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**SPEAKERS**

Dakota, Elizabeth Mooney, Tracy, Robin, Jim Myers

**Tracy** 38:43

You're here. That's good. Okay, it looks like Janet is still connecting to her audio, but and some other people are going to be joining us, but it's 1102. So I'm gonna get us started. I am Tracy, Bonnie Schinsky. I am a resident of Kenmore and I do very many things in in my life, and one of them is being connected to Elizabeth Mooney, who is the president and founder of PERC. This is her meeting but I'm going to help facilitate it today. Before we begin, if you're in a place where there is going to be some background noise, it would be helpful if you would leave yourself on mute while you're not speaking. If you're in a quiet space, it's not not so much of an issue. That if there, I'm starting to hear a lot of background noise I might ask ask people to mute so just be mindful about that. Today is the first of three community listening sessions that have been set up to discuss the permits that Puget Sound clean air, the Puget Sound clean air agency has issued to Cadman for some construction, they issue that retroactively for some construction that Kevin had done on their plants. So we're here to think your questions and can Stearns initial questions and concerns some of you may not have read the whole permit. That's fine. I'll give you homework to read it ahead of the meeting on Monday or Tuesday if you're going to come to those meetings, and in the meantime, I know we have David Morton here, who I am fairly positive. David, you can correct me if I'm wrong, but I'm fairly positive. You have read the draft permit or that's not draft anymore that permit. I think he's saying yeah, so we have somebody here who who has read it and can answer questions based on having read it. So I think that's all I'm going to try. We have a couple people. Rob Carr. Lindsey is Kenmore city manager. He's here to listen and take notes. And we, I think, Oh, good. Hi. Hi, Jerry. Jerry pullets. Here. Jerry is the state representative for the 46th. Legislative District. Right? Yes. And so we can more used to be in the 46. Now we're in the first

40:56

right, you are bound to vote. And you'll be voting for the first. Yes. But we still for a few more days.

**Tracy** 41:05

Oh, we still have you for a few more days. Oh, that's wonderful news. We let you know 46 First, no matter where Kenmore is we love Jerry. He's been a real solid advocate for environmental issues, including including clean air and Kenmore, so he's going to speak for a bit. And then David Wharton will speak. So each of you will have five minutes. And just to keep us on track. When you have about one minute left, I'm just going to pop in and say one minute, and I don't mean to be terribly disruptive, I just want you to know where we are on timing. And then after people have spoken, we'll have questions and comments from the community and and a disc open discussion. And then when we have five minutes left, we'll wrap up with next steps. And this meeting is being recorded. I think you all should have gotten that notification via zoom telling you so if you prefer not to be on screen and recording, you can feel free to leave your camera off. If you don't mind and you're willing to turn your camera on. That's great, too. It's always nice to see faces, even in this virtual world. Hi, Robin. So good to see you. Okay, and I think that is it at 1105. So, first we have Rob Carr Lindsey, are you going to go first and give your introductions and opening remarks?

42:19

Yes, that's right. I'm Rob Carlin Sam's the city manager for Kenmore. And I've been the city manager for 10 years came in April of 2012. And I also live here in Kenmore. If you're in the south end of the city, and this, this asphalt plants been a hot topic for the entire 10 years I've been here and probably before that I'm sure. So it's always been something of interest to the whole community and to the city. And in recent years, and recent can go back actually quite a ways. But you know, Cadman has made modifications to its asphalt plant. And those cumulative modifications have triggered the need for what Puget Sound clean air agency calls a notice of construction permit. And so for the last several years, probably two or three years could sound clean air agency has been working with Cadman in the community to create the conditions for this new permit. It also requires them to now come up to federal standards state and federal air quality standards. They weren't fully required to be compliant with air standards as some of the air quality standards before this so. So earlier this year after two or three years of going back and forth. Puget Sound clean air Agency issued a draft order of approval with conditions. And those were put out for public comment. And they received lots of comments from the community from cat man from the city. And then after that comment period was over. Then over the last few months Puget Sound cleaner agency has been working to consider those comments respond to them, incorporate them if they thought they were appropriate. And as a result, they issued the final notice of construction permit order of approval for the Cadman asphalt facility. And that was issued just a few days ago on October 26. When they issued that permit, they also included a 62 page notice of construction worksheet that includes a detailed response to all the comments filed on the draft permit. So right now, we're in a 30 day period for filing an appeal with the pollution control hearings board that that appeal period began running with the issuance of the permit on October 26. And I believe it ends on November 25. But don't quote me on that we need if you really want to find out the actual final date of that pill period, you'll need to ask Puget Sound clean air agency directly, but I think the 30 day period ends on November 25. And isn't that like the day after Thanksgiving or something? Yeah, well, it's yeah, it's Friday. So Friday the 25th. So anyway, but I'm here. We actually have the City actually has three listening sessions, this one hosted by Herc. And then we have one in person only on Monday at 430 in the hangar. And then we have another one and we'll be hybrid in person and zoom on Tuesday at seven. So if you're all done voting, and you know, you're not in suspense about what's going on with the election, come to the hangar on Tuesday at seven. Yeah, so I'm here. Listen, I'm not here to offer the city's position or try to really answer questions. I'm not an expert on this stuff. I've I have read the order of approval. And I've read most of the 62 page worksheet. But I'm really here to listen, take in your comments and your questions. And then I'm going to convey those to the city council and to our attorney. We have an expert attorney on this Dennis McLaren Cascadia Law Group. So he's helping us interpret all this and sort through this and figure out what our next steps should be. So

**Tracy** 46:56

thank you so much, Rob. Thank you for being here. Okay, and you were right on track. That was five minutes. So yeah. Jerry Pulut. Thank you so much for being here. Jerry. Thank you. When I first started speaking, but I know more people have popped on. So Jerry is the state representative for the 46 Legislative District which Kenmore is a part of for two more days, Jerry told me. And after that, we're going to be popping over to the first bit Jerry is still I know going to be a friend of Kenmore forever and ever. So we're happy to have you here. That's very

47:31

kind. Indeed. So this has been a very long hard journey. And I want to thank perc and the city of Kenmore Robin, particularly are fleeting, the staff and the Council for an incredible effort. We work together with the city to develop legislation to subject this plant which claimed to be grandfathered from all monitoring and emission controls. Because under the Clean Air Act, if it was an existing facility, decades ago, when it was passed, they didn't have to be brought into compliance until they renovated, added or added capacity or built a new plant. And for years. There was concerned that they had changed processes. They had renovated, but they were not being subjected to any of the new monitoring and emission controls. And of course, then there was the separate issue of nauseous, I say nauseous the legal term is noxious, but noxious odors. And the issue there included the Puget Sound clean air agency, asserting that state law didn't allow the city who had delegated been delegated odor enforcement from the agency didn't allow them to do odor enforcement where the complainant didn't have a property interest in where they were located. So as many of you who are on here now, frequently, you know the odors nauseated people on the Burke Gilman trail or all the way across town center or at LogMeIn Park and the agency set up. Now, no enforcement there. You don't own the property and you're not Alessi. So working with the city. I introduced legislation which the industry fought tooth and nail to say that we could do it the city could enforce investigating force odors and And we also had prior legislation where we tried to say that a facility such as cabins in a depression on the lake, with air inversions, had to be subject to the same pollution controls as other facilities. And that also didn't pass due to industry opposition. And then when we we negotiated a compromise to have a facilitated dialogue with a facilitator with the city at the table and its legal team, and experts at the table with the industry and the agency, the agency refused to participate and had the money returned, all of which go to say diligence pays off, because I think there was a lot of skepticism that we would have an order ever from this agency that recognize that the monitoring and emission controls do apply. And I am there is language in here that I hope you'll take one question from he can't ever, Rob, that it does seem to imply that the city would still have delegated odor enforcement. And I just want to make sure that that's true, because does have some odor enforcement provisions in here for anything beyond the boundary of the plant. And that would seem to include, of course, the Burke Gilman trail, etc. So in overall, I'm eager to hear what the analysis is of the controls, and especially for the Toxics and if the city doesn't need, have the ability to have its trained inspectors use their authority to come out if there is an odor issue.

