANGE: It depends on the standards of the landfill and how contaminated the soils are. There are other pesticide mixing areas that are contaminated that can't be moved and those end up getting capped in place.

AUDIENCE MEMBER: So what is the standards for the landfill since you're the Department of Health?

MS. GRANGE: There is something called a TCLP. It's a leaching test. If it doesn't pass the TCLP or it's a listed hazardous waste, it has to get processed and shipped to the mainland. For that reason, in Hawaii many sites are closed in operation, left in place and one way or another sealed. It's not the most
perfect solution, but it is located one way or another.

VAN WARREN: And the reason why I say that every night when the wind blows up, and it blows all that dust right into the residential area. All Kekaha Hawaiian homes where I live, it's coming from the south. And that's the reason why I say that.

MS. GRANGE: That's a reasonable concern.

AUDIENCE MEMBER: You should live with us over here.

MS. GRANGE: I wish I could.

AUDIENCE MEMBER: If you have in place, and how deep does it have to be underground?

MS. GRANGE: It's not a matter of how deep it is. It's a matter of what the cutoff is for the exposed pathway. So if we have and you don't take the lid off, that's brought protection. A lot of remedies work that way.

AUDIENCE MEMBER: Can poison seep?

MS. GRANGE: It can. It depends on what kind of contaminants they have. We have arsenic and dioxins here. Arsenic and dioxins bind tightly to the soil.

So let's actually keep moving through the presentation.

AUDIENCE MEMBER: Does mercury seep?
MS. GRANGE: Mercury does not move either, the kind of mercury that we have here. It binds up with the sediments. And we don't have mercury at this site. We have the mercury in the mill ditch, but not here. We'll talk about that after. We really need to get through the presentation before we can get to your comments.

MR. BROMWELL: All of these comments outside the area are going to be addressed after this. So keep those in mind.

(Continued presentation.)

AUDIENCE MEMBER: You have a word on that. That says insoluble. Weakly insoluble.

MS. GRANGE: No, weakly soluble.

AUDIENCE MEMBER: So that's a mistake?

MS. GRANGE: Yes, that's on the fax sheet.

MR. BROMWELL: Very good catch.

(Continued presentation.)

AUDIENCE MEMBER: What about it does it remain contaminated?

MR. BROMWELL: That's correct. On site and managed in the long term. Okay. And I'll touch on that a little bit more.

(Continued presentation.)

AUDIENCE MEMBER: Is that to residential...
standards or industrial standards?

MS. GRANGE: Actually as soon as you put a cap on it, neither one applies. When you're talking about a residential or an industrial number, that's talking about when you're going to clean soil, right? Either way you're breaking the pathway. When the contaminant is on top, you're not going to be exposed to residential or commercial levels because the soils are managed under the ground.

MR. BROMWELL: I have a slide that addresses that.

(Continued presentation.)

AUDIENCE MEMBER: Septic tank or cesspool?

MR. BROMWELL: Cesspool, septic tank.

Septic tanks can be infiltrated also and cesspools.

(Continued presentation.)

AUDIENCE MEMBER: The state's not going to do nothing?

MR. BROMWELL: I don't know. I can't speak to that, but the project triggers an action. And that's all I'm saying.

(Continued presentation.)

MS. GRANGE: So now, this 30 minutes is for comments and answers. Hopefully answers.

VAN WARREN: I do have a couple questions.
MR. BROMWELL: We'll start here with this gentleman.

VAN WARREN: I didn't see air quality monitors and generators. I didn't see the noise level taken into consideration since it will be in close proximity to the residential.

MR. BROMWELL: That's a good question.

VAN WARREN: And furthermore, I think if you -- oh, Van Warren again. No generators on this site because if you're not going to take care of it, what is the state going to do tomorrow knowing that they are going to help on these roads and dust is being blown up and kids are eating the dirt right now? Right now. Without giving you -- if you don't get this project, what is the state going to do tomorrow? Since you brought all this information to us today.

MS. GRANGE: So we use risk assessment. I have a risk assessment thing human health issues source in our office, and the question is the protection of human health. Is the concentration going to hurt people if they breathe it in? And the concentration at this site, the soil blows offsite, the concentration is not high enough for you to inhale enough soil to cause a health risk.

VAN WARREN: So we don't need to. Thank
you. So we take that to a higher level. Say that to the Hawaiians. And it's not doing us any good.

MR. BROMWELL: If you want it as a protection for future or keeping a grounding for your hydroelectric plant, which is part of the grid.

MR. ROSE: The first part of your question, I just want to be sure all your questions get addressed. You talked about the generators specifically. We addressed noise and emissions in our environmental assessment which was done more than a year ago. The emissions -- because these are emergency backup generators, we already received permission from the applicable branch of the Department of Health admissions because of the limited use. The plan is to start them up like once a month or once every other month. They're going to be used as backup emergency generators. So the expectation is they're going to be used less than 500 hours a year.

AUDIENCE MEMBER: 500 hours a year?

MR. ROSE: Less then 500 hours a year. I'm not saying they're going to be used at 500 hours a year. The expectation is less than 500. If you use them more than 500, then you have to apply for an emissions permit. These generators were designed to meet the EPA emissions requirements.
AUDIENCE MEMBER: For industrial/commercial use?

MS. GRANGE: The emissions requirements don't apply for that.

VAN WARREN: I guess, how many hours it was used to that add into your record so we know how many hours the KAA is using the generators per year to make sure it doesn't exceed that 500 hours.

MR. ROSE: I think that's reasonable.

MS. GRANGE: Actually let's get a couple questions that we haven't heard from yet. Sir.

DAVE OVELAR: For the record, my name is Dave Ovelar (ph), also known as Move Kauai Keiki. I'm 50 yards from you guys' proposed site. My classroom is outside, and we breathe the dust all week, every day. And so I'm very concerned about that. I come here representing the 50 kids that I'm in charge of at Garden High School.

We were concerned about the noise that this thing might make. We're concerned about the sound of diesel. We're concerned more about the poison that's underneath there. I mean, our school is surrounded by the lei of poison. And we have taken upon ourselves to educate not only the teachers, but the kids, about what we're up against. And I'm here standing up for them
right now. You see. I breathe that dirt every day. The kids breathe it every day. We dance on the dirt. We kick it up. We eat outside 50 yards from that site.

So I'd like to make sure that when you guys make a decision, it's going to affect us either way. We're not going away until we die of the toxins, I guess. But just for the record, if anything happens to our children, it's in our hands. This is why all the people are here. Okay? We don't want all this business. We commend you.

