

US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
PUBLIC HEARING

Kyrene Del Pueblo Middle School
360 South Twelve Oaks Boulevard
Chandler, Arizona 85226

Wednesday, September 26, 2007
7:32 p.m.

Reported By: Peggy A. Smith, CSR, RPR
Certified Court Reporter No. 50726

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U.S. ENVIRONMENTAL PROTECTION AGENCY

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1 MS. WONG: We will start with the public hearing
2 process. So those of you who are in the back, if you could
3 please take a seat. Thank you. So we're ready. Okay.
4 Great.

5 So the next part of our public meeting and public
6 hearing process tonight is our formal public hearing and
7 Arlene today is our public hearing officer and she will
8 begin in a short while with the opening statement by EPA.
9 So at this time, we have a sheet where all of you who are
10 interested in signing up, what we will be doing is Arlene
11 will be reading your name on the list and I would ask you to
12 come up.

13 We will have our court reporter, Peggy Smith,
14 transcribe everything that you're saying to us tonight. So
15 please speak slowly into the mic here. Take your time and
16 please again state your name when you step up so that we
17 make sure we have your name down on the record.

18 If you do want to sign up and you haven't signed
19 up already to make a comment, John Moody over there --
20 please raise your hands -- he will be putting you on the
21 list. So please just flag him down and he will put you on
22 the list to make comments and just to remind you, we have
23 alternate opportunities for you to give us your public
24 comments outside of this meeting and we have another meeting
25 tomorrow at the Gila River Indian Community, District 4

1 Service Center. So we have a similar meeting and another
2 hearing from 6 to 9:00 p.m.

3 So you are all welcome to also attend that
4 meeting and give us your comments then and if you want to,
5 you can always e-mail, fax or call Cheryl Nelson with your
6 comments and we have a comment form that we gave out to you
7 when you entered the meeting today and if you need one
8 please flag me down and you just write onto that comment
9 form and mail it to us.

10 Again, the deadline for the comments is
11 October 9th. So looking forward to getting more comments
12 from you. So the EPA -- I just want to remind everyone --
13 will not be responding. So the process that we are taking
14 is we will hear from you. This is the purpose of the
15 hearing. We want to hear from you, the public and
16 community, about our intent to deny the Romic facility
17 permit. So we will unfortunately not be able to respond to
18 you. We will be responding later with a written response.

19 So without further delay, I would like to
20 introduce again Arlene Kabei, our public hearing officer.
21 She will be reading from an opening statement by EPA and we
22 will start the process, the formal process of the public
23 hearing.

24 MS. KABEI: Thank you, Pui Man, and before I open
25 the public meeting officially I did want to ask for your

1 indulgence a bit. For those of you that have never been to
2 a formal public hearing put on by the agency, it is a very,
3 very formal process and for that reason, I must read the
4 statements so that it is recorded into the record.

5 As part of that statement, there's going to be a
6 lot of repetition, a lot to what Cheryl has already spoken
7 to and some of the responses by Michael. So in that sense I
8 apologize in advance for the repetition, but that is part of
9 the formality here. So if you will indulge me with that, I
10 appreciate it. So by my clock, it is now 7:32 and this
11 public hearing is now open.

12 My name is Arlene Kabei and I am the Associate
13 Director of the Waste Management Division for the U.S.
14 Environmental Protection Agency in San Francisco,
15 California. I will be presiding over this public hearing.
16 The purpose of this hearing is to formally hear public
17 comment on EPA's intent to deny a hazardous waste permit for
18 the Romic Technologies Corporation Southwest facility
19 located at 6760 West Allison Street within the Gila River
20 Indian Community.

21 By way of background on this facility, the Romic
22 facility has been in existence since 1975 when it was
23 operated by Southwest Solvents. Romic purchased the
24 facility in 1988 and has operated since that time as a
25 hazardous waste storage and treatment facility that

1 primarily recycles solvent waste.

2 Federal regulations requiring a permit for
3 Romic's hazardous waste activities were promulgated in 1980,
4 well after the facility had begun its operations. In such
5 cases, facilities can acquire what we call interim status
6 which allows them to continue operations until EPA makes a
7 final permanent decision. Under interim status, facilities
8 must comply with extensive regulations designed to protect
9 human health and the environment.

10 Romic submitted a final permit application to EPA
11 in February of 2005 requesting a ten year permit to continue
12 to treat and store hazardous waste. EPA has reviewed
13 Romic's permit application. EPA is proposing now to deny
14 Romic's permit application because the application is
15 lacking a landowner's signature and certification as
16 required by regulation.

17 Owners, that is including landowners and
18 operators of hazardous waste facilities, are jointly
19 responsible for complying with the hazardous waste
20 regulations. Therefore, our regulations require that both
21 landowners as well as the operators sign and certify the
22 permit application. The Gila River Indian Community is the
23 landowner for the Romic facility. GRIC must also sign and
24 certify Romic's application in order for the application to
25 be considered complete.

