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STATE OF HAWAII
DEPARTMENT OF HEALTH
EMERGENCY BACKUP GENERATORS
PUBLIC **Meeting** ~~HEARING~~

Wednesday, October 19, 2011
6:26 - 9:00 p.m.
Kekaha Neighborhood Center
8130 Elepaio Road
Kekaha, Hawaii 96752

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.

BEFORE :

FENIX GRANGE

KARL BROMWELL

MATTHEW ROSE

REPORTED BY :

TERRI R. HANSON, CSR 482

Registered Professional Reporter

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PUBLIC HEARING

1
2
3 MS. GRANGE: What we need to do is get
4 through the public meeting part first. So half hour
5 presentation, half hour or so of formal public comment,
6 and we'll close that meeting, stand up and take a breath
7 for a second. And then come back for about another hour
8 to talk more about that, or if you want to talk about
9 water quality, the ditches, the mill site, other
10 environmental concerns you might have. I don't speak
11 for the whole department, but I'd be more than happy to
12 listen to those concerns.

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

22 AUDIENCE MEMBER: Would you be kind enough
23 to write your name and title so we can see. And I can't
24 hear you. Write your name and your title. You're with
25 the health department?

1 MS. GRANGE: Yes. My business cards are on
2 the back table. Okay. Let's get started.

3 (Presentation by Mr. Bromwell ~~Rose.~~)

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

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

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

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

24 PATRICK PEREIRA: What do you mean
25 stakeholder? Hell no, I don't want any generators

1 around here.

2 VAN WARREN: You live here?

3 PATRICK PEREIRA: Yeah, I live here.

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

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

16 AUDIENCE MEMBER: No numbers.

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

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

1 here.

2 AUDIENCE MEMBER: I agree.

3 MS. GRANGE: That was clearly an oversight.
4 I did not realize that we were going --

5 AUDIENCE MEMBER: That shouldn't be an
6 issue.

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

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

13 Let's continue.

14 (Continued presentation.)

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

17 **Bromwell**
18 MR. ~~ROSE~~: KAA would have to address why
19 they trip off and exactly how the grounding. I'm not
20 privy to that information.

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

24 **Bromwell**
25 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.

1 AUDIENCE MEMBER: The public would have to
2 maintain that. That's not good. To me, we don't need
3 it. And we don't need this. KAA can handle that.

4 MR. ~~ROSE~~ **Bromwell**: Let's keep that comment in mind.

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

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

24 MS. GRANGE: Thanks. Very much.

25 MR. BROMWELL: The main reason was it was

1 close to the fuel tanks.

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

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

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

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

24 AUDIENCE MEMBER: But generators don't pump
25 water.

1 MR. ROSE: Well, when the power is down --

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

9 (Continued presentation.)

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

14 (Continued presentation.)

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

23 AUDIENCE MEMBER: No.

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

1 saying no?

2 MS. GRANGE: Okay. Hold on just a second.
3 May we have your name so we can get it on record?

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

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

17 VAN WARREN: Again, Van Warren. Shouldn't
18 you have to explain about the limits and what the dirt
19 that the kids can eat and the dirt that the kids cannot
20 eat? And since I'm talking to the Department of Health
21 here, you do know that there is gardening going on
22 behind the contaminated earth? Are you concerned about
23 that? It's going to the market right now. Are you
24 concerned about that, the Department of Health? You
25 knew this areas was contaminated from 2005, and there's

1 food product being produced in there and released to
2 everybody in the community. Is that not the
3 responsibility of the Department of Health?

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

7 AUDIENCE MEMBERS: No. No. No. No.

8 (Many people talking.)

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

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

18 AUDIENCE MEMBER: You don't know?

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

21 (Many people talking.)

22 MS. GRANGE: Hang on. Just a second. We
23 have sampled the settling pond area over here. Right in
24 these areas. So I don't have data in here. That's a
25 good question. We need to look and see what's going on

1 here. We know where contamination -- we know what's
2 going on over here. You're right, we don't know what's
3 going on right here. Simple question.

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

6 MS. GRANGE: What?

7 AUDIENCE MEMBER: I'm Amy Aborela. And in
8 2005 the report said it needs further investigation
9 because it detected substances that wasn't done in 2005.

10 MS. GRANGE: Are you talking about this
11 area?

12 AUDIENCE MEMBER: Many areas.

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

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

24 MS. GRANGE: No. No. These are -- these
25 passed unrestricted residential use. That's all up in

1 here (indicating). I don't know -- I don't have data on
2 this. And until tonight I didn't know there was
3 question about this. So this may very well be a place
4 where the state says we want to see -- make sure we
5 understand what's going on in there.