We really want this site to be moved away from our school. We're already surrounded with poison. We rather you clean this up. Whoever's in charge, and that's the bottom line. Clean them up because that's the way of our island, and that's what we teach our children, aloha aina, love for the land. And that is the greatest love that you can have. Clean up the mother, the Earth is our mother.

So on behalf of our children and our school, we say no to this project. We say yes to cleaning up so that it can be used for better use. It's right in the center there of our community.

Please do not make this generators right now. Move them somewhere else, a little bit further away from us. I mean, I understand the need for emergency
generation of power, whatever, pump the water and all of that. But if our people who lived here for centuries, and have a clean earth, then we have the right and responsibility, our kuliani (ph) to take care of the earth underneath your feet.

Please don't build this thing here. Don't. It's under our community right behind our school, 50 yards or less from our school. Just like, what, 15 yards from our school building is some towers that just went up for phones, whatever it is, FM. I don't know what it is. But then there are big signs around that, 15 yards from our school. If you go close to that there's a possibility of dangerous emissions is coming out. So the Department of Health, what you going to do about that? (Applause.) Okay. What you going to do about that?

The kids is our kids. It's mine and yours. That's your parents. You and your kids and mind is at my school. How would you feel? Put yourself in their place. Mahalo for listening. (Applause.)

MS. GRANGE: Thank you. I just want to make a comment about that, that when we're cleaning sites we really do care about where schools are. And thanks to Phoebe and our consultant, that was the first time that we realized there was a school there. Within
a week of figuring that out, we went out and sampled the playground, the lunch area, under the picnic tables and the area of the site between like where the gas station is and the buildings.

I was hoping to have that data back today. It takes about two weeks. We haven't gotten it yet. But I promise you, we will let you know as soon as we get that.

There are two concerns. One is if the soil was always contaminated there. We hope that's not true. Or that there was blowing dust. Either way, we will have data about that. And as soon as we have it, we will make it known to the public about that information because that's one of those cases where there's a potential risk that we were not aware of that we are addressing as quickly as possible.

In the back row. Can you please stand up and speak louder so that she can hear you.

DENNIS EGUCHI: My name is Dennis, last name is Eguchi. I like the idea that we are going to have backup power for our pumps. But the location for the generators are -- you guys mentioned that the site was chosen partially because they're close to fuel. Is that partially only the reason why? Or is it also because some of the infrastructure is already there?
MR. ROSE: I'd say both of those.

DENNIS EGUCHI: Because the infrastructure was put in a couple years ago, right? Three years ago. And was that in the process of knowing that generators were going to be there?

AUDIENCE MEMBER: Do you understand the question? Did you know that the generators were going to go there about three years ago?

MR. ROSE: There was already -- are you asking was there already a plan to generate?

AUDIENCE MEMBER: Yes.

MR. ROSE: Yes, there was. There wasn't at that time. We didn't know there was an issue about the soil. We did not become aware of issues with soil contamination until we went through the required environmental review process last year. Once we went through the EA process, and that involves sending out notifications to multiple stakeholder agencies and entities, and then we went back to the Department of Health of issues with leaching soil contamination. So we did extensive testing that we presented. They came in behind us and also did their testing, which is how we came up with our plan.

So we did not anticipate just the generators in and of themselves as being an issue. However, the soil
which we're talking about today, once we discovered that, we did anticipate it being an issue, and that's what we're doing our best to try to address.

AUDIENCE MEMBER: I think the community at large, we don't appreciate you guys going ahead and putting the infrastructure in prior to coming to ask us, Do you guys want the the generator there? You know.

MR. ROSE: Actually, the intent of today was to ask -- was to present our plan for soil remediation. So we already went through the EA process last year.

AUDIENCE MEMBER: So you're telling me that the alternatives one and two, we have a choice of one and two and that's it?

MR. ROSE: That's not necessarily what I'm saying.

AUDIENCE MEMBER: Well, there was no clear alternative three, so I was just wondering.

MR. ROSE: We're presenting what we came up with as our best effort based upon working closely with the Department of Health and their guidance trying to come up with what we hope would be the best alternative and to show the community.

MR. BROMWELL: I think he's referring to the EA alternative site location for the generators.
MR. ROSE: These generators, there seems to be thought that they're like some huge monstrosity that's going to take --

THE COURT REPORTER: I can't hear.

MR. ROSE: The generators, they're like 3,000 square foot footprint. The plan was to place some concrete down and put the concrete -- to locate it over 300 feet away from the main highway and 300 feet away from the office buildings. And the views are consistent with the existing use of the property. There's not anticipated serious noise levels. The dB levels were 85 which are slightly less than a lawn mower.

ROBERT SIMS: My name Rob Sims. My wife happens to be the principal at Kekaha -- well, she's the principal at St. Theresa School. And somebody just said, Well, I didn't know there was a school here. But you didn't know that there was a school there. Actually there are four schools in the area. There are a number of churches in the area. And there are elderly housing in the area.

Now, when you talk about putting generators, talking about, like I said, 3,000 square foot or land, whatever footprint. We know that those kids, not only are breathing the dust as the guy just said, everybody knows. Now you want to put the generators in there, and
they too breathe the generator fumes on top of that.
Now, what sense does that make?

MR. ROSE: The amount of emissions that
will be created are not considered to be substantial.
We have trucks --

AUDIENCE MEMBER: Considered by whom? By
the people that are breathing them? By the children
that are breathing them? By someone who doesn't even
live in the area? Or someone says to the father who
doesn't have a child in the area? Tell me. I'm not
interested in hearing somebody say, I'm a dad. This is
good for you, I'm a dad, I think this is good for your
community. If you're a dad of a child in this
community, then you have a right to say that.

AUDIENCE MEMBER: How would you like it if
your house has this big generator in front of it? How
would you like that? Why don't we build one right in
front of your house?

AUDIENCE MEMBER: It should be more than
300 feet away.

AUDIENCE MEMBER: Right, we're like just a
couple hundred yards from where the site is going to be.
I will be looking at it every day. I go by and fill up
my fuel at the gas pump right there. I didn't even know
that was all toxic. The Department of Health doesn't
even do nothing. They don't do nothing, and it's still
toxic. I go there every day. I have a kid now, too.
You know.

MS. GRANGE: Let's keep going with
questions.

MERDA CONICS: My name is Merda Conics
(ph). And my question to you is in 2005 it showed
mercury on the site. And then your test in 2010 didn't
show it, didn't even show mercury like you're saying.
So who technically does the EP that this area is toxic?
Or do we believe the state? I'm talking about the final
2005.