1 Romic's final revised part B permanent
2 application submitted in February 2005 lacked a signature
3 from the GRIC as a landowner. EPA has had numerous formal
4 and informal discussions with Romic and representatives from
5 GRIC regarding the need for the landowner signature. On
6 June 20th, 2007, the GRIC Community Council unanimously
7 passed the resolution disapproving of Romic Environmental
8 Technology's Part B application, EPA application.

9 Because GRIC has voted to not sign Romic's permit
10 application as the landowner, EPA is proposing to deny the
11 permit application because it is incomplete. Because the
12 landowner signature for Romic's permit application has not
13 been provided, we are now authorized to initiate our permit
14 denial proceedings. Public notice of this hearing and of
15 the commencement of the public comment period for this
16 action was given on August 24, 2007 by EPA's publication in
17 the East Valley Tribune, Chandler Republic and the Casa
18 Grande Dispatch.

19 Also on September 4th, 2007, EPA mailed a Fact
20 Sheet to approximately 330 people on the Romic facility
21 mailing list, 700 copies to Gila River Indian Community
22 Department of Environmental Quality for distribution to
23 their membership and 300 copies to the City of Chandler for
24 distribution. The 45 day comment period for this decision
25 runs from August 24 until October 9, 2007.

1 The purpose of this portion of the hearing now is
2 to hear -- for us to listen to your comments and concerns.
3 And as has been emphasized many times already tonight, we
4 will not and cannot and should not comment in response to
5 your statements. Principally, that's because the Agency
6 decisions are made by a number of people in our organization
7 and we who are here tonight, even though we represent EPA,
8 are not the only ones authorized to commit the Agency's
9 decision to a final permit.

10 After the conclusion of the public comment
11 period, EPA will prepare a Response to Comments document
12 that will list all the comments that we have received and
13 our responses. That document will also include our final
14 permit decision. That document will also become part of the
15 administrative record.

16 EPA will also accept written comments beyond this
17 evening and these will be considered along with the
18 statements made at this hearing. You may hand in written
19 comments at this hearing on the form provided, if you prefer
20 not to speak. You may also submit your written comments to
21 EPA at the address listed on the Fact Sheet. Please submit
22 your comments to EPA by October 9, 2007 in order for them to
23 be fully considered.

24 The administrative record for the proposed permit
25 denial consists of the proposed Statement of Basis, a Fact

1 Sheet, a public notice, relevant public documents considered
2 in the preparation of the Statement of Basis, comments
3 received during the public comment period and the transcript
4 of testimony received and being recorded now at this public
5 hearing.

6 The complete administrative record will be
7 available at EPA's office in San Francisco. Copies of the
8 proposed decision and other documents are also available at
9 the GRIC Department of the Environmental Quality in Sacaton,
10 Arizona.

11 This brings to a conclusion my formal statements
12 and opening the minutes. So I want to make sure that
13 everyone that wants to make comments, will do so tonight.
14 So I'm going to turn that over to PuiMan.

15 MS. WONG: At this time, I will read from a list
16 of the sign-up sheet for those of you who have signed up to
17 make a comment. So as I read your name, please step up to
18 the podium and to the mic and again repeat your name and if
19 you have an organization that you are representing, please
20 state that and please speak slowly so that our court
21 reporter can record all your comments. So the first one we
22 have on the list is I invite Bradley Angel. Please step up
23 to the mic.

24 MR. ANGEL: Good evening. My name is Bradley
25 Angel and I'm the Executive Director of Greenaction for

1 Health and Environmental Justice. I'm speaking tonight and
2 Greenaction has been involved in this issue directly at the
3 request of Gila River Indian Community members, Greenaction
4 members, as well as Chandler and Phoenix residents, as well.

5 We're here to say that we applaud the decision of
6 the U.S. EPA and their Notice of Intent to Deny this permit.
7 This is not just the right thing to do. It is not just the
8 ethical thing to do, because it is both of those. It's not
9 just morally right. It's the law and it is long overdue.
10 It's the law as we have heard from the EPA that under
11 federal regulations of hazardous waste facilities, if the
12 landowner's signature is not on the permit application, the
13 permit must be denied. Period. End of discussion.

14 For many years, though, the problem has been for
15 so many years the landowner's signature was not on the
16 permit application. So it's about time EPA starts upholding
17 the laws of this country. It's about time. The facts as we
18 now know, and I think really the strongest congratulations
19 for protecting the community go not to the EPA, but to the
20 Gila River Indian Community Tribal government that voted on
21 June 20th unanimously to deny and refuse to sign this permit
22 application and also goes to tribal members who educated
23 other tribal members about this issue.

24 The reason that had to be done -- and this is
25 very important -- is because EPA failed miserably and it

1 wasn't just that EPA didn't do its job. EPA, in our
2 opinion, which is based not on, you know, thoughts or ideas
3 or hunches, but actually started when Greenaction did a
4 Freedom of Information Act request at the request of the
5 tribal leader at the Oo'dham Indian Community and we got
6 into EPA's old files on Romic, which proved that, in fact,
7 what we heard earlier from the EPA, which proves that EPA's
8 claim that all violations had been prosecuted simply wasn't
9 true and, in fact, it wasn't until tribal members,
10 particularly the Gila River Alliance for a Clean Environment
11 and Greenaction, started watch-dogging this that EPA had to
12 start prosecuting some violations.