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

9 AUDIENCE MEMBER: That's in the mill ditch.

10 AUDIENCE MEMBER: Somewhere around there.

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

14 AUDIENCE MEMBER: They're talking about the
15 village.

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

18 Ms. Eng
~~AUDIENCE MEMBER:~~ He really urged the
19 community, everybody who has been to the last three
20 meetings not to get bogged down in the science. Because
21 we have a team of scientists that is challenging a lot
22 of the methodologies. Because what happened after 2005
23 is that they did another study with a different
24 methodology that brings all the levels down. And we
25 just really wanted to look at that. We're not saying

1 that it's wrong, but the scientists say that we need to
2 look at that. So instead of getting bogged down by the
3 numbers, let's stay with the fact that what we want for
4 our children is a clean Kekaha. That's what we want.
5 And so put it on the record. Like he said, this is our
6 opportunity to change things up. If you really want
7 those generators someplace else, if you really want the
8 soil to be taken out, you really want this done to the
9 residential standard, then put it on the record. That's
10 the best we can do today. Best we can do. The science,
11 I don't get it. I don't know. Who knows? We have
12 scientists on our side. (Applause.)

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

21 MR. BROMWELL: It is part of this project.

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

25 VAN WARREN: And the Department of Health,

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

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

14 AUDIENCE MEMBER: Corruption.

15 AUDIENCE MEMBER: I agree. (Applause.)

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

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

25 AUDIENCE MEMBER: I think there's an

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

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

19 AUDIENCE MEMBER: You mentioned about the
20 facts that what happened, the kids eat dirt and get
21 sick. But what we're really most concerned about -- or
22 I am and I know that we've talked about this is the
23 cumulative effects, that fact that we have school, we
24 have dust blowing off of that area constantly going up
25 and down that road. It's a very dusty environment. We

1 have the trade winds blowing that goes directly into the
2 Hawaiian school. So it's really the cumulative effect
3 that I hope you'll address in your position. So that we
4 understand that.

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

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

20 AUDIENCE MEMBER: Sure you may finish.

21 MS. GRANGE: So there is contamination
22 here, but honestly not only as the regulator and a
23 scientist, but also as a mother of a nine-year-old,
24 these levels on a piece of property away from the
25 neighborhood are not a huge risk. This remedy is going

1 to make a difference. It's very little threat.

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

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

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

25 MR. BROMWELL: Let's get through the

1 presentation, and I'll address everybody's --

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

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

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

21 MR. BROMWELL: The key is, I want to say
22 this, for  the EPA and DOH to clean the site before the
23 project is identified it has to be put in the ~~MPL~~ list.
24 Since this project is coming in it  forces legally HDOH
25 to look at the site. If there's no projects going on,

1 the site is not being looked at unless it's put on the
2 EPA NPL ~~MPL~~ list. Does that make sense? And --

3 AUDIENCE MEMBER: Put it on the list.

4 MR. BROMWELL: That would be great.

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

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

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

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

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

21 AUDIENCE MEMBER: Make them clean it up.

22 AUDIENCE MEMBER: Amfac.

23 AUDIENCE MEMBER: State of Hawaii has the
24 responsibility to clean it up. When we qualify for the
25 super fund list, the State of Hawaii took it upon

1 themselves to say that they would handle it. So don't
2 even go back to Amfac. Amfac is no longer. The State
3 of Hawaii took it upon themselves. They have the
4 responsibility.

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

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

11 VAN WARREN: Continue your presentation.

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

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

1 soil and moving it to the landfill. We do not think
2 that is an appropriate solution.

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

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

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

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

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

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

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

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

1 perfect solution, but it is ~~located~~ ^{protective} one way or another.

2 VAN WARREN: And the reason why I say that
3 every night when the wind blows up, and it blows all
4 that dust right into the residential area. All Kekaha
5 Hawaiian ~~homes~~ ^{homelands} where I live, it's coming from the south.
6 And that's the reason why I say that.

7 MS. GRANGE: That's a reasonable concern.

8 AUDIENCE MEMBER: You should live with us
9 over here.

10 MS. GRANGE: I wish I could.

11 AUDIENCE MEMBER: If you ~~have~~ ^{leave} in place, ~~and~~
12 how deep does it have to be underground?

13 MS. GRANGE: It's not a matter of how deep
14 it is. It's a matter of what the cutoff is for the
15 ~~exposed~~ ^{exposure} pathway. So if we have ^{contamination} and you don't take the
16 ~~lid~~ ^{clean cover off} off, that's brought protection. A lot of remedies
17 work that way.

