

1 issue. You just can't escape it.

2 MR. VOGEL: That's all the questions that
3 we have. Thank you very much.

4 MR. SUTTLES: My pleasure. Thank you.

5 MR. VOGEL: Do we have another speaker?

6 MR. MONK: Yes, David Monk here.

7 MR. VOGEL: Okay, David. Let me remind
8 you that we have ten minutes for your presentation, ten
9 minutes for questions. We are also taking audio
10 transcripts, audio recording, and preparing a written
11 transcript of this proceeding. So go ahead, please.

12 MR. MONK: Can you hear me all right? My
13 apologies.

14 MR. VOGEL: Yes, I can hear you.

15 MR. MONK: My name a David Monk. I'm the
16 executive director of Oregon Toxic Alliance. I am in
17 an organization asked by many fenceline communities to
18 help in the Title V permits and determine whether the
19 facilities that they're concerned with are in
20 compliance with their permits.

21 I am not by any means an expert on a lot
22 of the issues with regards to air emissions. I try to
23 analyze those permits as best I can with the help of an
24 advisory group of scientists here and provide support
25 to those communities to challenging the renewal of the

1 permit or modification being requested.

2 So essentially my experience with the
3 Title V permit is that in the half a dozen renewal or
4 new Title V permit or modification permits that I've
5 helped in, I found that this is under the state of
6 Oregon and this is under Oregon Department of
7 Environmental Quality, that there is of little concerns
8 of the community members is taken into consideration.

9 And what I mean by that is, for example,
10 there's a facility I think you heard from Sharon
11 Genasci from the Northwest Environmental -- Northwest
12 District Environmental Committee, Northwest (inaudible)
13 Portland and perhaps a discussion was about Epsco, an
14 older facility. Their fugitive emissions, the BQ --
15 the neighbors have done quite a bit of testing around
16 that facility and find very high levels of lead, high
17 levels of benzene, some other heavy metals that really
18 aren't accounted for in the permit.

19 And I believe the fugitive emissions are
20 not -- this, again, is a very old facility -- fugitive
21 emissions are not adequately recorded nor understood,
22 and I think they are in large part responsible for some
23 of these high levels of these various heavy metals,
24 benzene (inaudible) quality neighbors have detected.

25 So it seems that Title V is not

1 adequately addressing the impacts to those communities
2 in close proximity to industrial areas or specific
3 facilities. I'm concerned that public health is not
4 being protected due to Title V program by virtue of
5 that lacking in the process.

6 Let's see, the only other thing I would
7 like to say is that the Oregon Department of
8 Environmental Quality is currently going to the
9 legislature in our next session here next year, and
10 we'll be asking our state legislature to change
11 language to allow many of the Title V maybe not to
12 report to the state program and the rationale being
13 that that information is in large part reported to the
14 federal government to the EPA.

15 And so it's -- I think Oregon is probably
16 down near the very bottom in terms of inspection and
17 confirming compliance with Title V permits.

18 And so I would highly recommend that
19 whatever change to the program you all endeavor to
20 make, that you look at the many states like Oregon
21 which aren't -- I don't feel are adequately doing their
22 job. They're delegated authority work under EPA, and
23 consequently the Title V program as it exists is very
24 important to those of us in Oregon who are trying to
25 confirm that these facilities are in compliance. That

1 would be the extent of any opening comments I have.

2 MR. VOGEL: Okay. Thank you. Do we have
3 questions from the Task Force? Callie Videtich.

4 MS. VIDETICH: Hi, David. My name is
5 Callie Videtich. I'm Region 8 in Denver.

6 MR. MONK: Hi Callie.

7 MS. VIDETICH: Hi. Did we hear you say
8 that compliance certs go directly to EPA and not the
9 states or did I not hear you correctly?

10 MR. MONK: No, no. They would go through
11 DQ, it's just that I've been a part of the -- oh, DQ
12 convened an advisory group, a hazardous waste working
13 group, and they invited EPA to attend one of the
14 meetings and I discovered that I think next to
15 Louisiana, Oregon performs the fewest inspections of
16 any other state in the country. And I was very pleased
17 to hear the EPA officials say this just wasn't
18 sufficient and the funding that the state DQ received
19 might be addressed accordingly.

20 So, no, the state is certainly doing that
21 in determining compliance but in such a limited manner
22 that at this point I don't feel it's sufficient. Did
23 that answer your question?

24 MS. VIDETICH: Sure.

25 MR. VOGEL: Other questions? Shelley

1 Kaderly.

2 MS. KADERLY: I just wanted to clarify to
3 follow up on that. Did you say that that was hazardous
4 waste or --

5 MR. MONK: Yes, it was hazardous waste
6 working, correct, that was convened by the Department
7 of Environmental Quality. And many of the larger Title
8 V permittees were invited and attended this series of
9 about a year long working group.