13 The fact is these violations have gone on in this
14 facility for years, for decades, and I also want to make it
15 clear that this in no way disrespects any of the Romic
16 employees nor an attack on their integrity. I believe they
17 did as good a job as they could.

18 The fact is Romic as a corporation has a severe
19 problem with complying with the law and protecting the
20 environment and that's based on the facts from their
21 operation here at Gila River as well as their sister
22 facility in East Palo Alto, California, where we saw a
23 pattern and practice of reckless behavior.

24 So EPA has to take this action because federal
25 law requires. Now that the Tribal Council has acted, you

1 must turn down the permit. You must act because you have
2 trust responsibility to the Gila River Indian Community and
3 other native nations. You must act to deny the permit
4 because you are bound by the Executive Order on
5 Environmental Justice, but you not only have to deny the
6 permit. You have to do it sometime in our lifetime and
7 hopefully in the next few months, because if you wait a
8 week, sat back and waited for business as usual, we'll be
9 here in ten years waiting for you to actually reach your
10 final permit denial.

11 We are so concerned about this and that's why
12 some people said why are you going to the hearing tonight
13 since EPA is doing what people want? The reason is there is
14 zero trust. In fact, there is mistrust. For example, we
15 know for a fact from the Tribal Council member and a U.S.
16 EPA official, that U.S. EPA staff told at least one tribal
17 Council member, your own staff and other tribal members that
18 Romc was a well-run facility.

19 I actually had to invite an EPA staffer who's
20 responsible in part for this process to come to my office so
21 she could see EPA's own inspection reports and she was
22 shocked, and she was upset and when her bosses came to our
23 conference room, she asked them -- and I give her a lot of
24 credit: Why did I have to come to Greenaction to see our
25 agency's inspection reports that showed this was not a

1 well-run facility?

2 These inspection reports documented that for
3 years EPA ignored and did not bring to the level of an
4 actual violation, mixing of incompatible waste, storing of
5 incompatible waste, spills, leaks, et cetera. This went on
6 for years.

7 The inspection reports were not even shown at
8 least to this one Tribal Council member who was shocked.
9 Why didn't EPA show them to them? We actually demanded and
10 she did a formal request that EPA provide to her so she
11 could share with Council these inspection reports. That
12 began a process of education with more tribal members.

13 I also want to address the claim that -- a more
14 recent claim that all the violations have been processed.
15 Well, first of all, many people here were at the December
16 EPA meetings about the risk assessment and things didn't go
17 so well, because Romic had a big accident that sickened
18 dozens of people the week before.

19 At that meeting in Chandler, the Romic general
20 manager invited the public to come to their facility.
21 Tribal members actually took him up on that. That day, the
22 next day before the evening hearing at Gila River, we saw
23 violations that Romic admitted were violations. What's
24 outrageous is EPA staff inspectors were on-site at the same
25 time and they either didn't see it or ignored it.

1 I presented those pictures that night to EPA. I
2 submitted them in writing with copies of the photos. They
3 were never prosecuted, even though Romic's general manager
4 admitted some of these are violations and that was improper
5 storage of hazardous waste.

6 We also know that when Lori Thomas and I talked
7 to top ranking U.S. EPA asking what are the emissions from
8 Romic, the response was quote, unquote, "What emissions,"
9 claiming there were none, a bold-faced total lie. And I
10 bring this out not just to tell a story, but to demand that
11 once and for all, U.S. EPA start upholding the law,
12 upholding the trust responsibility and doing what you're
13 supposed to do in a timely fashion. Not next year, not the
14 year after that, not in 2020, but in 2007.

15 We want to see a prompt denial. We also demand
16 that U.S. EPA institute permanent denial based on Romic's
17 miserable track record and pattern of violations, both here
18 and as we know at the other facility. We also want to make
19 sure there's a proper cleanup. That includes not just
20 on-site testing, but offsite testing.

21 For example, we know and you know that the
22 December incident sickened dozens of workers at Lumber
23 Products. We know and you know that at least the fencing
24 between the facilities became contaminated. These were
25 testing plans for neighboring facilities. That's important

1 to protect other businesses, the Lone Butte Industrial Park
2 and the Gila River Indian Community. And so we want to see
3 prompt permit denial, new grounds for permit denial in terms
4 of violations that went on for decades, proper cleanup and
5 truthfulness.

6 Lastly, we do challenge Romic and I do so on the
7 record, and in case there's anybody else in this room or who
8 is going to hear about this from another company who might
9 have this crazy idea that you can ignore tribal sovereignty
10 and the wishes of the Gila River Indian Community and try to
11 reopen this facility, it's shut due to the work of the
12 community and the assertion of tribal sovereignty.

13 Clean Harbors thought -- the giant tox waste
14 harbor -- they thought they could actually fool us. They
15 told us, oh, we're not talking to -- we're not going to take
16 over this facility and then we found out they were actually
17 in some discussions and tribal members and Greenaction did
18 challenge Clean Harbors and they learned quickly and agreed
19 shortly thereafter to put in writing their agreement not to
20 pursue this facility. And there will be similar challenges
21 to any other polluter who thinks they can do the same, make
22 Gila River a dumping ground in the future.