18 AUDIENCE MEMBER: Can poison seep?

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

23 So let's actually keep moving through the
24 presentation.

25 AUDIENCE MEMBER: Does mercury seep?

1 MS. GRANGE: Mercury does not move either,
2 the kind of mercury that we have here. It binds up with
3 the sediments. And we don't have mercury at this site.
4 We have the mercury in the mill ditch, But not here.
5 We'll talk about that after. We really need to get
6 through the presentation before we can get to your
7 comments.

8 MR. BROMWELL: All of these comments
9 area = area of the proposed remedial action
10 outside the area are going to be addressed after this.
11 So keep those in mind.

12 (Continued presentation.)

13 AUDIENCE MEMBER: You have a word on that.
14 That says insoluble. Weakly insoluble.
15 ~~insoluble.~~

16 MS. GRANGE: No, weakly soluble.

17 AUDIENCE MEMBER: So that's a mistake?

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

19 MR. BROMWELL: Very good catch.

20 (Continued presentation.)

21 AUDIENCE MEMBER: What about it ~~-does it~~
22 remains ~~/~~ contaminated?

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

(Continued presentation.)

AUDIENCE MEMBER: Is that to residential

1 standards or industrial standards?

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

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

12 (Continued presentation.)

13 AUDIENCE MEMBER: Septic tank or cesspool?

14 MR. BROMWELL: Cesspool, septic tank.
15 Septic tanks can be infiltrated also and cesspools.

16 (Continued presentation.)

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

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

22 (Continued presentation.)

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

25 VAN WARREN: I do have a couple questions.

1 MR. BROMWELL: We'll start here with this
2 gentleman.

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

7 MR. BROMWELL: That's a good question.

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

17 MS. GRANGE: So we use risk assessment. I
18 have a expert busy on ~~am that~~ risk assessment ~~thing~~ human health issues ~~source~~
19 in our office, and the question is the protection of
20 human health. Is the concentration going to hurt people
21 if they breathe it in? And the concentration at this
22 site, the soil blows offsite, the concentration is not
23 high enough for you to inhale enough soil to cause a
24 health risk.

25 VAN WARREN: So we don't need to. Thank

1 you. So we take that to a higher level. Say that to
2 the Hawaiians. And it's not doing us any good.

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

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

19 AUDIENCE MEMBER: 500 hours a year?

20 MR. ROSE: Less than 500 hours a year. I'm
21 not saying they're going to be used at 500 hours a year.
22 The expectation is less than 500. If you use them more
23 than 500, then you have to apply for an emissions
24 permit. These generators were designed to meet the EPA
25 emissions requirements.

1 AUDIENCE MEMBER: For industrial/commercial
2 use?

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

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

9 MR. ROSE: I think that's reasonable.

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

12 DAVE OVELAR: For the record, my name is
13 Dave Ovelar (ph), also known as Move Kauai Keiki. I'm
14 50 yards from you guys' proposed site. My classroom is
15 outside, and we breathe the dust all week, every day.
16 And so I'm very concerned about that. I come here
17 representing the 50 kids that I'm in charge of at Garden
18 High School.

19 We were concerned about the noise that this
20 thing might make. We're concerned about the sound of
21 diesel. We're concerned more about the poison that's
22 underneath there. I mean, our school is surrounded by
23 the lei of poison. And we have taken upon ourselves to
24 educate not only the teachers, but the kids, about what
25 we're up against. And I'm here standing up for them

1 right now. You see. I breathe that dirt every day.
2 The kids breathe it every day. We dance on the dirt.
3 We kick it up. We eat outside 50 yards from that site.

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

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

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

23 Please do not make this generators right now.
24 Move them somewhere else, a little bit further away from
25 us. I mean, I understand the need for emergency

1 generation of power, whatever, pump the water and all of
2 that. But if our people who lived here for centuries,
3 and have a clean earth, then we have the right and
4 responsibility, our kuliani (ph) to take care of the
5 earth underneath your feet.

6 Please don't build this thing here. Don't.
7 It's under our community right behind our school, 50
8 yards or less from our school. Just like, what,
9 15 yards from our school building is some towers that
10 just went up for phones, whatever it is, FM. I don't
11 know what it is. But then there are big signs around
12 that, 15 yards from our school. If you go close to that
13 there's a possibility of dangerous emissions is coming
14 out. So the Department of Health, what you going to do
15 about that? (Applause.) Okay. What you going to do
16 about that?

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

21 MS. GRANGE: Thank you. I just want to
22 make a comment about that, that when we're cleaning
23 sites we really do care about where schools are. And
24 thanks to Phoebe and our consultant, that was the first
25 time that we realized there was a school there. Within

1 a week of figuring that out, we went out and sampled the
2 playground, the lunch area, under the picnic tables and
3 the area of the site between like where the gas station
4 is and the buildings.

