

P R O C E E D I N G S

THE GOVERNING BOARD OF THE SOUTH COAST
AIR QUALITY MANAGEMENT DISTRICT

SPECIAL MEETING
Saturday, November 15, 1997

Informational Hearing regarding the
Los Angeles Export Terminal dry bulk handling project

at

Peck Park Auditorium
560 North Western Avenue
San Pedro, CA
11:05 a.m. - 2:10 p.m.

Reported by:
Mary L. Hall
CSR NO. 5865

MARY L. HALL
COURT REPORTERS
1031 Cascade Place
Claremont, CA 91711
(909) 624-3682

C E R T I F I E D O R I G I N A L

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GOVERNING BOARD APPEARANCES

- William A. Burke - Chairman
Speaker of the Assembly Appointee
- Wayne H. Nastri
Governor's Appointee
- Richard Alarcon
Cities of Los Angeles County - Western Region
- Norma J. Glover
Cities of Orange County
- Ms. Mee Hae Lee
Senate Rules Committee Appointee
- Mayor Ronald O. Loveridge
Cities of Riverside County
- Councilman Leonard Paulitz
Cities of San Bernardino County
- Jon D. Mikels
County of San Bernardino

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT STAFF:

- Ms. Jackie Dix, Clerk to the Board
- Dr. Barry Wallerstein, Acting Executive Officer
- Mr. Peter Greenwald, District Counsel

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A G E N D A

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1 like, you can write me a note, drop me an e-mail, or give
2 me a call at my office.

3 I'm going to start this morning with a
4 presentation from the Port of Los Angeles staff. Can they
5 please come forward and start with that presentation.

6 MR. WITTKOP: Good morning, Chairman --

7 CHAIRMAN BURKE: Ladies and gentlemen, you're going
8 to have to keep the conversation down. And can you please
9 close the doors in the back so that the conversations
10 going on outside the hearing room won't interfere with
11 what we're doing here. Please proceed.

12 MR. WITTKOP: I'll start again. Good morning,
13 Chairman Burke and Board Members. I'd like to thank you
14 for the opportunity to discuss the LAXT facility with you.
15 A facility that we believe is the most environmentally
16 friendly dry bulk facility in the world. It utilizes the
17 latest and most extensive dust control technologies
18 available anywhere.

19 I'm going to give you some background and
20 history of petroleum coke and coal operations in the Port
21 of LA and the genesis and development of the LAXT
22 facility. Then I'll turn the podium over to T. L.
23 Garrett, an environmental scientist with the Port, to
24 discuss the environmental and permitting process the
25 facility has gone through.

26 If I could have the slides. This is an aerial
27 photo of the port. It shows the location of the existing
28 petroleum coke facility on Terminal Island, which is right

1 here, and also shows the existing, which is now being
2 closed, Kaiser facility at berths 49 and 50 at the port,
3 and Long Beach's export facility, Metropolitan, at their
4 berth 210 to 212.

5 For those of you who aren't familiar with
6 petroleum coke, it is a byproduct of the refining
7 industry. Approximately four to five million tons are
8 produced on a yearly basis. This pet coke can either be
9 placed in landfills or exported to Pacific Rim countries
10 for use in the steel making industry, as an energy source,
11 or for making cement. Since landfill space is limited,
12 the option of exporting the coke is the one that has been
13 selected and is beneficial to the most people.

14 Coke can be loaded on ships only at the Kaiser
15 facility in the Port of L.A., here, or at the Metropolitan
16 facility in the Port of Long Beach. Due to the lack of
17 storage space at either of these facilities, the coke has,
18 for over 20 years, been stored on Terminal Island and
19 later trucked a second time for ship loading. Over one
20 million tons on average have been stored there on a yearly
21 basis.

22 The storage sight has been as large as 70
23 acres with as much as 600,000 tons stored at one time on
24 45 acres of this site. The coke storage areas have now
25 been reduced to 28 acres. In fact, because of the demand
26 for land for container operations, this storage area is
27 expected to be reduced even further in the future.

28 The coke is, once it's stored on Terminal

1 Island, is then loaded back on trucks and carried to
2 Kaiser or Metro facilities. Since over one million tons
3 of coke are stored on a yearly basis, this trucking
4 generates up to 40,000 trips per year to the Kaiser
5 facility alone. In the mid-1980's the port convened a
6 task force, the West Channel Task Force, to look at the
7 existing Kaiser facility at berths 49 and 50 and actions
8 that could be taken to make them more compatible with the
9 sounding areas. The task force was made up of community
10 members and board staff. The task force recommended
11 relocating the facility to Terminal Island, a heavy
12 industrial area remote from recreation and residential use
13 areas.

14 The Board of Harbor Commissioners in 1987
15 accepted the task force recommendation and adopted the dry
16 bulk relocation plan. This plan provided that the
17 facility would be relocated to Terminal Island and set a
18 target date of 1994 for this to happen. With the
19 development of LAXT, this existing Kaiser facility is now
20 in the process of being closed down. The last train and
21 ship at the terminal were handled there last month.

22 As a result of the relocation plan and
23 responding to demands in the Pacific Rim for clean burning
24 coal, the port looked at developing an expanded dry bulk
25 facility on Terminal Island which would allow for the
26 export of the low sulfur, high BTU coal found in Utah and
27 Colorado and other western states. Because of good rail
28 connections, deep water and available land, the Port of

1 L.A. was the only viable option for an export facility on
2 the West Coast.

3 The port then brought together all members of
4 the coal change to develop the terminal. This included
5 producers, the mines, all the way to the users, utilities
6 and Pacific Rim countries. This group agreed to form the
7 LAXT Corporation, the Los Angeles Export Terminal. A
8 corporation now having 37 members. The articles in the
9 corporation require that U.S. companies retain control of
10 this corporation.

11 After LAXT was formed, LAXT and the port
12 entered into a lease which divided responsibilities for
13 developing the \$200 million terminal. As is typically
14 done at the port, the port is responsible for the basic
15 terminal and infrastructure, and the operator, LAXT,
16 responsible for material handling and equipment. As a
17 result, the port agreed to constructing approximately \$70
18 million of the terminal improvements and infrastructure,
19 and the LAXT, the \$130 million material handling system.
20 As a comparison to a recently completed container
21 terminal, the port actually invested \$200 million
22 infrastructure and terminal improvements and the operator
23 invested \$100 million in container handling equipment.

24 The ports, as it is now clearly understood,
25 are economic engines. The LAXT terminal, like other
26 terminals at the port, are the fuel driving these engines.
27 The now completed facility is expected to generate several
28 thousand jobs in the Western United States. Those jobs

1 are direct, indirect and spin-off jobs and help the U.S.
2 balance a trade by almost a half a million dollars.

3 The facility now in operation has
4 approximately seven acres which are set aside for pet coke
5 storage, the area in here, and there's an additional 20
6 acres for coal storage shown here.

7 With the opening of LAXT and the closing of
8 Kaiser and the reduction of pet coke storage on Terminal
9 Island, several beneficial things are happening. The
10 available storage area for pet coke has been reduced from
11 the storage level. The existing available storage level
12 for pet coke is approximately now 35 acres; seven acres at
13 the LAXT and 28 acres at an adjoining site. This compares
14 to the old operation where 70 acres was available for pet
15 coke storage with a maximum of 45 acres used at any one
16 time.

17 So, with the opening of LAXT, the pet coke
18 storage acreage has actually declined by ten acres and is
19 expected to further decline in the future as container
20 operations demand more land. You can see the existing
21 container operation here and the adjacent pet coke storage
22 area.

23 Secondly, over 40,000 truck trips that will be
24 eliminated. Truck trips that go through the streets of
25 San Pedro and actually produce more PM10 emissions than
26 the storage of products, including pet coke, at LAXT.

27 And lastly, not only is the total area of
28 black products storage reduced to historic levels, 1996

1 technologies are being utilized to control dust emissions
2 versus the 1960's technologies utilized under the old
3 operations. In addition, most of the equipment is
4 electrified.

5 In summary, I'd like to emphasize two points.
6 Pet coke is not new to the port, it has been stored and
7 shipped here for over 30 years. And two, with the opening
8 of the LAXT, this pet coke will be handled more
9 efficiently with the latest dust control technologies in
10 use.

11 With that I'd like to introduce T. L. Garrett.
12 He will discuss the facility's permitting history and
13 describe some of the dust control technologies being
14 utilized.

15 In the way of introduction, T. L. is the
16 port's environmental scientist who is responsible for
17 assuring this project complied with all environmental and
18 permitting requirements. He has been with the project
19 since 1990. He has been involved with various committees
20 and task forces looking at air quality issues on a local
21 and regional basis. T. L. is the port's air quality
22 specialist. With that, I'd like to bring T. L. to the
23 podium.

24 CHAIRMAN BURKE: Mr. Wittkop, before you leave I'd
25 like to share an experience I had. You know, just because
26 we do something for 30 years doesn't make it right.

27 About 30 years ago I was a pilot in the United
28 States Air Force. And we were issued what was called the

1 Dash5, which is a document which instructs us on what to
2 do in the case of an emergency in an aircraft. In reading
3 Dash5 it says if, in fact, your cargo aircraft is going to
4 crash, you go as far as you can to the front of the
5 aircraft, get in a kneeling position and put your head
6 between your knees. About six months before I got out of
7 the Air Force, which was five years later, they reissued a
8 revised version of the Dash5 which said, in a cargo
9 aircraft you should go to the tail of the airplane and put
10 your head between your knees and prepare for the crash.

11 Now, I sat there as a 27-year old kid and
12 wondered what happened to all those guys that went to the
13 front of the airplane for the last four years.

14 We would all hope that we all learn something
15 as time goes on. And I'm here this morning, this is an
16 informational hearing, and I'm here to learn, just as
17 everyone else is, but I want you to clearly know that my
18 wife and I are in San Pedro all the time and our
19 experience has not been good.

20 I'm here not to hear how long you've done it
21 or the fact you've even gotten permits, because if permits
22 were issued under conditions which may or may not have
23 been acceptable at the time, our lawyers tell me those
24 permits are legal. But I don't think they're morally
25 legal if they're not -- this is not the Rosie Show.

26 I'm not here to fight this morning. I'm here
27 to work with you. Do you see all those people out there?
28 I'm here to work with them too. And I do believe the port

1 is an economic generator and I do understand that it has a
2 responsibility to the economy of this city, but it also
3 has the responsibility to the citizens also. That's what
4 I have to say.

5 MR. WITTKOP: In response to that, Chairman, we do
6 have the same concerns about air quality, as you do.

7 CHAIRMAN BURKE: No, no, let's be courteous to
8 everyone, please. Please.

9 MR. WITTKOP: As a public agency, when we started
10 down the path of developing this terminal, we wanted to
11 make sure that it was going to conform or exceed to all
12 the air quality regulations that your District has. We
13 started working with the District back in 1992 to help
14 insure that and feel that, truly, what we have here is a
15 facility that is state-of-the-art and something that we
16 can be proud of from an environmental standpoint.

17 CHAIRMAN BURKE: You see, all things change. And as
18 your facility has changed, the Air Quality Management
19 District has changed. I look on this podium today and I
20 see a level of intellect and level of expertise that I
21 didn't see on the Board when I came. So, you know, we're
22 here to learn today, but it's not just business as usual.
23 Thank you very much.

24 MR. WITTKOP: Thank you.

25 MR. GARRETT: Good morning, Chairman Burke and Board
26 Members. My name is T. L. Garrett. I'm with the
27 Environmental Management Division of the Los Angeles
28 Harbor Department. I was the project manager for the

1 Environmental Impact Report that was prepared under the
2 California Environmental Quality Act and I was also the
3 project manager in the preparation on the permit
4 applications.

5 I'm going to begin with a brief description of
6 the environmental process followed by an overview of the
7 SCAQMD permitting process for the construction and
8 operations of the Los Angeles export terminal. I'll
9 finish by quickly describing some of the environmental
10 controls that have been implemented in this project.

11 If I could have the first slide, please.
12 There has been an extensive environmental review of this
13 project under both the National Environmental Policy Act
14 and under the California Environmental Quality Act.

15 In 1985 there was an EIS/EIR jointly prepared
16 with the US Army Corp of Engineers and the Los Angeles
17 Harbor Department which identified the need for increased
18 capacity for dry bulk products in the port of Los Angeles
19 based on cargo projections. In 1990 the Los Angeles
20 Harbor Department originally and in coordination with the
21 Port of Long Beach undertook a deep draft navigation
22 improvements program where we looked at the needs of the
23 terminal, the optimization of all facilities,
24 transportation improvements, infrastructure improvements,
25 how we could best accommodate the forecast for growth.

26 One of the projects that was assessed in that
27 document was a programatic look at a dry bulk terminal
28 with a 20 million metric ton per year capacity.

1 As a spinoff of that process, there was a
2 project specific EIR under the California Environmental
3 Quality Act prepared for the pier 300 dry bulk terminal
4 project. The title is not LAXT because at this point in
5 time LAXT was not a real entity, the Port of Los Angeles
6 was the lead agency under CEQA and we were the project
7 applicant at that time.

8 There is some fundamental purposes in the pier
9 300 dry bulk terminal EIR. A major one, as Mr. Wittkop
10 has alluded to, was to assess the environmental impacts of
11 relocating the existing dry bulk facility at berths 49, 50
12 to pier 300.

13 And this is the facility that we're looking at
14 relocating. This is 49 and 50, also known as Kaiser
15 International. From an environmental perspective, there's
16 a number of things I'd like to point out. One, their
17 train facility here requires that all trains be decoupled.
18 Rail cars are individually put through the train dumper
19 and dumped one at a time and then recoupled. And there's
20 a lot of switching motion associated with this operation.
21 The conveyor system is open. The transfer towers are
22 open. The ship loader itself is a fairly low volume, low
23 capacity ship loader, in the neighborhood of 1500 tons an
24 hour. It had a diesel powered rotary reclaimer and
25 stacker. And it does have a dust suppression system here
26 but it's manually operated and it's a fairly simplistic
27 agricultural rainbird-type of system.

28 The bottom line is, if you look at this

1 picture, it's next to the water, it's next to a
2 recreational facility. It's just in the wrong place.
3 It's an incompatible land use. And this has been
4 recognized for over a decade now.

5 CHAIRMAN BURKE: I'm sorry, I didn't hear your last
6 sentence.

7 MR. GARRETT: This has been recognized for over a
8 decade and it was actually adopted by the Board of Harbor
9 Commissioners back in 1987 and approved by the
10 Los Angeles City Council as well.

11 Why pier 300 is a question we often get. Why
12 did we put it here? Down here is the Kaiser facility. If
13 you look at the yellow areas, these are the areas that are
14 under the jurisdiction of the Port of Los Angeles. This
15 is the adjacent communities of San Pedro and Wilmington.
16 For us, this is an isolated area, it is in a highly
17 industrialized zone, and it is an area where dry bulk uses
18 have been permitted for a number of decades.

19 This is a project that was analyzed for CEQA
20 purposes. At this point in time it's a 125-acre facility,
21 remote storage acre capable of 20 million metric tons per
22 year throughput. It was to be conducted by an enclosed
23 conveyor system to a single berth with a high speed ship
24 loader.

25 It was always designed -- one of the problems
26 with Kaiser was it had inadequate rail storage and this
27 often resulted in rails being stockpiled up in the north
28 Long Beach area. This facility was designed with the rail

1 loop to accommodate the trains on site so that that would
2 no longer be occurring.

3 All transfer points are to be enclosed,
4 including the train and truck building. All conveyor
5 systems and all transfer towers.

6 There was a very extensive air quality
7 analysis done on this project, both for CEQA purposes and
8 for the subsequent permit. Using AQMD's significant
9 thresholds from the AQMD guidelines for the particulates,
10 no significant thresholds were exceeded by this project.

11 And it should come as no surprise after you
12 hear Mr. Zeldin's presentation in a little while, the
13 major source of particulates from this project were
14 determined to be from the internal combustion engines, the
15 ships, the trucks, the trains. If you look at the overall
16 particulates admitted from this facility, less than
17 10 percent are expected to come from the stockpiles. And
18 again, that's below the CEQA's significant threshold.