23 We want to make sure and challenge Romic that if
24 there were any Romic employees, that those workers are taken
25 care of and they should not pay the price for Romic's

1 misbehavior, whether that's financial compensation, setting
2 them up with other jobs. They need to be taken care of. So
3 Romic needs to cleanup, pack up and move out and take care
4 of their workers.

5 And lastly, in closing, I just want to say tribal
6 members and Greenaction and others should never have had to
7 do this. We should never have had to dig into your files
8 and EPA's basement in San Francisco. We never should have
9 had to hear an EPA official say, "What emissions," when EPA
10 knew there were illegal levels of emissions. We never
11 should have had to hear from a Tribal Council member that
12 EPA told her that it was a well-run facility and EPA staff
13 who quickly learned it wasn't.

14 So I hope this is a lesson to EPA for the future
15 that your resources and time should be spent upholding the
16 law, not helping the polluter violate the law; protecting
17 the environment and not polluters, and again, deny this
18 permit, do it soon and Romic, pack up and move out.

19 (Applause.)

20 MS. WONG: At this time I would like to invite
21 Lori Riddle to the podium.

22 MS. THOMAS-RIDDLE: I hope you don't mind, but I
23 felt quite uncomfortable with my back toward the crowd,
24 today especially. My given name was Lori Thomas. I am the
25 granddaughter of Joseph and Agnes Thomas from District 5. I

1 have relatives in District 3, 4, 5 and 6. I am a descendent
2 of Antonio Azul, a direct descendent, and just like Cheryl,
3 I'm very proud to be O'odham.

4 In that respect I feel that we as O'odham deserve
5 to live in the health, peace, harmony, just as the way our
6 ancestors had intended for us. My grandfather always said:
7 I think of your future and I want you to be safe and
8 healthy. That's why I think of these things that I can do
9 for you while I'm still alive.

10 Now, in regard to my public comment, some people
11 have accused me of being a vindictive person because of my
12 chemical exposure. Some people have accused me of being on
13 some kind of power trip. That's not the case. I actually
14 care about my people. I care about my child. I care about
15 her children. I care that I saw my child from birth -- she
16 was exposed as I was carrying her in my body, and when I saw
17 her growing up with the health problems that she did that
18 should have never been exposed to, that impacted me. That
19 strengthened me.

20 I also think about -- we just talked to Pasco who
21 had passed away not too long ago and his words were: The
22 industrial park was never put out there to be like this to
23 our people. It was put out there to provide jobs for our
24 people, but yet we only have like less -- maybe even that,
25 10 percent of our people working in there. I think about

1 the people that I have made friends with in Chandler and
2 Ahwatukee, these people who have supported me and encouraged
3 me and heard me cry, because of the imminent danger of
4 cancer clusters and physical deformities and miscarriages,
5 you know, and that impacts how hard I work on these
6 projects.

7 And good for you, if you work in the industrial
8 park in Gila River and you haven't had no health problems,
9 good for you. You're one of the lucky ones. My family and
10 I haven't. Some families are unfortunate, you know. Some
11 people are more susceptible to illnesses and so I can't
12 believe that this Council meeting keeps coming back to my
13 mind, what Cheryl was talking about when they did a report
14 to our Council. And to me, it was like spewing lies to the
15 leaders in our community, telling them this is a well-run
16 facility when in actuality they're doing violations over and
17 over and over and it's like a bad child. You just can't get
18 them to behave.

19 How long does it go on before you actually punish
20 them for what is -- you know, and even then, the fines cover
21 a two or three year period and that was just basically a
22 slap on the wrist. I see companies outside of the
23 reservation that get fines for half a billion dollars, you
24 know, but I don't know. Maybe I'm just crying racist and
25 it's not right, but if the shoe was on the other foot,

1 they'd be crying racist, you know.

2 So it really irks me about the misrepresentation
3 of this company, you know. I feel for you guys. I mean,
4 you guys deserve jobs. Money isn't everything, though. I
5 can remember a lot of times when I did have a full-time job
6 and I'd throw half of my paycheck immediately into the work
7 that I was doing for people I don't know yet, for people who
8 don't even realize I'm helping them in their communities.

9 Shutting down that waste incinerator, that helped
10 a lot of people. At least we're not breathing dioxin, which
11 was the number one cancer carcinogen today. And with the
12 Romic fining them if they're legitimate, I mean, where's the
13 miscommunication? Where's the breakdown in communication,
14 you know? I can't understand and I can't go to explain this
15 to my children or my future. I can't explain this.

16 So, I mean, we need to start somewhere and I
17 think the grass roots people have spoken. The leaders have
18 finally taken notice and I think that they're finally
19 realizing that, yeah, there isn't a lot of information that
20 was actually shared with us and if they're finally realizing
21 that we didn't know what questions to ask specifically, but
22 they were just going by the reports they were given.
23 They're a good company. Keep them in your neighborhood.
24 They're doing a great job. You guys are doing a good job.