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

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

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

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

1 MR. ROSE: I'd say both of those.

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

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

9 MR. ROSE: There was already -- are you
10 asking was there already a plan to install the generators ~~generate~~?

11 AUDIENCE MEMBER: Yes.

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

24 So we did not anticipate just the generators in
25 and of themselves as being an issue. However, the soil

1 which we're talking about today, once we discovered
2 that, we did anticipate it being an issue, and that's
3 what we're doing our best to try to address.

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

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

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

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

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

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

24 MR. BROMWELL: I think he's referring to
25 the EA alternative site location for the generators.

1 MR. ROSE: These generators, there seems to
2 be thought that they're like some huge monstrosity
3 that's going to take --

4 THE COURT REPORTER: I can't hear.

5 MR. ROSE: The generators, they're like
6 3,000 square foot footprint. The plan was to place some
7 concrete down and put the concrete -- to locate it over
8 300 feet away from the main highway and 300 feet away
9 from the office buildings. And the views are consistent
10 with the existing use of the property. There's not
11 anticipated serious noise levels. The dB levels were 85
12 which are slightly less than a lawn mower.

13 ROBERT SIMS: My name Rob Sims.

14 My wife happens to be the principal at Kekaha
15 -- well, she's the principal at St. Theresa School. And
16 somebody just said, Well, I didn't know there was a
17 school here. But you didn't know that there was a
18 school there. Actually there are four schools in the
19 area. There are a number of churches in the area. And
20 there are elderly housing in the area.

21 Now, when you talk about putting generators,
22 talking about, like I said, 3,000 square foot or land,
23 whatever footprint. We know that those kids, not only
24 are breathing the dust as the guy just said, everybody
25 knows. Now you want to put the generators in there, and

1 they too breathe the generator fumes on top of that.

2 Now, what sense does that make?

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

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

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

19 AUDIENCE MEMBER: It should be more than
20 300 feet away.

21 AUDIENCE MEMBER: Right, we're like just a
22 couple hundred yards from where the site is going to be.
23 I will be looking at it every day. I go by and fill up
24 my fuel at the gas pump right there. I didn't even know
25 that was all toxic. The Department of Health doesn't

1 even do nothing. They don't do nothing, and it's still
2 toxic. I go there every day. I have a kid now, too.
3 You know.

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

6 MERDA CONICS: My name is Merda Conics
7 (ph). And my question to you is in 2005 it showed
8 mercury on the site. And then your test in 2010 didn't
9 show it, didn't even show mercury like you're saying.
10 So who technically does the EPA think ~~EP~~ that this area is toxic?
11 Or do we believe the state? I'm talking about the final
12 2005.

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

19 So on the ADC site, the second round of data --
20 so both sets of data were taken by DOH oversight. DOH
21 spent EPA money to do the 2005 study with the
22 contractor. And DOH oversaw the work that ADC did and
23 directed the sampling in 2010. So on the ADC site the
24 2010 data was higher than the 2005 data.

25 But in the ditch, there is a place where ~~the~~

samples were collected

1 ~~sampling right at~~ -- ~~down~~ at a different site, not the
2 site we're talking about today, not the mill.

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

11 And in one of those samples, there was a place
12 where there was a hit in 2005, detection -- pretty
13 significant detection, and in 2010 there was not.
14 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
19 the same places the same both them years were they
20 taking to the spots, 2005 and 2010?

21 MS. GRANGE: There's two different methods.
22 The old method, so let's say we ~~re~~ were sampling this
23 room, we take four discreet samples. We do tablespoons
24 of soil from four different locations in the room, and
25 send that to the lab.

Interpreted
Paraphrase:
Many samples
seem to have
been taken from
the same place
in 2005 and
2010

1 We had concerns about that method. And **we are**
2 **on the** **edge of evaluating** ~~the~~ contamination in doing a different
3 kind of sampling. So that would analyze four samples.
4 So instead we divide this room up into four pieces, take
5 30 samples in each quadrant to make sure if anything got
6 spilled some of it would end up in the jar and analyze
7 those four samples.

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

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

22 MS. GRANGE: I'm not a human health
23 toxicologist. What I know is that if you were on the
24 site that's heavily contaminated, that's a way it can
25 get into your body, and it has the same health effects

1 that you're going to have if it gets into your body from
2 eating.

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

5 MS. GRANGE: Both dioxins and arsenic can
6 be -- you have to biggest concern the health department
7 --

8 AUDIENCE MEMBER: He asked about chronic
9 exposure.

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

19 But my problem is you guys knew that there was
20 contaminants, that this place is toxic in 2005, and you
21 just said that you're concerned about the children's
22 backyard. This is 2011, and the reason why you're doing
23 it is because of this proposed project. The reason why
24 you're coming to the public is because of this proposed
25 project.