**Tracy** 52:00

Thank you, Jerry. And that's a great question. Why don't I'm going to have David Morton speak for his five minutes. But I want to make sure we put a pin in that question so that we can bring it back up during our discussion and question period. And also, I see that people are putting things in a chat. That's great. If you have questions that you want to make sure that you don't forget, put them in the chat. And we'll circle back around to the chat to during the questions and comment, period. So again, thank you so much, Jerry, for being here. Don't let me forget about your question. I'll try not to have a sometimes when I'm facilitating things fly out of my brain. And now we have David Morton. So David Morton is a resident of red. Are you Redmond Are you unincorporated? unincorporated, unincorporated county, near Redmond. He lives near an asphalt plant. There's one in his backyard. And he has, so he knows what he has lived experience with that he knows what it's like and he has very, very generously donated. I don't even I don't think I could even add it up oodles and oodles of hours to our efforts in Kenmore to get the asphalt plant regulated. So thank you so much for being here, David. And you have five minutes to tell us everything you would like us to know. Okay, well.

53:21

Had I known earlier, I had five minutes, I would have prepared a talk that lasted exactly five minutes if you know me. Yeah, that's okay.

**Tracy** 53:29

We there's also going to be plenty of time for discussion questions, and we can get to all of your other knowledge during that time. Okay, I know you have more than five minutes worth of expertise and knowledge for us.

53:38

Well, and I have some some notes that I gathered here to gather but the main points that I want to make, I'll say first. So this order of approval looks good to me. It and grandfather's the asphalt plant. And as representative polet mentioned earlier, that's always been an unacceptable situation for Kenmore residents. And condition three requires that or simply states that the plant is now

54:17

under the

54:20

orders of the new source performance standards, it's interesting, they got their permit they've been grandfathered to was issued to them in April of 1973. And then just two months later, the new source performance standards came out by the EPA. So I'm pretty sure that there was some timing there to make sure that the plant would be grandfathered to that permit for the next 50 years, which is what happened.

**Tracy** 54:53

So the

54:55

plant gets unfollowed and grandfathered in from essentially nope Foreman standards to now modern performance standards that apply to new air pollution sources. It requires voc testing. So that's been something that a lot of folks have wanted. It also, let's see. And that's says that the plant must comply with conditions seven through 13, which also includes particulate matter opacity, voc, carbon monoxide and oxides of nitrogen. So assuming that the order of approval is not appealed, then they'll have to comply with all of those tests within 90 days of the issuance of the order, which As Rob mentioned, was October the 26th.

**Tracy** 55:54

And

55:57

for me, the most important thing is it prohibits the storage of cutback asphalt at the facility, which is condition number 20. You have to kind of translate condition 20 into plain English to know that that's what it says. Because it doesn't even use the phrase cutback asphalt. But to me, the most important thing is that the plant stops using cutback asphalt, which I allege they've been doing now, certainly since September of 2017, where there's actual evidence in an inspection report that is kept in the public record by psca. That shows the inspector Tom Hudson. On that day. They were having a conversation and mentioned three times that the 25,000 gallon asphalt cement tank actually contained medium pure cutback asphalt. However, it appears that psca has determined that the plant, as they put it in the present tense does not use cutback asphalt. So I'm not exactly sure when that statement was made. And it's probably true that at the particular moment, that they said that the plant was not using cutback asphalt, but I think there's plenty of evidence that they were using cutback asphalt. But now in cab man stance or their promises that they don't and they won't use cut back asphalt. So that's a good sign if we can believe their promise.

57:42

So

57:44

it's my opinion that the decision ought not to be appealed to the pollution control hearings board. And because appealing that decision, if you've been watching what's going on here for the last five years or so appealing that decision would only prolong the asphalt plants grandfathered status, I think that people would like for the grandfathering to go away. And if the the order of approval goes through without being appealed, then it's grandfathered status will be cancelled immediately. But if it is appealed, then they'll continue to be grandfathered. And they'll continue to operate with almost no performance standards. I see that my five minutes are now up. There's my timer. Go

**Tracy** 58:37

yourself timing, David. Yeah. So you want to wrap up with

58:45

I'm just going to wrap up by saying by allowing the issuance of this order of approval to proceed unopposed, the asphalt facility becomes subject now to those new source performance standards for hot mix asphalt facilities. That's a good thing. Okay, now, I'm done.

**Tracy** 59:05

David, thank you so much for being here. I know that you are probably going to be called on to speak a lot during the question and comment period. So I'm, I'm, I'm looking forward to hearing from you more. So those were the three people we had to make kind of prepared. We're off the cuff remarks. And now we're going to open it up for a community question and discussion period. I think we have enough people here that it would be probably easiest if people raise their hands to make sure that everybody gets a chance to speak. If you are familiar with Zoom, and then you don't mind using the technology, raise hand you can do that. If that's not comfortable for you, I can see everybody who's in this meeting. So if you raise your actual physical hand, I'll be able to see that and I'll keep track of when people are doing that. And then also I'll keep monitoring the chat too. So Is there anybody who would like to? Oh, Elizabeth, maybe it would be a good idea? Can you share your screen for just a moment? So we can you can we can see the questions that you had already kind of thought out that might help people formulate their own questions, or Jim. Here's here's comes Elizabeth. So when Elizabeth gets that, Save Changes window out, we'll be able to see the questions that have come in already. And they might be some that you have had, I just want everybody to have a chance to see them. And then we're going to turn this off again, so everybody can see themselves and then we can take take questions. Because we think a lot going on there. Maybe it well, well, well, is this getting that sorted out? I see that first. Vicki, put a comment in the chat. I'm gonna read that. And then Stacy, I see you have your hands up. So Vicki said, when psca declares a dangerous air delay, for example, during fire smoke days, they don't include industry like the asphalt plant? That's true, it seems unfair that a homeowner has to shut down their fireplace and the asphalt plant still operates. Yes, I agree with you. Vicki, that sounds like a comment

1:01:29

needs to come in. But it could be in the question would be what that with this new order change that would give us a bit of a place to complain about that.