25 So, you know, I have so much more to say, but I'm

1 going to give other people opportunities to speak their mind
2 because all I've done is talk and I hope those people one
3 day realize how I'm on their side. Maybe they'll one day
4 realize that they should have been supporting me, you know,
5 and I hope for you the best of health, your family, and you
6 know, people hate me and the majority of you guys know that
7 I have had a death threat recently, but it makes me
8 stronger. And more -- it makes me want to fight more harder
9 because it just proves that there's something to what I'm
10 fighting for.

11 Somebody's intimidated by me and I'm not even
12 trying to intimidate anybody. So I have strength in me and
13 if there is something that's going to strike me down
14 tomorrow, next year, whenever, I'm ready. At least I can
15 leave this earth knowing that I did the best that I could
16 while I was breathing on this earth. Thank you.

17 (Applause).

18 MS. WONG: I would like to invite E.R. Connell to
19 speak to the mic and state your comment and if you could,
20 also just state your name again and what organization you're
21 representing.

22 MR. CONNELL: Okay. Like Lori, I would like to
23 just face the crowd. My name is E.R. Connell. I go by my
24 initials. I'm not a senior Romic official myself, but I
25 just wanted to briefly reply to some of the comments that

1 were made earlier this evening very plainly, briefly,
2 succinctly regarding Romic's plans, the closure plan.

3 Romic is focused on shipping off the waste we
4 received through early August. We have since stopped
5 receiving any hazardous waste on the facility. The company
6 is currently exploring different options and will continue
7 to work cooperatively with the industrial park as well as
8 the Gila River Indian Community to determine the future of
9 the site. That currently has not been determined.

10 Regarding the September 12 incident, briefly
11 stated, the incident itself was brief. It was a minor fire
12 that occurred within and was contained within a 16-gallon
13 plastic drum. Romic's internal emergency response team,
14 highly trained individuals, quickly and appropriately
15 reacted using strategically positioned portable fire
16 extinguishers.

17 The emergency response team was easily able to
18 fully extinguish the contained fire within less than two
19 minutes. There were no injuries and no harm to the
20 community. The accident is still under investigation and a
21 subsequent report will be following to the appropriate
22 agencies, including Lone Butte Industrial Compliance, the
23 EPA and the DEQ. Basically, that's all I have to say.
24 Thank you for your time.

25 MS. WONG: At this time I would like to invite

1 Teri Johnson to the mic and please state your name and what
2 organization you are representing, ma'am.

3 MS. JOHNSON: My name is Teri Johnson. I'm
4 representing Greenaction and Children for a Safe
5 Environment. The first thing I want to say is
6 congratulations to Gila River for standing up and doing
7 what's right for your community and now maybe other
8 reservations will realize that they can do the same thing.
9 I have a hard time congratulating the EPA, but I will say
10 doesn't it feel good to do the right thing for a change.

11 I came from a community in West Phoenix where
12 children have died because of TCE-contaminated wells and
13 that was 20 years ago when 33 kids in our neighborhood died.
14 We are still waiting for a clean-up. The money that was
15 given to our City Council used the money to buy park benches
16 and plant flowers and paint some playground equipment and
17 the children are still dying.

18 In the meantime, all the homes have been
19 red-lined. So if you try to sell your home you have to tell
20 them you're moving in on top of a hazardous waste site or a
21 Superfund site. So I'm sorry that you lost your job. We
22 lost our children in Maryvale and I lost my 16 year old
23 daughter and so I'm going to keep on doing this until my
24 last breath is gone.

25 (Applause).

1 MS. WONG: I would like to invite Teri Lynne
2 Kisto to the mic and please state your name and the
3 organization that you are representing.

4 MS. KISTO: My name is Teri Lynne Kisto and I'm
5 representing Romic. Good evening. My name is Teri Lynne
6 Kisto. I too am a proud community member of the Gila River
7 Indian Community, District 3, and also an employee of Romic.
8 Romic would like to thank you for the opportunity to present
9 these comments tonight.

10 There have been a lot of negative comments made
11 about Romic in the recent months and Romic has remained
12 silent throughout this time. The company believed it was
13 being respectful, but as a result of the company's silence,
14 the people who make up Romic were feeling let down and
15 unfairly portrayed. This is why the company has asked me to
16 get up and make these comments today.

17 First, a bit of history. Romic was invited by
18 the community to take over the Southwest Solvent site in
19 1988. Southwest Solvent failed, leaving the community with
20 an accumulation of waste and a contaminated site. Romic
21 accepted the community's invitation and from 1988 to 1993,
22 worked closely with the community and U.S. EPA to clean up
23 the site.

24 This work was done at Romic's expense, including
25 properly shipping off the waste in inventory, removal of

1 contaminated soil, installation of a synthetic liner to
2 prevent future migration of contaminants to ground water and
3 the placement of clean soil above the liner. Romic
4 constructed concrete contaminant structures above the clean
5 fill and then built a modern liquid recycling facility. The
6 total cost to Romic was about two and-a-half million
7 dollars, but it was an investment in the future. Romic made
8 the investment under the belief that the community would
9 back its application for a U.S. EPA hazardous waste facility
10 permit.