19 CHAIRMAN BURKE: When you say less than 10 percent,
20 how much less than 10 percent?

21 MR. GARRETT: It's 9, 8 percent, somewhere in that
22 neighborhood. It is less than 10 percent, but it is a
23 small portion of the overall particulates generated by
24 this project.

25 Obviously in the South Coast Air basin there
26 was an obvious need for us to build a permitable facility
27 in accordance with Regulation XIII, which is New Source
28 Review approved the Environmental Protection Agency for

1 Federal Clean Air Act Purposes.

2 We began consultation on this permit process
3 in July of 1992. A number of enumerations; the original
4 permit application is actually based on the original EIR
5 design that was submitted in December of 1993; in February
6 of 1994, LAXT began directly involved as the responsible
7 party for the permit and brought a number of ideas to the
8 table and modifications. Those modifications are included
9 in the permit which was submitted on March 9, 1993.

10 Based on this modifications, the AQMD issued
11 the permit in July of 1994 following the appropriate
12 public notice under the Health and Safety Code. The
13 permit was issued and has been maintained in its entirety
14 since then. Extensions have been granted as those have
15 been submitted.

16 One other thing that came out through the
17 actual permit process is it was a commitment from the
18 Los Angeles Export Terminal to monitor its operations to
19 insure that it did operate in full compliance with all air
20 quality regulations.

21 And this is what has been built. This is the
22 Los Angeles Export Terminal, an aerial view, that was
23 taken a month ago. The trip-o-rail loop is here, able to
24 accommodate three trains. A nice feature in this facility
25 is as the trains go through the train pump building they
26 do not need to be decoupled, they stay together and dump.
27 This greatly minimizes the residence time of the train on
28 the facility. The train building, the truck building are

1 completely enclosed with water sprays. Enclosed conveyor
2 systems and transfer towers. All the equipment, all the
3 motors on the facility, are electrified. If it doesn't
4 have wheels or track on it it's electric. And obviously
5 with the initiation of operations here in the operations
6 in berth 49 and 50 are being diminished.

7 Now I'm going to go briefly through some of
8 the environmental features that have been built into the
9 project that we're very proud of.

10 This is an example of dust suppression inside
11 the train building. Again, these trains stay coupled the
12 entire time. As they begin to rotate in the building,
13 misting sprays here and down here come on to contain all
14 dust within the building. There is also a water curtain
15 at both the entrance and the exit and flexible plastic
16 sheets to also contain the dust within the building.

17 As the train cars leave the building they get
18 sprayed off, washed off, so that this facility doesn't
19 carry particulates out into the environment.

20 Trucks -- I'm not going to show you the truck
21 building, it's very similar to the train building, but all
22 trucks, petroleum coke trucks, after they dump their
23 product and leave the facility, they're required to go
24 through this truck wash. These are high pressure nozzles.
25 This is actually a state-of-the-art truck wash. This
26 chevroning and the concrete is designed to flux the tread
27 on the truck. There are actually water sprays to spray up
28 into the tread of the trucks as they go over.

1 There's banks of water sprays on either side
2 to wash off the wheels. And there's banks of water sprays
3 to wash off the sides of the vehicles themselves and
4 remove any particulates before they can get into the
5 environment.

6 The point I want to make here, we use a lot of
7 water; LAXT uses a lot of water. What happens to it, it's
8 all collected on site in these collection ponds and
9 recycled and that water is reused within the facility.
10 And there is a sewage treatment plant here that has plans
11 for going for turretiary treatment. When it gets to
12 turretiary treatment that water will be used at LAXT for
13 dust suppression.

14 These are --

15 CHAIRMAN BURKE: Excuse me. Can I ask you a
16 question?

17 MR. GARRETT: Certainly.

18 CHAIRMAN BURKE: Many Board Members have seen this
19 facility. It's an unbelievable facility. I don't think
20 anybody in their rationale mind can find fault with that
21 facility or the truck facility. Do you drive your car to
22 work?

23 MR. GARRETT: Yes, sir.

24 CHAIRMAN BURKE: At the end of the day what's on
25 your car?

26 MR. GARRETT: Particulates that fall out of the
27 atmosphere.

28 CHAIRMAN BURKE: Oh. Well, they're obviously not

1 particulates from the ocean.

2 MR. GARRETT: In some cases they are, sir. Salt is
3 a large constituent of the particulates here.

4 CHAIRMAN BURKE: Because when I park there I know
5 that what covers my car is not from coming from this
6 facility. I know that. So you don't really need -- let
7 me give everybody in the audience something. There are
8 six people up here that you need to convince, because I'm
9 not one of them.

10 This is the chairman of our technology
11 committee, this is Wayne Nastri. This is our vice
12 chairman, Norma Glover. That's Mee Lee, and let me tell
13 you she's tough as nails, so you've really got to work on
14 her. That's Mayor Loveridge. If you intellectually can
15 convince him he'll go with. That's the vice chairman of
16 the Technology Committee, Leonard Paulitz, and let me tell
17 you, he knows horse pucky from the real deal. Okay. And
18 that's Jon Mikels and he's worried because he figures
19 anything that comes out of here eventually comes down the
20 line and ends up in his district.

21 So, it's not me. And I really would
22 appreciate it from the port if they don't show us the best
23 side, we know that there's got to be some kind of -- or I
24 do, you've got to convince the others.

25 So, you really need to deal with where that's
26 coming from and why all -- see, if there's no problem, all
27 these people behind you are really confused. You need to
28 tell us why they're so confused.

1 MR. GARRETT: May I?

2 CHAIRMAN BURKE: Sure.

3 MR. GARRETT: I agree with your comments,
4 Mr. Chairman, and what I'm trying to do is show that the
5 problem the people experience in this neighborhood and in
6 this area, and I live and work in this area, are not
7 coming from this facility. As the studies have shown, the
8 major sources of particulates in this area, as throughout
9 the south coast air basin, are combustion byproducts, road
10 dust and tire wear. Much further down on the list are
11 these products. And I'm sure Mel's going to go into some
12 detail on this.

13 But you're absolutely right. It's not that we
14 have a crystal environment, there are impacts here. My
15 job, though, is to control the impacts from this
16 particular facility, and we feel that we've done an
17 outstanding job.

18 CHAIRMAN BURKE: In that particular area I can tell
19 you you have. You have no beef from me there. I'm just
20 trying to find out what's on my car when I park down
21 there.

22 MR. GARRETT: And that's an excellent point, sir,
23 thank you.

24 If we go inside a transfer tower, again, to
25 show you the level of control for this facility, this is
26 actually a double enclosure. You have the tube coming
27 down, the product is within this tube, and this is where
28 it actually falls onto the conveyor belt. And you can see

1 that there's a very tight fit here. From this point it's
2 going into one of those long, enclosed towers.

3 This is the bridge stack. This is where the
4 product is actually placed into the stockpiles. Again,
5 these large coils here, this is the electrical cable, this
6 is an electrified piece of equipment. This is designed to
7 move up and down on the bridge stacker and also the two
8 shoots on either side can move back and forth so that they
9 can optimize the placement of the product. These shoots
10 telescope down so that they can minimize the free-fall
11 drop distance. All these things greatly reduce the
12 generation of dust.

13 I'm not going to go into a lot of detail on
14 it, but this is the taste of what the water suppression
15 system is like. This is what the high mass system is on.
16 And even with the very overcast conditions you can still
17 see they're effective as they literally do create a water
18 curtain effect here.

19 In addition to this there are high volume
20 Rainbird cannons that maintain the moisture content of the
21 product itself. To maintain the moisture content of the
22 product is the key to controlling the dust on the
23 facility.

24 These transfer tubes here are coming out after
25 the underground reclaiming and it comes out to the
26 conveyor that goes out to the ship. And to describe
27 reclaiming I'm going to use this figure.

28 This is where the train dump is located, the

1 truck dump. The blue lines are incoming, the red lines
2 are outgoing. The bridge stacker places the product over
3 the reclaim holes. When the product is reclaimed, radio
4 gates are opened up and that can be controlled so that you
5 get a specific volume falling through. The product is
6 then picked up in a completely enclosed conveyor system
7 again, high speed system to maximize the ship loading and
8 shot out to the ship. And again, any time there's an
9 angle, there's a transfer tower, and in each and every
10 transfer in addition to enclosure there are water sprays.

11 BOARD MEMBER NASTRI: Excuse me T. L.

12 MR. GARRETT: Yes.

13 BOARD MEMBER NASTRI: Can you go back to that slide?

14 MR. GARRETT: Certainly.

15 BOARD MEMBER NASTRI: On the coal portion I think I
16 see 16 draw downs, is that correct?

17 MR. GARRETT: It's 16 draw downs total. This is
18 actually phase one, this has not yet been developed, but
19 this portion has been, so there's 12 at this point in
20 time. And one is dedicated for petroleum coke and this is
21 to maximize the ship's speed loading.

22 BOARD MEMBER NASTRI: So the petroleum coke which we
23 stored north of -- or west of those piles on the shaded
24 area, will be transferred by front-end loader to that draw
25 down in the top left?

26 MR. GARRETT: To this draw down?

27 BOARD MEMBER NASTRI: Yeah.

28 MR. GARRETT: No, these will come via a conveyor

1 system, and the LAXT is working out that system now, but
2 they will come into a conveyor system and it would be
3 placed in this ready pile in preparation of ship loading.

4 BOARD MEMBER NASTRI: The petroleum coke will be
5 placed in the carbon storage area?

6 MR. GARRETT: Over here? It may be temporarily
7 stored here.

8 BOARD MEMBER NASTRI: My understanding was that the
9 petroleum coke was going to be stored in that area? Where
10 you have the light right now.

11 MR. GARRETT: Yes.

12 BOARD MEMBER NASTRI: My question is, how is
13 petroleum coke going to be transferred to the ships?

14 MR. GARRETT: Initially in the very early phases
15 they will use front-end loaders to put the product into a
16 hopper, it then goes into an enclosed electrified conveyor
17 system, and then that conveyor system takes it out to this
18 ready pile to await ship loading.

19 BOARD MEMBER NASTRI: So where will that be?

20 MR. GARRETT: My understanding is that it is going
21 to be more or less a mobile conveyor system. I would
22 suggest that LAXT can give you much more complete answers
23 on this but I can't.

24 BOARD MEMBER NASTRI: Thank you.

25 MR. GARRETT: This ship loader is actually one of
26 the biggest environmental benefits of this product. The
27 ship loader has the capability of loading a ship at 7,000
28 tons per hour. This is over four times faster than the

1 Kaiser facility. The benefit of this is it greatly
2 minimizes the resident time of the ship while it is at the
3 dock. You get it in; you get it out.

4 This is also a deep water berth. It is
5 currently the deepest water birth on the west coast of the
6 United States. . It's designed to handle the largest to the
7 smallest dry bulk vessels in the world fleet and also
8 those that are being designed. You can bring in bigger
9 ships, you bring in fewer of them and you have less
10 emissions.

11 And the way that this is designed to work, is
12 there is a rotating spoon on the end of this, it drops
13 down below the hatch level and the product is put into the
14 ship. This is during actual ship loading. They've loaded
15 one ship with 62,000 tons at this point in time.

16 So this is the facility as looked at from the
17 ship loader area. Enclosed conveyor system, this is the
18 pet coke storage area, this is the LAXT storage area area
19 up here. Extensive electrification of the facility,
20 extensive applications of water sprays for dust
21 suppression, extensive application of enclosure during
22 active transfer operations, high speed, high capacity to
23 minimize the residence times of the trains and ships at
24 the facility.

25 In conclusion, I'd like to say that the
26 Los Angeles Harbor Department has taken a very proactive
27 approach in their development of the Los Angeles Export
28 Terminal to insure full compliance with all, not just air

1 quality, but all environment requirements.

2 The active participation of the Los Angeles
3 Harbor Department and the contributions made by the Los
4 Angeles Export Terminal have resulted in the best
5 environmental controls possible that exceed all local,
6 state and federal air quality requirements that are
7 established to protect the public health of the most
8 sensitive individuals in our population.

9 With the extensive environmental controls
10 implemented at the LAXT, the port of Los Angeles is
11 confident that the Los Angeles Export Terminal will
12 operate in full compliance with all regulatory permitting
13 and environmental requirements.

14 And in particular, with the forthcoming
15 monitoring as soon as the weather dries up, we are
16 confident that this facility will consistently and
17 constantly demonstrate its full compliance and
18 productiveness of the environmental controls in place.

19 Thank you. I'd be happy to answer any
20 questions you may have.

21 BOARD MEMBER NASTRI: Mr. Garrett, I have a
22 question. The petroleum coke storage pile right now as we
23 see it, could you -- yeah, that one -- is that closing or
24 is that going to remain open?

25 MR. GARRETT: Under the existing permits and
26 agreement there are no imminent plans to close it,
27 however, this is the largest container terminal in the
28 United States at this point in time. If they expand and

1 have needs for this properties most likely they'll get
2 them.

3 CHAIRMAN BURKE: I'm sorry, I didn't hear the last
4 sentence. You said if they expand, then what happens?

5 MR. GARRETT: If APL, who is the tenant, here has a
6 desire to expand into this area, they will most likely be
7 accommodated.

8 CHAIRMAN BURKE: And then what happens to the coke?

9 MR. GARRETT: It would no longer be handled on port
10 of Los Angeles property.

11 CHAIRMAN BURKE: Now, that container section, is
12 that Everygreen or is that Ryder?

13 MR. GARRETT: This is the American President Line
14 terminal.

15 CHAIRMAN BURKE: Okay. Can you tell us if there's
16 any immediate plans or negotiations going on to expand
17 that facility?

18 MR. GARRETT: There are ongoing discussions with
19 American President Line. My understanding is they have
20 some interest, they have not made a formal offer. What
21 the scheduling on that is I have no idea.

22 BOARD MEMBER GLOVER: Mr. Chairman.

23 CHAIRMAN BURKE: Yes.

24 BOARD MEMBER GLOVER: I just need clarification.
25 You're saying that potentially this may be moved from this
26 area.

27 MR. GARRETT: Well, this is a safety valve for these
28 operators.

1 BOARD MEMBER GLOVER: A safety valve?

2 MR. GARRETT: Yes. It's an interim storage area
3 when there is inadequate capacity either at the
4 Pier G facility, where most of this product actually goes
5 out of, or at the Kaiser facility in the past they needed
6 some place, because there is a fixed capacity of this
7 product coming out of the refineries, they needed some
8 place to be able to put it down until there's a shipment
9 dock to load it. So they'd bring it to this location,
10 drop it off by truck, and when there's a ship in they
11 would come back with trucks, fill the trucks and take it
12 over to the respective ship loader. This is what
13 eliminates 40,000 truck trips that up to now have been
14 going down Harbor Boulevard in San Pedro.

15 BOARD MEMBER GLOVER: So, if that's used by other
16 perps what would happen? What would be their safety
17 valve?

18 MR. GARRETT: I can't speak to that, that would be
19 up to the refineries and the petroleum coke handlers.

20 CHAIRMAN BURKE: Is it true that the port is
21 currently in negotiation with Chevron to move more
22 petroleum coke to LAXT?

23 MR. GARRETT: I believe LAXT is in negotiation with
24 Chevron but the port is not involved.

25 CHAIRMAN BURKE: So LAXT is involved in the
26 negotiation?

27 MR. GARRETT: Yes.

28 CHAIRMAN BURKE: If that petroleum coke comes in

1 where does it go?

2 MR. GARRETT: If that petroleum coke is under
3 contract to LAXT it will go up in this general area.

4 CHAIRMAN BURKE: And that is outside storage, not
5 covered?

6 MR. GARRETT: Yes, it is. But it would have the
7 same rigorous dust suppression system that the rest of the
8 facility has.

9 CHAIRMAN BURKE: And how much would that expand the
10 operation, percentage wise?

11 MR. GARRETT: Well, as Mr. Wittkop has said earlier,
12 the plans currently are to utilize about seven acres for
13 petroleum coke storage up in that area. There's currently
14 28 acres in this area.