**Tracy** 1:01:45

Jerry or David is

1:01:49

permitted it, if you read the responses to the comments, they're in the last 22 pages of the worksheet that's addressed. And it says that this order of approval, it's beyond the scope of this order of approval to require that the asphalt plant shut down during wildfire smoke days. So that's not going going to appear in the order of approval, as you know, it's not in the order of approval, and they're not going to put it in there. So that they say that they're not, they don't have the authority to do that. Anyway.

**Tracy** 1:02:26

So that sounds like a fight for another day for us. If that's something we wanted to take up in the community, okay, thank you. So I'm just gonna read very quickly through these questions, so you can all hear what they are. And then I'm going to ask Elizabeth to not share her screen. So we can all see each other again for the discussion. But some of the questions that had been generated beforehand are is CAD and getting ready to challenge the permit. What do we think the likelihood of that is? There are some concerns in the community about the affordable housing project that Kenmore has in the works the Plymouth Plymouth housing project, and what might happen if emissions start to get trapped by that building and how it might affect the people who are living in that community? Housing. If the order was issued on October 26, does Kevin have to comply as of October 26, with the order even if they want to challenge it? Oh, maybe David Morton, do you know the answer to that one real quick? Let's see. Issued 26. Yeah,

1:03:28

that is the official date of issuance of the order of approval. So it's my understanding,

1:03:34

let's see. Oh,

1:03:36

even if they want to challenge it. Right, right. Right. I assume that if they appeal the order of approval, then all bets are off on they're having to comply with any of the conditions of the order of approval. That's my understanding.

**Tracy** 1:03:52

But why would you say they must comply with them until they challenge it from October 26? Ah, you know that.

1:04:03

I would just have to say I don't know that does need to be explained by psca.

**Tracy** 1:04:08

It will bookmark that nation to figure it out. Okay, really

1:04:11

say what happens in the appeal period, if they have to comply or not.

**Tracy** 1:04:16

Okay. Stacy says effective 90 days after adopted. Thank you, Stacey. Okay. Elizabeth, I think can you close that out again so we can see people? I'm gonna take some people's questions from the audience here. Okay, Stacy, you have you had your hand up for a while, go ahead.

1:04:32

Mainly, what I wanted to say was that yes, I'm disappointed that some of these stipulations were crossed out on the worksheet. And I'm also disappointed that for retesting after the 90 days expire. They are supposed to do the testing. And we will get real true testing. And from that point, it was stated that they would get three years we were asking for two that they would have to test Again, they have extended that to five years. So those two things are disappointing. There's another disappointment. But let me stop there and say that I still want this past. And I am still happy that psca went to this extreme to listen to us. This is a huge win. But in other things that I'm disappointed with is I'm disappointed that Kenmore still has the inter local agreement. Because the problem that has happened, especially when the unhealthy fire era days, a couple of the neighbors complained to Kenmore and a couple of us complained directly to PSC a PSC a was only notified from the direct complaints, and the inspectors came out and found a problem. And they contacted us directly from the site. And it was, you know, more or less taken care of, and it's on record to date, because I asked them the Kenmore complaint did not come through. And even the person asked the Kenmore, where is my complaint hasn't been sent in, nobody contacted me. So that's a failure there. And so I think we need because Kenmore doesn't have the staff to you know, come over all the time, I think we need to say no to that interlocking agreement, and let psca send their own expense inspectors or an outside independent person. I think also we need to request that the city not appeal this, but instead send letters to PSC a saying that they do not want to perform, because they don't have the staff for the interlocal agreement. Also request that the asphalt emissions be banned during unhealthy AQ I days. And also demand that a stationary testing pole like the one down in Lake Forest Park, that apparently you can get all different kinds of readings, as well as the traffic and everything and how it's affected be located on 522 between 63rd and 67 or 68th, so that we could get true air quality testing here. And because these we I didn't know and I was asking, you know, where's the air testing what's going on? I didn't know how in detail that poll, that stationary air quality poll actually measures the degree of pm from traffic and everything. So that's what Kenmore needs, because a lot of our people are unhealthy. And there is a report that the city has about the asthma that I would like shared with us as well. Because it's hard to get off the psca site. And there's also the degree of nine out of 10 for cancers and Kenmore that are listed there. And this is what we have been saying, as long as I've been involved. And the people that live here in Kenmore have been saying at least since 2012 2013. And this is proof that there was a need. So this is really good. I do feel also, that we need to look in Kenmore, for the measures of the signs of compliance actions and results. I do feel that some of the staff does not have the degree of integrity that's needed to push through some of these things that the residents have as concerns. It's really important. And we need the council, the staff and all the residents to be able to be heard and implementation for the work and not using our terms against us. But no action. This is really important. And this causes nonparticipation from a lot of people because they get tired of having to come forward and nobody listening and nobody taking action. And this shouldn't have gone on for 15 years with no action. Just a lot of words. It's really sad. So that's all I have to say. Thank you.

**Tracy** 1:09:33

Yeah, thank you so much, Stacy. So just to kind of some of it sounds like you like the permit and also you see areas where we need to continue working to keep air healthy and KEMAR. I appreciate that and I think somebody is taking notes here so I think what I would love to do after this meeting is have kind of a compilation of everything that everybody is saying so that we you Stacy's taking notes.

1:09:55

I had one more thing to say I think the other thing that we should do is um As the city should request Cadman to also provide inhalers and air purifiers for all the people, especially in the path because they are suffering. And I think it would, it would, it would be a goodwill. And right now, I know that I don't know if anybody from Cadman is on here. But I know we've heard from them that they want to do some steps to with the city and with the residents. So I think that is another thing of inviting them maybe to the next zoom hybrid meeting, so that they can explain what they want to do to make amends, and show some good faith to the city.

**Tracy** 1:10:53

Thank you. Thank you so much, JC thank you for sharing all those good ideas. And as I said, I'm hoping we can get like a compilation of all these thoughts so that as a group, we don't lose any of them and can use them moving forward in our work. So Dakota has a Sandry. So I'm not going to read out what you have in the chat Dakota, because maybe you'll see it. So go ahead, Dakota. And Stacy, if you could lower your hand that would help me your your zoom pan that would help me. So I know if you're raising again that you really raised it again. Thank you. Go ahead. Yeah, go ahead. Dakota.

**Dakota** 1:11:22

Great. Well, what I said in the chat was just with regard to whether or not they will have to comply with the permit. If they appeal it, I think that kind of depends on the situation. But in some cases, what you have to do is you have to ask the board or a judge or wherever you're appealing to to issue a stay pending appeal. So that means please don't make us comply with this thing until we determine whether or not we will actually have to comply with this thing. So they might have to affirmatively do something, I don't know if just an appeal itself stops them from complying. But those two things might also go hand in hand. So details of the situation, the kind of thoughts and then direct question I had with this. I am very interested in the enforcement element of these things, these testing things. And I think going forward, I also do like this permit. I mean, I think Stacey summed it up well, and that it's a big win. It still has issues, but it's you know, it's taking this facility that had essentially a blank check to do whatever they wanted to actually have to do a lot. And if you don't like this Kota you're losing you want it out loud there. I know, can you hear me?

**Tracy** 1:12:45

Yes, now we can. Maybe backup five seconds and start there and move forward again.

**Dakota** 1:12:51

Actually, if someone else has a comment, I might be going underground here for like five minutes. So maybe they can

**Tracy** 1:12:56

do just raise your hand again when you're done Dakota with a tunnel or wherever you're going. That's good. Okay, Janet, go ahead, Janet.

