



In the Matter Of:

DRAFT CLOSURE PLAN AND DEIR

HEARING

February 03, 2016

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DRAFT CLOSURE PLAN AND DEIR
REPORTER'S TRANSCRIPT OF PROCEEDINGS
Wednesday, February 3, 2016

Reported by: Tamoi Tomlinson, CSR No. 13864

1 Commerce, California - Wednesday, February 3, 2016

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3 MR. CEPPOS: We're going to go ahead and begin.
4 So if everybody can please take their seats. Again,
5 where is Patrice and Mary Sue?

6 Okay. That's fine.

7 Okay. We are going to transition into the
8 public comment, the formal public hearing comment. To
9 reiterate -- and then I'm just going to cover a couple
10 of quick items -- at this time I have four cards that
11 have been turned in. So at this time I have four people
12 that have indicated that they wish to make a public
13 comment. So I will go in that order of that queue.

14 I would like to ask -- and we'll be ensuring
15 that everybody have at least one chance to say one
16 thing, and if folks want to come back up and make
17 additional comments, that's completely acceptable. I'm
18 going to try to make sure that everybody has equity to
19 at least make an individual comment.

20 As I indicated and introduced Tamoi Tomlinson,
21 who is our court reporter. She is at this point taking
22 transcripts. This is obviously a very emotional and
23 painful situation for many of you, and that can make
24 people speak that way.

25 If at some point Tamoi cannot keep up or is not

1 able to capture your name adequately, she may need to
2 go -- she's got a microphone there, and she actually
3 will stop, and she sort of have the override button to
4 make sure that she's capturing everything completely
5 accurately.

6 So I just want to let you know I know this is
7 an emotional situation and many of you feel that way.
8 If you can, nonetheless, try to speak in a manner where
9 Tamoi can be sure she captures you, if not, she'll
10 indicate that too.

11 If you've already turned in a comment during
12 the prior session, and I had asked you if you wanted to
13 comment and said "Yes," you do not need to come back up
14 and state or speak again, because we had it in a written
15 comment from you that's already been turned in as a
16 written comment. You're more than welcome to do so,
17 again, if you like, but you do not have to if you have
18 already turned it in as a written comment.

19 Again, one last item, and I recognize this
20 is -- it may feel a little peculiar to you, but as I
21 said, when we go into this and you start making public
22 comments, DTSC staff will not be doing any responses at
23 this time. That's why we did the previous point for
24 DTSC to have an exchange with you.

25 Su will be there, and I'm going to hand it over

1 to her in a second just to do some opening comments in
2 her official capacity as what we call a public hearing
3 officer. But just, again, seeing that this will
4 basically be a rotation of you, as members of the
5 public, making comments, giving your opinions, letting
6 the DTSC know what you feel about the Closure Plan.

7 So at this time, I think I have four -- or
8 there are some extras here. So we have a few more
9 folks. It looks like maybe seven or eight folks in the
10 queue at this time. I'm going to hand it over to Su,
11 and she's going to do some of her official comments, and
12 then we're going to go right on into the queue.

13 MS. PATEL: Thank you, Dave, and thank you,
14 everyone. Good evening. My name is Su Patel. I'm the
15 supervising scientist with the permitting division at
16 the Department of Toxic Substances Control or DTSC. We
17 are here to receive your comments, DTSC seeking your
18 comments on two draft plans. Exide's Proposed Closure
19 Plan and DTSC's Draft EIR, or the environmental impact
20 report.

21 Before we get to your comments, I'd like to
22 make a brief chronology -- present a brief chronology of
23 how we got here. So in March of 2015 DTSC issued an
24 order to Exide to proceed to final closure and expedite
25 funding of the trust fund foreclosure.

1 On April 7 Exide submitted a letter announcing
2 their intent to close the facility here in Vernon, and
3 they submitted a Draft Proposed Closure Plan to DTSC on
4 May 15. Since then, the Closure Plan has undergone
5 multiple revisions. Each revision has been reviewed by
6 DTSC staff. DTSC also worked with the community
7 technical adviser, Dr. James Wells, and the Exide
8 Technologies advisory group to get their feedback on
9 each revision.

10 Concurrently DTSC worked or prepared a Draft
11 EIR. As Wayne explained earlier, the Draft EIR report
12 describes environmental review or conducted
13 environmental review of each closure activity on site
14 and the measures that will be required to mitigate any
15 impacts to the environment and/or the community.

16 On December 8th DTSC issued a public notice on
17 the two draft plans, Exide's Proposed Closure Plan and
18 DTSC's Draft EIR, opening up a public comment period.
19 These are drafted plans, I repeat, because based on your
20 comments, DTSC will revise the Closure Plan before it is
21 adopted as a final Closure Plan.

22 The Draft EIR also may be revised based on your
23 comments. As requested by you guys, the community, the
24 public comment period has been extended by 45 days. So
25 105-day public comment period ends on Monday, March 28,

1 2016. As I said, we're seeking your comments tonight,
2 here we are to receive your oral testimony.

3 We will review each comment that we receive.
4 Tonight the public comments will be recorded by the
5 court reporter. She is on my left. I forget her
6 name -- Tamoi Tomlinson, and she will be recording your
7 comments. DTSC will review the transcript and prepare a
8 written response to the comments. Both the transcript
9 and the written responses to comment document will be
10 publicly available for all of you.

11 So as Mr. Ceppos mentioned, and as you know by
12 now, we are requesting all of you to fill out a comment
13 card and turn it into our public participation staff.
14 They are all around the room. Nathan is standing there
15 with the comment cards in his hand. There is Marcela
16 and Mary Sue and Patrice is also walking around the
17 room. She just stood up in the back. We request that
18 you fill out your name so that it can be entered into
19 the record. So without any further ado, let's get to
20 your comments.

21 I want to repeat something that Wayne mentioned
22 earlier. We are starting the public -- formal public
23 hearing, and we will not be responding to any questions.
24 We will be responding to all of your comments in
25 writing. So as the public hearing officer, I would like

1 to start the formal hearing for Exide Draft Closure Plan
2 and DTSC's Draft Environment Impact Report for Exide
3 Technologies located at 2700 South Indiana Street in the
4 City of Vernon, here in California. For the record it's
5 February 3rd, and the time is 8:20 p.m.

6 Mr. Ceppos, I request you to call the first
7 commenter.

8 MR. CEPPOS: Thank you. You can call me Dave.
9 We have six members in the queue. We have one
10 individual who has turned in their written comments that
11 will be turned in as part of the record. I do not
12 believe that she wants me to read, but I'm trying to
13 find her.

14 First in the queue is Miguel Alpharo, followed
15 by Milton Nimaatuj.

16 MR. ALPHARO: Hi. Good evening. My name is
17 Miguel Alpharo, and I'm a member of the Resurrection
18 Church Neighborhood Group, and I want to thank you for
19 coming and giving us your information on the closure of
20 the Exide plant. I personally think that Exide should
21 be just kept the way it is, shut it down. Just
22 encapsulate it. Do not work with it. Leave it alone.

23 That money that will be spent to close the
24 plant should be used to clean up the community that the
25 Exide plant put in danger for so many years without a

1 permanent permit.

2 The closure of the Exide plant is going to cost
3 \$26 million, approximately, for the main structure and
4 all what is inside. My question, the first question --
5 the first question that comes to my mind is why are we
6 allowing a criminal environmental company to still get
7 business going, in a way, because if we allow them to
8 melt that lead that is in there, where is it going to
9 go? Who is going to benefit from it? Who is going to
10 buy it? That lead is still profitable.

11 You talked on your report about the use of the
12 material, and I emphasis "hazardous materials":
13 Concrete, dirt, steel beams, steel sheets, anything that
14 can be reused. Why would you allow them to reuse it?
15 It's hazardous. It should be in the dump and buried. I
16 don't know who will buy that stuff.

17 You know, the community it's -- it's very upset
18 about this process, especially because it's been going
19 on for so many years, and that part another person will
20 speak about it -- about the discrepancies between the
21 white, the brown, and the black that we've seen so far.

22 We're not scientists here. We're just working
23 average people that get up at 5:00 in the morning. I
24 get up at 12:00 midnight to go to work. So we're just
25 hardworking people that want to put food upon their

1 tables for their kids, and we don't know how much fume
2 or dust is going to come out once you start the kettles.