MS. GRANGE: Right. On the ADC site the
test that was done in 2010 actually showed higher levels
than 2005, particularly along the back border along the
ditch came up at a higher level. We do use a different
method of sampling because what we care about what the
average concentration is.

So on the ADC site, the second round of data --
so both sets of data were taken by DOH oversight. DOH
spent EPA money to do the 2005 study with the
contractor. And DOH oversaw the work that ADC did and
directed the sampling in 2010. So on the ADC site the
2010 data was higher than the 2005 data.

But in the ditch, there is a place where the...
There was a place where there was a detection of mercury. We went back and sampled again in 2010 to see a different sample, other EPA sampling with our guidance, and we sampled stretches below that because we wanted to see if that mercury which was going to be getting back to the ditches where the kids would be exposed, where you get the ocean, et cetera. Used a different sampling method there.

And in one of those samples, there was a place where there was a hit in 2005, detection -- pretty significant detection, and in 2010 there was not. That's unusual. We don't know for sure what that means. What we suspect it means is that the stretch there includes this and it's contaminated, but that does not mean that they were trying to get a different answer.

AUDIENCE MEMBER: Much sampling taken on the same places the same both them years were they taking to the spots, 2005 and 2010?

MS. GRANGE: There's two different methods. The old method, so let's say were were sampling this room, we take four discreet samples. We do tablespoons of soil from four different locations in the room, and send that to the lab.
We had concerns about that method. And actually leading the contamination in doing a different kind of sampling. So that would analyze four samples. So instead we divide this room up into four pieces, take 30 samples in each quadrant to make sure if anything got spilled some of it would end up in the jar and analyze those four samples.

So you're not going to get the same answer. We get much better answer. That's how we do the contaminant sampling, and I can tell you more about it. But the whole reason for doing it is not letting them get away with anything, not get a different answer, but get the best understanding of what the exposure is. What we care about is if it's a the kid's back yard, I want to know if it's contaminated or not. I want to know if there is contamination.

JEAN WARREN: Jean Warren. I have a couple questions. You said that dust is a problem. Okay. If it's air, if it gets in the air, dust is a problem. Are the side -- what are the health side effects of inhaling these contaminates?

MS. GRANGE: I'm not a human health toxicologist. What I know is that if you were on the site that's heavily contaminated, that's a way it can get into your body, and it has the same health effects
that you're going to have if it gets into your body from eating.

VAN WARREN: That would be an acute exposure. How about chronic exposure?

MS. GRANGE: Both dioxins and arsenic can be -- you have to biggest concern the health department --

AUDIENCE MEMBER: He asked about chronic exposure.

JEAN WARREN: My problem is, okay, I haven't been here and I understand what the hydro power plants do. They keep the water out of the field. They keeps the pumps running so that the fields don't flood. Even though the fields were at one time all swamp. So they're naturally prone to collecting water. I haven't been here for the last 100-year flood. So I don't know how much the generators are required to help keep the water out of the town.

But my problem is you guys knew that there was contaminants, that this place is toxic in 2005, and you just said that you're concerned about the children's backyard. This is 2011, and the reason why you're doing it is because of this proposed project. The reason why you're coming to the public is because of this proposed project.
At Kekaha school we have approximately 378 kids. Fifteen percent of our school population ages five to ten have chronic asthma, chronic asthma. So what the heck has been going on for the last six years? You know, yes, these guys are going to come in and they're going to do something. They're going to cover it up and make it all right. Do you know what? We've been exposed for over six years. Clean it up. (Applause.)

GWEN CARDEJON: This has nothing to do with this, but I just wanted to say I'm opposed -- sorry. Gwen Cardejon, C-a-r-d-e-j-o-n, and my first name is Gwen.

I'm a part of this Kekaha Town. I was born and raised here. I'm also product -- remember the steel machines and the EDT? We used to change that machine — directly in the back of that machine all that diesel or whatever it was. That's why we have health problems. And I'm not going to tell you how old I am but old enough, kahuna, but I've been exposed to this kind of stuff. My father lost his life, worked in the plantation, the mill, in the fields. He had a lung condition, and that's from all of the air and dust and whatever toxins that came out of there. Now, I want to have a guarantee from somebody
over here, that whatever is in the ground will not go into our drinking water.

MS. GRANGE: So specifically having to do with the drinking water, what I can tell you is that the contaminates that we found of concern, dioxins, arsenic and mercury do not travel in water, does not make it into the ground water. They bind very tightly to the soil. And so they are not contaminating the drinking water and they're not impactable.

So in drinking water throughout the state, the State of Hawaii monitors drinking water supplies throughout the state. Arsenic and dioxins do not move into those because they're so tightly bound to the soil.

In the settling pond, after 2005 there was one detection in the shallow ground water. That is below ground. A little bit of arsenic and small mercury went and small arsenic, that a shallow ground water is going to be drinking and is not a risk for irrigation or contact or et cetera.

We would actually -- sorry. I'm just thinking out loud. That kit was a little bit unusual for a very scientific reason. But in any event, it's not a risk. The drinking water is not a risk.

Other pesticide mixing areas, there are two I can think of in particular that were operating different
periods, later periods of time, have had issues with triazine herbicides, they're the herbicides that can make it into the water supply. I don't know if this site has been tested for it. So that may be something we need to look at.

AUDIENCE MEMBER: Has it been tested?

MS. GRANGE: Right now I don't have -- I don't have funding. That doesn't mean -- I was on the phone this morning talking with the EPA because I wanted to know what I would be able to offer you guys. So what we need to do is look at the historical record and see if those compounds were used here. There was a reason they went back to 2005 --

THE COURT REPORTER: I can't hear.

MS. GRANGE: I'm sorry. We were just talking about whether or not what is called triazine herbicides are in the ground water.

STEVEN SULLIVAN: Steven Sullivan. My question is, the toxins bind to the soil very well. And if we cover them up, than we can't use the land for anything else, and that's forever, I guess, or until someone else -- future generations go in and pull that heavily contaminated soil out that is stuck to the soil, and it's going to stay stuck to the soil. So my question is, why would you -- does that just basically
seal the fate of this land for now until we have some
concerned children that raise up through the school who
are willing to tackle the real problem? Is that the
fate of this land? Is the fate of this land to be stuck
dirty and unclean until the following people have to
live through it and take action on it?