15 CHAIRMAN BURKE: So it would be a 25 percent
16 increase?

17 MR. GARRETT: Over what is there today, assuming
18 that these remain stagnant, that would be correct. But
19 this is overall, since 1993, a net reduction of petroleum
20 coke storage in the port of Los Angeles.

21 BOARD MEMBER NASTRI: The petroleum coke storage
22 area right now, is that part of LAXT?

23 MR. GARRETT: No, it is not. It is operated by two
24 other operators, Coke Carbon and NameCorp.

25 BOARD MEMBER GLOVER: Mr. Chairman, what are the
26 other ports in the United States that handle this besides
27 this area?

28 MR. GARRETT: For petroleum coke there's, up in the

1 Bay Area where they have a number of refineries, and in
2 the Pittsburg area I believe they handle these products.
3 I've seen a number of coal export facilities on the East
4 Coast and obviously the ones in this area.

5 CHAIRMAN BURKE: Any further questions?

6 MR. GARRETT: Thank you.

7 CHAIRMAN BURKE: Mr. Zeldin, would you like to go
8 back and have Ms. Coy make a presentation?

9 MR. ZELDIN: The operators of the facility would
10 like to make a 15-minute presentation and I would
11 recommend that we waive the staff comments after that so
12 that you can get to the public comments.

13 CHAIRMAN BURKE: All right.

14 MR. ROMMELL: Good morning, Chairman Burke and Board
15 Members. My name is Lou Rommel. I'm the President and
16 General Manager of LAXT. Joining me today as part of the
17 short presentation is a team of Bob White, the General
18 Manager of Pacific Carbon Services and Wendall Cook of the
19 terminal manager for Holbulk Marines.

20 First we'll represent percent of operations of
21 the respective facilities, the backland storage and
22 receiving area and the dock side loading facility.

23 It gives us great pleasure to be here today to
24 provide you with an overview of the design and operations
25 of the world's most modern facility. We always welcome
26 the opportunity to share information on the care and
27 thoughts that went into the design of this remarkable
28 facility. I am very proud of LAXT. It's a project that

1 is setting the standards in the industry for mitigation
2 design and for similar facilities to follow.

3 I've been in charge of building facilities
4 around the world and I can tell you without hesitation
5 that this is the best design facility I have ever seen.

6 I personally make sure that we implement it to
7 the best environmental design in our operations. Worker
8 safety and environmental compliance are paramount in our
9 philosophy. We have expanded over one million man hours
10 in the construction of this project with zero man hours
11 lost time, which is rarely achievable.

12 Recently, at the request of the city council,
13 four city departments reviewed LAXT and found us to be in
14 total environmental and worker safety compliance. This
15 record is remarkable by industry standards. Yet, we are
16 not satisfied. With operations beginning at LAXT, worker
17 safety and environmental compliance will continue to be a
18 driving theme at our operation.

19 We are here today because of questions that
20 arise from the public on the operations of our facilities.
21 We understand the concerns expressed by some members of
22 the audience of the operation of LAXT. We think that
23 public concern over the health and safety of a community
24 is a positive thing. We feel that your recent released
25 report on the air quality in the harbor area went a long
26 way to ease the concerns of some members of the public.
27 Your report confirms something we knew all along. That
28 the origin of the majority of the particulates in the air

1 come from cars and trucks. Combustion byproducts, tire
2 dust and soil were all on the top of the list. Yes, pet
3 coke and coal were also there, but we're a very small
4 fraction.

5 At the very least your study certainly
6 surprised a number of folks who felt that the quality of
7 the air in the harbor area was bad. Who would have
8 guessed that we have some of the best quality air in the
9 basin. But despite your study, despite your good
10 intentions, despite your commitment to act on behalf of
11 the health and well-being of the public, there are those
12 who still not believe your findings, just as there are
13 those who will never be convinced of our well-meaning
14 intention or our commitment to be an environmentally
15 friendly neighbor.

16 We respect the public's right to express their
17 opinion as we respect their right to know. We also agree
18 that we can disagree. However, we hope that after today
19 our disagreements will be over fact rather than fiction.
20 With that in mind, I would like to introduce Bob White,
21 who will share with you the operations of the backland
22 receiving and storage area. Thank you.

23 MR. WHITE: Thank you, Lou.

24 And thank you, Chairman Burke and the other
25 members of the Board for allowing me the opportunity to
26 come here today and speak with you about a facility that I
27 personally and we as an organization are extremely proud
28 to be a part of.

1 I want you to know that the shareholders of
2 LAXT have gone to great lengths to produce a product that
3 is well in excess of the required environmental standards.
4 The best available control technology has been
5 incorporated into the design of the facility to insure
6 this compliance. In the next few minutes I'd like to give
7 you a thumb nail sketch of our environmental systems and
8 our commitment to operate them in an environmentally
9 effective manner.

10 We hired a team of 40 people, most of which
11 live in the immediate area adjacent to the terminal, and
12 we have trained them and engrained in them our commitment
13 to the environment, and we will continue to train and
14 coach them accordingly.

15 This is -- I won't go through it again, an
16 overview of the terminal. Just to clarify, petroleum coke
17 will be stored in this area, approximately seven acres.
18 There will be a system which conveys product out to this
19 area and then a reclaim hopper that will be approximately
20 here that will tie back into this main belt, come to this
21 transfer tower, and then convey it to the ship for
22 loading.

23 Your question earlier regarding Chevron, maybe
24 I can shine a little bit of light on that. Chevron
25 produces approximately 1.2 million tons of petroleum coke
26 annually in the area. No more than that, no less than
27 that. It moves today. It will move tomorrow somewhere.
28 So, there is not an incremental exportation of Chevron

1 coke.

2 CHAIRMAN BURKE: Where is it now being produced?

3 MR. WHITE: It's being produced at the local
4 refinery and it is currently trucked over to Long Beach
5 for export.

6 CHAIRMAN BURKE: So we're taking this now from Long
7 Beach, is that what the contemplation is? From their
8 operation we're taking it.

9 MR. WHITE: Essentially. And I would have to think,
10 and I don't know, but I would have to think that that
11 would have the rebound effect of reducing the Terminal
12 Island coke storage area, the current 34 acres that you
13 saw earlier.

14 CHAIRMAN BURKE: But isn't their storage area
15 covered?

16 MR. WHITE: Some of it is. Not all of it, sir.

17 CHAIRMAN BURKE: Is the coke storage area covered
18 there?

19 MR. WHITE: At?

20 CHAIRMAN BURKE: At Long Beach.

21 MR. WHITE: Some of it is, but not all of it.

22 CHAIRMAN BURKE: How much is? What percentage?

23 MR. WHITE: I couldn't tell you that, sir. I don't
24 work there and --

25 CHAIRMAN BURKE: But all of your isn't, right.

26 MR. WHITE: I can tell you that I've seen outdoor
27 storage at Long Beach.

28 CHAIRMAN BURKE: Okay.

1 BOARD MEMBER GLOVER: Mr. Chairman.

2 CHAIRMAN BURKE: Yes.

3 BOARD MEMBER GLOVER: I wonder if you could tell us
4 how in Long Beach it's covered.

5 MR. WHITE: I beg your pardon?

6 BOARD MEMBER GLOVER: What it is it covered with in
7 Long Beach?

8 MR. WHITE: There are some sheds in Long Beach.
9 Again, not all the product in Long Beach is covered.
10 There is outdoor storage of petroleum coke in the Long
11 Beach terminal. I've seen it in the last two weeks.

12 CHAIRMAN BURKE: Mr. Nastri has indicated to me that
13 he believes it's 80 percent covered in Long Beach,
14 roughly. I'm sorry to interrupt.

15 MR. WHITE: Thank you.

16 This is the control room. The control room is
17 the area where we control all the environmental aspects
18 of the terminal. It gives us the opportunity to also
19 detect any faults in the system and rectify those
20 immediately.

21 This is a shot of the car dumper building just
22 prior to dumping. This is the spray, there are over 50
23 sprays, and as T.L. pointed out, there's sprays along the
24 top as the cars are rotated, down along the sides, and
25 also across the back. Also, fogging nozzles on the
26 entrance and exits and there is a heavy-duty dust
27 containment sheath on both the entering and exit ends.

28 This is the train wash. It's the only one

1 that I'm aware of in the world where we actually wash cars
2 on the way out. You'll note that some coal does hang up
3 on the top rail of the car, but as you can see, this
4 portion that has passed through the spray, it has been
5 eliminated. The same down here, you see a pocket of coal
6 here and where it's been through the spray it's been
7 eliminated.

8 This is our indexing system. This is an
9 electric system powered by seven electric motors. It
10 enables us to neutralize the locomotive power once the
11 train has entered the facility. The train is then indexed
12 through the dumper two cars at a time, again utilizing the
13 electric motors. We unload a train in two to three hours
14 compared to 24 hours at most facilities that handle export
15 coal in a train. It gives us the opportunity to get
16 trains in, get them out and back on the road and away from
17 the terminal itself.

18 This is a shot of one of the transfer towers.
19 And again, it shows the completely enclosed conveyor
20 systems.

21 A cross section of the conveyor et's you look
22 inside. You can see that on the right hand side here
23 there's a walkway where employees can get in to maintain
24 the tunnels. Over time there will be dust buildup and
25 they have an opportunity to access the tunnels utilizing
26 our vacumm truck to sweep it out.

27 This is inside of one of the transfer towers.
28 At the top we're actually transferring product from one

1 belt up top that is moving in this direction down through
2 the do you this chute and conveying it out toward the
3 bridge stacker. This containment system is an enclosure
4 inside an enclosure. And again, it does a great job of
5 containing the dust. This belt is running right now and
6 it is fully loaded with product.

7 Inside of that structure that we just saw
8 we've opened the hatch here so that we can take pictures
9 of the spray bars. There is a high density nozzle in here
10 and then there's also a misting nozzle. And these are
11 inside where the product is actually injected with water
12 as it's transitioning from one belt to the other in a
13 free-flow stream.

14 A picture of our Rainbird system. The
15 Rainbirds are fully automatic. You can set the Rainbirds
16 to come on once an hour, for one minute, two minutes,
17 three minutes. Unlimited. Very effective. They do come
18 from the outside as well as the center and do completely
19 cover the storage piles.

20 This is just a shot of the weather station.
21 The weather station constantly monitors weather
22 conditions. It tells us -- we have a computer in the
23 control room, it gives us a constant readout and wind
24 direction and velocity. When the wind velocity exceeds 15
25 miles per hour, it activates the high mask system. As you
26 can see, the fogging nozzles do an outstanding job of
27 creating a curtain of water, if you will, to knock down
28 and preclude any particulates from leaving the site.

1 A picture here of our containment basin.
2 Again, we use a lot of water. That's the secret in
3 controlling dust, keeping the moisture content up.

4 Runoff moisture, or water, is contained in the
5 ponds. It's filtered and settled out into a clean well.
6 The clean well is then pumped out and reused inside the
7 enclosures and those spray bars that I showed you just a
8 few moments ago.

9 This is the truck dump. It's very similar to
10 the car dump. Again, with a heavy duty, heavy gauge
11 shields on the outside, the fogging nozzles, some 36 spray
12 nozzles that spray the sides of the trucks as the product
13 is being loaded. This is the truck wash. T. L. explained
14 it, I won't go any further other than to say when you go
15 through here you better have your windows rolled up.

16 In conclusion, I'd like to tell you that I've
17 been responsible for dry bulk terminal operations on the
18 East Coast, the Great Lakes as well as the Gulf Coast of
19 the United States. I've had the opportunity to visit a
20 great number of facilities. I've been down the East
21 Coast, in the Gulf, and nearly all of them on Lake Erie.

22 In this past year after taking this assignment
23 I've had the opportunity to visit West Coast ports and
24 also all the major ports on the East Coast of Australia.
25 I'm here to tell you that LAXT, with regard to
26 environmental control systems, is by far the benchmark
27 that all the others should be judged against. I can tell
28 you I'm very proud to be a part of this system and I would

1 hope that you as members of the board will take pride in
2 knowing that such a system is part of your District.
3 Thank you very much.

4 CHAIRMAN BURKE: Any questions by Board Members?
5 Thanks.

6 MR. WHITE: We've got Wendall Cook, who is the
7 operator of Pulbuck Marine, who would like to spend a few
8 minutes with you.

9 CHAIRMAN BURKE: Before you come to the microphone,
10 I just want Mr. Rommell to know that this hearing is not a
11 question of your integrity or your competence because your
12 reputation is worldwide and your confidence is respected
13 by everybody. They say you are a fair man and they say
14 you are a very intellectual person.

15 What we're just trying to do here today is
16 find out the facts. Because it's twice in two days I've
17 heard kind of a fox watching the chicken house kind of
18 thing when the City of Los Angeles comes in and says it's
19 okay, but that doesn't ride too well with me because they
20 do have a vested interest here in saying it's okay.

21 And as it relates to our AQMD report, what
22 I'm, quite frankly, waiting to hear is from Chairman
23 Nastri and Vice Chair Paulitz when they tell me that it's
24 okay, then it will be okay with me. Because I've heard
25 opinions of this report going both ways and I'm sure you
26 have too. So that's what I'm personally hearing to look
27 at this morning. Thank you very much.

28 MR. COOK: Good morning, ladies and gentlemen of the

1 Board and Mr. Chairman Burke. My name is Wendall Cook,
2 I'm the terminal manager of Pulbuck Marine.

3 Our responsibility to LAXT is to load ships at
4 the near berth. We are a union company and we use IOW
5 employees to operate the facility.

6 I would like to give you an overview of the
7 terminal and express that we feel that LAXT was designed
8 and built with air quality and safety in mind. I would
9 also like to add that LAXT is the leader in the dry bulk
10 operations.

11 Just to give a quick overview. The light
12 isn't working, but -- anyways, you'll see where the coke
13 storage pile is at in the corner where the conveyor belt
14 takes the 90 degree turn. That's tower six. Pulbuck's
15 possession starts there at tower six and carries through
16 to the dock portion of the facility.

17 You will notice that the conveyor tubes are
18 complete enclosed until they reach the dock. What I would
19 like to point out, as you see further on in the slides, is
20 that we do a number of things at LAXT to control emissions
21 into the atmosphere, as you're aware of, and control
22 product from entering into the harbor. One of the ways we
23 do this is through the channels that you see here on the
24 dock.

25 You're looking at a portion of the conveyor
26 that traverses or expands the entire length of the dock
27 which the conveyor belt runs to the ship loader. At every
28 other ledge there are down spouts and you can see them in

1 the black tubing here on the conveyor legs that goes up to
2 drip pans underneath the conveyor. If the product
3 inadvertently is spilled from the conveyor or we're
4 washing down to clean the conveyor is recovered through
5 this drip pan system, which goes down into the tubes and
6 into the water troughs, which is fed back to our water
7 recovery pond. As you see in this photo here, you'll see
8 that it's recooped back into the water washdown basin and
9 then the water is recycled and introduced back onto the
10 belt as part of our dust emission control. This all is
11 utilized to prevent water, washdown water, or any entering
12 into the harbor.

13 In addition, on the conveyors there are little
14 streams, and you see them on the lower left hand side of
15 the slide, that are encompassed around the conveyor belt
16 and on the ship loader which prevent wind from removing
17 the product from the belt. But by the time the product
18 gets to our end of the facility, there's enough moisture
19 reintroduced back onto the conveyor belt that the product
20 emits very little into the atmosphere, I should say.

21 As part of good housekeeping we have purchased
22 a street sweeper which is used to keep the terminal in the
23 street of Terminal Island clean. In addition, we have
24 purchased a vacuum truck which we use to clean the
25 conveyor tubes. Both machines are capable of PM10
26 certification.

27 This facility has obtained all regulatory
28 permits and have met or exceeded all regulatory

1 requirements. I would like to add that it's the most
2 state-of-the-art terminal in the world, bar none. As you
3 can see here, this is the ship loader spout which is down
4 into the hatch hold of the ship, and we are loading at
5 this time and as you can see, there's no dust.