3 I know it's -- it's not rocket science, but,
4 you know, you guys have been dealing with this for so
5 many years. We have scientists that know what it does.
6 Why don't you consult them and come to the community and
7 saying this -- you know, "We talk to Dr. Seuss," if you
8 want to, and he told us, "This is the proper way because
9 by doing the ignition on the kettles, it's not going to
10 do this." You know what I'm saying?

11 There are scientists on that. And what we want
12 from you is to come to us and say, "Look, we are looking
13 after your well-being, your health." I'm already old,
14 but my kids are going to have kids, and we don't have
15 the means. We will never have the means to pick up our
16 stuff and move to a greener pasture that can be, you
17 know, Oregon or someplace else.

18 We can't do that. We're already here for
19 generations and people will talk about that too. All
20 three methods that you talked about are acceptable, but
21 which one is the best? I don't know. You're the one
22 with the experience and, you know, it's things that I
23 have mentioned all the time over and over again. This
24 problem has existed for so much years. And Vernon -- we
25 know what Vernon is.

1 It's just -- you know, a lot of criminals in
2 there, some of them went to jail. They got out of jail
3 because they were old and fragile. And that's fine with
4 me, but there's -- they're killing people around their
5 city, the communities. And you're talking about -- we
6 did the math the other day, and we had forgot because
7 I'm not very smart, but at the pace that you have -- and
8 this is another problem -- but it goes with it.

9 It goes with this problem because to me, it's
10 more important to clean up my communities, whether it's
11 Bell, Huntington Park, Bell Gardens, Commerce, East
12 L.A., Boyle Heights even further out.

13 This doesn't stop here at 1.7 miles. It
14 doesn't. It's going to go further out, because the wind
15 doesn't tip over goes, "Here it is. That's how far
16 we're going to do." The wind goes further than that.
17 So my main concern is our communities. We should put
18 more emphasis on cleaning our community.

19 You're doing houses and it takes -- I forgot
20 the math. I didn't study that. But anyway, at the rate
21 that you're doing this cleanup of the houses, you know
22 how long it's going to take? It's going to take 20
23 years. You're talking about -- when you first sent out
24 the -- if you remember you sent out the notification to
25 the houses. It was 110,000 houses. You times that by

1 the number of residents in every house -- you know how
2 many people are there in Boyle Heights and the
3 surrounding communities: Millions of people. And
4 that's just the ones that are living now, but our
5 daughters, our sons are going to have kids.

6 We cannot tell them, "Hey, why don't you just
7 hold out on having kids until the year 2040, 2050, and
8 then you can do that." How old are they going to be
9 then? We need something done right now.

10 The governors should be here. The officials
11 should be here. Why did they jump into Porter Ranch
12 right away? Because Boyle Heights is not Boyle Heights
13 Ranch? It doesn't have the name on it, "Ranch"?

14 You know, they all went over there. The
15 governor, the District Attorney, everybody. The mayor
16 of the City of L.A. went there, and he only lives, like,
17 2.5 miles away from Exide. He never showed up to our
18 meeting. We're asking you guys to step up, and if you
19 can't do the job, step to the side and let the governor
20 appoint other people that maybe they will do the job.
21 Thank you.

22 MR. CEPPOS: Thank you, sir.

23 Next in the queue is Milton Nimaatuj, and then
24 after Milton is Jill Johnson.

25 MR. NIMAATUJ: My name is Milton Nimaatuj,

1 M-i-l-t-o-n N-i-m-a-a-t-u-j. And so I am a resident of
2 Southeast L.A. but also, I am part of -- we're one of
3 the leading organizations working on Exide and
4 environmental justice in the area of Southeast L.A., and
5 so as I was read -- and I forgot about saying this
6 earlier, but as I was reading the description or the
7 first part of the EIR, it mentioned how DTSC shut down
8 Exide. So I wanted to make a correction there.

9 We didn't want to make a correction there. We
10 didn't want to focus on the fact that -- share that
11 story in reality. Yeah, maybe DTSC had intentions of
12 doing it earlier last year but that did not happen.
13 That didn't come out until Exide had made it public that
14 they were shut down.

15 And so, I feel like the EIR makes it seem
16 that -- due to DTSC and government efforts they shut
17 down, which is completely incorrect. And so I think --
18 it's really -- it's really -- even though everybody is
19 going to be able to read this EIR, I think it's really
20 important to know what really happened in this
21 community, especially when it comes to our own stories.

22 It was already recommended to restate my
23 questions earlier. So part of the community
24 environmental we're looking into -- we really do not
25 want any more lead emissions in our communities. We

1 really want to make sure that we're looking into the
2 best technology that prevents those emissions, but if in
3 case that we have to do this lead -- we have to remelt
4 the lead, we wanted to know -- we want to make sure that
5 it's put out there that there will be emissions, but we
6 want to know how much of the emissions.

7 How is Exide looking to taking control of those
8 emissions and making sure that they are not going into
9 people's homes? We also want to understand more about
10 what kind of lead are we dealing with? Is it elemental,
11 or is it compound? And also what are the potential
12 emissions, like, the amount, what we're looking at
13 because even though I also heard that all three
14 quote/unquote alternatives, all alternatives have
15 similar outcomes.

16 I still want -- we still want to know what are
17 the actual emissions of lead if we were to remelt the
18 leads. Thank you very much.

19 MR. CEPPOS: Thank you.

20 Next in the queue is Jill Johnson, and you
21 indicate here that you have a written testimony that you
22 already have turned in or you will turn in.

23 And then I may come back to you, because I have
24 your name, but do we need the address and contact
25 information? I'm looking to Patrice or somebody.

1 Okay. All right. We're good.

2 Sorry. Thank you.

3 DR. JOHNSON: So I'm Dr. Jill Johnson. I'm an
4 assistant professor at the School of Medicine at the
5 University of Southern California, and I also direct the
6 programs on Community Engagement for Environmental
7 Health. I would like to address four points here
8 tonight related to the Draft EIR, and the first regard
9 removing the dirt on site. Secondly, the need for much
10 more information about the potential exposures and risks
11 during either the water jet processor or the kettle
12 refiring.

13 Third, the worker health and safety during the
14 closure plan, and finally, protecting residence along
15 route where acid or waste water may be transported. So
16 first the Draft EIR has tables showing that lead and
17 arsenic has been found at elevated levels in the soil up
18 to 8 feet below the surface so that the soil excavation
19 depth should be reflective of the actual depths of the
20 toxic chemicals that are found and not a lesser amount.

21 Secondly, regarding the methods for removal of
22 lead from the kettle. I fail to see how remelting the
23 lead in the 100-ton kettle would have insignificant
24 effects on either the workers or either the community
25 since only suggesting to use in-place air pollution

1 control technologies, which we know have not been
2 protective of the communities or the workers in the
3 past.

4 So I want to know are there other technologies
5 out there other than remelting and the water jet
6 processing, and we need much more information regarding
7 the potential options and, particularly, the expertise
8 of the involved in it. Third, regarding workers health
9 and safety. As I understand in the past there's been
10 many cases of elevated blood lead levels among Exide
11 workers, and we need to prevent this from happening to
12 any future workers on the sites.

13 And if you're unaware, the Cal/OSHA standards,
14 that's operating standards for that exposure, were
15 issued in 1979 and are completely out of date and
16 inconsistent with the evidence that we have now. And so
17 I suggest that DTSC develop a health and safety plan
18 that includes the latest recommendation being developed
19 by the Cal/OSHA advisory committee on lead exposure.

20 And to my knowledge, there's nothing that would
21 prevent DTSC for having a stricter set of rules that
22 currently exist under Cal/OSHA. So we need, within this
23 Draft, a much stronger language of protection for
24 workers, specifically from the lead.

25 And, finally, also in regard to the independent

1 monitoring that was discussed in the plan, recommended
2 methods so that this data would be available to the
3 public in real time such as using online portals and
4 other techniques. And, finally, in terms of residence,
5 the DRAFT EIR said trucks will leave the facility with
6 drums suspend active that will go to an L.A.-based
7 company for treatment.