1:13:06

Hi, I haven't been talking for a long time here, but I'm going to read what I've written. We also have to remember that this NOC gives what this NOC gives the

**Tracy** 1:13:28

wait a minute that okay, I'm gonna just read it.

1:13:40

My concerns continue to be the unfound source of the dioxins in the sediment. It doesn't sound like much that it much concerns the asphalt and cement plant, but it does. The about the dioxins in the sediment tested by Army Corps of Engineers at the marinas the federal navigation channel, this knot will be benefiting the property owner Cal Portland and the lessee Cadman. This knot will be allowing creating more tug and barge and aggregate traffic in a private birthing channel that should be tested and dredged as part of this knot. If there was any way we could have that happen, it would kill two birds with one stone. And that would be something that the city could do. I'm sure. So that's it. In my statement, the fact that we have some problems with knowing that there are dioxins to end that part of the berthing channel, and the amount of tugs and barges that go in now, or at least twice a day. And they actually leave the navigation channel and dry and go outside of it. Before they get to the birthing channel, because the Kenmore air has planes with wide wings spreads, wider wings spreads than they've ever had. So we're dealing with a much bigger issue than the knock and the ability that these companies will be given to us that private birthing channel. Yeah, I don't know how to fix this. I don't know how to make it part of the NOC. Because they are going to create a facility where they can increase it, where they can increase their production. And we're still going to be at and they'll be building things that will make a nice, bigger bowl out of Kenmore out of our typography.

**Tracy** 1:16:29

So

1:16:31

please help and please, if you don't know what I'm talking about, all walk with you down at the harbor village Marina from Harbor village Marina to Kenmore air, and you can see the size of that berthing channel. And the fact that no dioxins found is a very big problem. And we don't know where the source is. Yeah, the end completed testing that we were supposed to have never occurred.

**Tracy** 1:17:08

I hear you saying is that there's a the air quality issue and the emissions from the asphalt plant are part of a part of a larger issue that's going down, down. Yeah. And the water. Yeah. And you're seeing the whole of it. Yeah. There may be any way that we can attach the water and land issues with this air. issue. But

1:17:32

I am asking, I am asking Rob Carlin to Yes, to finally address this. Because we have a stake in it too. Yes, this noc. So yes, it might be fine for him. But it might not based on the amount of traffic we're going to be having coming in and out of that berthing channel. That is part of Kenmore.

**Tracy** 1:18:00

Yes, I as somebody who is very pulled toward seeing the hole and does not have a tendency to want to break things apart. I very much sympathize with that. I'm just saying, procedurally, we might not be able to, but I think it's very important that what you're seeing is heard, and that it'd be something that we continue working on as we move forward. Even if we can't address it in the NOC. That's That's all. But I very much appreciate that. You shared that because it's think you're sharing from the heart. And you're right, we need to address all of our health issues down there on the shore of Lake Washington.

1:18:31

Yes. And if that doesn't happen, that might be one of the things that we do later after this is approved. Yeah, that's what I'm understanding from others.

**Tracy** 1:18:43

Yeah. Thank you, Janet, so much. It's good to see you. It's been a while. Thank you. Yeah. Okay. So I'm going to there is a comment in the chat from First of all, Jerry wrote an appeal in and of itself does not normally suspend the permit after it takes effect. Okay. And then see, I'm gonna hope I say your name, right. See Koli. Yeah, hi. Hi. You said Is there a map or data site or air quality monitoring in our area and surrounding areas is how tech is now this should be transparent and publicly available? Then he's not really important. But yeah, no, it's good to know. Yeah. And then David Morton, put in the chat, Sierra now.gov. For EPA slash ecology, air quality map. That's the one I have used a lot in our wild smoke, wildfire smoke season. And then there's also there are a bunch of them air IQ uses, I think. And then there's purple air using individual monitors to kind of compile the air quality in an area. So there are a bunch what I found with them is that you can't rely on just one because they sometimes give drastically different measures of air quality. So what I have tended to do is look at a few of them and kind of make My own best judgment about what's going on in our air from looking at a bunch of them. But there are a bunch of maybe somebody else can put more of those resources in the chat. But that's a really good question. See equally and I appreciate that. Does anybody else have any information on that, that they'd like to share about monitoring in our area? Or air quality monitors? Or maps? Resources? No, okay. And then Dakota, you're back.

**Dakota** 1:20:34

I'm back. Can you hear me?

**Tracy** 1:20:36

I can hear you. Yes.

**Dakota** 1:20:37

Perfect. Okay, well, I'm actually really glad that Janet got to go before me, because that was kind of where I was getting to with enforcement mechanisms. And one thing I think would be helpful with the city moving forward with this facility. One question I've always had, when I kind of started working with you on this project is why is the city here? What is the city's relationship with this facility? Does it issue operating permits? Like, what is the relationship? And my apologies if that's been answered? And if folks here who are really, really invested in the health of Kenmore already know all that, but it might be helpful to have that really clearly outlined going forward? On what can the city do with this site? And just like, kind of knowing who we can rely on in the future, and I mean, even thinking about, I know, one discussion the city has been having is the funding of the climate action proposal. And the city like when looking at staff has proposed like an arborist, I think it'd be really interesting to have an ecologist, or someone who knows about the water near this site. And Cano could know how to, I don't know if we have testing authority, but look into that. There's someone who can, if the city has any sort of ability to monitor this site, or kind of keep a little bit of pressure on it. Someone who could easily do that. And then I guess my question, because absolutely, yeah, like, I think a really good way to keep on this site is water. But that's not what this particular permit is going about. This is about air, which is hard to monitor, but we're working on it. But I, I know, this site has had several non numerical violations. And I think maybe one or two numerical violations of its clean water permit. So I think we need to be keeping a close eye on that as well, for sure. Because it's not a good actor there. And it's really easy to get away with doing that, unfortunately, because all you do is you don't report and ecology is spread thin. And so they may not always pick up on it. And that's what this site has done. It has missed reports in the past. A lot of them actually. It's, I'd be happy to walk anyone through the pair system. It's really fun. You get to see how they like, report all their numbers and stuff like that and when they don't. But I guess my very direct question for now, and maybe this is David Morton. And I'll go through this too. I haven't had a chance to read the responses yet. But as someone who has made extensive comments very well on this project, and has kind of been hearing all of us make our comments. What was your feeling on PSE A's response to comments? Did you feel like they adequately responded? Or did they just kind of hand wave or somewhere in the middle?

1:23:22

It looks to me like there were several authors to those responses. Some of them appeared to be written by members of the Engineering Department and others, the compliance department. And those directors are John Dawson and Steve Van Slyke. So the John Dawson responses appeared to be very detailed and somewhat scientific. Whereas the responses from Steve Van Slyke pardon, the expression seemed to be that he was kind of covering their asses. So that way, there would not be any sort of embarrassing violation of well, specifically, the use of cutback asphalt and manufacturing a hot mix asphalt. So I'd say that the responses from John Dawson were vague enough that they didn't specifically say one way or the other whether they believed that CAD man was using cutback asphalt. Steve Van Slyke, on the other hand, categorically stated that CAD man and again in the present tense does not use cutback asphalt. For me, that's the main issue. But in in general, I'd say that they Did those those three things have an grandfathering requiring voc testing and prohibiting the storage of cutback asphalt? The impression I get that those are all very good things. They did spend a lot of time, the sort of, you know, saying we're not responsible for all these other things, like, for instance, shutting down the plant during a wildfire smoke events. Okay, great. Thank you.