1 At Kekaha school we have approximately 378
2 kids. Fifteen percent of our school population ages
3 five to ten have chronic asthma, chronic asthma. So
4 what the heck has been going on for the last six years?

5 You know, yes, these guys are going to come in
6 and they're going to do something. They're going to
7 cover it up and make it all right. Do you know what?
8 We've been exposed for over six years. Clean it up.
9 (Applause.)

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

14 I'm a part of this Kekaha Town. I was born and
15 raised here. I'm also product -- remember the steam
16 machines and the DDT ~~EDT~~? We used to chase ~~change~~ that machine --
17 directly in the back of that machine all that diesel or
18 whatever it was. That's why we have health problems.

19 And I'm not going to tell you how old I am but
20 old enough, kahuna, but I've been exposed to this kind
21 of stuff. My father lost his life, worked in the
22 plantation, the mill, in the fields. He had a lung
23 condition, and that's from all of the air and dust and
24 whatever toxins that came out of there.

25 Now, I want to have a guarantee from somebody

1 over here, that whatever is in the ground will not go
2 into our drinking water.

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

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

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

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

24 Other pesticide mixing areas, there are two I
25 can think of in particular that were operating different

1 periods, later periods of time, have had issues with
2 triazine herbicides, they're the herbicides that can
3 make it into the water supply. I don't know if this
4 site has been tested for it. So that may be something
5 we need to look at.

6 AUDIENCE MEMBER: Has it been tested?

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

14 THE COURT REPORTER: I can't hear.

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

18 STEVEN SULLIVAN: Steven Sullivan. My
19 question is, the toxins bind to the soil very well. And
20 if we cover them up, than we can't use the land for
21 anything else, and that's forever, I guess, or until
22 someone else -- future generations go in and pull that
23 heavily contaminated soil out that is stuck to the soil,
24 and it's going to stay stuck to the soil. So my
25 question is, why would you -- does that just basically

1 seal the fate of this land for now until we have some
2 concerned children that raise up through the school who
3 are willing to tackle the real problem? Is that the
4 fate of this land? Is the fate of this land to be stuck
5 dirty and unclean until the following people have to
6 live through it and take action on it?

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

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

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

24 AUDIENCE MEMBER: I have a question.

25 MS. GRANGE: Okay. All right.

1 AUDIENCE MEMBER: I have a very simple
2 question. My question is, I didn't get the answer. Who
3 actually owns the generators and operates the
4 generators?

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

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

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

12 Mr. Rose
~~AUDIENCE MEMBER:~~ We have an agreement with
13 Agriculture
~~as an~~ association to operate and manage the
14 existing infrastructure.

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

19 MR. ROSE: The state owns the generators.

20 AUDIENCE MEMBER: The state?

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

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

25 MR. ROSE: Technically the Department of

1 Agriculture owns this. We're linked to the ~~DOH~~. So I
2 guess we're the owner of the generators. The operator
3 would be the Kekaha ~~agri~~ **Agriculture** association.

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

6 MS. GRANGE: Yes.

7 MR. ROSE: Correct.

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

11 MS. GRANGE: The state regulates itself.

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

19 MS. GRANGE: The way clean-up laws work,
20 the state and federal law says that whoever made the
21 mess or whoever owns the property has the responsibility
22 for making it safe. What the Department of Health does
23 is ensure whoever is trying to make a safe, a private
24 property owner, a public entity, a nonprofit, a state
25 agency, the rules are the same for everyone.

1 We don't get to give a different set of rules
2 for our state agency that we give to somebody else.
3 What we make a determination on is what the use of the
4 property is.

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

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

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

23 I don't know why you guys came to Kauai.
24 Health department, what they here for? They're here for
25 the safety of the people. And in 2005 you guys come and

1 carry on and carry on and carry on. Now up to this
2 point the community is not going to like you guys here.

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

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

12 PATRICK PEREIRA: How big the generators?

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

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

19 AUDIENCE MEMBER: 1,700 kilowatts?

20 MR. ROSE: 1,275 kilowatts.

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

24 MR. ROSE: The small one, from what I
25 understand, it basically starts up the larger ones.

1 AUDIENCE MEMBER: So you just running all
2 three or just the two big ones? Does the small one
3 start the big ones?

4 MR. ROSE: That's my understanding.

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

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

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

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

16 (Many people talking.)