8 This company is a block away from 20th Street
9 Elementary School, and the likely route would be along
10 Washington Boulevard from Exide, to this water treatment
11 plant that will partially go through several residential
12 neighborhoods. Nothing is described as a way to put
13 cautions on the truck route by the labeling of these
14 trucks.

15 We also suggest that any trucks leaving Exide
16 or returning to Exide to pick up other loads, to be
17 washed before they go on to the streets. So that is my
18 comments. Thank you.

19 MR. CEPPOS: Thank you. Let me take it.

20 We have three remaining individuals in the
21 queue. In order Joe Gonzales, Mark Lopez, and lastly
22 Tina Baca Del Rio.

23 MR. GONZALEZ: Thank you, again. A lot of it
24 is going to be redundant to what I said the first time.
25 I'm going to read this so I don't lose my control and

1 then able to speak a little bit better.

2 I still don't understand why don't we just
3 cement, encase this -- just encapsulate this place. You
4 know, I don't see why if Exide only said we have \$9
5 million only to clean up our mess, that includes the
6 properties out here where there's human lives at. I
7 don't understand why we can't just put a big cement
8 block over the place, and let it be as it is.

9 I'm going to read. It says, "I'm very angry
10 that we have been censored by the poor planning of this
11 agency by the so-called community advisory board, which
12 has not and will not listen to us, the victims of the
13 catastrophic failure of your agency.

14 We don't even know why the DTSC, which, at
15 least in my mind, is complicit with Exide in the
16 contamination of our neighborhoods, is involved in the
17 cleanup of their own criminal contamination of our
18 neighborhood.

19 This is not only the fox guarding the henhouse,
20 but we feel that the DTSC is now using this deadly
21 tragedy as the goose that laid the golden egg, not just
22 for their financial gain, but for their job security.
23 Therefore, we are demanding a thorough criminal probe of
24 this tragedy so that it is not used again and again and
25 again as it is in Porter Ranch and Flint, Michigan."

1 And let me reiterate right now before I go any
2 further, this is not us against them. They are
3 suffering. Flint, Michigan is somewhere closer to
4 contamination that we are suffering. We're both going
5 through permanent damages for our lives. So it's not us
6 against them or why us or nothing. It's just one of
7 these things that you can't look away but see the truth.

8 We are being pretty much singled out in this.
9 I stand with them in their tragedies that they are going
10 through and their children and the suffering that they
11 are going through. It's not us against them. It's
12 discussing those undeniable reality that racism is so
13 blatant that we are too dark to get the attention that
14 Porter Ranch is getting, but yet, not dark enough to get
15 the attention that Flint, Michigan is getting.

16 My dad used to tell me back in the '50s signs
17 that said, "No 'N' words, no dogs, and no Mexicans
18 allowed." How disgusting and hurtful and racist that,
19 at least 60 years later, it's still the protocol.
20 Because the funding at the other sites -- because of the
21 funding that they are receiving at the other sites and
22 the fact that even dogs are being put up in doggy day
23 care. We feel, you know -- we feel very excluded.

24 You know, I voted for Barack Obama. I voted
25 for Governor Jerry Brown, and I voted for him the first

1 time and the second time, and yet our elected officials
2 are letting us down, and our state agencies are killing
3 us. I'm also very disturbed that there are racist
4 e-mails that are floating around the DTSC that are being
5 covered up instead of exposed, instead of letting us
6 know who.

7 We don't know if the director herself was
8 involved in this stuff, but yet, she's supposed to be
9 looking out for our well-being. This has got to be
10 exposed. We have to have this exposed. We cannot sit
11 here and say the confidentiality should be hidden, no
12 more than we should say anything else that any other
13 racist should be allowed to continue just because we
14 don't want to tell you who they are.

15 And what we also have to address is the issue
16 of the long-term exposure, as well as the high PPM
17 counts right now. We have some residents, myself
18 included, I was born, raised, lived, and worked in Boyle
19 Heights. I have lived there 60 years now. I have
20 cancer. I'm dying. I was given two months to live.
21 I'm a victim of long-term exposure.

22 If you hit the houses that have higher numbers,
23 and they have only been there a week or so, what do you
24 think it's doing to me?

25 On the block where I live at, there's only

1 homes. Nine people either have cancer and have died of
2 cancer. And they have weird cancers: Shoulder cancer,
3 nose cancer, brain cancer, knee cancer. And you guys
4 keep saying, "Well, maybe it's the freeway."

5 How long has it been since we had lead fuel in
6 our gas tanks? I want to finish off. It sounds like
7 you guys have already decided you're going to start up
8 again and burn this stuff up again.

9 I can't understand why if they can move the
10 gigantic granite rock that's bigger than what you're
11 talking about there and they moved that from who knows
12 where, all the way down to the County Museum of Art.
13 Why can't you guys do the same thing with that? You
14 don't break it up. You won't break it. You won't put
15 any dust out there. You can just wrap it in aluminum
16 foil if you want or Saran Wrap, whatever you want and
17 move it, and you won't be endangering the community as
18 much as you will by either cutting it or warming it up
19 or doing whatever else you're trying to do with it.

20 I also want to know, is there a monetary limit
21 to the cleanup of the site? What if they exceed the
22 amount that Exide agrees to? Do you take away the money
23 of the lives that you're endangering to further clean up
24 that site nice and clean so they can redo the same thing
25 again to continue to contaminate and kill the people?

1 And last thing I want to say is this: We really don't
2 trust the DTSC to be involved with the cleanup. We
3 don't trust them, the DTSC or Exide, and AQMD isn't too
4 far behind there either.

5 What we need is -- we need federal oversight,
6 independent federal oversight, somebody on a federal
7 level but independent of either the DTSC, who was, like
8 I said earlier in my mind, complicit in the
9 contamination, the assassination or the genocide of our
10 people here in the Southeast.

11 Thank you very much.

12 MR. CEPPOS: Thank you, Joe.

13 In the queue is Mark Lopez. After Mark will be
14 Tina Baca Del Rio and then there are a few other folks
15 that have turned in cards.

16 MR. LOPEZ: My name is Mark Lopez, and I'm with
17 East Yard Communities for Environmental Justice, I'm
18 also a resident of East L.A. I only got a couple of
19 things here, because we're going to be submitting
20 extensive written comments, but I wanted to echo again
21 the third-party oversight.

22 Last week we were in Sacramento, and I
23 testified saying that we didn't want the kettles turned
24 on, and immediately after the hearing Exide contacted
25 me.

1 They contacted me to offer a tour of the
2 kettles. So after the initial shock and fear of the
3 idea of going into the area, we contacted some of our
4 friends who are environmental disaster cleanup experts
5 and said, "Hey, you want to come look at the kettles for
6 us?" So we did that today.

7 One, it's disgusting in there. It's really
8 scary. There's lead all over the place still. Two, the
9 Exide representatives were talking about their workers
10 turning on the kettles. Their workers taking the lead
11 out of the kettles and cooling them down and pulling
12 them out once they harden and shipping them out. Their
13 employees doing that.

14 Why are their employees doing anything
15 involving the cleanup? That doesn't make any sense to
16 me. So I agree with every comment that Exide shouldn't
17 be involved with this cleanup. They just want to claim
18 that lead because that's money to them. In the
19 conversation they estimated that it was about \$350,000
20 worth of the lead in the ground. That's money to them.

21 If anything, that should be reclaimed in the
22 cleanup, and if any money is made off of that, that
23 should go towards cleaning houses. So it doesn't make
24 any sense that Exide do this work. It doesn't make any
25 sense for DTSC to oversee the cleanup of this work. It

1 doesn't make any sense for a quote/unquote third party,
2 who is contracted to do the cleanup, to oversee the
3 work.

4 We need an independent, maybe, fourth party, if
5 that's what we want to call it, but somebody who is not
6 contracted to do the cleanup, to oversee the cleanup
7 independently of those who are contracted to do the
8 cleanup. I think that's what we've been trying to
9 communicate for the last year and a half or so.

10 Additionally, when it comes to the size of the
11 kettles, I learned by going there that there's a
12 basement underneath, and that's why they can't bring a
13 heavy enough crane to come in and lift the kettles.