11 Since building their new facility, Romic built a
12 successful, responsible business generating over \$15 million
13 in annual revenue and providing valuable services to the
14 community and the State of Arizona. Romic is proud of its
15 record as the only environmentally friendly recycler in
16 Arizona for materials such as solvents and antifreeze.

17 Romic has also provided services to the community
18 such as household hazardous waste collection dates in
19 Sacaton and waste management and emergency response
20 services. Romic has been operating for 19 years with a good
21 overall history.

22 In reference to the recent incident that occurred
23 April 5th, that incident did not and could not have harmed
24 anyone in the community. However, Romic took this incident
25 very seriously and took strong internal action. U.S. EPA,

1 as well, took strong action resulting in a settlement with
2 Romic where Romic agreed to pay \$77,000 to clean up illegal
3 dump sites in the Gila River Indian Community.

4 Romic was on track to get its permit application
5 for the site approval by U.S. EPA. Romic went through the
6 extraordinary efforts to ensure its permit application was
7 sound and complete going above and beyond normal
8 requirements. For example, Romic contracted with an
9 independent scientific consultant to conduct a risk
10 assessment of the facility operations, something that is not
11 normally done in a facility such as ours.

12 Romic incurred substantial additional expenses to
13 complete this permit application, but again, it was seen as
14 an investment. The vote in June by the Council to deny the
15 landowner's signature on Romic's permit application has
16 caused the U.S. EPA to deny the permit. While Romic
17 disagrees with this decision, the company respects the
18 community's wishes. Romic will work cooperatively with the
19 Lone Butte Industrial Park and community leaders to explore
20 options for the site.

21 Romic wishes to thank its many conscientious and
22 loyal employees, including several community members. Their
23 efforts were the reason for our success. It is unfortunate
24 that at this time we cannot continue to provide gainful
25 employment for them and their families. Going forward as

1 always, Romic remains committed to doing the right thing and
2 will continue to meet its obligations. Thank you.

3 (Applause).

4 MS. WONG: At this time I would like to invite
5 Bill Dixon to the mic and please state your name and any
6 affiliation or organization.

7 MR. DIXON: My name is Bill Dixon and I work for
8 Romic Environmental. I had the privilege to be there prior
9 to Romic coming in and taking over Southwest Solvents. I
10 got to see the plant work done to prepare the whole thing.
11 It was quite extensive and when Romic took over, they
12 trained the personnel, all its employees on various things
13 and every year we got refresher courses on all the items
14 that was required of us to operate safely and they gave us
15 yearly physicals to maintain the value, the level of health
16 that we keep.

17 This has been done -- I've been working there for
18 19 years. By the time it's all said and done, it will be 19
19 years and a little bit more. I had hoped to retire there,
20 but it doesn't seem like I'm going to do that, but that's
21 besides the point. Irregardless of what anybody says, I
22 have seen EPA come into this facility there and they have
23 gone through what I thought was knitpicking to -- when they
24 do their inspections. The DEQ came on board. They started.
25 They were always there, every time I pulled in there --

1 because I was the driver. I pulled in there and somebody
2 would be there. Sometimes they'd question me. Sometimes
3 they won't. But irregardless, there was always somebody
4 roaming around in there checking.

5 Yes, there were incidents, incidents that
6 occurred in this facility, but because of the training that
7 was given to the employees, they were able to maintain
8 control and contain it and know how to react and respond to
9 that emergency.

10 And so yes, I'm a member of the Gila River Indian
11 Community. I come from District 3 right now. And sad to
12 say, I don't know. I have no idea how long I'm going to
13 live. People die. The war has killed a lot of people. I
14 may live another ten years. I may not live till tomorrow.
15 Who knows. There's accidents. There's shootings. There's
16 killings, but in what I saw what Romic did, tried to do was
17 its best and what it gave to its employees. So with that, I
18 thank you all.

19 (Applause).

20 MS. WONG: I would like to invite Mike P. Harris
21 to the mic and please state any organizations you are
22 representing.

23 MR. HARRIS: My name is Mike P. Harris. I've
24 been fortunate enough to be retired for several years. I'm
25 here basically representing the general public. While this

1 hearing is predominantly a formality based on Gila River
2 Indian Community's decision not to sign as a landowner, I
3 wish to make several points.

4 First and foremost, Romic cleaned up the facility
5 when they moved in. That facility is cleaner now than when
6 Romic got there. Okay. Everybody should be very clear of
7 that fact. It is cleaner now than when Romic got there.
8 Gila River Indian Community within the lease agreed to sign
9 as a landowner. Okay.

10 Now EPA has no choice but to deny the permit
11 based on the refusal to sign and that's Gila River's
12 prerogative, but Gila River should realize they're under a
13 huge business liability. Okay. It's going to cost them
14 money. That may be their choice, okay, but they signed that
15 lease saying they would sign as landlord. So they are in
16 default of their own lease agreement.