10 MS. KADERLY: So it was kind of a
11 multimedia working group then?

12 MR. MONK: Yeah. The intent was to --
13 there were three environmental groups of which I
14 represent Oregon Toxic Alliance, and then there were
15 probably, I would say, 15 to 20 business
16 representatives, and it was a working group to advise
17 the Department on Environmental Quality on how they
18 might adjust the reporting requirements, whether the
19 current reporting requirements were overly onerous or
20 whether that information was of value to the
21 environmental community and basically to advise them on
22 this legislative action that they will be taking here
23 next year to make sure that there wasn't significant
24 opposition from the business communities is my sense of
25 why they convened the group.

1 MR. VOGEL: Bob Palzer.

2 MR. PALZER: Hi, David.

3 MR. MONK: Hi, Bob.

4 MR. PALZER: Do you have any
5 recommendations how the inspection frequency in Oregon
6 can be increased or improved?

7 MR. MONK: Well, it's always -- it's
8 stated that it's a matter of funding, and so I would
9 recommend that, and of course this is very specific to
10 the Oregon Department of Environmental Quality, that
11 their funding be allocated in a way that ensures that
12 the delegated authority that DQ has for those
13 fundamental requirements under that delegated authority
14 are met first and foremost. I think the DQ spends much
15 too much of its money doing other program work that is
16 over and above that and fails to adequately address
17 that those fundamental requirements of delegated
18 authority.

19 So I would just say that obviously if
20 they got more funding from the federal government that
21 would help, but I think it's a matter of how they spend
22 the money they do have.

23 MR. VOGEL: Thank you. Is there no more
24 questions?

25 MR. MONK: I thank you all. I guess if I

1 might just make a closing statement, is that possible?

2 MR. VOGEL: Certainly, go ahead.

3 MR. MONK: Great. Thank you. So I guess
4 the reasoning for accepting this testimony is to --
5 from my understanding is to assess how Title V program
6 is working, how it might be improved and perhaps what
7 the benefits of the program, what they should be or
8 essentially that, and I'll speak to those as briefly as
9 I can.

10 I think the -- having -- compiling all
11 this information under one permit I think is useful and
12 helpful to citizens and environmental groups trying to
13 assess compliance for these facilities, so I think the
14 Title V program is a good program in that sense.

15 Some of it is -- and I think you've
16 probably heard that not always is that information
17 readily available on-line or those -- and then some
18 folks are not even -- don't get on-line and don't have
19 access to that information, and to be able to go into a
20 local DQ office and wade through that material is
21 difficult. So I realize there are no easy answers
22 there, but more timely information needs to be put
23 on-line I think would help those of us who do a lot of
24 our research that way.

25 I think the federal regulations, the more

1 signs I see the federal regulations are, in my
2 estimation, not sufficient to protect public health.
3 You have a lot of communities -- I was in Louisville
4 last year around Rubbertown, and the people who live
5 near that industrial area are being impacted in
6 phenomenally dangerous ways and their health is
7 suffering as a result.

8 So I think some Title V should somehow
9 take into consideration those cumulative affects of
10 having these multiple facilities with sometimes being
11 compliant, sometimes not, and what that might be to the
12 fenceline communities around that.

13 As far as how the program might be
14 improved, clearly improving monitoring would help. I
15 think we often feel that -- and many of the people
16 approach us for assistance really don't feel like the
17 monitoring is adequately reporting what the emissions
18 are, and I think this example of the ESCO facility, the
19 Foundry in northwest Portland seems to highlight that
20 quite well.

21 So it's -- I think some perimeter
22 monitoring, some fenceline monitoring from the
23 delegated authority I think would help immensely to
24 confirm what the company is reporting. Then again,
25 notifying -- notification of violations I think is

1 critical. I think it's important that community
2 members know whether the facility is in compliance, and
3 if not, based on what emission is -- are they out of
4 compliance and what the timeline is for rectifying that
5 problem.

6 Let's see, I guess that covers most of
7 what I was hoping to say. I just wanted to impress
8 upon you all that the fenceline communities are the
9 folks that I work with most and I really feel from them
10 that the current system doesn't sufficiently protect
11 their health and well-being, and I realize there are
12 many issues with regards to that to improve that
13 system, but I hope that, if nothing else, the Title V
14 program will be improved and will continue on for many
15 years to come. Thank you very much.

16 MR. VOGEL: Thank you. Thank you for
17 spending the time with us today.

18 MR. MONK: Sure.

19 MR. VOGEL: Do we have another speaker on
20 the line? Anyone else on the line? We'll wait a
21 little bit for the next speaker.

22 (Recess taken)

23 MR. VOGEL: My name is Ray Vogel with the
24 EPA. I would like to just say we have 20 minutes
25 altogether for you, ten minutes of it will be