14 And so I asked them, "What if we removed that
15 floor, could you put a crane down in the basement?
16 Would the basement support it?" "Yes, it would." Their
17 concern is that it would destabilize the kettles and
18 they might fall over. I mean, what do they think is
19 going to happen? They're going to make a mess? They
20 think they're going to drop some lead?

21 I mean, the place is covered in lead; right?
22 Additionally, there are cranes that do have the capacity
23 to lift up. Just a quick Google search I found a crane
24 that can lift up 132 tons. It probably doesn't fit
25 inside the facility, which would be the issue, but if

1 they could figure out how to tent the entire facility, I
2 would imagine that they would be able to figure out how
3 to tent a crane; right? They would be able to pull out
4 the kettle, enclose the kettle in some way.

5 I don't know. I'm not an expert. I would not
6 trust Saran Wrap and foil, but we have to throw ideas
7 out there. But they can enclose it. They have a rail
8 line that runs right into their site, right in the
9 middle. And coal cars carry the capacity of 121 tons,
10 which is much larger than the tonnage required, given
11 the size of the kettles and what's in the kettle.

12 So there's a potential to extend the cover of
13 the facility to the rail line, which is probably only
14 maybe 30 feet beyond the building, if that, maybe even
15 closer, because none of what's sealed in the facility is
16 going to rely on any of the walls. It's going to be
17 independently held up. So it can continue to
18 independently hold up beyond right into the railcar.

19 Also when I took a look at the rail lines,
20 there was water there. So they have swamps all over the
21 site, because they have to water down the site twice
22 every shift. That water runs down, and they process it
23 and treat it. And so I asked, "What about the puddles
24 that I see right there on the rail line? That's
25 obviously not going into your system." And they were,

1 like, "Eh," they just kept walking.

2 So for me that means that water must percolate.
3 You imagine that rail line is still used for neighboring
4 facilities. So trains still come through there, even
5 though the site is inactive, which means the ground is
6 agitated, which means there's opportunity for more
7 ground water contamination and of course contamination
8 of the river, which is not addressed in the documents at
9 all.

10 So that's just a couple of things I wanted to
11 share tonight. As part of our comments, we're going to
12 be suggesting additional ways of how we might be able to
13 deal with the lead inside the kettles. So we would
14 appreciate some conversation at some point once we
15 submit our comments beyond some written responses.

16 MR. CEPPOS: Thank you.

17 Next in the queue is mayor pro temp of the City
18 of Commerce Tina Baca Del Rio.

19 MS. DEL RIO: Thank you. If I may first just
20 say welcome, everybody, to my community. We will
21 continue to host this as long as we need to, but,
22 hopefully, we don't have to very much longer because
23 we're hoping for a remedy very soon, but until we do,
24 you're always welcome to this community. We will
25 continue to keep this facility open and work hand in

1 hand and do whatever we can for all communities, not
2 just the City of Commerce but all those that are
3 affected.

4 There's so many things that have been said
5 tonight. I have chicken scratching all over my paper.
6 I had so many ideas that I wanted to throw forward and
7 then different questions were already answered, and
8 great points were made by everybody.

9 Mark, you mentioned the tonnage of certain
10 kettles and so forth. We found out just today that one
11 of the kettles is 100 tons for one kettle. That's the
12 size of a ship. That's amazing as far as the weight is
13 concerned. The catastrophe that has been created here
14 is beyond amazing.

15 There have been statements made in newspapers
16 that it's one of our nation's biggest catastrophes. And
17 the fact that it's not getting the attention that it
18 deserves, "it," meaning we, the people of these
19 communities. A comment had been made about the City of
20 Vernon. Why are they not being held responsible for
21 this as well?

22 I'm up here again several years back fighting
23 against the Vernon power plant. The squeaky wheel got
24 the oil. We stopped them, but here we are again and
25 again.

1 This city and several other cities surrounded
2 by polluting entities: trains, freeways, battery
3 companies. You name it. And we continue to get, like
4 Cristina Garcia, assembly member says, "Pennies thrown
5 at us." That is something that has to stop. We need
6 the consideration of those that are in places that can
7 truly make a difference in our lives.

8 We want to raise our families in a happy
9 environment, a clean environment. The good Lord above
10 did not say, you deserve more. You make more money.
11 You get to live higher on a hill and you don't deserve.
12 You know, it doesn't work that way.

13 Life is what it is. Some of us have more means
14 than others. It doesn't mean that the separation should
15 be in the hands of legislation and individuals that say,
16 "You deserve a handful of money, and you deserve a
17 truckful of money," if you will. We're tired about it.
18 I think about Vernon. The comment was made about how
19 they should be held responsible. And the thought came
20 to me, such a little city with such a huge negative
21 impact.

22 It reminds me a lot about what the doctor said
23 about both of my parents. They have cancer, and it's a
24 small cell that ate them all over their bodies
25 throughout their entire body. Both of them succumb to

1 the disease and the individuals, the doctors at the City
2 of Hope said, "It's their environment, growing up near
3 to the rail yard." I still live there. Who knows if I
4 have cancer or not. I don't know. I don't know if my
5 family does or not.

6 I am responsible, as a mother for my family, as
7 well as the rest of the community, because I'm an
8 elected official. We need help. We don't know how much
9 money it's going to take. They talk about 3- to
10 \$4 million, possibly. Focus on the cleanup. That's
11 what we need to really focus on.

12 The comments have been made about encapsulating
13 this entity. I think that might be the right idea. It
14 can't be inhabited anymore after the fact, once the
15 cleanup effort were to take place or even as it is now.
16 So why don't we just not waste the money on it,
17 encapsulate it and consider the cleanup? Because what
18 happens to those homes that have already been cleaned
19 up, and then you start opening up this cleanup with
20 Exide and the movement with the trains and the trucks
21 and all that's being considered.

22 Could that possibly be the carriage before the
23 horse, right, that was being talked about? Will we end
24 up again with those same issues? Will those homes be
25 recontaminated and have to go back? Will it all be in

1 vain? So I'm not saying that I know, we aren't
2 scientists. Our city is doing the best that we can to
3 try to make sense for our community, but at this point,
4 to start the burners up, to start cutting in, to start
5 the whole emission process again, I don't know if that
6 makes sense.

7 So my thoughts are maybe the encapsulating of
8 the entire business, if you will. So again, there are
9 so many thoughts that I had. I thank everybody that's
10 here, because there were lots of great information,
11 wonderful thoughts, but I just -- as a city, we will be
12 entering formal statements, and in that Draft EIR, it's
13 very important that the City of Commerce be named in
14 there, because as my staff has gone through this,
15 Commerce is not necessarily significant in that EIR.

16 So we will be making those points, and please
17 consider us, because we have considered you and
18 everybody else. We need to be a part of this process,
19 okay. Thank you.

20 MR. CEPPOS: Thank you very much.

21 In the queue, the next -- did you have -- okay.
22 So in the queue is Delores Mejia, followed by Jack
23 Scanlan, followed by Lydia and then I assume Marta.

24 MR. GHAZI: You're blocking my view.

25 MS. MEJIA: It will be a few minutes. Maybe

1 you need to read it. It's always a problem.

2 Thank you very much, Joe. I appreciate it.

3 My name is Delores Mejia. I'm a representative
4 from the community. I don't speak for our Exide
5 impacted communities, but I tend to feel like I do
6 reflect the needs and the concerns and the outrage of
7 the community.

8 I have been approached before by you people
9 from other nonprofit groups and -- you know what, thank
10 you. Thank you. Because, you know, you take that risk
11 and put yourself on the line. I'm not trying to brag or
12 pat myself on the back. It's not something that I
13 necessarily enjoy doing.

14 I have to take a lot of heat for this. I'm
15 with East Side Coalition Against Exide Toxic
16 Technologies. I'm going to proceed and try to focus on
17 this Closure Draft plan that -- you know, basically, the
18 public has been dismissed from submitting our intentions
19 and our concerns and resolutions that should have been
20 considered.

21 But I do want to state first and foremost, I'm
22 sorry, I did appreciate the City of Commerce for hosting
23 these meetings, hearing, or whatever they are called.
24 But this is not a very good location for us. As you can
25 see, if you look around here, there were probably more

1 Commerce community members and surrounding neighborhood
2 community members in Sacramento last week than there are
3 here today.