6 Again there's another slide of the same thing.
7 This is actual loading of the first vessel that we loaded.
8 If you'll notice, there are washdown tubes at the exit
9 point of the spout ship loader that is spraying water onto
10 the product as it exits and is being loaded onto the ship.

11 This is a picture of one of our union hand's
12 using the remote control, it is state-of-the-art and it's
13 ran from that control box.

14 Once again, this is a shot of the ship loader.
15 And you will see that the spout is below the hatch covers
16 of that ship.

17 In conclusion, I would like to say not only
18 does LAXT take this environment seriously but I also too
19 have made it my personal commitment to ensure that Pulbuck
20 Marines maintains an environmentally safe operation at
21 LAXT. Thanks for your attention.

22 CHAIRMAN BURKE: Thank you very much.

23 MR. ROMMELL: I'm sorry it took a little bit longer
24 time, but we tried to cut it short. And I would like to
25 thank you personally that you had these kind comments
26 about me. Thank you, Chairman Burke.

27 As you can see, LAXT was not created in a
28 vacuum. Our engineers have taken the best in

1 environmental technology from around the world and
2 incorporated it into our site design. It's no flukes that
3 we have taken extraordinary steps to insure that LAXT is
4 not a part of the problem but rather a part of the
5 sollution to improving the air quality in the harbor area.

6 In addition to all of the high-pressure
7 nozzles and water sprays, underground collecting systems,
8 from covered conveyer belts, enclosed transfer towers, we
9 have committed beginning periodic monitoring rather than
10 waiting for our facility to reach 60 percent, as we have
11 agreed with the AQMD.

12 Our very carefully laid out plans and
13 mitigation designs have taken into account any of a number
14 of variables which could contribute to particulate matter
15 in the air. We only need to look at the past export
16 operations to see how not to handle coal and petroleum
17 coke. The 1960 technology has given way to the 1990's.
18 And all of the advancement in mitigation and environmental
19 designs, LAXT will be a cleaner and safer operation than
20 all other area facilities.

21 We are currently using the best in available
22 technology for handling coal and petroleum coke today, but
23 technology, like progress, is fluid. It's constantly
24 changing and improving. And as technology changes because
25 it improves, we will continue to evaluate new and better
26 ways to handle coal and petroleum coke and review the
27 feasibility to incorporate these improvements into our
28 design.

1 We are, after all, neighbors in the harbor
2 also. It's our home too. I live here in San Pedro for
3 the past five years and as part of being a good neighbor,
4 we would like to propose an additional project for
5 consideration to improve the air quality in the harbor
6 area. We already know from your study that tires and road
7 dust are the primary source of particulates in the air.
8 We are currently looking at the feasibility to purchase
9 another sweeper truck to help clean the streets in
10 San Pedro and Wilmington. This sweeper could contribute
11 to eliminate PM10 particulates on the roads. That's where
12 they come from. Neighborhoods could be much cleaner.
13 We'll have to work out the details, but it is a project
14 further discussions need to be answered.

15 We want to be a good neighbor. We want you to
16 know us. We are proud of our operations. Give us an
17 opportunity to prove ourselves. Thank you.

18 CHAIRMAN BURKE: Thank you so much.

19 MR. ROMMELL: I would be quite happy to answer any
20 other questions you might have.

21 CHAIRMAN BURKE: Any questions by other Board
22 Members? Hearing no questions, thank you very much for
23 your testimony.

24 Mr. Peter Peyton, are you here? Is it true
25 that your presentation is going to be short?

26 MR. PEYTON: We're going to try.

27 CHAIRMAN BURKE: Okay.

28 MR. PEYTON: Good morning, Chairperson Burke and

1 Members of the Board. My name is Peter Peyton, I'm Vice
2 President of the District Council representing the 5,000
3 plus members of the ILW, most of which live and work in
4 the harbor area. I'd like to begin by saying that the ILW
5 wants LAXT to be open and operating, but, it must be done
6 in the right way.

7 We have undertaken extensive research to
8 uncover all the evidence in the public record concerning
9 the LAXT. As you can see from our written submittal, this
10 research, based on information and belief, leads to only
11 one conclusion possible: the petroleum coke at the LAXT
12 facility must be covered in our enclosed facilities. This
13 is what ILW is requesting.

14 Now I'd like to introduce one of our
15 attorneys, who's done a lot of his research, Ted Griswald,
16 to give the rest of the presentation. Thank you.

17 MR. GRISWALD: Thank you very much, Peter, and thank
18 you very much, Board Members, for taking your busy
19 Saturday to hear these concerns. My name is Ted Griswald,
20 I'm the environmental special counsel to the workers of
21 the ILWU. I wanted to clear up a few possible
22 misconceptions that have been bandied about the community
23 out there and make sure that you know exactly where the
24 union is coming from, the workers are coming from today.

25 First off, the union's concerns are based
26 specifically and wholly upon the environmental health
27 concerns for the workers and the individuals that are in
28 and around this facility. The facility should be built in

1 compliance with the existing laws, regulations and rules
2 both of the South Coast Air Quality and the State of
3 California and the Federal Government. This is not a
4 job's issue. There is no jobs issue relative to these
5 environmental concerns. The issue of the union labor
6 adverse facility was resolved on October 9 and
7 specifically at the request of the union we asked to have
8 this environment issue, this very important environmental
9 issue, and healthy and safety issue, be left out of that
10 agreement so that we can address it on our own, and it was
11 agreed to be that way.

12 The workers want to and need to bring this
13 facility into operation, but we need to do it within
14 environmental compliance. For that reason I want to
15 present to you exact, so that there's also no
16 misconception with the position of the ILW workers is.

17 Number one. As Peter said, the L.A. facility
18 should be open and operational for coal. It should not be
19 open and operational currently for petroleum coke. It
20 should be only operational for petroleum coke if it is
21 enclosed. The LAXT facility should be a facility that does
22 not pose a health threat to the surrounding workers. The
23 facility should, once again, comply with all environmental
24 laws and regulations.

25 Number two -- and you're going to hear this a
26 lot through our themes, that the facility should be
27 enclosed for petroleum coke, that's number two.

28 Petroleum coke contains cancer-causing agents

1 and it should be controlled to the maximum extent
2 possible. The mechanism of obtaining the enclosure is not
3 important from the Union, and by that I'd like to clarify.
4 We have requested in our extensive written materials to
5 each of you, a Rule XII hearing in order to gain the
6 enclosure. Whether or not there's a Rule XII hearing is
7 not important to us, what is important is there's
8 direction from this Board to enclose the storage of
9 petroleum coke. We don't care what legal or regulatory
10 mechanism you use to do that. Enclosed storage is
11 currently the status of the laws you'll hear from our
12 presentation.

13 Number three, until enclosures are built for
14 petroleum coke at this facility, petroleum coke should not
15 be delivered or stored at this facility.

16 Number four, an adequate ongoing peer review
17 of monitoring system should be in place to accurately
18 measure the emissions from this facility. This monitoring
19 program should involve the general public as well as the
20 workers.

21 Number five, LAXT and South Coast Air Quality
22 Management District should conduct a health risk
23 assessment of the exposure to petroleum coke to both
24 workers and the community in general.

25 Now, the workers have a lot of -- I'll go into
26 my presentation, then, on point. The workers have a lot
27 of questions as they reviewed this facility. Back in
28 June, the workers were provided a tour of the facility and

1 found that it was not what it appeared to be when it was
2 built out as an environmentally friendly, the
3 state-of-the-art environmental friendly petroleum coke and
4 coal processing and storage facility a few years ago.

5 So we began looking at the documents. We
6 researched many, many documents from many, many public
7 agencies to determine what was available on the public
8 record. We were able to determine, to the best of our
9 ability through the public record, that this was not the
10 facility that was originally planned. First I'd like to
11 point out to you what our concern is. This is a good
12 photo of the Reeves Field facility. And just to point out
13 to you, that this stuff does get everywhere. The next
14 slide, please.

15 BOARD MEMBER NASTRI: Excuse me, I have a question.
16 The Reeves Field facility, is that separate from the LAXT
17 facility?

18 MR. GRISWALD: It's our understanding that the
19 Reeves Field is separate from the LAXT facility, it's
20 adjacent to it. I'm showing this slide for the purposes
21 of showing how long it takes for this stuff to get on a
22 public facilities and get out in the air. I'm not
23 addressing the Reeves Field facility today because it's
24 our understanding, as was addressed earlier to the Board
25 or a question earlier to the Board, that the APL facility
26 will be taking over the Reeves facility in the future and
27 that's the reason why we're not contesting that facility
28 today.

1 BOARD MEMBER NASTRI: Thank you.

2 BOARD MEMBER GLOVER: Mr. Chairman. Did I
3 understand you to say that this had originally been
4 planned for a certain size and it's incremently gotten
5 larger?

6 MR. GRISWALD: No, actually the -- you're talking
7 about the LAXT facility?

8 BOARD MEMBER GLOVER: Yeah.

9 MR. GRISWALD: The LAXT facility was actually
10 originally planned to be larger with a different type of
11 technology for moving and storing, particularly moving the
12 petroleum coke. That technology has changed. Now, while
13 the facility has been down-sized relative to coal, it has
14 not been down-sized relative to petroleum coke and, in
15 fact, some of the technology that I'll be addressing here
16 has been changed to make it more difficult to handle
17 increasing emissions from the handling of petroleum coke.

18 I just want to show you a couple of brief --
19 actually that's backwards. That's on the other side of
20 the street. That's about 200 yards, not even directly
21 downwind from the Reeves facility. This road and all the
22 facilities that I'm going to be showing here were about
23 three months old when these photos were taken. This is
24 bridge, like I side, about 200 yards away. This is a fire
25 hydrant that was, again, three months old, and this one is
26 50 yards from the petroleum coke storage facility at
27 Reeves field. And one more. And again, that one is also
28 about 50 yards from the petroleum coke facility. And

1 that's three months old. You can imagine what this is
2 going to get over the lifetime of the facility.

3 BOARD MEMBER PAULITZ: I have a question. The coke
4 facility you talked about, is that yours or is that the
5 old facility that's causing this problem at this time, as
6 you've indicated?

7 MR. GRISWALD: The facility that I'm showing right
8 here is the Reeves field facility. What my concern is and
9 what the concern of the workers is is petroleum coke
10 that's at the Reeves field and it was previously at the
11 Kaiser facility is going to be transferred in open storage
12 to the LAXT facility.

13 Now, in addition, some of the petroleum coke
14 that's currently under covered storage at Long Beach is
15 going to be transferred over to here. So we're actually
16 going to be having a net increase on what is un-enclosed
17 storage at the LAXT.

18 BOARD MEMBER PAULITZ: At the old facility where the
19 coke is now, is there any water used on it as you propose
20 on the new facility.

21 MR. GRISWALD: I'm not proposing water spray, I'm
22 opposed very strongly --

23 BOARD MEMBER PAULITZ: As they're proposing water
24 spray.

25 MR. GRISWALD: As they're proposing water spray,
26 yes, they use water spray technology at Reeves field.

27 BOARD MEMBER PAULITZ: Does the old one have that?

28 MR. GRISWALD: The Kaiser facility is no longer

1 operational. They did have some water spray there.

2 BOARD MEMBER PAULITZ: If they're not operational
3 and LAXT is, are they operating now on coke?

4 MR. GRISWALD: We understand that they are preparing
5 to obtain shipments later this month or early December.

6 BOARD MEMBER PAULITZ: But right at this moment as
7 we're speaking there is no coke facility at LAXT at the
8 moment?

9 MR. GRISWALD: Yes, that's true. And that's part of
10 our point today, is we wouldn't like any shipments there
11 unless it's a closed facility.

12 BOARD MEMBER PAULITZ: But LAXT proposes when they
13 do store coke that they will use water control, is that
14 correct?

15 MR. GRISWALD: That's correct.

16 BOARD MEMBER PAULITZ: My question, though, is in
17 the Kaiser facility where this pollution is apparent, did
18 they use water control?

19 MR. GRISWALD: Yes, I believe they did use some.
20 They didn't use the same exact technology. And they use
21 water spray at this facility here, however, that is not
22 recognized as the best available control technology.

23 BOARD MEMBER PAULITZ: Thank you.

24 BOARD MEMBER MIKELS: Mr. Chairman, I have a
25 question also. I was trying to look through the material,
26 I just couldn't find it here, the date escapes me, the
27 date of approval by the city council.

28 MR. GRISWALD: The date of approval by the city

1 council --

2 BOARD MEMBER MIKELS: Of the project.

3 MR. GRISWALD: By the city council, as I recall, was
4 in 1994. Perhaps the Port of L.A. can give you the
5 correct date.

6 BOARD MEMBER MIKELS: No, that's close enough, I
7 don't need a specific date, but that makes three years,
8 approximately, since it was approved. And my question is
9 is the project before you today the same or similar to the
10 one you provided testimony to before the council three
11 years ago when it was up for land use approval?

12 MR. GRISWALD: I'll tell you the project as it was
13 proposed through the EIR process and the public hearings
14 we were going through, this is a vastly different project
15 relative to the operations, and I can detail that if you'd
16 like.

17 BOARD MEMBER MIKELS: Have there been changes from
18 the date of approval in terms of the way petroleum coke is
19 handled.

20 MR. GRISWALD: The date of approval was
21 approximately coincident with a certification of the EIR.
22 After the certification of the EIR the project was
23 changed, as they noted in their presentation, by LAXT.
24 Those changes are what exacerbate the un-enclosed storage
25 here. And, yes, those were changed after the approval by
26 the City of L.A.

27 BOARD MEMBER MIKELS: When the project was first
28 approved it provided for covered storage and it was

1 changed?

2 MR. GRISWALD: No.

3 BOARD MEMBER MIKELS: What I'm trying to really find
4 out is are the comments you're expressing today
5 essentially the same as you expressed to the city council
6 when the project came before the city?

7 MR. GRISWALD: No, they are not, because the project
8 has changed since that time and that's why we're making
9 different comments today. We felt back then, as did most
10 of the community as well as the City of Long Beach, that
11 this facility should be enclosed. That is what the best
12 available control technology was, it --

13 BOARD MEMBER MIKELS: Was that your testimony at the
14 time in --

15 MR. GRISWALD: I was not representing the union at
16 that time. I did not testify to the city of L.A.

17 BOARD MEMBER MIKELS: But presumably the same
18 concerns would have been brought forward at that time had
19 there been an uncovered petroleum coke storage. I'm just
20 trying to get a feel for what your testimony was on behalf
21 of your membership to the city council at the time of
22 approval.

23 MR. GRISWALD: Sure. I understand that. I can't
24 presume that because I wasn't at those hearings. I do
25 know that the issue of enclosed storage has been raised
26 for this facility since it was first proposed. And maybe
27 it's a reasonable presumption yeah, that it was also the
28 position of the ILW workers at that same time too.

1 BOARD MEMBER NASTRI: Mr. Chairman, I have a
2 question.

3 CHAIRMAN BURKE: Mr. Nastri.

4 BOARD MEMBER NASTRI: I believe we're here today to
5 discuss LAXT. You're discussing another facility which
6 really isn't the subject of this one. You're showing
7 slides which have indicators that, I think, you're trying
8 to correlate to LAXT and I'd like to make sure that we
9 keep the comments specific to LAXT and to the extent that
10 this isn't -- the slides that you are presenting aren't
11 specific to LAXT, I don't think we should see them. I
12 would like to focus on LAXT.

13 MR. GRISWALD: That's fine. Those are the only
14 slides. The only point that I was making is the fact that
15 this rapidly gets on public facilities and becomes
16 airborne. That's the only point I was making. I was not
17 trying to draw a parallel between the Reeves Field
18 necessarily and the LAXT facility that those emissions
19 came from the LAXT facility, and those are the only slides
20 that I have to show that.

21 BOARD MEMBER NASTRI: I know the environmental
22 control is different on Reeves Field than they are on the
23 LAXT.

24 BOARD MEMBER NASTRI: LAXT and Reeves Field both
25 have water spray and open storage. As I will show you,
26 that is an outlayer relative to what's achieved and
27 practiced and what is the standard in the industry.
28 Those are the nearest comparisons that we can possibly

1 make with a system that's already operational.