MS. GRANGE: Good question. In Kauai,
because we have limited landfill space, very many
contaminated sites in urban and rural areas end up
getting capped. It's not a great solution. We can take
it all to a landfill if we had enough landfill space or
ship it to the mainland. That would be much better.
The fact is, that is often cost prohibitive and not
practical.

The department's job is to keep people safe.
So when you leave something in place, that's why you
kept hearing Karl talk about the EHMP, environmental
hazard management plan. That's a long word for a very
specific regulatory document that makes sure that we
check on that soil regularly.

The last thing we want to have happen is 20
years from now for somebody to dig up the soil and puts
it into the air or does something like that.

AUDIENCE MEMBER: I have a question.

MS. GRANGE: Okay. All right.
AUDIENCE MEMBER: I have a very simple question. My question is, I didn't get the answer. Who actually owns the generators and operates the generators?

MS. GRANGE: ADC will be owning and operating the generators, is that correct?

AUDIENCE MEMBER: Who is that? You have a lot of acronyms, and I don't understand.

MR. ROSE: Agribusiness Development Corporation will be in charge, you know, the land owner. They will be --

AUDIENCE MEMBER: We have an agreement with Kekaha as an association to operate and manage the existing infrastructure.

AUDIENCE MEMBER: It's so confusing. It sounds like we're getting smoke and mirrors. Is this on the sheet somewhere who actually owns the generators? Who is actually going to own it?

MR. ROSE: The state owns the generators.

AUDIENCE MEMBER: The state?

MR. ROSE: Well, we're a state agency, the Agribusiness Development Corporation is a state agency.

AUDIENCE MEMBER: Now are you appointed? Are you elected? Or how do you get --

MR. ROSE: Technically the Department of
Agriculture owns this. We're linked to the DOH. So I guess we're the owner of the generators. The operator would be the Kekaha agri association.

AUDIENCE MEMBER: It's a state agency, but not private, is that what your telling us?

MS. GRANGE: Yes.

MR. ROSE: Correct.

AUDIENCE MEMBER: Okay. And so don't get me wrong here, but maybe this is, you will tell me. The state -- I'm confused.

MS. GRANGE: The state regulates itself.

AUDIENCE MEMBER: Okay. The state regulates itself. The health document makes it okay for the state to do that. To me that's just a conflict of interest. Sorry, but I don't understand that. Because it sounds like a very strong conflict of interest here that's going on to me. I may be wrong, but that's what it seems like to me.

MS. GRANGE: The way clean-up laws work, the state and federal law says that whoever made the mess or whoever owns the property has the responsibility for making it safe. What the Department of Health does is ensure whoever is trying to make a safe, a private property owner, a public entity, a nonprofit, a state agency, the rules are the same for everyone.
We don't get to give a different set of rules for our state agency that we give to somebody else. What we make a determination on is what the use of the property is.

AUDIENCE MEMBER: Okay. Since you said rules, according to federal government as represented, and I understand, I may be wrong, but the EPA and they're supposed to go after whoever created mess. Whatever they did. That's not happening here.

MS. GRANGE: Amfac is not a viable party anymore. There's not someone that we can go after. The fact that the state --

AUDIENCE MEMBER: I'm a resident here. What this father is telling you is pretty much straight up. Amfac came here. They did all this. They should be the ones responsible for the clean-up, everything round over here. But the thing is, instead of like taking all that, why don't you dig up all the ground, take all the contaminated dirt, all the soil, whatever, dig all the dirt, send it to Amfac. They still stay here. I know that for a fact. I know that for a fact. They're still here.

I don't know why you guys came to Kauai. Health department, what they here for? They're here for the safety of the people. And in 2005 you guys come and
carry on and carry on and carry on. Now up to this point the community is not going to like you guys here.

The other question who have all questions, how big is this generators? The generator, does it cause any reaction to, like, probably and school right over there? You got school. Does that create some kind of like cancer? You know. Does it set up something for kids by being there at all like 12 years? How big the generators?

MR. ROSE: They're enclosed in 40-foot containers.

PATRICK PEREIRA: How big the generators?

AUDIENCE MEMBER: Let's have a show-and-tell. Start the generators.

MR. ROSE: So there's three. There's a smaller one and two larger ones. The two larger ones are 1,275 kilowatts and the smaller one is 455 kilowatts.

AUDIENCE MEMBER: 1,700 kilowatts?

MR. ROSE: 1,275 kilowatts.

AUDIENCE MEMBER: So it's like 2,400 pushing out. You guys burning two generators one time, the small one is for backup?

MR. ROSE: The small one, from what I understand, it basically starts up the larger ones.
AUDIENCE MEMBER: So you just running all three or just the two big ones? Does the small one start the big ones?

MR. ROSE: That's my understanding.

AUDIENCE MEMBER: So you guys look at that right there. All this thing running right next to this school. Is it going to set something off?

MR. ROSE: I guess it's a difference of opinion on what right next to the school means. It's more than three hundred feet away from a school.

AUDIENCE MEMBER: The generators where you putting them, to the right side of the mill or the left side?

MR. ROSE: So that's the mill here, and generators would be here.

(Many people talking.)

THE COURT REPORTER: I can't get two people. One at a time. One at a time.

AUDIENCE MEMBER: What you guys got to look at is the elements. Our elements is the wind, brah, blowing it every day. So what that going to do? I know the thing will be set back. So the wind blowing --

MR. ROSE: So per our understanding when we went to the environmental review process, we also had to look at permitting for emissions. We did what we were
required to do. We got a letter of approval from the applicable emissions branch of the Department of Health, another state agency. That's all we can go to is the regulatory bodies that are responsible for telling us what we can and can't do. So we got a letter, because of our limited uses, I explained that to you earlier. We're not required to get a permit.

If we operate them more than 500 hours a year, then we're required to get a permit. They were designed to meet the EPA requirements for emissions for the technical aspects of the generators.

AUDIENCE MEMBER: I want you to check. Are you going to take all that opoula (ph) from inside the fence and ship them to where the guys come from? Are you going to keep the opoula over here for the rest of our generations coming up? You know what? If you put them somewhere and later on down the line you going to get houses of the kids of the families will be living on contamination. You know what? It's only common sense. I live here a long time. Stream waters down here. Streams waters, the pollution on there, when the flood come, yes, it's stuck to the soil and everything. And dry up and whatever still on top turn to flake. When the wind come, it blow and see the dust. You've got to look at things like, that know. You can't just
look at publication running the action here. You have
to open your eyes up, back, front, side, bottom, up and
look at everything, all the elements around.