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

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

23 MR. ROSE: So per our understanding when we
24 went to the environmental review process, we also had to
25 look at permitting for emissions. We did what we were

1 required to do. We got a letter of approval from the
2 applicable emissions branch of the Department of Health,
3 another state agency. That's all we can go to is the
4 regulatory bodies that are responsible for telling us
5 what we can and can't do. So we got a letter, because
6 of our limited uses, I explained that to you earlier.
7 We're not required to get a permit.

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

12 AUDIENCE MEMBER: I want you to check. Are
13 you going to take all that opoula (ph) from inside the
14 fence and ship them to where the guys come from? Are
15 you going to keep the opoula over here for the rest of
16 our generations coming up? You know what? If you put
17 them someplace and later on down the line you going to
18 get houses of the kids of the families will be living on
19 contamination. You know what? It's only common sense.

20 I live here a long time. Stream waters down
21 here. Streams waters, the pollution on there, when the
22 flood come, yes, it's stuck to the soil and everything.
23 And dry up and whatever still on top turn to flake.
24 When the wind come, it blow and see the dust. You've
25 got to look at things like, that know. You can't just

1 look at publication running the action here. You have
2 to open your eyes up, back, front, side, bottom, up and
3 look at everything, all the elements around.

4 I live all my life. My kids, I cannot even let
5 them hunt bird in the cane fields because all this kind
6 of stuff. You know what? I live here all my life.
7 That's all our playground, that is all our playgrounds,
8 all that water, with flood. Yeah, we can down there.
9 We can go to second beach, first beach. Used to run all
10 the way through Makaiha, Waimae, that said beach on
11 Makaiha Road. There's at safe action there. And
12 getting and everything, poof, right there. Everything
13 all open, brah.

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

22 I can't even catch fish over there, nothing,
23 nothing. Everything is still, like fishes that coming
24 up from the water. You guys check all the ditches,
25 around the ocean? Yeah, brah. The beaches running out.

1 Like I say, the elements, brah, everything, brah,
2 everything moving down. So all it stuck all over here.
3 So it's you guys' job over here, the third party or
4 second party or whatever you guys call yourself.

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

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

16 AUDIENCE MEMBER: If it qualifies for super
17 funding, so what's the problem?

Superfund

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

25 The way we determine this is an appropriate

EPA

1 candidate is based on this ~~secret~~ scoring system. But
2 the scoring system is different. But the reason Kekaha
3 scored is because -- the main reason it scored is
4 because the mercury in the mill ditch is within a 1,000
5 feet of endangered species in the ocean. That was the
6 major factor. That's why you guy^s qualified. That's all
7 I'm saying is that they just have these criteria to say
8 this.

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

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

18 MS. GRANGE: Hold on just a second.

19 AUDIENCE MEMBER: I would like to say we do
20 have a ^{school} inside the Amfac office. We have services here.

21 MS. GRANGE: All the reports talk about is
22 the other schools, about the affordable housing, elderly
23 housing, et cetera. We just did not -- in fact, what we
24 didn't know is that there was a school operating in the
25 Amfac. ^{Building} And that, I apologize. We should have known

1 that. Like I said, as soon as we found out, we took
2 action on that.

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

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

8 AUDIENCE MEMBER: It may be too large.

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

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

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

15 AUDIENCE MEMBER: No, technical assistance.
16 You say you have people.

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

19 AUDIENCE MEMBER: This is a health
20 question. We know research has shown that power lines,
21 ordinary power lines generate electrical magnetic pulses
22 that can cause cancer and certain laws were written to
23 make sure that houses were at least so many feet away
24 from the power lines. Also, generators can produce any
25 kind of electrical magnetic impulses. These generators

1 that he's talking about, generate much more than
2 ordinary power lines. Now, that should be a concern as
3 well. What about that problem?

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

8 AUDIENCE MEMBER: I beg to differ with you.

9 MS. GRANGE: Hold on --

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

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

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

18 (Many people talking.)

19 MS. GRANGE: I'm sorry.

20 (Many people talking.)

21 THE COURT REPORTER: We need to take a
22 break.

23 MS. GRANGE: Our court reporter was
24 expecting to be recording comments from 6:30 to 7:30
25 We've been going an extra 45 minutes. We need to give

1 her a little bit of a break. We can do it now and we
2 can start up again in about 10 minutes.

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

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

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

12 THE COURT REPORTER: I'm off the record.

13 (A break was had.)

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

18 BRUCE PLEAS: Bruce Pleas for the record.
19 P-l-e-a-s. Since 2005, 2011 there have been
20 contaminates in this area. My question, any soil
21 testing outside of proposed site? Have we done any
22 testing? Is the Department of Health since it's come up
23 with a red flag done any testing on these sites? Also
24 testing the fish, wildlife, which includes endangered
25 species which live in our ditches, have they been

1 tested? You have horses east of the site. When you
2 read the dioxins, it shows up in the animals. There are
3 horses east of the site. There's talapia crab in these
4 ditches. You say, Well, the water won't get there from
5 that area. The dust won't blow. It won't affect. I'll
6 get to that in a little bit. I'm going to switch gears
7 right now.