**Tracy** 1:25:32

Cody is Was there more that you wanted to say?

**Dakota** 1:25:35

Nope, just thank you. I'm gonna go through and read those two, that's a it's another kind of hook is making sure that they adequately responded to your comments. So anyone that made a comment, go through and find your comment and see if they responded.

**Tracy** 1:25:48

Janet, you still have your hand up? Do would you like to say something else? Or is that from before?

1:25:56

From before, how do I take it down?

**Tracy** 1:25:58

If you go back to where you raised it? I think it's under reactions. You can just it'll say rate, lower hand, lower hand. Yeah. There you go. Yeah, of course. Robin

**Robin** 1:26:17

just just excited to see this process come through to at least a juncture and, and a really thank Jerry Paulette, for giving the history of this and Rob two of the 10 years. I've been watching this for 10 years, as well. So it's good to see. I do have a sort of a question for Rob and for the city of Kenmore in terms of articulating some of this work with just getting the attention of King County, public health King County to continue to monitor like I think Stacy mentioned asthma and other lung disease issues that might be occurring around and in the in the past lung disease exposures from this plant over the last 50 years, that it's been running. Just some concerns around wanting to continue to have a focus on some of the environmental justice potential around this chemicals gets kind of passed over for environmental justice issues. But as Stacey as articulated to me several times, there are some really vulnerable communities in the path. And and I'm hoping that I'm hopeful that this process begins an ability for Kenmore to kind of gear up a little bit, too, if it's an ecologist, but it's also just developing a really strong relationship with the health department to do some honest hard work in terms of disease epidemiology in the area. And I just wanted to turn back to Jerry palettes. Really valorous effort to try and get people who pass by because Kenmore is a place to visit, right? When we went down in the when we did stream first this time, there are people biking through on the Burke Gilman trail all the time. This is not unusual in, in our state, our people are moving and we are told to move for our health, we should be able to and have a right to be able to move through places that are safe and healthy to breathe. And so I highly encourage is represented pull out to kind of keep keep going on the on the on the way of trying to get maybe get the workgroup going again or or to have some have some new resolution about the rights of citizens to be able to breathe healthier wherever they go. In our state. Thank you.

**Tracy** 1:28:50

Robin, I know you put it in the comment, but would you like to make just a 32nd pitch for us participating in the comment period for ecology?

**Robin** 1:29:01

Oh, yeah, department. I just saw that it. Again, all of these things are always last minute is that this is how the community gets engaged. It takes a while for it to pass through and then suddenly it's gonna happen tomorrow. But this is due on November 9. An opportunity for people to comment on Department of Ecology kind of trying to decide which communities are overburdened by air pollution, I think especially because of the basin effects and the wildfire season. And this Frank refusal of the governor to shut down place places during wildfire season for industries to carry on smoking things out. I think Jim's background screen was quite fascinating there because that was during a wildfire day. Right, Jim that's, that's that's showing quite the irony, right of what we're trying to do to our children and our and our vulnerable people in our community on these better days. So I'm just hopeful that if people We'll want to go to that site and comment and come up with a sort of list of responses about why Kenmore should be identified. Kim was kind of in the middle. If you look at that map, it's sort of it's not. It's that what do we do with our teenagers? Right? The people that are just in the middle, they're not too old and too young. What do we do with them? And this is, this is where Kenmore is. And I think it just you've got a strong group here that could speak up for Campbell.

**Tracy** 1:30:27

Thank you, Robin. And for everyone, if you scroll just a teeny bit up in the chat, Robin, comments have in our green are a box next to them. And at 1147 He dropped something and that has the link that you can follow to make comments there. And then he also put in a story map, which I don't know what it is, but I love story maps, it's probably cool. Um, okay, so we've got about a minute before we were going to wrap up. Is there any anything anybody? Oh, Vicki has a comment. And then anybody else if you'd like to say anything, make a comment or ask a question, raise your hand or put it in the chat. I'm going to read Vicki's comment while I'm waiting for people to do that. But he says I've commented on the latin community in the trailer park next to City Hall, which is also in the plume of the asphalt plant. At City Council. I have commented Yep. Thank you, Vicki. Elizabeth,

**Elizabeth Mooney** 1:31:23

I see Richard is on or he was Richard. Yeah, he's still here. So. And this just speaks to the sort of environmental or the lack of environmental justice and how complicated and it weaves in what Janet's discussion had to do with ecology and dioxins, where, again, Jerry Polat helped us out with numerous people. And I know Yeah, the the agencies are burden they, these great inspectors probably don't get paid enough. But the corporation's are beating us unless we collect our voices together. And I really appreciate that the city's here, also, as well, as you know, all of you, this is what is going to take, I don't know exactly how to do it. But I feel very grateful that we've got two more meetings, just to get the questions together. And thank you, Rob, for helping us have another follow up on Monday, and Tuesday, so I hope all of you can come in person on Monday at 430 to the hangar, something that Stacey brought up with me was is that going to be big enough? If everybody shows up? You know, what do we do? That one's in person, but then on Tuesday at 7pm. It's virtual, it's a hybrid virtual or in person. So I'm just hoping too many people show up to the hangar, Rob. But it's the corporations and environmental justice. How does that work if we've got these big corporations with giant barges that are planning to keep coming in, and we still don't know where the source of dioxins are, but yet, we also have people now that are thriving for our economy and Kenmore with what's up and having people going out in the lake. So I'm just saying we don't want people getting poisoned in the air, the water board. And, and we need to work with all of these entities. So forming some committees in perc is one thing that I'm hoping we do, and so that we can have a broader reach. Thank you so much, Tracy, for running the meeting.

**Tracy** 1:33:47

Before we end, because that sounds a little bit like a wrap up. But before we end it, Janet, you put your hand back up, would you like to make another comment before I have been handed as best as she wants to do the final wrap? Go ahead.

1:34:03

I wanted to say that the draw that you're talking that the when the emissions are going to the north, there is a draw up through 68 goes clear from 64th. All the way across to the community, the left and community that I can't remember who it was was asking about that, Vicki. Yeah, and yes, and we really have I don't know if we will have after this has passed or not passed but accepted. The ability to find out what we're breathing. And that's always going to be the case with the water is what are we going to be putting our feet in or some Kenmore you've got to do it. You've got to bite the bullet.