2 BOARD MEMBER NASTRI: But they are not the exact
3 same environmental control systems, correct?

4 MR. GRISWALD: Absolutely. You're correct.

5 BOARD MEMBER NASTRI: Thank you.

6 MR. GRISWALD: Now, if I can go briefly into the
7 basis for our request. I got a little side tracked on
8 those four items that we had previously requested.

9 The first basic reason for our request for a
10 closed storage is from a regulatory standpoint and legal
11 standpoint, and that's what's required. The South Coast
12 Air Quality Management District has very specific
13 guidelines and those guidelines say what is achieved in
14 practice is the best available control technology.

15 If I could have an overhead, please. In
16 Southern California I have here on a map the facilities
17 that are handling petroleum coke in Southern California.
18 The green items are ones that are enclosed or
19 semi-enclosed. LAXT is the only completely open petroleum
20 coke storage and handling facility.

21 Now, I will point out to you that, if we go to
22 the next one, in the Port of Long Beach there are some
23 questions about some of the facilities in the Port of Long
24 Beach, and this is an example of those facilities. You
25 can see they're preliminarily enclosed. There are several
26 facilities there.

27 I want to point out to you very importantly
28 that there is one that doesn't have a roof on it there.

1 The one facility that does not have a roof on it right in
2 the middle of the picture was in operation prior to 1988
3 and that was prior to the grandfathering in of the 1158
4 program. The 1158 program allowed open storage facilities
5 to continue with open storage as long as they put together
6 an 1158 plan and monitor it and submit annual reports.
7 That only applied to existing facilities.

8 As part of the control technology I mentioned
9 that we were talking about enclosed and semi-enclosed
10 facilities. That open storage, it's kind of hard to get
11 an idea of scale right there, but the walls around that
12 facility are actually 30-feet high above the ground, so
13 it's really a massive facility and it's also a massive
14 control that goes around the general side of it. We'll
15 get another shot of that facility in just a little bit
16 later on.

17 Now, that's what's achieved and practiced in
18 South Coast. Now, let's talk about what other facilities
19 are doing throughout the state. This is a picture of a
20 facility that's currently in production up in Pittsburg
21 the Bay Area. It was permitted by the Bay Area Air
22 Quality Management District. And those are dome
23 enclosures. That's for enclosing petroleum coke. This
24 facility is roughly the same size as the petroleum coke
25 facility projected for the LAXT facility. Their
26 technology, I would say, is truly state-of-the-art.
27 Inside the completely enclosed storage domes they also
28 have water sprays at all entrances and exits and have

1 control mechanisms on backs for the conveyors.

2 I would commend the Board to look at this
3 facility as a model of what really is the environmentally
4 friendly and the environmental state-of-the-art of a
5 petroleum coke facility. This facility is obviously
6 cost-effective. It's being built by CokaCarbon up in that
7 area and it's projected to become on-line I believe later
8 this year or early next year.

9 BOARD MEMBER GLOVER: Mr. Chairman, may I ask a
10 question? How close is that to residents?

11 MR. GRISWALD: I'm sorry.

12 BOARD MEMBER GLOVER: How close is that to residents
13 in the area.

14 MR. GRISWALD: It's within a couple miles of
15 residents. Much like the LAXT facility.

16 BOARD MEMBER GLOVER: Thank you.

17 BOARD MEMBER NASTRI: I have a question on that.
18 Within a couple miles is a pretty big range. Is it within
19 one mile, is it within half a mile?

20 MR. GRISWALD: I don't know the exact distance. I
21 can certainly provide that information if you'd like.

22 BOARD MEMBER NASTRI: We'd like to know that, yes.

23 MR. GRISWALD: Certainly. I'll see if -- we have
24 quite a bit of information on that facility and I'll see
25 if I can get a map and an approximate location.

26 BOARD MEMBER NASTRI: Thank you.

27 MR. GRISWALD: Finally regarding the best available
28 control technology analysis is cost effectiveness.

1 Now, we've called the people that build the
2 domes and we've asked for a written estimate and we don't
3 have all the information that the Port of L.A. and LAXT
4 have in costing out a project. We had to do as best we
5 could with the information that was available in the
6 permits and we asked them to cost out what it would cost
7 to create enclosures. And that would include underground
8 drawdowns and electric reclaimers as well as the dome
9 enclosure. In our estimate that we received from them,
10 and again, I have to qualify that, because we don't have
11 all the information, was well under \$10 million to enclose
12 the entire petroleum coke facility. We would look at that
13 and compare that with the numbers that were provided by
14 LAXT during their permitting process, which were 30 to 40
15 million dollars and we think that those are really
16 excessive and let's look at the true cost-effectiveness
17 and then compare that with the health risks.

18 Now, the second major point -- those were the
19 regulatory concerns we have on an enclosed storage, but
20 the second major point that we have is that there is no
21 valid basis for un-enclosed storage at this site.

22 There has been no health risk assessment
23 conducted regarding this facility, particularly regarding
24 the release of petroleum coke into the atmosphere.
25 Petroleum coke contains known cancer-causing agencies and
26 we do have here with us today Dr. Jim Buyer, who is the
27 toxicologist hired by the workers to consult on these
28 issues and he'll answer any of your questions regarding

1 some of the known carcinogenic affects of petroleum coke
2 into the atmosphere.

3 If I could have the next overhead.

4 Additionally, we feel that this project site is
5 particularly dangerous for enclosed storage, and this is
6 the reason why. These are diagrams from the recent 1997
7 air dispersion modeling that was done by South Coast
8 staff. This is the wind direction that you see in the
9 a.m. periods during May. Now, granted this is qualified
10 by unlimited sampling, but I do want to point out to you,
11 because I think it shows something that's very important.
12 The red dot there is the LAXT facility, this is the
13 general direction during the morning. Now if I can have
14 the next slide. The wind direction in the afternoon
15 changes dramatically.

16 Now, when you have a dramatic change like
17 this, and you'll also notice the confluence of winds
18 arising from the geographic features of the San Pedro
19 Hill, when you have wind direction changes and
20 confluences have a tendency to not have a uni-directional
21 air flow. But when you don't have that uni-directional
22 air flow and you have a situation such as this, it
23 actually creates a situation of turbulence which allows
24 particles to become more airborne.

25 This location with these meteorological
26 conditions are particularly dangerous for having outdoor
27 storages, perhaps one of the reasons why we have such
28 problems with Reeves Field.

1 Next. There have been a couple of reports
2 that were referred to in the EIRs by LAXT and the Port of
3 L.A. that have purportedly stated that the best available
4 control technology is open storage with spray and that, in
5 fact, open storage with spray is preferred over enclosed
6 storage. We've looked at those reports very carefully,
7 and those are in your materials, and I want to point out
8 to you a couple of anomalies in those reports that are
9 very important to note.

10 Again, we're back at the Long Beach
11 facilities, and the comparison of the 1994 study was the
12 comparison of enclosed storage at this site compared to
13 open storage at the Reeves Field site. Now, the
14 parameters of how much petroleum coke were stored at each
15 facility was not clear, however, it was clear that if you
16 look down in the lower left-hand corner of this slide
17 right here you'll see an arrow right next to that truck.
18 That's where the sampling location was to see what the
19 emission effect of -- arising from enclosed storage was.
20 That's a very heavily traveled thoroughfare with all the
21 ingress and egress from both the container terminals and
22 the diesel access to these petroleum coke facilities.

23 Not only that -- can I have the next slide?
24 This is a view from that location. Actually that's
25 backwards, if you'll turn it around. There you go.
26 You'll notice that it's directly, directly downwind from
27 the only open top storage facility in the entire enclosed
28 storage area over in Long Beach. So, I'm not sure that

1 the study adequately samples what the control technology
2 of enclosed storage is.

3 More so, if you look closely at the
4 conclusions of that facility of that report, it's a very,
5 very, strong argument for enforcement of permit
6 conditions. The conclusions do not directly lead to
7 indictment for enclosed storage, they do not directly lead
8 to any kind of indication that the closed storage is
9 actually preferable or is not preferable to unenclosed
10 storage.

11 CHAIRMAN BURKE: Can I ask you how much longer your
12 presentation is going to be?

13 MR. GRISWALD: Approximately five minutes, if you
14 don't mind. I'll try and speed it up.

15 Additionally, the other document that was
16 referred to in the final EIR response to comments, and
17 again, you have this in your documents that we provided
18 you, is a Hearing Board decision relative to the Kaiser
19 facility. And I don't need to go into the details, and
20 there were a lot of details in that Hearing Board
21 decision, it went on for 27 days of testimony, but the
22 conclusions of that Hearing Board decision were actually
23 directly attributing -- or directly investigating the
24 loading operations of the Kaiser facility to air
25 particulate emissions and there was no conclusion
26 whatsoever, that I could see, in that Hearing Board's
27 decision regarding the propriety of open storage. And, in
28 fact, the conclusions that were reached in that Hearing

1 Board decision pointed to open storage as the source of
2 the petroleum coke that was being complained of.

3 Now, the next item is the proposed control
4 technology, we think, is tenuous at best. We don't think
5 that it's very effective. I pointed out to you the wind
6 rose, and if you'll show that one again in the afternoon.
7 Part of the control technology was to orient the piles of
8 open storage in a way that would kind of make it
9 aerodynamically sound or something and reduce the blowoff
10 of them and in the primary wind direction. But when in
11 you're a situation, a meteorological situation like this,
12 you're simply not going to have a general wind direction.

13 Secondly, the water supply-- that's an
14 important issue. You've heard that this control system
15 relies very heavily on water, 323 million gallons of water
16 a year. That's enough to supply 200 families of five for
17 an entire year. And that's in normal water usage. We're
18 in a desert. And that includes, incidentally, their
19 projections include the reuse. So that's 323 million
20 gallons of new water into this facility.

21 Now, when this facility was being permitted
22 we were already in phase two of a situation on water
23 rationing in the L.A. area. What happens if we run into a
24 severe drought situation? What happens to the control
25 technology at this facility? Do you cut off the water?
26 Do they stop operations? Do they reduce the water spray?
27 Good question. This is all resolved by covering the
28 storage.

1 Finally -- and I alluded to this earlier as
2 well -- one of the most important points that we have to
3 make here is that this project has changed. The way
4 they're handling the petroleum coke has changed. And I
5 think that question was raised earlier by Board Member
6 Nastri. How do they move the coke from the storage areas
7 over to the drawdowns. Well, it sound like they're
8 starting to put together some sort of a conveyor system,
9 but I'll tell you, in 1997, May, 1997, their final permit
10 asbuilts that were submitted showed that they were using
11 skip loaders and they're actually double handling in small
12 little chunks the petroleum coke each time they're moving
13 it from point A to point B and getting it onto a loader.
14 That's not the way this facility was originally planned to
15 operate.

16 The way this facility was originally planned
17 to operate was it was going to drive down automatically
18 into a below ground draw down and onto conveyors.
19 Apparently for cost-cutting measures those draw downs were
20 eliminated, electrical reclaimers were eliminated, surge
21 bins were eliminated and now this has exacerbated the
22 unenclosed storage issues that we have here today.

23 Now, I touched on a lot of points, I know, and
24 I've gone rather quickly through them, and I've raised a
25 lot of questions and I can't presume to predict all the
26 questions that you have. We are available to answer as
27 many questions as we can and we appreciate that. We do
28 have a lot of questions ourselves but -- we want to know

1 why a health risk assessment wasn't done. Why were there
2 project changes permitted? Why does the facility
3 eliminate automatic drawdown? Why wasn't there enclosed
4 storage from the very beginning when that's what's
5 required by law? Those are our questions and we're happy
6 to answer your questions and we really appreciate your
7 time today.

8 CHAIRMAN BURKE: We would like to welcome Councilman
9 Richard Alarcon, Board Member, to this hearing.

10 And Councilwoman Glover has a question.

11 BOARD MEMBER GLOVER: You said you weren't for sure
12 and you were sort of guestimating, but how much would it
13 take to enclose -- for enclosures? You mentioned a
14 figure, I just want to be sure I have that correct.

15 MR. GRISWALD: Yes. We asked for a quote based on
16 information that we found in the permits and the documents
17 that we received, and that estimate was less than \$10
18 million. I believe it was around five to six million.
19 But again, I want to count that in terms of the fact that
20 we don't have all that information. We asked for an
21 estimate on what it would cost based on the acreage and
22 the tonnage that was to be statically stored and based on
23 electric reclaimers for each one of those domes, it would
24 be three domes that we estimated, and the construction of
25 underground drawdowns as were originally designed at this
26 facility.

27 BOARD MEMBER GLOVER: Okay. Just one other question
28 and you can answer it with a yes or no. Would it be the

1 same type of covering as we saw in San Francisco?

2 MR. GRISWALD: Yes, that's the same technology.

3 BOARD MEMBER GLOVER: Thank you.

4 CHAIRMAN BURKE: Are there any other questions?

5 BOARD MEMBER PAULITZ: Mr. Chairman, I have a couple
6 of questions. Is the old facility that's handling coke
7 now, is that going to close down permanently after LAXT
8 opens up?

9 MR. GRISWALD: It's our understanding that the
10 Reeves Field facility is going to shut down eventually as
11 APL takes over that property, and those talks are in the
12 works. We don't represent APL, so we can't tell you
13 exactly what they're going to do.

14 We do also understand that the City of L.A.
15 and the Port of L.A. have terminated the lease for Kaiser
16 so that is permanently shut down.

17 BOARD MEMBER PAULITZ: The next question is, do you
18 know of any of those closed facilities, do they use water
19 in addition?

20 MR. GRISWALD: The enclosed facilities, either the
21 Reeves Field or the -- oh, the Long Beach, yes, they do
22 use water.

23 BOARD MEMBER PAULITZ: In addition to having it --

24 MR. GRISWALD: I believe they use it after each of
25 their entrances and exits to make sure the dust doesn't go
26 out the entrance and exits.

27 BOARD MEMBER NASTRI: Mr. Chairman, I'd like to ask,
28 so they use water that's applied only in the egress and

1 entrance, not necessarily applied to the entire pile
2 during the time that it's supplied there or stored on
3 site?

4 MR. GRISWALD: My understanding that -- I think he
5 was asking about the enclosed facilities that were
6 entirely enclosed, do they have water sprays as well? And
7 it's my understanding they do have water spray. And if
8 there's individuals here from Long Beach I would invite
9 them to provide you with better information than I can
10 provide you.

11 However, I understand that the doors of these
12 facilities they do have sprays, even if they are
13 completely enclosed. Now, the outdoor enclosed, the one
14 without the top on, my understanding is that does have a
15 water spray on it, yes, and as the control technology
16 outside, that's part of there 1158 plan.

17 CHAIRMAN BURKE: Thank you. We're going to recess
18 until five minutes of 1:00, which is a ten-minute recess,
19 and it will be only ten minutes, at which time when we
20 resume we will ask Dr. Wallerstein to have Mr. Zeldin make
21 his presentation because several Board Members want to
22 hear that.

23 (Recess taken.)

24 CHAIRMAN BURKE: Let's begin again.

25 MR. ZELDIN: Mr. Chairman and Members of the Board,
26 I'll try to be brief and hit the highlights of the study
27 that was conducted last May. The purpose was to determine
28 the types and levels of particulates in Long Beach and the

1 harbor areas.

2 Just as a brief overview, the federal
3 standards set by EPA recently reinforced part of the
4 lucrative standards of process as two standards. One, a
5 24-hour standard, under 50 micrograms per cubic meter, and
6 an annual average of 50. California has much stricter
7 particulate standards with 24-hour of 15 and an annual
8 average of 30 micrograms per cubic meter.

9 This table of monitoring network gives an idea
10 of how particulates occur in the South Coast Air Basin on
11 an annual basis. Typically the highest levels occur in
12 the Inland Empire around Riverside/Rubidoux area, and
13 normally decrease out towards the coast.