I live all my life. My kids, I cannot even let
them hunt bird in the cane fields because all this kind
That's all our playground, that is all our playgrounds,
all that water, with flood. Yeah, we can down there.
We can go to second beach, first beach. Used to run all
the way through Makaiha, Waimae, that said beach on
Makaiha Road. There's at safe action there. And
getting and everything, poof, right there. Everything
all open, brah.

You go back right in the back side, food mart
over the bridge, where the old stop light used to be,
and two feet water there. Three feet, brah, spread it
over all, over the whole place. What you guys come in
over there and doing their thing and everything else.
Only spreading it. We like playing back there. Plan
the action for our kids over there, hunt, eat, survive
off the land, our ocean, brah.

I can't even catch fish over there, nothing,
nothing. Everything is still, like fishes that coming
up from the water. You guys check all the ditches,
around the ocean? Yeah, brah. The beaches running out.
Like I say, the elements, brah, everything, brah, everything moving down. So all it stuck all over here. So it's you guys' job over here, the third party or second party or whatever you guys call yourself.

Clean up or get Amfac to come in and help you guys out. It's not only one action. You need planning, brah. And how many years running this mill? How much poison all on the ground?

MS. GRANGE: I'm going to interrupt you for a second. If we could go after the original mill operator, we would, and we have tried to. There are old mill operations around the state where messes have been left behind, and it's a serious problem. If I could go after them tomorrow, if I had legal authority to go after them, I just don't have anyone to go after.

AUDIENCE MEMBER: If it qualifies for superfund, so what's the problem?

MS. GRANGE: To qualify for super funding does not mean that it's no longer -- let me clear this up. There's a program called preliminary assessment site investigation funded by EPA and gives money to all states, and the states are supposed to spend that money to go and look around and see if there are sites that might be appropriate candidates.

The way we determine this is an appropriate
candidate is based on this secret scoring system. But the scoring system is different. But the reason Kekaha scored is because -- the main reason it scored is because the mercury in the mill ditch is within a 1,000 feet of endangered species in the ocean. That was the major factor. That's why you guys qualified. That's all I'm saying is that they just have these criteria to say this.

AUDIENCE MEMBER: The position that you didn't know, the health department, the school is right there. So let's take that. It surprises me because you can drive there, and you can see all the things.

AUDIENCE MEMBER: But so is it possible that if the health department didn't know that there were schools there, has the super fund missed all these aspects as well? I mean, that's pretty heavy. Is that possible?

MS. GRANGE: Hold on just a second.

AUDIENCE MEMBER: I would like to say we do have an inside the Amfac office. We have services here.

MS. GRANGE: All the reports talk about is the other schools, about the affordable housing, elderly housing, et cetera. We just did not -- in fact, what we didn't know is that there was a school operating in the Amfac. And that, I apologize. We should have known
that. Like I said, as soon as we found out, we took action on that.

AUDIENCE MEMBER: I contend that you did know that because all the health records for kids are with the Department of Health.

MS. GRANGE: So the Department of Health is a large organization, and --

AUDIENCE MEMBER: It may be too large.

MS. GRANGE: That could be. I'm not --

AUDIENCE MEMBER: Why don't get some federal assistance then if you can't do it? Why don't you try to get federal funding?

MS. GRANGE: There are federal dollars available, in fact --

AUDIENCE MEMBER: No, technical assistance.

You say you have people.

THE COURT REPORTER: I can't hear. We need to take a break.

AUDIENCE MEMBER: This is a health question. We know research has shown that power lines, ordinary power lines generate electrical magnetic pulses that can cause cancer and certain laws were written to make sure that houses were at least so many feet away from the power lines. Also, generators can produce any kind of electrical magnetic impulses. These generators
that he's talking about, generate much more than ordinary power lines. Now, that should be a concern as well. What about that problem?

MR. BROMWELL: Actually EMFs are generated from power plants not power poles. Power poles do not have electric magnetic frequency. These generators do not also.

AUDIENCE MEMBER: I beg to differ with you.

MS. GRANGE: Hold on --

AUDIENCE MEMBER: I beg to differ with you. Because the power lines actually do generate --

MR. BROMWELL: Low levels. It's the power plants that you should actually be worried about.

MS. GRANGE: What I'm going to do now is we are well over our time for the formal public meeting for the ADC. So we've gotten lots of comments. You are more than welcome to write comments.

(Many people talking.)

MS. GRANGE: I'm sorry.

(Many people talking.)

THE COURT REPORTER: We need to take a break.

MS. GRANGE: Our court reporter was expecting to be recording comments from 6:30 to 7:30. We've been going an extra 45 minutes. We need to give
her a little bit of a break. We can do it now and we can start up again in about 10 minutes.

AUDIENCE MEMBER: As long as I get to speak after the 10-minute break.

MS. GRANGE: We'll have you speak, and then we need to close this part and move on.

AUDIENCE MEMBER: I suggest very much that there are other speakers in this community who want to speak and for you to shut this meeting down and other people want to speak is rude. I will come back in 10 minutes.

THE COURT REPORTER: I'm off the record.

(A break was had.)

MS. GRANGE: We're going to give the folks who have not spoken yet five minutes each. And then for what time is left a couple minutes so folks can speak again.

BRUCE PLEAS: Bruce Pleas for the record. P-l-e-a-s. Since 2005, 2011 there have been contaminates in this area. My question, any soil testing outside of proposed site? Have we done any testing? Is the Department of Health since it's come up with a red flag done any testing on these sites? Also testing the fish, wildlife, which includes endangered species which live in our ditches, have they been
tested? You have horses east of the site. When you read the dioxins, it shows up in the animals. There are horses east of the site. There's talapia crab in these ditches. You say, Well, the water won't get there from that area. The dust won't blow. It won't affect. I'll get to that in a little bit. I'm going to switch gears right now.

Is the ADC's power system hooked up with KIUC? If the hydro electricity goes off in the hill, it seems more reasonable to me to use KIUC as your backup instead of a power generator in Kekaha. I mean, that's just logical when KIUC and everything goes out, I can see a power generator.

But why is it in Kekaha Town? Why not go through the pumps where they're located at PMRF? Why are they lined up -- why don't the generators in these plants be wired directly into those pumps? That's what it's used for. It should be closer to the pumps and it should be out there where it is not in town.

The current zoning for this area is agriculture, I hope, I think. And is this an acceptable use of ag zoning? My looking at it is are these contaminant levels accepted for agricultural lands? We have ag lands, all existing ag zoning, that haven't been tested. The Department of Health should be testing
these areas now because these are going into your food chain.