**Tracy** 1:35:03

Yeah, we've got a lot of work ahead of us. So I'm Elizabeth,

**Elizabeth Mooney** 1:35:06

I do have one answer for Janome. Go ahead. And just in case there are people who really feel that they want to have an appeal, and they don't trust all these other things, there is a consultant, Ron say, who who has looked at this in the past, and that would require a lot of fundraising. But I'm not saying that that's what perc is doing. I'm just saying that we have more resources to reach out to with

**Tracy** 1:35:37

thank you for acknowledging that there could be differences of opinion, different views and opinions in the community, and that we're not here to close anyone off from doing what they feel like it's best. So I appreciate that. So we have one minute left, we're going to really try to end on time. So again, the opportunities to participate in these listening sessions go on. So Monday at 430. At the hangar in person, is that right Rob? And then Tuesday at seven in the hangar hybrid. So in person at the hangar or zoom. Also, counsel is going to have a study session on November 14. So there'll be a study session about the permit at Qmr. City council at six. And then there will be a 15 minutes allotted to comments during that study session. So that amounts to about five people commenting if each people take three minutes, but then there, there will also be the regular meeting will start at seven. And there will be regular public comments so that if there are more than five people who want to comment on this permit, they'll be able to comment during the regular comment period. And that's at city council at Kimora City Hall on Monday, the 14th. Go ahead,

1:36:48

Rob. Then there's also public comment this coming Monday. Yes. So you

**Tracy** 1:36:53

do not have to make your public comments at Council tied to the agenda. That's something I like to point out to people when you have something to say that or to say it when it's on your mind than to wait. And then I want to thank everyone for being here. Thank you so much for caring. I know, I personally spend a lot of time in my head being worried about what's going on in our world. And I can send myself down a real bad spiral, when I'm alone with my thoughts. But when I'm with all of you, my heart opens and I feel good. And like maybe we can get somewhere together. So thank you for being here. Thank you for caring. We're going to keep going together. We're going to collect all these thoughts that you've shared with us today in the comments in the questions and we're going to move them forward. We're not going to forget them. They're not just going to stay stagnant. We're going to move them forward together. Yes, Stacy, it's 15 minutes total, for the study session on the 14th three minute comment period, which means that they could fit in five people if everyone took three minutes. Okay, and so I think Janet, did you want to say one more real quick thing before I really don't know why.

1:37:59

I'm sorry. No, that's it. This meeting. Thank Oh, yeah. thanking everyone.

**Tracy** 1:38:05

Okay. And Elizabeth, I'll hand it over. Oh, so finally, I just want to put in a personal plug. If any of you are close to the Carkeek Park, go the chamar coming back to Piper's Creek this month, ghosts go see them. Anyway, and I'm going to hand it over to Elizabeth to wrap up.

**Elizabeth Mooney** 1:38:21

Thank you so much, everybody. I do want you to know that there's also a chance to educate the city council. And that is at Council coffee. So it's a much freer way of talking to council. Do you know exactly what time that is? Rob?

1:38:38

I think there's one this Monday. I'm not. If I'm not mistaken at like 730 in the morning. I could look that up really quick. But

**Tracy** 1:38:48

is that right, Stacy? Or is it eight to nine on Monday morning? I know there's a Monday at 730. Okay, go ahead. There's

1:38:58

one on Monday at 7:30am to 8:30am. And then the third Saturday is at 8am to 9am.

1:39:08

Okay, well, thanks, everybody.

**Tracy** 1:39:13

You wrap up, Elizabeth. You've been fine.

**Elizabeth Mooney** 1:39:15

I'm good. I just appreciate that. We were able to have this. Thank you so much for helping do a wonderful job of leading this meeting. Tracy. And thank you, Robin from joining from far away. And, David, thank you for reading all of this and advising is over all these years. And Rob, thank you so much for letting us as a nonprofit help lead more of the community participating in getting questions and if I can help get some of these notes together. Then I will try to work with Tracy. To get them out to groups. I'd I don't know one person here, I apologize, but I don't know Mary mellott or K back. And if you could put your emails into the chat, or tell me I mean, I'm glad you're here. I don't know why we are so lucky to have you. I met, I met Sarah over the Burke Museum the other day. So we've got some science from far and wide. So I think we're spreading but yeah, so as not to lose good people who made it onto this. I definitely want to get married and, and, you know, contact if you want to stay connected and keep you involved. Does that make sense?

**Tracy** 1:40:37

Yeah, drop your email in the chat for Elizabeth, if you need to drop off the call, you are releasing you, you are free to go, everybody and put your email in the chat for Elizabeth do that. I'm gonna go very soon, because I'm gonna go to Piper's Creek and see the salmon. So I'll probably drop off soon, too.

**Elizabeth Mooney** 1:40:54

Thank you so much, everybody exciting. I'll stay on. This goes till 1230 If you want to stay on. But you don't have to.

1:41:15

Okay, may I make a comment, Elizabeth?

**Elizabeth Mooney** 1:41:18

Absolutely. That'd be wonderful.

1:41:21

So I put a link in the chat. There were several questions about what happens during the 30 day appeal period. Has the order of approval already been goes go into effect? Or is it somehow suspended? So just for clarification, the order of approval has been issued, it is now in effect. Okay. So in case you're wondering, you know, when does this take effect? It took effect October the 26th. All right. So but now we're in that 30 Day appeal period. And from what I'm reading, let me see if I can get back to that. So if you click on that link, it should take you to page 38 of this. One of PSE A's regulations. And underneath section 3.17 appeals of orders. Subsection B, so the control officer may stay the effectiveness of an order during the pendency of such an appeal. So apparently, unless the control officer stays that effectiveness, the order of approval is already now effective. Okay. So if there are no appeals, then it will be considered that October 26 is the first day that's day zero, I should say, of the issuance of the order of approval. And so the the 30 day period for repealing and the 90 day deadline for complying with those conditions where they have to do the tests, including voc testing, that begins on October the 26th. However, the controller if there is an appeal, then the control officer may say, well, let's put a pause on the order of approval. And apparently, during that stayed or paused a condition of the order of approval, then I'm guessing, although it didn't specifically said or explained there, that the facility will not have to comply with the order of approval, if there is a stay of the effectiveness of the order. If however, there is an appeal, and the control officer does not stay the effectiveness of the order, then the order of approval is binding. Beginning Day Zero October 26. So anyone heard if there are any appeals it sounded like Dakota was in favor of appealing and is that. Is that true? You're

**Elizabeth Mooney** 1:44:35

I don't know of anybody that's appealing it at the moment.

1:44:39

Okay, well, you've recorded it right. So listen carefully to what the code has said. I think he said he was in favor of of appealing the order of approval. So did anyone else hear that? Okay, so I'm a little concerned that Dakota and his group may decide that they are going to appeal the order. If such an appeal is made by anyone, you know, cat man decoders group, whoever decides to appeal, then it's up to the control officer of the pollution control hearings board to decide whether or not to stay the effectiveness of the order. If he does not decide to stay the effectiveness of the order, then presumably they can hash out the appeal and decide whether, you know, they're going to even consider the appeal or, you know, accept the appeal or deny the appeal, whatever their choices are. Then if the effective date of the order was not stayed, then Cadman needs to have begun complying with the order of approval, starting October the 26th. So, I guess, when I, I hadn't looked it up until just now. But I saw that Jerry Polat had made a comment. Let's see, what did he say here in the chat?

1:46:30

I'll try to look with you.

1:46:34

Because he, he gave his impression of how appeals work, let's see. Can't find it.

**Elizabeth Mooney** 1:46:42

There's an appeal in and of itself does not normally suspend the permit after it takes effect. Is that okay? Right. Right.