14 The program itself, we have eight sites and on
15 seven non-consecutive days in May we were at the LAXT
16 operation again, 53 PM10 samples were collected, and a
17 variety of analyses were conducted on these samples.

18 This shows the eight sites. Two sites here
19 are upwind of the area of the LAXT, one downwind, and
20 there were three elementary schools and two other
21 locations along the coast near Long Beach. This is one
22 that's been shown previously, but I wanted to show and
23 just call your attention to site No. 5, because this is
24 the area of the greatest convergence.

25 When we look at the eight sites we see that
26 site No. 5 had the highest particulate levels, on average,
27 for the seven sampling days. In fact, the highest
28 particulate levels occurred at the three schools.

1 When we look at the project average and the
2 project highest station at the elementary school, we see
3 that the levels as averaged for May and compared to our
4 permanent PM10 sampling sites, are consistent with the
5 Long Beach and Anaheim particulate air quality, which are
6 the two closest permanent site locations.

7 A lot has been said about tires, tire dust,
8 rubber, re-entrained road dust. This is taken from
9 microscopic analysis and this is not PM10, these were
10 collected on last place, which contain all sizes of
11 particles. This type of result is probably not too
12 surprising, since most of the material that we see here
13 primarily as rubber and minerals or crystal material are
14 larger particles. So this is not surprising. There's
15 also a segment of combustion-type particles which can come
16 from both vehicular and stationary sources.

17 CHAIRMAN BURKE: Can we ask you a question about
18 that? I think Mayor Loveridge has a question.

19 BOARD MEMBER LOVERIDGE: It's hard to read the chart
20 from here.

21 MR. ZELDIN: Okay. The light blue are rubber
22 particles, which are almost exclusively attributable to
23 tire wear. The red are combustion products, which can
24 come from either diesel-type exhaust or other stationary
25 sources. And the other high bar here are minerals, which
26 are primarily your trustal-type of material or,
27 re-entrained dust. So it's not surprising that these two,
28 the light and the dark blue, that one would see such a

1 dominance because those are typically the heavier
2 particles.

3 CHAIRMAN BURKE: May I ask a question? This
4 sampling was taken in the month of May because it was
5 taken at the request of the community, I understand.

6 MR. ZELDIN: Correct.

7 CHAIRMAN BURKE: Is that the most appropriate time
8 of year to sample for this kind of settlement?

9 MR. ZELDIN: Typically May is the time of year when
10 we see the lowest particulate levels across the basin, not
11 only here but the inland area as well.

12 CHAIRMAN BURKE: So this study would be skewed,
13 then, to show the lowest particulate matter. What is the
14 best month?

15 MR. ZELDIN: Typically it's September, October,
16 November time frame.

17 CHAIRMAN BURKE: The time we are right now. Well
18 then, you know, rather than us -- Dr. Wallerstein, I
19 address this to you, rather than us spending time to look
20 at this which was taken at this lowest time of year, would
21 it be appropriate for us to have another sampling taken
22 now?

23 DR. WALLERSTEIN: Mr. Chairman, Members of the
24 Board, it certainly would, and as Mel mentioned, this was
25 done before LAXT went operational, so it would also be
26 good to do it after they are operational.

27 CHAIRMAN BURKE: Fine. We have so many people, and
28 I do appreciate all the fine work you've done, but we have

1 a lot of people out there who I want to hear too, and I
2 can talk to you at work any day.

3 MR. ZELDIN: Okay.

4 CHAIRMAN BURKE: Okay. Thank you very much.

5 Okay, here's the rules. We have ten million
6 people who want to testify and we're going to hear nine
7 million nine hundred and ninety-nine thousand, maybe all
8 ten million, so here's the rules of the game. Jackie Dix,
9 who is sitting down here, is going to time you. Everybody
10 gets three minutes. Three minutes. Jackie Dix is a
11 friend of Evander Hollyfield so don't go over three
12 minutes because she will take you out.

13 This is a very important issue and you
14 probably have more than three minutes' worth of testimony
15 inside you. You've probably got hours, okay. Try and
16 distill the most -- the essence of what you want to say
17 into the three minutes, then you can call the District or
18 you can write me a note, and I'll make sure all the other
19 Board Members get it, but in deference to all those people
20 in the auditorium this afternoon, please, three minutes.
21 And we're going to start with Ben Rockwell.

22 MR. ROCKWELL: Mr. Chairman, Board Members, my name
23 is Ben Rockwell. I reside at 475 West Fifth Street in the
24 City of Long Beach. I'm president of the local chapter of
25 Californians for Disability Rights as well as an
26 organization to build a ramp to accessibility called
27 BARTA. At build A Ramp To Accessibility, we believe in
28 having access to everything, including clean air.

1 I happen to be a person that has multiple
2 disabilities, included in them are asthma, chronic
3 bronchitis, chronic obstructive pulmonary disease and
4 post-polio syndrome.

5 I have to take many, many medications for
6 breathing as well as many other medications. Over a
7 period of a year, these medications that you see are
8 medications that I have taken within the last year.
9 Currently I'm taking 25 of these medications to help my
10 health conditions. Some of them are for skin problems
11 that are exacerbated by air pollution. Some of the air
12 pollution that I'm concerned about will come from the
13 LAXT. Some of it comes from the delivering of the
14 materials to the LAXT by rail and truck. The rail cars
15 being uncovered as they are at the present time leaving
16 chances for this petroleum coke and other coke products
17 that are being brought in to leave more particulates for
18 us which cause further problems for all of us with health
19 problems.

20 There have been no studies, mind you, no
21 studies have been done at the current time according to
22 those clinics where they do clinical trials in the LA
23 basin. I contacted 15 of these various clinical trial
24 places and none of them have done any studies on the
25 particulate levels and the types of air pollution that
26 affects persons with pulmonary problems. I have talked to
27 over 150 pulmonologists who have also admitted the same
28 thing. Our systems are compromised, many things will get

1 through into our lungs that will not get into your lungs
2 if you do not have the compromised pulmonary system.

3 I am very much concerned that any extra
4 pollution, whether it be one percent, two percent or ten
5 percent, is way too much.

6 I brought with me a friend who has given up a
7 very good opportunity to learn more about her son's
8 disability because he has cystic fibrosis, today they've
9 having a big meeting, a family day, for those with cystic
10 fibrosis at Long Beach Memorial Hospital. She gave up
11 that to be here today to speak on behalf of her son and
12 other children with cystic fibrosis.

13 CHAIRMAN BURKE: And her name is?

14 MR. ROCKWELL: Her name is Shirley Wenzler. She
15 will be speaking right after me.

16 CHAIRMAN BURKE: Because your time is up, so I'm
17 going to call Ms. Wenzler.

18 MR. ROCKWELL: Thank you.

19 MS. WENZLER: I'm Shirley Wenzler and my son has
20 cystic fibrosis and he's unable to filter his lungs. And
21 my concern is that the petroleum-based products --

22 CHAIRMAN BURKE: Speak into the microphone, please.

23 MS. WENZLER: My concern is the petroleum-based
24 products. My son cannot filter his lungs and I have to
25 help him do this by the machines and other things and I am
26 mainly concerned with the emissions that would be
27 presented from the petroleum-based coke.

28 I understand you've done major things to

1 protect the environment to some degree, but how much is
2 still getting out there? How much exposure is my son
3 going to be presented with? And that's where my concerns
4 lie. Thank you.

5 CHAIRMAN BURKE: Thank you very much.

6 Marvin Carter. Is Marvin Carter in the
7 audience?

8 MS. CARTER: Monte.

9 CHAIRMAN BURKE: Monte, I'm sorry.

10 MS. CARTER: It just takes a little doing. Good
11 afternoon. I'm Monte Carter, 600 E. 4th Street in Long
12 Beach. I bring you greetings from the senior center, the
13 church women's organizations, I belong to the indoor
14 sports for the Californian's for disability rights, and
15 the CDR. And we want to thank LAX for the very wonderful
16 work that has been done. It's a far cry from when we were
17 in the coal business in Montana, you just had to let it
18 fly. And it was a dirty business, but it was very
19 lucrative. And I would like to reiterate what my good
20 friends have said. I believe firmly in what they've said.
21 I've been in the medical profession and I know what
22 they're going through. I've seen it firsthand.

23 Now, another thing I would like to do. My
24 time is near over, but you people have a chance to do
25 something, and I would like to speak for the children,
26 those that are born, those that are unborn, because what
27 we leave them is their heritage. They're going to have to
28 work with it. And I would like all of you to give this

1 your best shot, which is, the ball's in your field.

2 CHAIRMAN BURKE: Thank you very much. Representing
3 Councilman Mallenjawl. Your name for the record.

4 MS. REYNOLDS: My name is Angela Reynolds, I'm here
5 representing Second District Long Beach Councilman Allen
6 Mallenjawl. These are a few comments.

7 As the force of Los Angeles and Long Beach
8 continue to expand, becoming the major hub for trade in
9 the Pacific Rim, we must be vigilant in maintaining a
10 balance between commerce and quality of life for our
11 citizens. I would like to commend the AQMD for its
12 response to community concerns and for its leadership in
13 convening and staffing the Particulate Monitoring Advisory
14 Group. This citizens group work closely with AQMD staff
15 in producing a study that looked at the ambient air
16 quality for both of the port areas. I think this is a
17 step in the right direction and will provide a baseline
18 study for comparison purposes as the port areas continue
19 to develop. However, I continue to have several areas of
20 concern relating to the LAXT project.

21 My first concern is related to operations and
22 the movement of petroleum coke piles. I understand that
23 instead of a one-time disturbance or movement of the coke
24 product upon arrival, there will now be a three-time
25 disturbance, or movement, of the product by the time it is
26 loaded onto a ship for export. The problem here is that
27 many -- is that the more times the exposed coke product is
28 moved, the more possibility exists for the small

1 particulate matters to become airborne.

2 Secondly, I have always believed that covered
3 and sprinklered coke piles are the best way to protect
4 residents in and around the port areas from potential
5 risks of fugitive dust. However, as a result of the City
6 of Long Beach's concerns about uncovered coke piles at
7 LAXT, an agreement was reached which requires quarterly
8 monitoring of the site for the purposes in collecting
9 ambient PM10 data to demonstrate compliance with AQMD
10 standards.

11 I am hopeful that the AQMD will enforce this
12 agreement, not only to the letter of the law but the
13 spirit of the law as well. It is our goal to ensure that
14 our citizens are not forced to breathe unhealthful air and
15 we will be vigilant in this regard. Thank you.

16 CHAIRMAN BURKE: Thank you. Next to testify will be
17 Janice Hahn. Following Ms. Hahn will be Bruce Monroe, so
18 if you can come up and be prepared behind her.

19 MS. HAHN: Good afternoon, Chairman Burke, Members
20 of the Board. First of all, let me take this opportunity
21 to express what many of us feel. We appreciate the fact
22 that you're holding this public hearing here in San Pedro
23 and we applaud you for that effort.

24 Chairman Burke, you made a comment earlier
25 that you and your wife have come down here many times and
26 it hasn't been that great of an experience, we hope that
27 only applies to the dust on your car and nothing else.

28 CHAIRMAN BURKE: I assure you that's it.

1 MS. HAHN: I'm here this afternoon as a resident of
2 San Pedro. I'm also representing the harbor area
3 communities on the elected charter commissions for the
4 City of Los Angeles. In case many of you have not been to
5 our community before, this is not unusual for us to pack
6 this center with sometimes up to 500 people when it's an
7 issue that we think affects our quality of life here in
8 San Pedro, Wilmington and the other harbor communities.
9 And I think, frankly, that this is a quality of life
10 issue.

11 There's no doubt that this is a
12 state-of-the-art facility. There's no doubt that this
13 facility is going to be looked at across the country.
14 There's no doubt that this community wants good jobs.
15 There's no doubt that this community believes in this
16 port, realizes that this port is an economic engine of the
17 City of Los Angeles, but these communities are concerned
18 about our quality of life as well.

19 And the discussion this morning that talks
20 about the majority of the dirt that we're seeing in our
21 homes, on our window sills, on our cars is, in fact,
22 things like tire residue, truck residue. Frankly, I have
23 a problem with that because the question to me is, you
24 know, everyone in Los Angeles lives with trucks and tires
25 and road residue and I know I'm not the best housekeeper
26 around, but my mom lives in south central Los Angeles
27 close to the Harbor Freeway, and her window sills don't
28 come close to looking like mine do. There's black dust

1 every day in my window sills. My patio furniture is
2 covered with black dust. My car is left outside; it's
3 covered with dust.

4 And, frankly, with all due respect to
5 Mr. Rommel, this community is not a group of people who
6 are never satisfied no matter what the facts are; this
7 community is easily satisfied when the right thing is
8 done. And we will fight to make sure that the right thing
9 is done.

10 This community was up in arms a few weeks ago
11 over seemingly harmless playground equipment being built
12 in one of our parks, so you can imagine how we feel about
13 the quality of our air. And I'm here to say, if there's
14 opinions on both sides, if we've seen all the reports, if
15 we've looked at all the facts and it's clear that there's
16 disagreement on what is the best way to control this dust,
17 why not err for once on the side of the people? Why not
18 err on the side of caution? What's wrong with covering
19 this facility and sprinkling it at the same time?

20 CHAIRMAN BURKE: Thank you. Your time is up. I
21 happen to know Ms. Hahn's mother and she is a better
22 housekeeper than Janice, but I'm not going to hold that
23 against her in this testimony.

24 Mr. Monroe.

25 MR. MONROE: Thank you for the opportunity to
26 address you and I don't particularly like the order in
27 which that's a hard act to follow.

28 I represent the Safe Air Coalition, which is a

1 group of community and neighborhood organizations that
2 pursued LAXT's environmental impact and in the settlement
3 we were assured there would be self monitoring on a
4 quarterly basis, and we're very pleased that that's about
5 to kick in and we're going to be able to find peer reviews
6 for that material.

7 We've prepared four pages which won't fit into
8 the time allotted so I'd like to enter six constructive
9 comments and nine recommendations into the public record.
10 Thank you.

11 CHAIRMAN BURKE: Thank you. D. C. Chavez.
12 Following Mr. Chavez will be Mr. Shults, if he could
13 please come forward, and Mr. Palmer after Mr. Shults.

14 MR. CHAVEZ: Thank you very much and welcome all the
15 Board here. This issue has been going on for quite a long
16 time and I want to reiterate here that the monitoring
17 that's been done, from my understanding, is not of the
18 best quality or level and I think we need to look at if we
19 do monitoring, that that's done with the best technology.
20 And everyone is arguing about best technology, so I think
21 we need to use better monitoring.

22 We have to take into account the total impact
23 of all the pollution going on in the harbor, not just
24 LAXT. The port is expanding, we're going to have
25 additional pollution, so I think it's the responsibility
26 of this Board and the port to reduce it as much as
27 possible.

28 Secondly, the original design, or the meeting

1 I attended, they were not going to be moving the coke but
2 one time, off loaded into the pit work. It would be
3 downloaded to underground and onto conveyor belts. That's
4 no longer the case. They're expanding, they're going to
5 expand some more. It's not covered. It's not watered.
6 So what happened?

7 The EIR port that was approved, there was
8 never public hearings in San Pedro and Wilmington and
9 that's why we have this argument now. As Janice Hahn
10 stated, nobody is listening to the people and it's time that
11 government does that. So we need to look at the change in
12 the original design to what we have now.

13 Also we have to take into account about the
14 benzene that's being injected into the coke. I worked at
15 ARCO for 13 years, I installed and maintained the coke
16 equipment. It's very, very corrosive. They showed you a
17 lot of beautiful pictures of first loading, it's very
18 clean, but I guarantee you it will not stay that way. And
19 they're going to deviate because of the type of product it
20 is. You go to any coke storage facility, you talk to the
21 workers, it's just the way the business is. And there's
22 going to be pollution; there's going to be dust. And we
23 have to take into account the benzene and chrome in the
24 petroleum coke the next time we have looked at the coke
25 piles themselves. If they're not going to be covered,
26 we're just going to spray, okay, what are we achieving
27 with that? The sprayers are not going to do the job. We
28 have a blanket of water, why don't we just cover it?