17 Please note, Romic's a major recycling facility.
18 Its closure is going to end up as a net detriment to the
19 environment and our natural resources. It is a shame a
20 vocal minority has once again succeeded in raising false
21 allegations and hysteria, to close a wonderful facility
22 which was saving our precious natural resources through
23 recycling and hence serving as a net protector of our
24 environment. It should also be noted that the facility was
25 built state of the art. They went well beyond the

1 regulations on what was mentioned. They put liners
2 underneath the containment areas.

3 I'm not sure where it's going to go. The lease
4 does extend for a while longer, but I would encourage the
5 facility to keep operating. Now, it can't operate with
6 hazardous waste, but they can continue to recycle under
7 their lease.

8 Another fact that should be noted is that the
9 closure of Romic has not solved any of the problems other
10 than to move it somewhere else. That waste is now going to
11 be shipped to another facility which is not as good as
12 Romic. That should be very clear to people. All you're
13 doing is moving a problem instead, at least what you
14 consider a problem. It's going to go to another facility
15 that is not as good as Romic.

16 Lastly, I'd like to thank EPA for performing
17 admirably in a very difficult public arena and encourage
18 them through education in regards to relative hazards to the
19 public that they are exposed to, including those in their
20 own homes. I wish to succinctly express my thanks to
21 Patrick Wilson, a great and well-spoken educator,
22 toxicologist for his efforts in this regard at the
23 December 12 public meeting. Thank you.

24 (Applause).

25 MS. WONG: I would like to invite Alan Rybarchyk

1 to the mic and please state any organization that you are
2 representing and your name again.

3 MR. RYBARCHYK: My name is Alan A-L-A-N
4 Rybarchyk, R-Y-B-A-R-C-H-Y-K. In Bohemian it means little
5 fisherman. My Ojibwa name is Sleeping Bear, spelled
6 B-A-R-E. (Laughing).

7 At our first public meeting there was a lot of
8 criticism about the inadequate notice and insufficient
9 facility. I'm glad, Cheryl, that those shortcomings have
10 been corrected. This is a lovely facility and we have
11 plenty of notice and that was a well-prepared brochure.
12 Thank you for that.

13 Romic Environmental Health and Safety Specialist,
14 Mr. E.R. Connell is right. Facilities like Romic are
15 necessary. So is oversight. Both companies like Romic and
16 the EPA need to raise the bar more than one notch to assure
17 that such facilities do, in fact, protect both human health
18 and the environment as necessary and only right.

19 I wish to thank the Gila River Community for
20 stepping up to the plate and unanimously voting to not sign
21 the permit application. I also want to go on record that
22 the EPA 9th Region has the most beautiful, personable and
23 professional ladies, including our court reporter. I would
24 also like to thank Officer McIlvene in the rear, one of
25 Chandler's finest, for protecting and serving our community.

1 Thank you very much.

2 (Applause).

3 MS. WONG: I would like to invite Delores
4 Martinez to the mic and please again state any organization
5 you are representing and your name again.

6 MS. MARTINEZ: Good evening and thank you for
7 allowing me to share my thoughts with the community here. I
8 want to thank every one of you that came to share their
9 support of this Gila River Alliance for a Clean Environment
10 and all the other groups, families and relatives of victims
11 of contamination in our community. I made a few notes
12 because it's kind of hard for me to concentrate with so much
13 going on and so much misinformation being perpetrated by
14 obviously well-meaning employees of Romic.

15 Although the EPA has complied with documentation
16 denial of the permit, they musn't allow agencies ever to
17 enable toxic waste perpetrators to continue to contaminate
18 our community. So although you all did the right thing
19 finally in denying the permit, I don't even see why there
20 should be any continued discussion about this issue.

21 And then I wanted to make a comment on the fines
22 disbursal. You said that the fines that were brought in
23 from Romic's violations, that they were disbursed for
24 emergency equipment. Emergency equipment for what? For
25 future hazardous waste catastrophes? Why would you need

1 more emergency equipment? You know, the tribes bring in a
2 lot of revenue from the casinos. They're perfectly able to
3 handle that themselves. I think that the fines should be
4 committed to the local -- the local community that lives
5 there, the many families that live there. They might not be
6 in District 2 or 3 or where all the other employees might
7 live, but the actual families that live there.

8 I happen to know them personally. Children play
9 in those areas, you know, and they might dump some topsoil
10 over the contamination like they did with Aerodyne, in the
11 Aerodyne era, and might think that they had covered up the
12 contamination, but eventually it rubs away, especially with
13 the casino being brought up over there at that particular
14 site there. So I think that's something to look at.

15 Above all else, I don't think that liability
16 would be the first and foremost concern for anybody, whether
17 it's Romic or EPA. My goodness, you guys have liability
18 issues here. Romic likes to state that oh, we signed a
19 permit and so the tribe is responsible to them for, you
20 know, ending the permit's time. Well, you know what? That
21 was probably contingent upon complying with the law.

22 Had Romic been in compliance with their own
23 guidelines and with their own laws of the EPA and federal
24 government, perhaps you guys would still be there. Perhaps
25 you need to look for some other employment. You guys do

1 seem like loyal employees. I'm sure there's another
2 corporation somewhere that would love to have you.