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

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

20 The current zoning for this area is
21 agriculture, I hope, I think. And is this an acceptable
22 use of ag zoning? My looking at it is are these
23 contaminant levels accepted for agricultural lands? We
24 have ag lands, all existing ag zoning, that haven't been
25 tested. The Department of Health should be testing

1 these areas now because these are going into your food
2 chain.

3 And on the flooding, when that area floods, the
4 school has one foot of water. The whole town has water.
5 That entire area, it travels around the entire town
6 during a flood. It settles in the sediment. It also
7 goes into the ditches and settles in the sediment. So
8 it's not like, oh, well, the flood. It covers the town.
9 We have seen it during for the 40 days we had rain. We
10 saw it in 2004, we saw in 1980s. We saw it in the
11 1970s. It does not go away. It floods the town. It
12 goes into everybody's yard.

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

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

1 you. (Applause.)

2 MS. GRANGE: And are you ready?

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

20 The other thing is I just want to set the
21 record straight. I think Matthew, who I had a chance to
22 talk to in the last 10 minutes, and I know we can
23 convince Matthew to work with us because this town will
24 not accept the generator site. And I just know that
25 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

1 he will work with us, what we heard, and speak on our
2 behalf in the truest way. We are going to help you
3 remember, like they just said, we are going to help you
4 remember, help the ADC remember why we're here. Okay?
5 Why we're here.

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

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

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

23 MS. GRANGE: Next speaker.

24 IOANE AGEMOTU: For the record, my name is
25 Ioane Agemotu. I will spell it for you. I-o-a-n-e.

1 Last name A-g-e-m-o-t-u. I would just like to say I'm a
2 resident over here at Kekaha, right next to the mill,
3 just right down the road. And I would just like to say
4 I am no for the generators. Thank you. (Applause.)

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

7 LINDA DELA CRUZ: My name is Linda Dela
8 Cruz, and I've been a resident of Kekaha over 50 years.
9 I understand the infrastructure of this that you made
10 there across by the mill. You put it in three years
11 ago. Why wasn't it brought up to the community then
12 what their intentions were for this area right here?

13 And now you're putting up these generators,
14 which the community itself do not agree on and it's
15 sitting right there already. So what are you going to
16 do about it? Are you going to wait for the community to
17 put their stand and say, No, we do not want this in our
18 community? Or are you going to go ahead and do it
19 regardless of the fact that it has already been
20 approved?

21 MS. GRANGE: Just in the interest of time,
22 and just because there's a little bit of time left and I
23 want to get everybody's information on the record, and
24 then we can talk about things that have to do with the
25 ADC, the clean-up site, those questions will be pulled

1 out and will be answered in formal response to comments.
2 If we have your address, we will send you those
3 responses. The questions that you're giving ADC, all
4 need to decide how you might want it answered. You
5 don't have to answer those to the Department of Health.
6 We just don't have time. I guess it's up to you. Would
7 you like to hear the answers from ADC or would you like
8 to testify?

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

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

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

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

23 AUDIENCE MEMBER: I think for right now,
24 because everybody's agreeing on that they don't want it
25 there on that site. So to satisfy the community who has

1 come out here for the meetings for the past two or three
2 times, I think it would be more appropriate that we know
3 where you stand as far as the generators being put
4 there.

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

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

18 MR. ROSE: We have the EA in the back. (of the room) I brought
19 two copies of the reference documents.   So we were
20 required, and I explained this earlier. We are required
21 through that process by the environmental process
22 because it's on state land and we're spending state
23 money, so we have to go through that process in terms of
24 we're not exempted. We have to do this environmental review.

25 So from what I'm saying at that time is we were

1 weren't aware of the soil. We didn't think that putting
2 generators in was really that big of a deal. Now it
3 sounds like what we're hearing is that you wanted to
4 have more public notification than was done.