4 I personally came by public transportation. It
5 took me close to two hours to come from Boyle Heights
6 because of the fact that there's a lot of construction
7 on a lot of the major streets. There's not even a sign
8 for Commerce Way over here off of a major Washington
9 Street.

10 The bus driver didn't even know it was there.
11 We need to start circulating these forms, and I'm going
12 to go ahead and say it. I usually say that on behalf of
13 the -- the community demand this. I demand it that AQMD
14 rotate their meetings with respect to the 1420.1 rule
15 working group meetings, so that the community that is
16 impacted has an opportunity to be aware of what's going
17 on, decisions that are being made on their behalf.

18 That's why these meetings started circulating.
19 That's why this advisory group even exists because the
20 community demanded it. It needs to not be stuck in just
21 one area. This is a very good reason why. Look at the
22 room. It's not even full. You know, I don't understand
23 that.

24 Going on. I'll just go ahead -- Joe, can you
25 go ahead and lift one up there, and these are some of

1 our prompts here, because, apparently, you guys don't
2 seem to get it.

3 We want to see a prosecution for those who are
4 responsible within DTSC. I'm not saying that everybody
5 that's there is criminally responsible, but now is the
6 time -- there's a difference between being a snitch and
7 a whistle-blower. How do you expect us to trust you
8 guys to be responsible and using allocated funds that
9 come from the county or the state or wherever we are
10 begging money from?

11 You guys really need to start coughing it up.
12 Furthermore -- let's bring that one up, yeah.

13 We're going to just go to the city Closure
14 Plan. These are ideas presented by contaminated
15 community for Exide Technologies Closure Plan, which
16 were ignored by Exide, DTSC, and the nonprofit advisory
17 club. That's tongue in cheek of course. Some of my
18 friends are on these advisory clubs.

19 But you know what happen, friends -- you know
20 that doesn't really fly very far, because you know what,
21 friends should have each other's backs. And when we
22 propose the GPS tracking of all hazardous waste and
23 contaminated equipment and the transportation of toxic
24 cargo -- there were gasps in the audience, I think this
25 was in Maywood.

1 I have never seen any -- this idea being
2 deliberated at the table at the advisory club.
3 Furthermore, the community proposed the tarp, the
4 tenting, and the quarantine at all times, not just
5 during the transportation, at all times during eviction
6 and removal of Exide toxic technologies, not just during
7 the time that they are on a truck. I'm talking about
8 now.

9 And we stated this previous to the El Nino
10 storm, and everybody gasped, but what did they do?
11 Nothing.

12 Another one: These are just a few. There's
13 many. What about the video surveillance of Exide
14 environmental crime scene? Then we don't have to
15 speculate about anything. Put it, stream it on your
16 website. You really want to be transparent. You guys
17 talk about being transparent and sucking up to the state
18 so you guys can continue with your budget. Put video
19 surveillance in.

20 I have one that I found at the secondhand
21 store. You can have it if you want. They are cheap.
22 You can use your phone. Of course -- and I'm just going
23 to go to these points here: External oversight of Exide
24 AQMD and DTSC. My notes on that is that -- now thank,
25 you Joe. I really appreciate that.

1 Yeah, of course let's not forget our reform or
2 remove the Exide DTSC AQMD nonprofit advisory alumni
3 association. That's kind of how we feel about it.
4 Because, you know, we respect our EJ -- our
5 organizations local, EJ organizations. But you know
6 what, what happens is that sometimes the integrity
7 becomes compromise.

8 Some of these organizations, you know, they are
9 hosting this and that and then, you know, "Oh, yes, we
10 can do it. We can do this and that and the other.
11 We'll do workshops." And you know what, that's public
12 funding. That public funding should be shared. They
13 should be options for local EJ groups and individuals to
14 say, "You know what, I think we have a better idea for
15 that? Is this really the most efficient way to spend
16 this money?" This is what I'm talking about.

17 For example, why do we need to go and knock on
18 doors? It's a good neighbor policy. We have L.A.
19 Snap.

20 Joe, can you put that down for a second.

21 This here gentleman right here is the member of
22 the -- is part of the highest form of notification
23 system.

24 What is it called, Joe, L.A. Snap? Can you
25 come here and tell us how L.A. Snap works?

1 Okay. Look, I provided to this advisory group
2 a whole stack of information. I didn't create it. The
3 county did. The disable rights movement did, advocates
4 did. It outlines why we need to be in ADA compliance.
5 Not just for your notice that you sent out, "Oh, gee, if
6 you need help reading or hearing" -- no. I'm talking
7 about -- basically, this is a state of emergency.

8 Foster homes, senior centers, day care centers,
9 group homes, the homeless community. We're the ones
10 that are the most exposed to all that garbage that you
11 guys are responsible for. You guys need to get into ADA
12 compliance. There are groups, organizations, nonprofits
13 that are there for us to share and to collaborate and
14 cooperate with.

15 Within the DTSC you guys have an emergency
16 services. Why have you not brought them here to explain
17 how you interact with COPAS, and how we can expect to
18 develop some alternative resources for shutting and
19 closing Exide? And again, this is not part of the
20 hearing. I know it's part of the remediation of the
21 homes.

22 This stuff is what we brought to the advisory
23 group, and it was never even mentioned. So when you
24 guys talk about transparency and public participation,
25 we're part of the process and your Closure Plan and

1 blah, blah, blah. You know what, I'm not going to say
2 it's all bad, but it ain't all good. It ain't all good.

3 And I resent the fact that you all compromise
4 the integrity of some of our organizations by pandering.
5 Poverty pimping is what it's called. I'm going to go
6 back to my notes here. Just so you know, I crossed out
7 stuff that had to do with the remediation of the homes
8 and mitigation of the community, because it really is
9 the most important thing.

10 The quarantine, the tarping and the tenting
11 immediately. They do that all over our neighborhood for
12 bedbugs. What, you guys can't do it? What's wrong with
13 you? You think we're stupid? And what about this
14 declaring the state of emergency? What about that?
15 We've been promoting that for a while now. Soon as
16 Porter Ranch declared state of emergency, they got all
17 kinds of access to all kinds of fundings.

18 So don't try to act like you don't have the
19 funding or the technologies. It's all there. You need
20 to access it. Contact your first responders. That was
21 another thing that we've been demanding within the
22 county task force or whatever it's called.

23 Where were they all this time? All of a sudden
24 they are heroes? All of you have guys have emergency
25 management services. You have access to that. You have

1 the Office Emergency Management, which have access to
2 American Disabilities Advocates and to the notification
3 systems that you have, which would enable and help the
4 people to understand what's going on so that we can all
5 come together and find resources.

6 Maybe California Conservation Corp will
7 volunteer. Maybe -- who knows? You guys are really --
8 really not -- you're intentionally -- you're being
9 intentionally ignorant, and there is no -- that doesn't
10 stand up in the court of law. Ignorance of the law is
11 not an excuse. That sounds to me kind of like Exide:
12 Willfully and intentionally ignoring and avoiding
13 responsibility and not taking advantage of the full
14 resources that are there and available to you all.

15 I think we need to put in that Closure Plan
16 external -- full external oversight of all funds
17 allocated for the closure. Any agencies or
18 organizations that are receiving public funding, et
19 cetera, whatnot, they need to be contacted.

20 Maybe there's some emergency funding there
21 available or some ideas there that can help us to -- for
22 one thing quarantine, tent, and do a moratorium and
23 permitting until you guys clean up the mess that you're
24 responsible for.

25 These are random points that I have to throw

1 together. Those prompts, I did them on the bus. The
2 people on the bus were helping me. They were saying,
3 "Yeah, that looks good." I haven't even begun where I
4 took access -- which I do have access to the Urban
5 Indian community, which this here area, this is
6 considered the capital of the Urban Indian population
7 outside of the Mexican Indian population, which we are
8 actually the largest nation.

9 I want to see that before you guys finalize
10 this Closure Plan, I'm going to provide it to you guys
11 again. Your representatives of the disabilities rights
12 communities that goes to Sacramento, lobbies for change,
13 systemic change for disabled groups, the most vulnerable
14 members of our society.