And on the flooding, when that area floods, the school has one foot of water. The whole town has water. That entire area, it travels around the entire town during a flood. It settles in the sediment. It also goes into the ditches and settles in the sediment. So it's not like, oh, well, the flood. It covers the town. We have seen it during for the 40 days we had rain. We saw it in 2004, we saw in 1980s. We saw it in the 1970s. It does not go away. It floods the town. It goes into everybody's yard.

So basically as far as I see, what this is triggered now is we'll do something with it because we put generators in. What should be done -- what should have been done is this is a contaminated area, we need to remedy it. Existing soils from the settling ponds that are presently and in the past going to the dump as a fill. The dump does need soil for fill. If that meets the requirements, that is a great place for it to go.

And I am not for a generator in Kekaha. I am for cleaning that area up and beginning the process ADC of cleaning up our agricultural plane so the residents of Kauai can live, so we can hunt, fish safely. Thank
you. (Applause.)

MS. GRANGE: And are you ready?

AUDIENCE MEMBER: And I'm an environmental consultant. He asked the question and wants it put in the record for all of us to consider. So when ADC says that this is the best -- putting a cattle fence and gravel around this site is the best remedy, he asked us to ask you what does a cattle fence look like in 10 years time, in 50 years time, in 99 years time from now? KAA doing 24/7 on the monitoring of that, how much is that in 99 years? Current value, I guess. How much will it be over the long run to inspect emergency generators 200 years down the line, generations from here on? How do we stop doing this short term, short-term proposition? Because that seems like it might work now for the next two years and the fence will be nice and shiny and the gravel will be there, but let's bump that 200 years.

The other thing is I just want to set the record straight. I think Matthew, who I had a chance to talk to in the last 10 minutes, and I know we can convince Matthew to work with us because this town will not accept the generator site. And I just know that this town, it's just not going there. So we would like to work with that. And I know he has a good heart, and
he will work with us, what we heard, and speak on our
behalf in the truest way. We are going to help you
remember, like they just said, we are going to help you
remember, help the ADC remember why we're here. Okay?
Why we're here.

So let me just set the record straight about
why we're having this meeting, about why we're going to
the public comment period, about why we're doing
additional testing. I'm sorry. I don't know anybody at
ADC, but I will tell you that because ADC is doing us a
favor and doing more than they should because of good
gaces.

It is because you all called the Department of
Health. It's because we called the EPA and asked them
to take a look at the records. It's because we found
the records and we found out oh, my gosh, there is
dioxins and mercury. Let's look at this a little bit
more.

That's why we are here today. That's why
anything will be done here today. That's why the
generators will not go on that site. So let's just keep
going. (Applause.)

MS. GRANGE: Next speaker.

IOANE AGEMOTU: For the record, my name is
Ioane Agemotu. I will spell it for you. I-o-a-n-e.
Last name A-g-e-m-o-t-u. I would just like to say I'm a resident over here at Kekaha, right next to the mill, just right down the road. And I would just like to say I am no for the generators. Thank you. (Applause.)

MS. GRANGE: Is there anyone else who hasn't spoken yet who would like to speak?

LINDA DELA CRUZ: My name is Linda Dela Cruz, and I've been a resident of Kekaha over 50 years. I understand the infrastructure of this that you made there across by the mill. You put it in three years ago. Why wasn't it brought up to the community then what their intentions were for this area right here? And now you're putting up these generators, which the community itself do not agree on and it's sitting right there already. So what are you going to do about it? Are you going to wait for the community to put their stand and say, No, we do not want this in our community? Or are you going to go ahead and do it regardless of the fact that it has already been approved?

MS. GRANGE: Just in the interest of time, and just because there's a little bit of time left and I want to get everybody's information on the record, and then we can talk about things that have to do with the ADC, the clean-up site, those questions will be pulled
out and will be answered in formal response to comments. If we have your address, we will send you those responses. The questions that you're giving ADC, all need to decide how you might want it answered. You don't have to answer those to the Department of Health. We just don't have time. I guess it's up to you. Would you like to hear the answers from ADC or would you like to testify?

AUDIENCE MEMBER: Will you put this on the Internet or will you put this online or something? Will you put this online?

MS. GRANGE: The responses to comments, absolutely we can put it online. And same place where we've got the reports that are there now, we will post them. It will take a couple weeks to put the answers together, but we will.

Also at the website, you can get ahold of us. There's plenty of my cards and Melody's cards here, so you know where to send your info.

So show of hands: Do you want to continue to allow people to get your testimony out before we close or do you want to hear answers?

AUDIENCE MEMBER: I think for right now, because everybody's agreeing on that they don't want it there on that site. So to satisfy the community who has
come out here for the meetings for the past two or three times, I think it would be more appropriate that we know where you stand as fas as the generators being put there.

MR. ROSE: We're basically following the guidelines of the Department of Health. So we're pretty much -- I mean, we've pretty much been working together with them to find out the proposed remedies and actions, and that would also include future actions. So I'm not going to say. I'm not going to say.

MR. BROMWELL: It goes back to the EA. The emergency generators were addressed through OTC, the environmental assessment process, and the EA was done. And that's where the community would have been input, that we don't want the generators, that we actually got that document, a finding of no significant impact. So we legally --

MR. ROSE: We have the EA back. I brought two copies of the reference documents. So we were required, and I explained this earlier. We are required through that process by the environmental process because it's on state land and we're spending state money, so we have to go through that process in terms of we're not exempted. We have to do this environmental review. So from what I'm saying at that time is we were
weren't aware of the soil. We didn't think that putting
generators in was really that big of a deal. Now it
sounds like what we're hearing is that you wanted to
have more public notification than was done.

I guess I can't change past action, but we did
do that process. We sent out notifications to multiple
state agencies including the adjacent schools. The
adjacent schools did get copies of the notification.
There was publication in the Garden Isle and the
Star-Advertiser. There was posting on the Hanapepe
Library, all of the agencies that oversee the various
issues of generators. So we thought we already did our
due diligence as far as that was concerned.

But then the issue of soil came up. So that's
what we were coming here to present to you with now. We
are going to get questions about the generators and
emissions. But we actually went through our required
regulatory process to access the generators, but the
soil came up as a later issue.

MS. GRANGE: And again, the formal part of
this meeting is to get comments on the generator remedy.
That's where the department does not have any
jurisdiction whether or not to put a generator. But if
they do, whether it saves time. Go ahead.

VAN WARREN: I guess didn't know about the
soil. I'm sorry. I didn't know about the EA statement, whenever you did that statement

MR. ROSE: That was last year.