1:46:53

And but in the case of Puget Sound, clean air Agency, and the pollution control hearings board, though, the control officer, whoever that is, has the authority to stay or suspend as rep palatte called it the effectiveness of the order. So no one knows, I don't know who the control officer is or what that person would have, they would handle, you know, dealing with an appeal. Would they would they stay it? Would they not? Apparently, it's totally up to the control officer.

**Elizabeth Mooney** 1:47:39

So, So, David, just to then, in your opinion, then it's in effect right now?

1:47:47

Yes, yes, that is my well. It's an opinion based on what I'm now you know, recently learning about this appeals process I prior to a few days ago, I wouldn't claim to be an expert on appeals to psca orders of approval. And see, it's all complicated by the fact that each plein air agency has their own set of rules. So for instance, we're looking at specifically the rules and regulations that were decided by this particular clean air agency, the Puget Sound, clean air agency. So Jerry palettes advice about normally what happens with appeals of this sort, that may apply to state issues. But the Puget Sound, clean air agency is independent of, you know, state rules and regulations. They bank their own rules and regulations. Now, there are rules that come down from the EPA, they have to abide by those. But for instance, how they deal with appeals of orders of approval apparently is, you know, pretty much up to each individual, clean air agency. And from if you follow that, that post that link that I put in the chat, then you can see the subsection B that says it's the control officer, and this was just decided by, you know, a group of five people just sitting around saying, Is there a motion to do this? Is there a second? You know, is they're doing it? All in favor say aye. And so they all agreed that this would be the rule. And now I yield to Stacey.

1:49:50

Thank you, David. I have a couple of things. One was Jerry Paulette commented in regards to that the PSC a A requested of EPA not to go through with the workgroup. So not necessarily does EPA have the word on on, you know what rules the psca will follow because they work in conjunction, and they also work with the pressures of state cities, county, a pushing them to pass certain things or not past certain things. So that's another issue. But I wanted to ask Elizabeth a couple things. One is, what is Park stand on this? And also, have you talked to anybody at Cadman?

**Elizabeth Mooney** 1:50:45

Park has no stance on it. Official or? I mean, I can tell you what my opinion is, but it's going to probably evolve in the next few days. Because I'm learning I haven't read the whole permit. I haven't seen like how it. I mean, David's explanation is what I'm relying on right now. And then, so perc does not have the funds to go forth. And, you know, appeal it anyway. So that's why I did reach out to Ron say, who to find out. You know, is he available if people do want to challenge it? What was the second question?

1:51:28

Have you spoke to anyone at Cadman?

**Elizabeth Mooney** 1:51:31

Oh, the last? Okay. So do you remember there was a woman named Christine McDonough? She was the so maybe it was a month ago. She left yet she left and so about a month ago, I found out that there was another woman. I think her name is Jana. So I called the number I left a message and Jana called me back now I had heard through the grapevine that I think Janet Hayes, I think you had maybe talked to Jana, but that was before I talked to her. So basically Jana called at the time, I was actually meeting with Robin on the history of PARCC issues and stuff and air air issues. So he was able to hear what she had to say with me. And I don't have it. I don't have my notes with me. But that's why I brought up the whole idea of who had to say, Jana, Jana, the woman that works. Now, I think it's Lehigh Hanson, though, isn't it? It's not even called admin. And it was just,

1:52:43

I didn't have a conversation with Robin about her No,

**Elizabeth Mooney** 1:52:47

no, no, no. After, after I. So sometime after I heard that there was this newer person that had replaced Christine McDonough, who was around and, and giving input to our citizens IE, I thought you I'm not even sure if that's the case. But I knew that Christie McDonough had dropped out. So then I thought, well, I didn't even know that. She was she had dropped out. And I was waiting for this permit to come through. So basically, she called me back I left a message she called me back and she gave her it was just a spiel about how they're doing everything right. You know, I mean, I don't believe what she says if that matters. But that's why I brought up the whole corporate stance, you know,

1:53:37

that's where Deborah Srebotnik got the advice, or is was able to continue saying that it is just steam. That's right.

**Elizabeth Mooney** 1:53:48

That's how it came up. Because Patrick had somehow he had called Patrick and called me and he had sent me the pictures. And then, you know, there was this preposterous notion that everything that comes out of the stack is just water that annoyed me. And I think I first called debris Remnick, and

1:54:08

that's still continuing. Well, so I, I call if you ever know I call that Jana, again. She does say it STEAM. No,

**Elizabeth Mooney** 1:54:19

I call. Yeah. But that is what I brought up with her now that I think what she says, so I said, you cannot tell people that is not right or fair that what's coming out that stack is just water vapor. So she wanted to make the point. I will try to find my notes. I asked Robin yesterday, if he could remember what he had heard her saying, because he was also you know, just jaw drop, you know, like, can you believe it? You know, yeah,

1:54:49

you know, I talked to Greg, you and Nick WinGuard just the other day about that. And he was on a show on PBS. It was good. It's called probe and contacts. There their two shows and they had someone speak on this was not regarding Kenmore, but it was on air pollution. And at somewhere near anyway, he said that it was asphalt emissions. And he had, they had talked this same thing that I'm getting mixed up. Anyway.

1:55:35

Greg,

1:55:38

Greg, corrected him because he was saying that the emissions was just steam. That happened in the first part, contact was the name of the the first show that was on there, half hour show each. And then Greg brought up the fact that they didn't test for all of these other particulates and VOCs. And the fellow that spoke for the company, went to PBS, and told them if they needed to remove that, or not had hear that comment would be allowed to stand. And PBS told them, sorry, we're not taking that out. Greg's comment. So it was kind of a huge, wonderful thing that happened, just regarding another community that has an asphalt emission problem, because of how they were saying the same thing. Steam.

1:56:50

May I? Yeah,

1:56:51

I'll find it for you. I wrote down the two names. I don't not sure about the contact. But the probe was the name. The next show. So to thanks, Jen, I'm gonna find them and send you guys links.

1:57:09

Yes, David. Amazing.

1:57:12

Okay, so these people that are saying it's just steam, they should be familiar with a P 42. The whole idea. One of the big ideas behind a p 42. Is that it lists all of the air pollutants that are emitted from the stack of an asphalt plant and all these other sources of air pollution that it talks about. And in there, there's if you've looked at the list, there's like 100 or so, you know, there's particulate matter, there's VOCs. pH is there's metals at all these various levels. You can't say that it's just steam because EPA s, AP 42. Just outlines they specify exactly how much of these other air pollutants are present in the emissions. And so anyone who just says, Well, you can what, round that off to zero and say it's just steam? No, you can't. It's steam plus all of this, these trace amounts that are exactly quantified in the AP 42. So show all of these knuckleheads, their own document, the AP 42 that they're supposed to be using to estimate these emissions. They estimate the emissions and then they try to say it's just steam. Well, that contradicts those two ideas contradict each other. So yes, but in general, it's mostly steam. Because there are, as you may know, two different clouds of emissions that you see. First, you see the steam that's coming off and the gravel that they're drying, that's usually a white cloud, that is mostly steam. But then, if you know on the particular day that you're watching, they're pumping in cutback asphalt, you see a different colored, almost, almost invisible, but still somehow visible. cloud coming out in the second round, where they're now mixing the asphalt cement, or cutback asphalt with this hot gravel in the pugmill mixer and see what this order of approval does not review as they like to say it does not review what happens in the pugmill mixer because the pugmill mixer or any parts of it were not replaced and was not part of the notice. of construction application that CAD man made. So when they're reviewing that notice of construction, they can't legally consider what's going on in the pugmill mixer. And that, in the case of a batch mix asphalt plant is where you're going to get all your voc emissions. But if you look and read all those replies to the comments, there's a common misconception that the only source of VOCs coming from an asphalt plant is unburned natural gas. Okay, so when they talk about Voc emissions, what they're really talking about is methane and ethane that's contained in natural gas. Well, when you burn it, it doesn't burn completely. So you get some extra methane and ethane, emitted from your, from your stack. And most of these people are involved in the clean air agency, they only think of VOCs as this unburned natural gas, they hardly even consider that VOCs are coming from the asphalt cement or from cutback asphalt, if they do refer to emissions from the cutback asphalt or asphalt cement. They only are talking about emissions from the storage tanks. Okay. And in this review of the notice of construction in the order of approval