15 I'm not saying they are lesser, but I am saying
16 these people are highly evolved, and you all have never
17 even cracked one of those pamphlets that I sent to you
18 via our community chair. I don't know what happened
19 there.

20 I like to give people an opportunity to do the
21 right thing, just like I want them to give me an
22 opportunity to do the right thing, even if it's for the
23 wrong reason. And when necessary, when there's so much
24 at stake -- the two-legged people that we are or the
25 one-legged, even those that are disabled, and all the

1 other species, all the outside elements -- all this is
2 at stake. I'll be forced to make people do the right
3 thing.

4 MR. GHAZI: (Indiscernible.)

5 MS. MEJIA: And you know what, I'm almost done.
6 You're not going to cut me off, man. You have a limited
7 amount of people here. You guys lost my paper when I
8 submitted it. What's up with that?

9 MR. GHAZI: With all due respect --

10 MS. MEJIA: You're going to have to wait,
11 Mr. Ghazi. I'm almost done here.

12 Okay. So now I did the external oversight and
13 they pocket that for, like, two years. Nobody ever did
14 anything. Where is this contaminated equipment being
15 docked? Hello. I worked with the Colorado River Indian
16 Tribes people. They are not very happy with you guys
17 dumping Exide toxic trash in their ancestral homeland.
18 You might have to find an alternate location. We'll be
19 meeting very soon, next weekend, actually. We'll be
20 discussing this.

21 We need to expedite -- okay. That was for
22 another time.

23 Much like at Porter Ranch, we need and insist
24 that you master conservator -- whatever, be assigned to
25 both the eviction of Exide toxics and the recovery from

1 the toxic holocaust. Perhaps we need to require all
2 toxic technologies like Exide to secure bonds to cover
3 these types of emergency exit and contingency plans.

4 So as we're moving forward with this Closure
5 Plan, we need to be mindful that we're setting a
6 precedent here for all toxic technologies.

7 Okay. So look -- just a minute. You're just
8 going to wait a minute. You guys lost my paper, and you
9 don't even have that many people here. I've got one
10 more paper of notes and that's it.

11 MS. PATEL: I was going to suggest that you
12 submit all of your --

13 MS. MEJIA: Don't worry about it. I already
14 did. I submitted it to you guys a lot of times, and you
15 never paid attention to it. So now you're going to hear
16 it.

17 So look it, you know since we -- I think that
18 it's a good idea for these toxic technologies to
19 possibly secure bond. I think DTSC should secure a bond
20 if they want to continue to operate in our community.
21 Not only do I not trust them to oversee Exide eviction,
22 much like Dr. Wells, the technical adviser, but the
23 community demands it.

24 I don't even trust the advisory group to
25 oversee DTSC, to oversee Exide. Like I said before,

1 this advisory club hasn't even deliberated over many of
2 these ideas, whether it was the GPSing of the toxic
3 cargo or, you know -- or whether it's using the
4 railroads or the video surveillance. All that I have
5 submitted.

6 Matter of fact, if you want to see it -- just
7 right there what you said, it just proves it that you're
8 not paying attention to the public, you know. You're
9 going through the motions. We need to do a cost-benefit
10 analysis of the DTSC public participation routine that
11 they go through.

12 You don't even know what I'm talking about, do
13 you? I've submitted how many times? I took it to the
14 state. Why don't you go to the state website for the
15 assembly, and you'll see it all uploaded there. You
16 guys ought to be ashamed of yourself.

17 Okay. So in summary -- and I'll be finishing
18 very soon. I'm sure you have a plane to catch or some
19 cocktails to drink. GPSing, the video surveillance, the
20 emergency response notifications, which would help to
21 alert other agencies that may have some funding sources
22 there for us or some ideas for responsibly closing down
23 the Exide toxic technologies plant or at least securing
24 it in a way that would be safe for the moment so that we
25 can clean up the rest of the -- come on -- ADA

1 compliance.

2 You guys need to consult the most vulnerable in
3 our community before you proceed any which way. Believe
4 you me, you will. Again, that goes to the thing -- give
5 people the opportunity to do the right thing, if not,
6 we'll force you. Mitigation rather than remediation,
7 that should always be, you know, the motive.

8 Don't just do some ridiculous thing. "Oh,
9 maybe we'll do this." You know, you guys need to do it
10 thorough -- a thorough evaluation of everything that
11 you're proposing, and you need to look at every single
12 option that people provide to you, anyone that proposes
13 something.

14 Anyways, the list goes on, but to add insult to
15 injury -- well, let's just say the Exide toxic holocaust
16 was preventable foreseeable catastrophe, and we do need
17 to do a full blown root cause analysis of how we got
18 here so maybe we can undo some of these damage in a
19 responsible way.

20 So you know what, I'm going to let you guys off
21 the hook. I'm actually tired of hearing myself talk. I
22 wish you guys would take the attention a little bit. I
23 don't just come up with this stuff and come down here or
24 take a 20-hour bus ride to Sacramento or take a two-hour
25 bus ride from Boyle Heights over here.

1 I'm staying the course with this, believe you
2 me. I run these ideas by the community. I don't just
3 show up and say, "This is what I want." I run it by
4 them, ask them.

5 But in closing, I just have the one last little
6 present, and I thought I would present this to DTSC.
7 It's just a fun little toy, kind of a thing, novelty,
8 you know. And it reads, "Exide, AQMD, DTSC, and the
9 nonprofit community advisory club. Fix it or flush it."
10 Fix it or flush it. We need to fix this thing. I'm
11 just symbolically presenting it to you.

12 MR. GHAZI: You can keep it.

13 MS. MEJIA: Don't worry about it. I am.

14 Thank you very much.

15 MR. CEPPOS: Thank you, Delores.

16 Next in the queue is Jack Scanlan. After Jack
17 will be Lydia and then after, Marta.

18 MR. SCANLAN: It really kind of irks me when I
19 hear all the complaining with no brainpower backing it
20 up. Lead is not really toxic that will cause
21 neurological damage, which means that the few white
22 people in the room that has some working brains, it will
23 cause them problems downstream. Especially if they get
24 it in their system as a kid.

25 If you get it in your symptom as an adult, it's

1 really not going to do much. Keep in mind that there
2 are a lot of people that raise whole families and
3 grandkids that worked at Exide. I actually interviewed
4 there a long time ago. One of questions they asked me
5 during the interview, "Would you be willing to submit to
6 regular blood test to check for lead and some of the
7 other stuff that you are going to run into here?" And I
8 said, "Yes."

9 They were worried about their employees. Their
10 employees stayed there a long time. It's good work.
11 Takes a whole lot of brains, good back. If you could
12 lift a battery, you can have a job. So just kind of
13 keep that in mind. Lead, unless you get a lot, unless
14 you're picking up lead chips as a three-year-old and
15 chewing on it -- lead paint tastes sweet. If you're not
16 aware, then you have a problem.

17 But then if your parents take you down and get
18 a blood test and they find it, they can put you on
19 chelation therapy and that will get the blood out of
20 your system after a while. It doesn't undo any brain
21 damage. That's permanent, but it will stop it. If you
22 haven't taken your kids down, they have a free offer
23 through the state. I've received two notices. You get
24 a free blood test for you and your family. If you
25 haven't done that, shame on you.

1 Nothing these people can do about you guys
2 being Mexicans and not getting off your asses; all
3 right?

4 AUDIENCE SPEAKER: Where are you from?

5 AUDIENCE SPEAKER: What ship did you get off
6 of?

7 MR. CEPPOS: I'm going to ask that -- this is a
8 public hearing. Everybody is entitled to make their
9 statements. All I can do is ask that everybody in the
10 room, current speakers, people who have already spoken,
11 maintain a level of common control and not get
12 derogatory. I cannot control things. I cannot bring
13 enforcement, but I'm only going to ask that we all
14 maintain a level of decorum and a level of respect to
15 finish this evening out.

16 MR. SCANLAN: All right. So that's something
17 to be aware of. I've had the people out -- Mary Sue, a
18 couple others. They have to request permission to run a
19 test on your property for lead contamination. You have
20 to actively agree to letting them on your property. If
21 you don't, then you don't. They don't test it.