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

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

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

25 VAN WARREN: I guess didn't know about the

1 soil. I'm sorry. I didn't know about the EA statement,
2 whenever you did that statement

3 MR. ROSE: That was last year.

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

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

9 VAN WARREN: Without using the generator?

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

12 VAN WARREN: Then they'll do nothing?

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

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

19 We'll certainly take all this into
20 consideration should that come to pass. But there is no
21 guarantee that there would be an automatic change in the
22 situation of the property. We would have to go back and
23 figure out what would happen there, and I just can't
24 tell you right now because I don't know. I didn't even
25 recognize that that might be an option. ~~automatic.~~

1 VAN WARREN: And that is state land under
2 the generator right now?

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

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

6 MR. ROSE: No.

7 MS. GRANGE: Go ahead.

8 GREG HOLZMAN: Greg Holzman, resident of
9 Kekaha. As far as the remedial in Kekaha to put
10 generator there, so it stays within the guidelines. I
11 really suggest that another type of aggregate besides
12 gravel goes in there. Which means, we watched ~~Hole~~
13 ~~Halliday~~ Polihale Road (ph), they put gravel on those roads, you know,
14 umpteen hundreds of times, and it just goes. It's gone.

15 You can put it on as thick as you want. And
16 then the first rain, whatever, it sticks to tires and
17 the mud and it's gone. And just pounds. It's gone. It
18 gets spread around and it never really works.

19 Coral is a better aggregate. It ~~pacts~~ packs in
20 better, and it seems to work better. But obviously
21 cement or asphalt, I mean if you're going to seal this
22 thing, let's do it. Because as ~~Thebia~~ Phoebe (ph) says, when
23 we're looking down the line here 10, 15, 20, 30, 40
24 years, whatever, and if we're thinking that somebody is
25 going out there every time there's a pot hole or the

1 gravel is gone, we're going to haul in a truck and have
2 it sealed up, it's probably not very realistic.

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

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

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

21 This is a big issue. People get angry about
22 this. They think that there's a conspiracy. You can't
23 help that they're not going to think that. And then
24 when you sit there and you try to say that we didn't
25 know that there was a problem with contamination when

1 you're looking at a hundred years of industrial
2 agriculture and that was a major industrial site, it's
3 kind of hard to believe.

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

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

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

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

25 If you can extend the deadline, I really

1 request that. Extend the deadline.

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

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

19 MS. GRANGE: Thank you. Great.

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

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

24 MR. BROMWELL: Mr. Mecham.

25 MS. GRANGE: Right. We certainly intend to

1 get the results back to the school as soon as we get
2 them. And they'll come in two phases. Some data will
3 come -- we expected it today. So within a week or so.
4 When we find that out, we will let you know.

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

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

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

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

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

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

25 MR. ROSE: That was the plan that was

1 shown, what our intention is.

2 BARB CHILDERS: So that's a done deal?
3 You're already going to put those generators there no
4 matter what?

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

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

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

14 BARB CHILDERS: All right. Yeah. Thanks.
15 I was just curious. I wanted to clear that up.

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

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

1 us to get involved.

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

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

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

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

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

24 MR. ROSE: Yes, Jose.

25 JOSE BULATAO, JR.: Okay. At that point in

1 time we had the PowerPoint presentation with all of the
2 information as presented this evening. Upon the
3 completion of that presentation, we had an opportunity
4 for a discussion, among which these kind of statements
5 were made, at least from me, I can be accountable for
6 myself.

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

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

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

1 today. Okay. So this was the arrangement.

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

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

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

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

25 And this opportunity to talk with you heart to

1 heart, eyeball to eyeball is an indication that we are
2 willing to listen. But we're not going to buy
3 everything we hear because we are suspect, because of
4 what has been transpired before, because of what we have
5 experienced previously. And it is only fair that we
6 focus our attention on what can be done if it is
7 possible.

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

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

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

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

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

PATRICK PEREIRA: I only spoke once when

1 you asked for questions in the beginning, and it seems
2 like you're avoiding. And my speech ain't five minutes.
3 It's going to be really short.

4 MS. GRANGE: Please.

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

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

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

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

24 So now being an education section, we heard
25 from you, we didn't pay much respect in the beginning

1 because we kept asking you questions, but I feel that
2 you know why.

3 MR. BROMWELL: I do.

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

9 I heard a big N-O. We don't want it here.
10 People in this community is fed up with plantation
11 mentality. It lasted for about 110 years here. And it
12 was good. And it served its purpose. People around the
13 mill and all. They were ignorant.

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

18 MS. GRANGE: I do.

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

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

24 PATRICK PEREIRA: I don't know. So listen,
25 you folks have all the opportunity in the world to do

1 your inspections while the plantation was going on. You
2 did not. Why? Because they were in the government.

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

7 So we got to put these generators. You know
8 what? Get it out of the city limits. Don't put in the
9 middle of our town. Get it out of the city limits.
10 Thank you. (Applause.)

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

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

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1 STATE OF HAWAII)
) ss.
2 COUNTY OF KAUAI)

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

Meeting [this was not a hearing]

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

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

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

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

20 *TERRI R. HANSON*

21 TERRI R. HANSON, CSR 482
22 Registered Professional Reporter

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