1 The whole idea was originally, from my
2 understanding, when the port initiated this project they
3 did not know that they were going to get enough tenants or
4 enough product to really run that facility properly, so
5 they hedged their bets and went with the lower budget and
6 not cover it, and that's what really happened. But now
7 they're negotiating further leases, they're going to have
8 plenty of people to fund that place. The combined money
9 compared to all these companies, they can fund the
10 covering, no problem, write it off on their taxes. Be a
11 good neighbor, let's respect the little people and cover
12 it. Thank you.

13 CHAIRMAN BURKE: Mr. Palmer.

14 MR. SHULTS: Yes. Chairman Burke and Members of the
15 Board, my name is Don Shults, I'm here today representing
16 the Rolling Hills Riviera Homeowners Association. When
17 we're not in Rolling Hills we're right over here on
18 Western Avenue and everybody knows us. Seven hundred
19 strong and we come to you today to ask you, as a group,
20 please cover the petroleum coke pile.

21 We have -- for the first time I feel confident
22 today in the remarks made by you, sir, that you understand
23 where we're coming from. I think that's the first time I
24 felt comfortable in any of these open forums and I thank
25 you for your support.

26 CHAIRMAN BURKE: I told you there's other people up
27 here you have to convince. I'm only one. I think you
28 guys are doing a good job.

1 MR. SHULTS: But I know who casts the big vote up
2 there too, so.

3 But the point I'm trying to make is I have
4 been a hard time understanding, especially after today's
5 presentation by the owners and operators, the amount of
6 money, the amount of time, the amount of effort, the
7 design, that has gone in to put this facility together is
8 remarkable. I can't understate that. Why would such a
9 simple thing as covering these coke piles, they couldn't
10 have gone that extra step? It seems to me like a reduced
11 watering facility, it would take less water, it would take
12 less reclamation facilities to do that. They would --
13 whatever the technique is that has to be done, in the long
14 run, or installation and for maintenance, it would be a
15 cost-plus for them. Why have they refused to even answer
16 the question why we won't cover these, I have no idea.
17 What I wish today, while they're here, that they would.
18 Thank you.

19 CHAIRMAN BURKE: Thanks. Mr. Gerald Palmer.

20 MR. PALMER: Thank you, Mr. Chairman. I am one of
21 the lawyers for LAXT and want to take a few minutes to
22 respond to Mr. Griswald, but I thought first I'd indicate
23 to you that I, too, was a member of the United States Air
24 Force and it looks to me like LAXT is the second version
25 of the Dash5.

26 A few points need to be made. I know that
27 this Board wants to look at this on facts, it wants to
28 deal with it on the factual basis. I want to make three

1 observations in response to the technical presentation by
2 Mr. Griswald.

3 First is the reference to water control.
4 There are two ways to control with water. One is to wet
5 the substance and let it go there. The other is to use
6 water as a screen. You've seen that on the sides of
7 buildings and you've seen it as an effective screen. What
8 Mr. Griswald didn't point is is that high mask water usage
9 at LAXT acts as that screen. It acts the same way.
10 Probably even better than a roof because of the nature of
11 water and the particulates.

12 CHAIRMAN BURKE: That's the assumption it doesn't go
13 over the screen.

14 MR. PALMER: Well, the particulates can't get
15 through the water.

16 CHAIRMAN BURKE: They can go over the water.

17 MR. PALMER: Not if the water is totally screening.

18 CHAIRMAN BURKE: The screens are down the side.

19 MR. PALMER: That's correct.

20 CHAIRMAN BURKE: And we deal with this all the time,
21 because there are air screens, there are water screens --
22 there are all kinds of screens. So if you have a screen
23 with an open top, you know, if your particulates can get
24 up -- and I don't want to use your time -- but if the
25 particulates get up over the water screen or the air
26 screen they're out.

27 MR. PALMER: I agree with that in that circumstance.
28 But what we have here, and if you'll recall seeing it in

1 the slides, is that the water from the high mass system is
2 sprayed over and acts as a screen on top. That wasn't
3 pointed out before.

4 With respect to the Long Beach enclosures, we
5 understand that Long Beach has shipped through its
6 facility a product called calcine coke. That's a coke
7 that from which all the water is extracted. It's a very,
8 very fine powder. It cannot be wet. It cannot be made
9 wet. And therefore, the only way to control that is
10 through the enclosure. That doesn't mean that the
11 enclosure is the only or best control technology for the
12 green coat. And LAXT will never been dealing with calcine
13 coke.

14 Third point is the Chevron transactions.
15 Chevron will deal with this product, to be somewhat
16 technical, it is something as to which the volume is not
17 demand driven, it's production driven. And Chevron
18 produces this material as a product of its refining and
19 there's nothing that can be done about that other than to
20 bury it or to ship it. So that 1.2 million tons of Pet
21 coke that's coming out of Chevron, whether anyone likes it
22 or not, someone has to deal with it.

23 In the future, yes, LAXT will be shipping for
24 Chevron, but Chevron will continue to ship coke through
25 Long Beach and continue to use those facilities. What we
26 have here is with this project we're going to eliminate
27 40,000 truck trips to deal with that coke that comes
28 through LAXT that previously would have gone through

1 Kaiser or additionally through Long Beach with all those
2 40,000 truck trips intervening. So those facts, I think,
3 need to be considered. I would imagine Mr. Griswald and I
4 will get a chance to deal with them another time. Thank
5 you, Mr. Chairman.

6 CHAIRMAN BURKE: Susan Strauss.

7 MS. STRAUSS: Chairman Burke and Members of the
8 Governing Board, good afternoon. My name is Susan Strauss
9 and I'm the president of the San Pedro and Peninsula
10 Homeowners Coalition. We represent over 70,000 homeowners
11 in this area. Our coalition has voted in a nearly
12 unanimous vote to oppose the open storage of petroleum
13 coke at the Los Angeles export terminal. We urge the
14 Board of the AQMD to act immediately to stop such open
15 storage.

16 Among the many issues raised by such a
17 facility in a heavily populated area, we are deeply
18 troubled by the lack of a public hearing, as required
19 under the District's own rules, 1158. That rule clearly
20 states that a public hearing must be held prior to issuing
21 a permit for open storage of petroleum coke. And this was
22 the position of the AQMD with other facilities. I have a
23 letter issued by the AQMD stating such a policy and I will
24 give it to the Board.

25 Further, we simply do not trust the LAXT to
26 follow the approved operations requirements. We in the
27 harbor area have been given extravagant promises in the
28 past only to learn that the businesses ignored the

1 operating requirement. You have an opportunity to protect
2 us. On behalf of the membership of the San Pedro and
3 Penninsula Homeowners Association, I urge you to act
4 immediately.

5 CHAIRMAN BURKE: Thank you very much. If you would
6 give it to Dr. Wallerstein he'll make sure that the rest
7 of the Board gets it.

8 Ms. Lee would like to be recognized at this
9 time.

10 BOARD MEMBER LEE: Thank you, Mr. Chairman. I
11 wanted to make one long motion before we lose quorum here
12 so that at least -- I'd like to have a public hearing
13 feeling like we're going to be able to do something and
14 not just, you know, a place for everyone to vent and then
15 there's really no place for us to go. But I think,
16 hopefully, this will be a productive way for us to move
17 forward.

18 I think a lot of what we heard earlier and
19 what we're continuing to hear certainly reminds me of a
20 trial where, depending on who calls the expert witnesses,
21 you know, they all sound like facts and it's difficult
22 unless you live and breathe it and you are there to really
23 know which side to believe.

24 I know that LAXT has gone through the
25 administrative process and procedure as they were required
26 to do. I know that they have followed all the rules that
27 are in place now, and I think that there's also some
28 question of fairness and equity. But I think that we do

1 have an opportunity to ensure ourselves and ensure myself
2 that before the facility is actually allowed to open and
3 actually allowed to carry on with their business, that
4 we as a Board be able to carry through with our
5 responsibility.

6 One of the steps that I understand, and Peter
7 can correct me if I'm wrong, that we do have a chance to
8 perhaps review and determine how to move forward at this
9 point is with one of the rules, Rule 1158. I think the
10 facility operators are well aware of what the next step is
11 that is required of them in terms of opening the facility.
12 When that plan that they need to submit, and this is a
13 rule that is titled "Storage Handling and Transport of
14 Petroleum Coke," and I think that the main material that
15 the community and that we are concerned about at this
16 moment with this facility is petroleum coke, and we have a
17 rule that addresses that specifically. And it places the
18 burden on the operator to come forward and submit a plan
19 to the AQMD that demonstrates a number of requirements
20 that the rule calls for.

21 The facility has not submitted the plan yet
22 and the plan has to be submitted prior to the facility
23 being able to transport and store any petroleum coke, as I
24 understand it. So far I think I'm correct.

25 MR. GREENWALD: That's correct.

26 BOARD MEMBER LEE: Okay. What I would like to move
27 is that assuming the facility is going to submit such a
28 plan, prior to that plan being approved by the Executive

1 Officer, which I think he has the authority to do, what I
2 would like to request is that that plan be brought before
3 the Board. And at the same time that that plan is being
4 brought back before this Board I would like to have two
5 assessments done prior to that. Because I think that we
6 lack some information that I think is critical to our
7 making a determination. One is I would like the health
8 risk assessment to be done and brought forward. I think
9 that that was a mistake for that not to have been done to
10 begin with and I would like that assessment to be done.

11 The second assessment is a socioeconomic
12 assessment. I'm concerned about the dollar amount that's
13 going to be required. I'm concerned about the disparity
14 between what the facility has stated it's going to cost to
15 cover the facility versus what others have come up with.
16 And it's difficult for me to determine which is the right
17 amount and really what our threshold number is. So those
18 two assessments, a socioeconomic assessment and also the
19 health risk assessment, needs to be brought forward before
20 the plan is approved. And I think that this gives the
21 Board an opportunity to be able to make a determination
22 and be able to weigh the facts the best that we can with
23 two components that I think we're equally concerned about.

24 BOARD MEMBER PAULITZ: Second the motion.

25 BOARD MEMBER LEE: Which is -- and don't ask me to
26 repeat it, because I can't. And Leonard, before you
27 leave, that's one motion, the other motion that I do have
28 is in December at the Board meeting what I would like the

1 staff to bring forward is a plan to have a policy
2 considered by this Board, which is that for future such
3 projects for any multi-year and multi-phased permit
4 applications that are submitted to the District, I would
5 like an opportunity for the Board to be able to review
6 those.

7 I'm uncomfortable -- no disrespect to you,
8 Barry -- of having all of that authority lie within the
9 Executive Officer. And for those projects that are five
10 to ten years, that are multi-phased, those applications
11 absolutely need to be reviewed by the Board. And I would
12 like that policy to be brought forward for the Board's
13 consideration.

14 CHAIRMAN BURKE: We have a motion and a second. Do
15 I hear any oppositions or any comments, first of all, to
16 the motion?

17 BOARD MEMBER GLOVER: Mr. Chairman, I would like to
18 ask our attorney, is there a place in here to commit to
19 the best available technology?

20 MR. GREENWALD: The rule requires, and I'm talking
21 about Rule 1158 which Ms. Lee was just referring to,
22 refers the interim coke storage plan to provide for
23 mitigation of emissions. And we would also interpret this
24 as allowing an assessment as to whether or not the
25 emissions may violate any District rule, including public
26 nuisance, prior to determining whether or not that plan
27 should be approved.

28 Now, if you're referring to best available

1 control technology, which would be required prior to
2 issuing a permit to construct, that was a decision which
3 has been previously made and it's not something that can
4 be reopened at this point in time. However, Rule 1158
5 would, again, authorize an assessment as to whether or not
6 any public nuisance would occur and would authorize a
7 disapproval of a coke handling plant if a determination
8 along those lines was made.

9 BOARD MEMBER GLOVER: Under this motion can we look
10 at the best available technology? Yes or no.

11 MR. GREENWALD: For any permits to construct that
12 might be issued in the future the answer is yes; for the
13 permit to construct issued in the past, no.

14 BOARD MEMBER GLOVER: So the permit as it is today
15 would be the best available technology as of four years
16 ago or something?

17 MR. GREENWALD: I may add that the District permits
18 to construct have a life of only one year.

19 BOARD MEMBER GLOVER: Sir?

20 MR. GREENWALD: The District permits to construct
21 have a one-year life and part of Ms. Lee's motion was to
22 bring back a policy regarding multi-year projects where
23 the construction may last beyond one year, I believe that
24 the Board has discretion to establish policies involving a
25 revisitation of BACT if it so desires at the time of an
26 extension of a permit beyond the one-year period. That's
27 what the Board could decide to do in the future.

28 BOARD MEMBER GLOVER: Thank you.

1 BOARD MEMBER NASTRI: Mr. Chairman, I have a
2 question?

3 CHAIRMAN BURKE: Yes, sir.

4 BOARD MEMBER NASTRI: To staff. What is the trigger
5 for generally conducting a health risk assessment?

6 MS. COY: As new equipment is proposed for
7 construction the Rule 1401 thresholds are evaluated, so
8 there is a list of carcinogenic air contaminants which, if
9 there are any contaminants on that list going to be
10 emitted by the proposed project, then a health risk
11 assessment is conducted.

12 BOARD MEMBER NASTRI: Is petroleum coke on that
13 list?

14 MS. COY: Petroleum coke per se is not on the list.
15 However, polycyclicaromatic hydrocarbons, PAH's, are and
16 PAH's are sometimes associated with Pet coke.

17 BOARD MEMBER NASTRI: PAH's are associated with many
18 things. PAH are also depictuous in the background. My
19 concern is that if we use the logic of PAH's, does that
20 justify conducting a health risk assessment at this point?

21 DR. WALLERSTEIN: In discussing it with our legal
22 staff, I think the staff feels that under the Rule 1158
23 plan that must be filed, that there is broad enough
24 latitude under that requirement to require the health risk
25 assessment to ensure that there is no public nuisance from
26 the facility's operation as defined in the plan.

27 BOARD MEMBER NASTRI: Thank you.

28 CHAIRMAN BURKE: Any further questions, staff, of

1 Ms. Lee?

2 We have a motion and second on the floor. Do
3 I hear any opposition to that motion? That motion is then
4 carried and the staff is instructed to do what Ms. Lee has
5 asked them.

6 BOARD MEMBER LEE: Thank you.

7 CHAIRMAN BURKE: Now, even though the quorum is
8 broken, there are a number of Board Members here and I
9 would like to continue with the public testimony and try
10 and get through as much as we can in the near term.

11 So we will next hear Gertrude Schwab if she
12 would like to testify after hearing what she's heard.

13 MS. SCHWAB: Thank you, Chairman Burke and Members
14 and thank you Councilman Alarcon for being here today and
15 for all of you. It has been a worthwhile experience
16 working with the AQMD Board. I'm president of the
17 Wilmington North Neighborhood Association and also served
18 on the Particulate Monitoring Committee.

19 I was quite surprised we chose May to do the
20 monitoring, but we were not told that that was the worst
21 month of the year with the lowest particulates. I wish we
22 would have been made aware of that and we would have
23 chosen another month.

24 I would like to make this perfectly clear, our
25 intentions were never to shut down LAXT or any other
26 businesses in the area. We're tired of our jobs going to
27 other areas or overseas. But we want to have not just
28 clean air but we want to have safe air. The AQMD Board

1 can recommend, and your recommendations should be cover
2 the petroleum coke piles at the LAXT.

3 I was quite surprised at the cost and what
4 they have gone through and what we have gone through if
5 they would just, in the beginning, followed the example of
6 Pittsburg, California, and they were not required to put
7 their Pet coke in the dome but they did it just to be a
8 good neighbor. I wish LAXT would be doing the same. And
9 then, when the LAXT is covered by this dome facility, I
10 wish the existing ones were made to do the same. Thank
11 you.