22 They have been as nice and courteous a crew of
23 people that you ever can meet. All real pleasant. They
24 came in -- just not a problem. So be aware of that.
25 That's all free too. It doesn't cost anything.

1 And on some of these other stuff, you're just
2 making a mountain out of a molehill. This lead is just
3 not that toxic. The one girl who got up said they want
4 to put flags on it -- one guy said that you have a
5 standard numbering system.

6 That's not a state requirement. That's a
7 federal requirement. And there is a book of numbers,
8 and it covers everything from extremely explosive things
9 and very flammable stuff, through even things like
10 radioactive, which is rare. These things that are not
11 directly toxic like hot melted substances like asphalt
12 and sulfur, those are required by law to have them. So
13 that's something to keep in mind.

14 And as far as this thing about lifting 100-ton
15 kettle, have you ever heard of a little town in Russia
16 called Chernobyl? You have any idea how much that --
17 that reactor was built like a pot with a lid, and a lid
18 that wasn't in any way attached. A lid that was just
19 sitting on it. That lid weighed 2,000 metric tons, and
20 then it got pumped off. The important thing is that
21 they picked that up all in one piece and set it on top
22 of the reactor.

23 They regularly put the tops of ships on them.
24 When they build a ship, they build the bottom and then
25 top part that sticks up. And those are from 250 to 500

1 tons. They pick them up all the time. So something to
2 keep in mind.

3 The other thing that really bothered me, the
4 one girl said that she's back from France and this,
5 that, and the other. And this \$100 million Exide
6 cleanup, biggest thing in America? Keep dreaming. I
7 was raised 130 miles south of here in a little town
8 called Indio. You go another 30 miles down the road and
9 you run into a little puddle of water called the Salton
10 Sea. That is America's biggest super site, and it is
11 insolvable.

12 What they did is they fenced it in, they closed
13 it off and that's it. There's almost no people down
14 there. Keep in mind too, there have been several cities
15 over the years that because of making bad decision, like
16 spraying the streets with oil, which we don't see in
17 California. They've had whole cities that has not been
18 fenced off and closed down.

19 Be glad that we're not talking about relocating
20 like the people are complaining about the gas leak.
21 They are moving out. You can stay here. You're fine,
22 you're not going to get sick, but people up there are
23 moving. Think about where would you be if you had to
24 leave your house.

25 All right. Thank you, guys.

1 MR. CEPPOS: We're going to move on to Lydia
2 and then Marta, and again, please, as you step up,
3 please state your name for the reporter.

4 MS. NAHUEL: Hi. My name is Lydia Nahuel.
5 L-y-d-i-a, last name is N-a-h-u-e-l. And, basically,
6 what I'm doing is stating the same things that I said
7 earlier. Okay. I'm adding one thing. I wanted to know
8 if we can get a written response for the following: I
9 don't know California law as much as I do as Florida
10 law. So I wanted to know if you could write down a
11 statement how the bankruptcy from this company is going
12 to effect the funding, the cleanup, and all the other
13 different companies that are coming in to help with the
14 cleanup?

15 It was explained earlier and shared that there
16 was special funding put aside, but bankruptcy is a whole
17 different ballpark. Once it's completed, the rules may
18 have changed. So I would like a written statement when
19 the actual bankruptcy is completed. How the cleanup is
20 going to be affected.

21 The other thing was educating the public.
22 That's what I shared earlier, that we should have a mass
23 mail out explaining that we're going to have meetings in
24 public libraries explaining on a monthly basis the
25 effects of the chemicals and how they are going to

1 affect the body, because I do believe that it will
2 affect the body regardless of age, gender, or
3 nationality.

4 Thirdly, was the water contaminated? I'm
5 very -- I would like something written down stating if
6 the water that we are drinking and showering, is it
7 contaminated? What should we -- as individuals of house
8 owners or renters should do in getting our water tested?
9 Because I suggested earlier Home Depot gives out free
10 water kits that you will fill up a little plastic
11 container, and you can mail it for free, and then get
12 the results mailed back to you.

13 Now, I feel as a community we could do that on
14 our own, and then submit all the information that we
15 received to a representative and then see that.

16 Now, my other thing that I wanted to have
17 written down as a response is all the expending for the
18 initial cleanup site, all the inventory, all the funding
19 as what we spent on a daily, weekly, and monthly -- can
20 all those records be public so we all know how the
21 millions of dollars are being broken down in a way that
22 we know what is happening?

23 And I also wanted to thank that person that
24 came up here and talked about having cameras, having
25 constant surveillance, and the reason I'm requesting

1 this or -- you know, an idea about this, is because it
2 will keep the people that are working honest.

3 And that's something that we need to be
4 reassured that the work is being honestly completed to
5 the levels of the law, versus what is right and what is
6 okay. And I think that was it. Thank you.

7 MR. CEPPOS: Thank you.

8 Marta.

9 MS. JIMENEZ: Hello. I would like to recommend
10 to have both the city attorney of Los Angeles and the
11 Los Angeles County Attorney to monitor and oversee the
12 imminent dismantling of Exide. Just like Porter Ranch
13 is requesting to have the presence, I think
14 Boyle Heights -- all the affected area needs to have the
15 same duty of care to be observed in the imminent
16 dismantling.

17 I know this has already taken place, because I
18 asked Assembly Member Santiago to really talk to the
19 city attorney and see how we can also be observing the
20 process so we won't be alone.

21 Also, I would like to know if Exide can be even
22 the responsibility to provide a bond that goes along
23 with the imminent dismantling of the Exide facility. I
24 do a lot of development in Latin America and bids. The
25 bank, Banco American, whenever they give us funds, they

1 tell us, "There has to be a bond behind your project.
2 If you build a water waste treatment plan, there needs
3 to be a bond behind so that in the future, if there are
4 any vices, hidden damages, this bond can help."

5 And I know it's innovative, but maybe you guys
6 can have a way of asking if this money can be gotten
7 from Exide. I wish for that to take place. Maybe it
8 has never been done in any projects, but having a bond
9 would ensure that we don't get the vices again that was
10 done before.

11 Also, I would like to recommend for DTSC to
12 create a virtual catalog of all the infrastructure
13 existing at Exide, be it parts, be it the built
14 environment. So when you guys are doing a walk-through
15 to ensure that this place is in compliance with imminent
16 dismantling, do you have right now a catalog of the
17 built environment already in place with pictures
18 identified? Yes or no? I'm asking you.

19 MR. CEPPOS: Again, to remind, under the
20 circumstances of this format --

21 MS. JIMENEZ: I just -- because first we were
22 not allowed to be taped, and now I'm not getting an
23 answer. So I feel I'm not getting the right answer that
24 I need to hear. And also, I would like to recommend, as
25 a best practice, to remove all the infrastructure and

1 the built environment, not to tarp it, not to cement it.
2 We don't need to have the presence of that environmental
3 entity that created an environmental crime and a crime
4 to humanity.

5 And to not give any special concessions or
6 privileges to Exide. They have already gotten
7 permission to operate without any permits by the law.
8 So that's enough for them, and to please follow the
9 post-911 removal protocols for toxic chemical and
10 infrastructure that will be transported from one place
11 to another.

12 And as part of the advisory council, I just
13 want to say that in my position, having been assigned by
14 DTSC and AQMD, all the time I have tried to be the eyes,
15 heart, and ears to my community that has been affected.

16 In no time have I used my position to do
17 otherwise. I say this because I have been hearing
18 issues, and I feel that is not correct. I also feel
19 kind of disenfranchised, because I read in the news that
20 there was a visit to Sacramento, yet I, as an advisory
21 council member, never knew about it until now. So I
22 feel that we need to play fair.

23 If you really want us to be eyes, heart, and
24 ears, we need to be communicating. I wish I had known
25 that our president was going to have that responsibility

1 and that he would have conveyed it to us. I have been
2 the person who have asked to have a virtual -- not a
3 virtual, but actually walking on the premises of Exide
4 so that we can know what we are up against.

5 So I'm glad he was able to go and be our hearts
6 and ears, but we need not to limit that information. We
7 are the eyes, heart, and ears to the community. We just
8 want to make you better. I don't know why that
9 happened, but I am not a token. I am somebody that
10 really takes at heart the needs and aspirations of the
11 community.