VAN WARREN: So basically the generator is not out there. What is ADC going to do about the land contaminated now that you do know?

MR. ROSE: That's what we're working to try and solve.

VAN WARREN: Without using the generator?

MR. ROSE: If the generators don't go in at this specific site -- -

VAN WARREN: Then they'll do nothing?

MR. ROSE: I don't know right now.

MS. GRANGE: The state would have to make a decision about that. In general the sites that are commercial/industrial levels are not sites that we force property owners to take action on. We wait until there's a development.

We'll certainly take all this into consideration should that come to pass. But there is no guarantee that there would be an automatic change in the situation of the property. We would have to go back and figure out what would happen there, and I just can't tell you right now because I don't know. I didn't even recognize that that might be an automatic.
VAN WARREN: And that is state land under the generator right now?

MR. ROSE: Yeah, it's state land, licensed.

VAN WARREN: It's not licensed by anybody else?

MR. ROSE: No.

MS. GRANGE: Go ahead.

GREG HOLZMAN: Greg Holzman, resident of Kekaha. As far as the remedial in Kekaha to put generator there, so it stays within the guidelines. I really suggest that another type of aggregate besides gravel goes in there. Which means, we watched Hole Halliday (ph), they put gravel on those roads, you know, umpteen hundreds of times, and it just goes. It's gone. You can put it on as thick as you want. And then the first rain, whatever, it sticks to tires and the mud and it's gone. And just pounds. It's gone. It gets spread around and it never really works.

Coral is a better aggregate. It packs in better, and it seems to work better. But obviously cement or asphalt, I mean if you're going to seal this thing, let's do it. Because as Thedia (ph) says, when we're looking down the line here 10, 15, 20, 30, 40 years, whatever, and if we're thinking that somebody is going out there every time there's a pot hole or the
gravel is gone, we're going to haul in a truck and have it sealed up, it's probably not very realistic.

And as far as a fence goes, I really think that something needs to be -- some sort of a barrier that's more of something which maybe has multiple layers that can go around that thing. If there's a shutdown, if there is noise, there are ways in which you can work vegetation and barrier walls and whatever to, you know, make the thing quieter and out of sight and a lot of the other things.

I do want to say that I think I've gone to so many of these public meetings in the last year, and one of the biggest problems that we see when we go to these public meetings is that you have a public hearing at the end of the time in which we are allowed to comment.

So we learn about all the things, and then we're supposed to comment on it that night or we have till Friday to make our comments. And this happens all the time with these endangered species, with our whale sanctuary thing.

This is a big issue. People get angry about this. They think that there's a conspiracy. You can't help that they're not going to think that. And then when you sit there and you try to say that we didn't know that there was a problem with contamination when
you're looking at a hundred years of industrial
agriculture and that was a major industrial site, it's
kind of hard to believe.

And so you could be very honest and everything,
but you have to understand the emotions that are here
because of these obvious things that are going on.

And we've got a mill demolition going on, and
people are really wondering for first time. And I want
to thank you guys for actually bringing this project to
us to at least give us the opportunity to discuss it
because this is the first time I've seen Kekaha actually
get a voice and start really asking the big question on
what we want to do out here in Kekaha and in our fields
and how we are going.

I always kept wondering when Amfac was leaving,
why isn't anybody like asking these guys to clean this
stuff up before they leave? And everybody was just so
like pro sugar mill and everything that they just, rah,
rah, Amfac. And now there's a big mess.

And I just kind of think that we really should
get a focus on these generators, and if you're going to
have it there, work on ways to make it as quiet and make
it -- cap it, cap it off permanently. Okay. That's
about it.

If you can extend the deadline, I really
request that. Extend the deadline.

MS. GRANGE: We will extend the deadline for another week. It was supposed to be this Friday, the 21st through Friday the 28th. We did try to get the word out and figure out how to do this through the newspaper, et cetera. But there will be the additional time. And it's not important that you make technical comments on the documents. You can just express your concerns.

GREG HOLZMAN: But in the future if you have these kind of projects that come up, if we know about them beforehand and you bring this PowerPoint presentation to the community and let Jose and our leaders know about where it is, the word will get out. We'll have the meeting to talk about it. We can get educated, and then we can have a real public hearing where people are giving real educated, informed suggestions on the project.

MS. GRANGE: Thank you. Great.

SUNNY LAZARO: My name is Lazaro. Will the school have the results back by the 20th?

MS. GRANGE: As soon as we get the results back, I was talking to the math teacher.

MR. BROMWELL: Mr. Mecham.

MS. GRANGE: Right. We certainly intend to
get the results back to the school as soon as we get them. And they'll come in two phases. Some data will come -- we expected it today. So within a week or so. When we find that out, we will let you know.

SUNNY LAZARO: How will it become public forum? How will it become public forum other than him knowing?

MS. GRANGE: Well, we talked to the school first. It depends on what the data say. We will then post it on our website when we find out.

BARB CHILDERS: My name is Barb Childers. My question is to ADC. So this is a done deal? You're going to put the generators in? It's a done deal?

We had meetings with Jose and Evelyn and Mary Jean. Only two people out of the whole community came to that meeting, and they were told like hours before the meeting. And they were there representing the whole community. And you've decided upon that meeting that you are going to put the generators there no matter what, is that correct? You won't consider another site?

MR. ROSE: I would not say that's correct. We didn't decide at that meeting that that was.

BARB CHILDERS: But this is a decision that you made already?

MR. ROSE: That was the plan that was
shown, what our intention is.

BARB CHILDERS: So that's a done deal?

You're already going to put those generators there no matter what?

MR. ROSE: I'm not ready to say it's a done deal.

BARB CHILDERS: Okay. Thank you. I just wanted to tell you that, and if it's possible --

MR. ROSE: The purpose of this evening is to receive comments. That could potentially change our existing plan. Because it would be facetious of me to just have a meeting and didn't take your comments into consideration, right?

BARB CHILDERS: All right. Yeah. Thanks.

I was just curious. I wanted to clear that up.

MS. GRANGE: One quick comment. The DOH is talking to ADC and realize there is a concern, other departments environmental mill, et cetera, last spring. I specifically asked Matt to come and talk to the community leaders early on just to kind of get the word out.

It was not meant to be any kind of -- it was just to say, let's get started. We know that this process is going on, that we go to the public and get comment, that kind of thing. Because it is important to
us to get involved.