12 CHAIRMAN BURKE: Thank you. What I would like to
13 ask all of those who are going to testify today, I think
14 the basic message has been passed along, so we don't need
15 to be redundant in covering the coke piles. If you have
16 something above and beyond that, we'd like to hear it, if
17 you'd just don't repeat that. I think Ms. Lee's motion
18 has indicated that we've heard that and we're moving on
19 and investigating that and evaluating that.

20 So, next will be Mr. John Barbieri.

21 MR. BARBIERI: Good afternoon. I, too, would like
22 to thank the Board, Mr. Burke, Councilman Alarcon and all
23 the members for being here. I was going to address the
24 1158 issue but I thank Ms. Lee for doing that.

25 My name is John Barbieri and I represent an
26 organization known as Port Watch, which represents
27 homeowners associations, neighborhood groups, some labor
28 organizations and some senior organizations throughout the

1 San Pedro, Long Beach, Wilmington and Rancho Palos Verdes
2 area.

3 In response to the attorney for the LAXT, I
4 would like to state a fact. I would like to address an
5 issue more to the process that brought us here today. And
6 that process is the integrity of the environmental review
7 process itself. Earlier today one of the investors in the
8 project misspoke when the Chairman asked if he knew if his
9 group were negotiating with Chevron to move this massive
10 amount of petroleum coke into the area. He said, "We're
11 not" -- and he was representing the Port of Los Angeles
12 -- "but the LAXT is."

13 The fact of the matter is the Board should be
14 aware that the Port of Los Angeles is the LAXT. Because
15 for the first time in the Port of Los Angeles' history
16 they have a invested in a private corporation, and until
17 very recently were the major shareholder in that
18 corporation. Not only were they the major shareholder in
19 that corporation for these many years, but they wrote
20 their own environmental documents, and under the
21 California Environmental Quality Act led the environmental
22 review process for the documents that they created. So if
23 ever there was an inherent conflict of interest in a
24 project, this is it. And I'll leave it to the Board to
25 draw your own conclusion as to the integrity of the
26 process itself.

27 The Port of Los Angeles is not a private
28 business. The Port of Los Angeles is a public trust.

1 This isn't the former Soviet Union. Even things have
2 changed there. And it may be that the LAXT and the Port
3 will acquire the permits they need to move forward, but
4 the essential question is have they fulfilled their
5 responsibilities under the California Public Trust
6 Doctrine? I believe they've failed miserably.

7 CHAIRMAN BURKE: Patrick Donlow, if Mr. Donlow is
8 still here. Following Mr. Donlow will be Barry Goldstein.
9 Following Barry Goldstein will be Paul Breul.

10 MR. DONLOW: Yes. Thank you, Chairman Burke and
11 ladies and gentlemen of the Board, Councilman Alarcon, we
12 thank you. It's nice to see one of our councilman here
13 today.

14 Ladies and gentlemen, my name is Patrick
15 Donlow, I'm president of the San Pedro Peninsula
16 Homeowners United. It's a coalition of thousands of
17 homeowners in North San Pedro and Rancho Palos Verdes.
18 But today, today I'm not here to represent those
19 homeowners, I'm here to represent my family, my children,
20 my three children that I've raised in this community, all
21 of whom my three daughters have respiratory problems.

22 To tell you very honestly, I'm very tired.
23 We've met, we've had several scores of meetings in our
24 homes, with our elected representatives of the state, with
25 our friend, our long-time friend Councilman Sabonige of
26 whom is conspicuously absent at these meetings. We're
27 tire, you know, of having to speak before less than full
28 quorums of representatives of boards, of less than --

1 fully represented politicians who always seem to have an
2 excuse not to be there, not to be, you know, to be
3 someplace that's maybe more economically advantageous to
4 them. We're just tired. We're tired of having boards not
5 follow common sense.

6 We've heard a lot of rhetoric today from
7 engineers, from Board Members of LAXT, saying, you know,
8 the best available control technology is water on
9 petroleum coke. Petroleum coke, let's face it, it's an
10 obnoxious, cancer-causing substance. When we're talking
11 about 2 million tons of it transported through the, you
12 know, through our community, through the port of L. A., we
13 know that that's an obvious health hazard to our families
14 and to the citizens of our community.

15 We asked you, you know, we asked LAXT, we
16 asked the AQMD to use common sense. We've heard from LAXT
17 about being good neighbors. They want to be good
18 neighbors. But we want them to look beyond what's just
19 economically feasible for them or just minimumly required
20 politically for them and do what's morally right for the
21 families, for the children, for the senior citizens of our
22 community who don't have the economic power to make these
23 decisions. We want them to do what's morally right.
24 Cover the facility. Yes, use water also. That's what's
25 morally right.

26 In the case that they don't follow what's
27 morally right we ask you, the members of the AQMD to do
28 now only what's morally right but also what's politically

1 right: to order the covering of this facility.

2 We're very tired. We're very tired, you know,
3 of this whole situation. We've had hundreds of meetings
4 and it's finally come down to where you're our last hope.
5 So do what's morally and politically right. If they
6 follow the course of not being good neighbors, then
7 please, order them to cover this facility for the health,
8 for the safety of our families and our community.

9 Thank you very much.

10 CHAIRMAN BURKE: Mr. Goldstein.

11 MR. GOLDSTEIN: Hello. My name is Barry Goldstein,
12 I live in Long Beach. If any speaker were to try to
13 respond to everything that has been said here today, the
14 speech would take hours. I will try to respond to one
15 who's claimed that the bulk of the pollution comes not
16 from the LAXT but from tires and from trucks and whatnot.

17 CHAIRMAN BURKE: Don't waste your time. Rebut
18 somebody else, we know better than that.

19 MR. GOLDSTEIN: I just want to point one thing out.
20 The air here is not very clean, but until the LAXT opened
21 a phenomenon I'm finding out did not happen. Now every
22 morning when I go out to my car the car is black. It was
23 dirty before, now it's black. That could only come from
24 coal. The tires weren't doing anything before this.

25 Now, there was a meeting held by the AQMD in
26 this room in August of 1996. One can be charitable, one
27 can assume that the AQMD and all the other organizations
28 that regulate this sort of thing, really did not know the

1 facts back then, but at that meeting you were told that a
2 greater danger, probably, than the amount of petroleum
3 coke and coal on the LAXT site comes from the rail cars
4 and trucks that bring it down here from Colorado and Utah.
5 You were told then that the LAXT has supposedly a
6 monitoring system that will be operated by its own
7 employees. And that no employee of any organization is
8 going to put his job on the line and shut them down, no
9 matter what the pollution levels are. One cannot assume
10 that you don't know anymore. One can only wonder what are
11 you doing out of jail.

12 CHAIRMAN BURKE: Well, let me tell you why I'm out
13 of jail. Okay? Because people have been trying, of one
14 type or another, been trying to put me in jail all my
15 life. Let me tell you why I'm here. Whoever was here
16 last year from the AQMD was not me.

17 MR. GOLDSTEIN: I realize that.

18 CHAIRMAN BURKE: Let's start with that. You may
19 read the newspaper or you may not; you may listen to
20 television or you may not; but there's been a revamping of
21 AQMD which was so radical that everybody thought we were
22 going to destroy the agency. They said nobody can take
23 apart a government agency like some of the Board Members
24 who are sitting here did and it still survived.

25 Let me tell you what happened when we took it
26 apart and put it back together. It's better than it's
27 ever been. It's more sensitive to the people than it's
28 ever been. It's got brighter people than it's ever had.

1 It's got people who came to San Pedro this morning to try
2 and cure a problem, okay.

3 So, I don't know who was here last year and I
4 don't give a damn; I'm here now.

5 MR. GOLDSTEIN: Well, I'm glad to hear that, but
6 there are specific things you --

7 CHAIRMAN BURKE: Your time's up. I'm sorry, your
8 time is up. Paul Bruel. Is Mr. Bruel here?

9 MR. BRUEL: Right here. I'm Paul Bruel, I represent
10 the Long Beach Marina Boat Owners Association and I reside
11 in the City of Long Beach.

12 People have covered most of the things already
13 that I would say except I'd like to just voice one thing
14 that puzzles me here. I've been reading in the media that
15 as a result of this last AQMD study, the one that was
16 conducted in May, that the air was not too bad in the
17 South Bay Area. They said that only on two occasions
18 where state standards violated. If those two sites were
19 sampled twice, or six times, and on one occasion each one
20 of them exceeded state standards, to me that means that
21 one-sixth of the time the air is unhealthy in this area.
22 That amounts to about 61 days a year. I don't believe
23 that the public has been informed or has had the chance to
24 really look at these numbers and they are alarming.
25 Thank you.

26 CHAIRMAN BURKE: Thank you.

27 I'd like to recognize Councilman Alarcon from
28 the City of Los Angeles.

1 BOARD MEMBER ALARCON: Thank you, Mr. Chair. First
2 of all, let me apologize for being late. And let me also
3 say I don't know where Rudy is. Somebody was asking --
4 somebody was asking made somebody made the comment that
5 politicians might be someplace else for money purposes, or
6 something like that. I just want to say I don't know
7 where Rudy is, but I was at a funeral a few hours ago and
8 I apologize for being late, and I would hate to know that
9 Rudy was at a similar event with the kinds of things that
10 were said today. As I understand it, he has not taken a
11 position on this issue and you can take that up with him.

12 I do want to say that -- and I appreciate the
13 comments of the Chair just now and I'm happy to speak
14 following those comments, because there has been a shift
15 on the AQMD Board and I think we're trying to rejuvenate
16 the AQMD in the right way toward reviving a campaign for
17 air quality.

18 We have greater challenges with regard to air
19 quality than we did even a year ago. The new EPA
20 standards are going to require us to go further than we've
21 ever gone before, and I think that's good news but it's
22 going to present challenges.

23 One of the issues that concerns me about this
24 particular thing is if we do not require the additional
25 mitigations, the covering of the site, are we then
26 imposing decisions on ourselves in the future to reduce
27 the possibility of other businesses expanding in the port.
28 So, I think we might, in that case, be pennywise and pound

1 foolish. I think that it would be easy enough for us, as
2 Board Members, to say we just ought to do the right thing
3 and maximize the mitigations to the extent possible and
4 cover the site. I would like to do that. But I have to
5 tell you that decisions have preceded us that have put us
6 in a position to listen to the arguments that say you
7 already permitted us and since we've abided by those
8 permits, you can't change that permit authorization. So,
9 I have to be sensitive to decisions whether or not I made
10 them.

11 But I do want to say that as long as I have
12 control of future decisions, that I will defer for safety.
13 And I think that the direction of the motion of Member Lee
14 is the correct approach because in order for the AQMD to
15 change its posture relative to the permits, we have to
16 have some change in the health risk assessment. And if
17 the health risk assessment can demonstrate, and I believe
18 it will, quite frankly, if it demonstrates there are
19 additional health risks, then it would be my vote to
20 support covering of the facility if that would mitigate
21 against those health risks.

22 I also want to say that as a member of the
23 Los Angeles City Council, that it just seems to me that
24 the harbor should have covered the facility. And it's
25 wrong. It is wrong to not do it when you know that we
26 have the challenges of air quality in this basin.

27 So, as much as we have to look at all the
28 issues involved, we are faced with trying to move,

1 perhaps, some decisions that were made by this board in
2 the past. And frankly, those decisions were made, as I
3 understand it, without this kind of outpouring of concern.
4 And so in all fairness, we have to recognize that the
5 board made those decisions in a different aura. But today
6 is today and yesterday was yesterday. We do have a
7 responsibility, I think, to investigate the claims that
8 are being made by the community. And as far as I'm
9 concerned, if there is any additional health risks that
10 were not anticipated, then we should cover the facility.

11 So, I am very pleased to support the motion.
12 I wish that the LAXT would make the right decision and do
13 this in the spirit of what is the best thing to do for the
14 community. They should use the best available control
15 technology. And don't come to this council member and say
16 that it's not economically efficient because, you know,
17 we've done all right after we closed Lopez Canyon in the
18 northeast valley and we'll continue to do all right if you
19 cover the facility or not. You'll figure it out. And I
20 have confidence in the harbor and the LAXT to be able to
21 do that.

22 So, with that I have to leave again to go to
23 another non-paid function, but I do want to point out that
24 my staff member Melissa Golario, if you could wave, she's
25 here, and will continue to take notes. And thanks, mom.

26 So please, if you have any direct comments,
27 please direct them to my staff assistant. Thank you.

28 CHAIRMAN BURKE: Thank you, Mr. Alarcon.

1 I'd like to thank Councilman Alarcon who, to
2 me, represents the new Los Angeles City Council. His
3 sensitivity to these kind of issues is deeply in view.

4 It is 2:05. This hearing was over five
5 minutes ago. The people who have not been able to
6 testify, I apologize to you, but I think the message that
7 we received here was quite clear. I hope --

8 UNIDENTIFIED AUDIENCE MEMBER: May I make a
9 suggestion that next time you allow the public to speak
10 first rather than having LAXT and the harbor be heard who
11 the members of the community have heard many times already
12 before. Thank you very much.

13 CHAIRMAN BURKE: May I make a suggestion to you?

14 UNIDENTIFIED AUDIENCE MEMBER: I'm listening.

15 CHAIRMAN BURKE: No, you're not. You have your back
16 to me. I looked at you.

17 UNIDENTIFIED AUDIENCE MEMBER: I can hear from my
18 back.

19 CHAIRMAN BURKE: What? It was your ass that I was
20 looking at because you were making one out of yourself.

21 UNIDENTIFIED AUDIENCE MEMBER: Thank you very much.

22 CHAIRMAN BURKE: We came here to help.

23 UNIDENTIFIED AUDIENCE MEMBER: And we appreciate
24 that.

25 CHAIRMAN BURKE: Let me finish. I was quiet while
26 you were speaking. Can I please have the same privilege.

27 UNIDENTIFIED AUDIENCE MEMBER: You have a microphone.

28 CHAIRMAN BURKE: What does that mean? What does

1 that mean? Community meetings are supposed to be held for
2 informational purposes out of respect. I think we've
3 treated everybody here fairly. You've listened to this
4 information. This issue is moving in your behalf. And
5 yet you want to come up and act like that at the end of
6 the meeting. I think if an assessment of this meeting was
7 taken, this guy right here from the LAXT should be up
8 screaming, not you.

9 So, you know, public institutions are made up
10 of people just like the public is made up of people. And
11 when you treat them poorly you get treated poorly. So,
12 it's just a suggestion that you treat people like you'd
13 have them treat you. And I've treated everybody here
14 today like I would like to have them treat me. And I
15 don't want to get into a public debate with you, if you'd
16 like to talk to me after this meeting is over I'll be glad
17 to talk to you.

18 UNIDENTIFIED AUDIENCE MEMBER: With all due respect
19 Mr. Chairman, you were about to end the meeting --

20 CHAIRMAN BURKE: I am ending the meeting.

21 UNIDENTIFIED AUDIENCE MEMBER: And not only were you
22 announcing it to end the meeting, you announced the
23 meeting had already ended without allowing any further
24 comment.

25 CHAIRMAN BURKE: Yes. But if you would have waited
26 just one more minute you would have heard what I was going
27 to say. I was going to expound by saying, as I said at
28 the beginning of this meeting, I'm available, the staff of

1 AQMD is available by telephone, by letter, any means of
2 electronic mail, whatever means you want to communicate
3 with us, we are available. It's Saturday morning.

4 UNIDENTIFIED AUDIENCE MEMBER: You should be.

5 CHAIRMAN BURKE: And we're here.

6 UNIDENTIFIED AUDIENCE MEMBER: And we appreciate you
7 coming. Thank you.

8 CHAIRMAN BURKE: Thank you. This concludes our
9 meeting this morning.

10 (Meeting ended at 2:10 p.m.)

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C E R T I F I C A T E

I, MARY L. HALL, Certified Shorthand Reporter,
License No. 5865, do hereby certify that I personally
appeared and stenographically reported the proceedings
in the above mentioned case before the Governing Board
of the South Coast Air Quality Management District,
and that the foregoing pages consist of a true, correct
and accurate transcript of said proceedings.

DATED this 1st day of December, 1997.

Mary L. Hall
Mary L. Hall