12 And I wish that that doesn't take place anymore
13 again. And also I want for a university, let it be my
14 alma mater, UCLA or USC, to oversee the process of
15 dismantling Exide. It has to be somebody that is not
16 politically motivated or affiliated. It has to be
17 somebody else. I had already made that recommendation,
18 but then nothing happened, as I did not hear that you
19 guys may be assigning on site a university.

20 And also, I wish there could be a congressional
21 inquiry on behalf of our community as soon as possible
22 to ensure that Exide does not encapsulate the artifices
23 of the environmental crime. Exide needs to be removed,
24 not tarp, covered. It needs to be away from us because
25 it will always a reminder of what happened to a

1 community that was not able to use its voice at the
2 right time to stop the crime.

3 And finally, I want for the EPA to declare
4 Exide as the worst polluter in the United States by
5 positioning a bilingual big sign so everyone can know.
6 That's a way of shaming them for what they have done.

7 In the past I have asked if maybe the
8 California legislator or the senate can come up with a
9 law to not allow Exide to sell their batteries in the
10 State of California because of the damage that they did
11 to us. Yet, if you walk in Boyle Heights and East L.A.,
12 you see signs posted in auto parts location where Exide
13 is selling their batteries.

14 So I feel that's an insult to our community,
15 and it is not fair. Also, to come up with a cueing plan
16 for all those trucks. I know you told me that it's just
17 a few trucks. A few trucks with a lot of contamination
18 can create a major problem. So please do something
19 before things happen.

20 And I thank you for taking the time to listen.
21 And please go and see what Porter Ranch is doing with
22 the proton technology to get rid of the emissions that
23 are coming up from underground so we can be able to be
24 empowered as a community and also invite Governor Brown
25 to come over and see the biggest environmental crime in

1 our community.

2 We also deserve his presence. As we voted for
3 him, he needs to come, allocate extra funding, look into
4 the special bond that I am asking for to see if it can
5 be doable. But I just don't want to give ideas and then
6 things not get done. Please follow through.

7 I'm happy to see the many things that you have
8 followed through from hearing advisory members, but you
9 can be at a better position if you were to do those
10 recommendations. Thank you.

11 MR. CEPPOS: Thank you, Marta.

12 I'm going to hand the final comments over to
13 our hearing officer, Su, and then we will conclude and
14 adjourn for the evening.

15 MS. MEJIA: So we take it there's no additional
16 comments from anyone?

17 MR. CEPPOS: Okay. I do not have cards.
18 Are there any other comments?

19 I do not have any other cards. Go ahead, sir.

20 MR. BURKE: I'm sorry. I might as well, you
21 know.

22 MR. CEPPOS: The gentleman is coming. He's
23 going to go ahead and fix the mic.

24 MR. BURKE: My name is Richard. I live in the
25 City of Commerce, and there are some people here from

1 Commerce that are concerned about the issues at hand.
2 You're proposing several ways of removing the lead from
3 the facility there, but at one point in time you said it
4 wasn't a question of cost. Well, if it's not a question
5 of cost -- and I should have asked questions earlier --
6 then what exactly is the most efficient way of getting
7 rid of that material?

8 Honestly speaking, I don't know who you are or
9 what you do. You're a scientist up there. I would
10 imagine that you would have the answer to all of this.
11 Exactly which is the most efficient way of getting rid
12 of the material? What's safe for everyone? So I would
13 imagine you would have more suggestions, and unless
14 those are the only alternatives to eliminating the mess.

15 Encapsulating, I don't know anything about
16 that, but if that stuff is seeping to the water, how do
17 you encapsulate that? But if there is a safe way of
18 doing it -- then you're talking about Chernobyl. Well,
19 okay. No one can live there. But why would you cover a
20 ground to look at it and say, "Well, we can't live
21 there"? That's like your mini Chernobyl and that's
22 what's there. That's what's covering it.

23 We have no access to it. It's no longer
24 available to anyone because there's a disaster. So
25 there has to be a better way. You are a scientist, give

1 us an answer. That's it.

2 MS. MEJIA: Excuse me. I wanted to respond,
3 please.

4 MR. CEPPOS: Wait. Wait. The format here is
5 not a call and response.

6 MS. MEJIA: Excuse me --

7 MR. CEPPOS: No. Excuse me. That is not the
8 format. The format is this is a public hearing. This
9 is a format for a public hearing. I want to check and
10 see if there are any other people who have not yet
11 spoken. Is there anybody else that has not yet spoken
12 that would like to speak?

13 Seeing none. We had accommodated for
14 additional comments, but at this point in time and
15 because of the time of the evening, I'm going to ask
16 that there be a time limit, and that everybody have no
17 more than three minutes, at which point, I will go ahead
18 and step in.

19 So, Delores, if you want to make a comment, I'm
20 going to give you three minutes.

21 And then Marta, you additionally would like to
22 say something?

23 MS. JIMENEZ: Yes.

24 MS. MEJIA: I just wanted a quick response
25 because apparently, perhaps, someone had misunderstood

1 what I said about tarping and tenting and quarantine.

2 I only stated that so that it should be done
3 immediately until you guys figure out -- you know,
4 finish scratching your asses and figuring out what we
5 should do here.

6 I'm not saying to just tarp and tent it and
7 have a flea market there. No. I'm saying to contain
8 that material until such a time that a reasonable and
9 responsible efficient way to either contain it on site
10 until something better comes along or to break it down
11 and remove it. But not to across county, Arizona,
12 Colorado River.

13 Colorado River -- Indian tribes across county
14 -- the Colorado River Indian tribes do not want any more
15 toxic trash being exported from California over there.
16 I'm just saying, let's get that clear. Tarping,
17 tenting, quarantine, is for immediate stabilizing of the
18 area until you guys finally access all the resources
19 that are available to us through FEMA, through -- I
20 don't know, the Conservation Corp, through Emergency
21 Management, then -- then we can proceed.

22 But I'm just saying for now, that would be a
23 measure to stabilize. That's what my thoughts are.
24 Have a good night, everybody. Let's try to move on.

25 MR. CEPPOS: Marta.

1 And again, the purpose of this whole hearing is
2 not to provide counterpoint, it's to provide comments.

3 MS. JIMENEZ: I just want to make sure that at
4 the next meeting when we meet again that we get a copy,
5 verbatim, of the report that she is making available.
6 Because as a public record, I think we should have
7 access to it and also to forward it to the governor,
8 because there were some questions addressed to the
9 governor for recommendations to make sure that he will
10 be an advocate for DTSC.

11 For example, when I said that there is a need
12 to create a bond within the project as well, that's to
13 protect the community from imminent hidden vices and
14 damages. If the governor can do that, and if he can
15 come over just like he went to Porter Ranch, that would
16 be great. We are also asking for that constitutionally
17 as a community. Thank you.

18 MR. CEPPOS: Thank you, Marta.

19 At this point in time, we're going to hand over
20 closing comments to Su Patel.

21 MS. PATEL: I thank you all for your comments.
22 Thank you all for coming. This concludes our hearing
23 tonight for Exide Draft Closure Plan and DTSC's Draft
24 Environmental Impact Report for Exide Technologies
25 located at 2700 South Indiana Street, in the City of

1 Vernon here in California.

2 For the record, it is February 3rd, and the
3 time is quarter to 11:00 -- quarter to 10:00. I'm
4 sorry.

5 Thank you all. Thank you, City of Commerce,
6 for your great hospitality every time we come, and thank
7 you all for taking the time to come this evening.

8 MR. CEPPOS: We are adjourned.

9 (Whereupon the proceedings were concluded
10 at 9:47 p.m.)

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CERTIFICATE

OF

CERTIFIED SHORTHAND REPORTER

* * * *

The undersigned Certified Shorthand Reporter
of the State of California does hereby certify:

That the foregoing proceeding was taken before
me at the time and place therein set forth.

That the testimony and all objections made at
the time of the proceeding were recorded
stenographically by me and were thereafter transcribed
said transcript being a true and correct copy of the
proceedings thereof.

In witness whereof, I have subscribed my name
This date: February 13, 2016.

Tamoi Tomlinson
Tamoi Tomlinson, CSR No. 13864

DRAFT CLOSURE PLAN AND DEIR
Hearing on 02/03/2016

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