2:01:33

when they do talk about emissions from the asphalt cement, the reason they're only looking at the contents of the asphalt cement tanks is because they replaced those condensers on those asphalt cement tanks. And from what I read and understood, had man initially objected why I demanded all we replaced was the condensers. Why are you now saying that? We you're considering you're reviewing not only the asphalt cement tank, but the contents of the asphalt cement tank? No fair. You know, you didn't say that you were going to do that. We thought you were going to just talk about you know whether or not our replacement of the condensers was okay or not. But then then when psca says no, we're actually going to consider the contents of the asphalt cement tank. Why are you so concerned about the contents should only be performance graded asphalt cement? What are you worried because you might be putting some cutback asphalt in there. And so therefore, we're going to prohibit storage of cutback asphalt in your asphalt cement tanks. So I'm glad that it turned out the way that it did. And incidentally, maybe some of you heard me say on one occasion, it it doesn't matter if I'm right or wrong about my allegation that Cadman was using cutback asphalt, either way, what it did was by talking about it over and over, it drew attention to that possibility. And that's why there's a condition prohibiting the storage of cutback asphalt in their asphalt cement tanks.

2:03:28

What's that? Again? It's part part of it was because we kept bugging them and bringing it to attention.

2:03:37

Yes, that's what I'm saying. Oh, okay. Yeah, not just me, but everybody else who chose to talk about that. Some people because of liability issues, didn't want to support that idea. But I have a couple of things. Stacey, that you brought up. And it looks like in your latest chat message there. You're saying something about the 90 days. And so yeah, it is within 90 days, not after 90 days have expired, but within 90 days of October the 26th they'll have to comply with I forget the numbers of the conditions, the ones that require them to test for vo C, particulate matter opacity, carbon monoxide and nitrogen oxides.

2:04:30

Great. David, I just want to say one thing. You have just found your next speech to make your next comment and it was awesome to educate what the steam is. Next, your next comment? Oh, believe? Oh,

2:04:48

yeah. What the What the one is

2:04:51

what you what you just stated about the AP footage and the live stream to educate. Oh, I see. Yes, yes, yes. Is your next speech? Oh, okay, comments for all right. Wonderful. Yes. Okay.

2:05:07

Now, Stacy, are you saying my next comment and I can more city council meeting or my next? Yeah, or my next comment at psca board of directors meeting all of it,

2:05:20

I think educated and help a lot. And you were so great in your comment right now. The passion. Unbelievable. Yes, I know, I'm passionate about the nose.

2:05:35

One more thing. One more thing regarding something that you mentioned, Stacy. So, although Cadman asked that they extend the frequency of conducting the tests to five years. Yeah, they asked that psca extended to five years. And as you know, several levels, were asking that they make it only 18 months. What psca decided to do was stick with their original decision to make it testing every three years. Okay. Okay. So I'm thinking, you know, that's good enough, you know, at least we stopped CAD men from getting their way of every five years. That's what they were asking for. But I

2:06:28

thought I saw it in the worksheet, the three years was crossed off, and it was changed to five. So that's why

2:06:35

well, you know, who crossed it off was CAD, man, oh, tag man's consultants. Okay. cross that out and replaced it with five years. So that was their ask their recommendation, their suggestion to psca. So all of that editing that you're talking about. And that was actually a different version of the worksheet where you're seeing all the edits that were made by Cadmus Consulting Group. Okay. I think it's Trident or something like consulting. And incidentally, one of the lead consultants has also now retired or moved on or whatever. So a lot of people that were involved in all of this when you became aware of them, they're not even there. Now. Brian Ramnagar is gone. And of course, Kevin, excuse me, Craig Kenworthy is gone. So things have changed. And if you ask me, John Dawson is on our side. Steve Van Slyke is not he's a snake in the grass. And he's pretty sure the guy who's who made this just blatant statement. God man does not use cutback asphalt. And, you know, the proof that he gave for it. The proof was, quote that tad man said, quote, we have not and do not, and will not be using cutback asphalt in quote, that's the proof for Steve Van Slyke making the statement that they don't use cut back asphalt. I'm thinking Hmm, well, what about your own public records? You know, the show the on September 11 2017, your own inspector was talking with your with CAD man's plant operator about the 25,000 gallon tank containing medium back asphalt. What about that, but apparently that has been considered hearsay evidence that apparently Tom Hudson must have misunderstood or made this up. Right. Because the question is, you know, why would Justin Bauer, the plant operator make such a statement? Well, he wouldn't, because it's not true. I'll tell you what the truth is. The truth is, we don't use cutback asphalt. And Donald Trump won the election in 2020. Believe us, right. Anyway, I'm done. Okay, go ahead. Stay. Right.

2:09:36

I think I already said perfect. Yeah. Unbelievable. That's all I wanted to make sure is that you know, to let you know that would be a great education moment with your passion to share with Deborah Srebotnik. Counsel, counsel with GSC AAA and with your city council as well, David because I don't think they realize what's in your asphalt plant near you either. Yeah, maybe the maybe they're getting down to that steam too. Well, anyone that talks to Cadman, that's what they say. Right? That's what the city states to. Because I know when I was first complaining about the stench up outside of town center, I was told by the employees of the city, oh, that's just steam. But you could smell it. What does it smell like? Because they couldn't smell it. And it was pretty interesting. But we've come such a long way. And thank you to everyone speaking up continually. Because if we let go and stopped on it, it would have been the same thing that happened that they would just sweep it under the rug. Oh, they're quiet for now. We don't have to do anything. So this this really helped a lot. And David, a lot of it because of your expertise and knowledge. We couldn't have done it this far. Without you. There's no way. So I agree. Oh, my goodness.

**Elizabeth Mooney** 2:11:14

Yeah. Yep. Thank you. Also, maybe the reason that they were able to say that it was not Cadman, that did the cut back. Is isn't that because what was the name of Nolde barn barn nets company that used to have the lease from Cal Portland?

2:11:35

from Cal Portland?

Yes. Thank you. Thanks. Bye, everybody. Have a great day. Thank you. Bye bye.