I understand that may not have been how that was interpreted. It had nothing to do with the Department of Health. It had nothing to do with the decision about the generators. Like Matt said, it came to us as something that was already in the works.

We're running out the time. So a couple more comments.

AUDIENCE MEMBER: Can I just ask a question? All over the island over here, public meetings are a done deal. My sister telling me that action, you know, we know what's happening.

JOSE BULATAO, JR.: Just so you can be very, very clear. And despite anything Matt is here, Matthew is here and he can correct me. I just want to be clear about the way in which Mary Jean and I were invited to go to a meeting to be informed about the plan for certain generators. Okay.

I was contacted by email inviting me to attend that meeting on a specified date. Then that date arrived, Mary Jean and I met with Landis, Matthew, Karl, there was Alfredo and Sam. There was seven of us in that room, if I recall correctly. Am I right so far?

MR. ROSE: Yes, Jose.

JOSE BULATAO, JR.: Okay. At that point in
time we had the PowerPoint presentation with all of the information as presented this evening. Upon the completion of that presentation, we had an opportunity for a discussion, among which these kind of statements were made, at least from me, I can be accountable for myself.

I said it is important for this information to get out to the community because the community needs to be informed. It is only right that the information comes from the source of where the information came from to the community that needs to hear this. It has to go beyond the two people that had an invitation to be there. Okay. So that was very clearly stated. That was, I believe, in August.

This is now October 19. To be perfectly frank with you, when I heard that a meeting was called for this evening, I figure last week, I was a bit excited about this because I had assumed that KAA and/or ADC was responsible for asking for this meeting to be held tonight.

Earlier today I went to Mary Jean's office at St. Theresa School because she could not come to the meeting tonight. And I met with these people; one, two. And who's the third person? And Melody. Okay. In which we had prior discussion of what was to occur
today. Okay. So this was the arrangement.

Having said that, I need to point out to everybody present here that obviously there is a myriad of concerns going on in this community as expressed by the people sitting here in this room citing many examples, many situations in which the community is concerned about contamination factors in the community. That is the basic concern we have about Kekaha.

Barring everything else that we have to worry about, drug use, poverty, homelessness, but let's focus our attention on the presence of contamination in this community. That's what we're here for.

I'm getting specific about the proposal of the generators. From all that is said, from all the responses that we heard, it is so clear that you people need to look at what it may have decided to do in relationship to everything that the community has expressed tonight.

We don't want to live with the contamination, and nobody does. And if it can rectify the situation, we should be doing that for that community. Whether it's state, whether it's county, whether it's community, whether it's federal, we're all responsible for getting it done.

And this opportunity to talk with you heart to
heart, eyeball to eyeball is an indication that we are willing to listen. But we're not going to buy everything we hear because we are suspect, because of what has been transpired before, because of what we have experienced previously. And it is only fair that we focus our attention on what can be done if it is possible.

Question asked. Is it possible to move the generators elsewhere to do the work that it is supposed to do? Can? No can? Why? Why not?

Don't make it a done deal with the clear information if the community is insisting if we need to do this, then let's do it the right way.

We have Linda Krom (ph) here all the way from Princeville because she owns the mill, and it's a separate matter, but it is connected, because it runs through that mill and throughout the entire town that floods. That's why we want to know. That's why it's interconnected. That's why we express these concerns.

So it is important if you're going to move forward, let's do it with integrity. And I'm not talking only to the people up front here. We all have to do that. Pure is simple. (Applause.)

MS. GRANGE: Thank you. It's 8:56.

PATRICK PEREIRA: I only spoke once when
you asked for questions in the beginning, and it seems like you're avoiding. And my speech ain't five minutes. It's going to be really short.

MS. GRANGE: Please.

PATRICK PEREIRA: Okay. Thirty-two years I live within a field of education at Waimea High School. In the first 10 years I learned it ain't you as a projector. You need to listen to the ideas of the students also so you can learn, too.

And what I see here tonight is a prime example of education. You folks did your homework. You worked hard at it. Your employer is the State of Hawaii. You, you work hard at your homework. You're employees of the State of Hawaii.

Well, sister, you working there and you two guys working there because we pay your way. We are taxpaying citizens of the county government, the state government, and the federal government.

And the reason why we don't trust is exactly what the gentleman back there said, we come to a public meeting, it's done deal. That's why I ask the question. Who listens to us in the beginning? Am I not right? P-e-r-e-i-r-a is my name, last name.

So now being an education section, we heard from you, we didn't pay much respect in the beginning
because we kept asking you questions, but I feel that you know why.

MR. BROMWELL: I do.

PATRICK PEREIRA: Okay. Then we heard from the field here. And you know what? Tonight I did not hear any person in the field say, yes, we for the generators over there, because they pump the beaches clean and everything. I never heard any of that.

I heard a big N-O. We don't want it here.

People in this community is fed up with plantation mentality. It lasted for about 110 years here. And it was good. And it served its purpose. People around the mill and all. They were ignorant.

But today we know that the overthrow of the Hawaiian government, the big five ran everything, and the big five was the plantations, sugar. You understand.

MS. GRANGE: I do.

PATRICK PEREIRA: And you, I don't know when you came about, the Department of Health, Hawaii. I don't know when. Maybe 1959 when it turned to statehood.

MS. GRANGE: That's when I was born.

PATRICK PEREIRA: I don't know. So listen, you folks have all the opportunity in the world to do
your inspections while the plantation was going on. You did not. Why? Because they were in the government.

And you can argue with me left and right. But sugar was king and money was the king, the god. And it seems like $750 an acre, $1,000 an acre, we got to appease our renters, the state.

So we got to put these generators. You know what? Get it out of the city limits. Don't put in the middle of our town. Get it out of the city limits.

Thank you. (Applause.)

MS. GRANGE: So we have to be out of here in like two minutes. So the meeting is officially over. If you want to get cards, if want to come to get business cards, make sure you get your comments in. Comments are due a week from Friday.

(Concluded at approximately 9:00 p.m., October 19, 2011.)

* * * * *
STATE OF HAWAII

COUNTY OF KAUAI

I, TERRI R. HANSON, RPR, CSR 482, do hereby certify:

That on Wednesday, October 19, 2011, at 6:26 p.m.; that the foregoing Public Hearing Re: State of Hawaii, Department of Health, Emergency Backup Generators, was held;

That the foregoing proceedings were taken down by me in machine shorthand and were thereafter reduced to typewritten form under my supervision; that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 25th day of October, 2011, in Lihue, Hawaii.

TERRI R. HANSON, CSR 482
Registered Professional Reporter