3 Finally, the fact that when I asked EPA for the
4 responsible oversight agency that would govern over the
5 regional EPA, unfortunately nobody can provide it to me.
6 You guys don't even have it. Standard operating procedure,
7 you should always know who your higher-ups are. What if
8 there's something that you can't handle? Why not just call
9 your supervisors, you know, the administration. You haven't
10 even been able to provide it to me.

11 As graciously as you came up to me and let me
12 know, gee, I don't have it just yet, why don't you? You
13 don't know who your supervisors are? I don't understand
14 that. That's just standard operating procedure and just
15 overall, just watch your backs. There's liability here. I
16 think it's unfortunate that many of the community members
17 have had to endure threats upon their lives, endure
18 financial hardships, sacrifice time from their employment
19 and forget that. What about the families that have had to
20 sacrifice a level, a standard of living, a standard of
21 living, you know.

22 I mean, I've gone to homes in the community and
23 it hurts me to say this, but sometimes I'm afraid to wash my
24 hands there. When I turn that water faucet on, to think
25 that the water is the most sacred element that we rely upon

1 to survive on this planet, regardless of race, regardless of
2 status, regardless of economics -- that you want to think
3 that it's okay for your company to contaminate the essence
4 of life on this planet is unforgivable. And I hope that
5 tonight that you will have listened to Lori and all the
6 folks that support Gila River Alliance for a Clean
7 Environment.

8 In our presence is someone so amazing in her
9 dedication and her humble manner, in her commitment and her
10 sacrifice to all of us, each and every one of us, that
11 I'm -- I can't find the words to say that I'm honored to be
12 in her presence and in the presence of Mr. Angel and all the
13 folks from Greenaction and all the folks that hear our
14 struggle on behalf of the environment, for all of you, even
15 those of you that are employed by Romic. You may not even
16 realize it yet.

17 So I thank you for allowing me to share these
18 thoughts on these issues and we will continue to struggle
19 with or without some of you. Hopefully with you. We will
20 think more highly of you when you finally do come around.
21 Thank you very much.

22 (Applause).

23 MS. WONG: I would like to invite David Van Druff
24 to the mic and please state any organizations you are
25 representing.

1 MR. VAN DRUFF: Good evening. My name is David
2 Van Druff. I'm representing myself, but I'm also a member
3 of the Gila River Alliance for a Clean Environment. I am,
4 despite the last name, a member of the Gila River Indian
5 Community and I live on the same street that Romic does.
6 And it's true, all the things that they've been saying about
7 the toxic waste and the lack of action from government
8 entities both within and without the BIA, even our own
9 tribal leadership, so-called tribal leadership.

10 I work in the education field so I know what I'm
11 talking about. I've worked in public school systems,
12 private school systems, BIA school systems, and I've seen
13 the high end and the low end of it and what you're
14 witnessing here tonight is historic because the Gila River
15 Indian Community has never done this before. They've never
16 stood up on their own two feet and said no, that is our
17 land. I hate to put it that way, but we have made a
18 decision of what we're going to do with our lands. That's
19 very important in this issue called sovereignty of which
20 many, many people have a lot of misconceptions and they
21 don't fully understand yet.

22 I want to thank Lori for her hard work. I've
23 known her for many, many years and have been through a lot
24 of these different types of meetings. I want to thank
25 Mr. Angel for taking his time to come out here. I want to

1 thank the organizations and the people that are involved
2 with the organizations from all levels, because you are the
3 ones that made the difference.

4 The Tribal Council and Governor, basically I
5 don't believe -- they became educated, but it was because of
6 you, because of what you did, because you were pulling on
7 their coat tails or pulling on their ears, saying look,
8 listen, the people are speaking. One last thing, there's a
9 game that's been played for quite a long time in Indian
10 country and it's called ignore it and hope it goes away.
11 Well, this time it hasn't gone away. Thank you very much.

12 (Applause.)

13 MS. WONG: I would like to invite Wind River
14 Joaquim to the mic. Please state your name and your
15 position again. So we have both.

16 WIND RIVER JOAQUIM: Hi. My name is Wind River
17 Joaquim. I am Tohono Akimel O'odham and I represent the
18 Gila River Alliance for a Clean Environment and I just want
19 to say I'm against the people who want to keep Romic here.
20 Romic's waste is putting my people and my homeland in danger
21 and Romic doesn't belong here and I don't want it on my land
22 and I think they need to deny the permit.

23 (Applause).

24 PEYOTE DAWN JOAQUIM: Good evening. My name is
25 Peyote Dawn Joaquim. I'm Tohono Akimel O'odham residing on

1 the Gila River Indian Community only about a half a mile
2 from the Romic facility. I want to voice my opinion
3 representing Gila River Alliance for a Clean Environment.
4 It's clear that Romic is not wanted here on my homeland.
5 That is what I would like to see for the future of this
6 community. It's about time that foreigners take
7 responsibility for hazardous waste and practically dumping
8 on sacred land.

9 With respect to some comments expressed earlier,
10 I ask you to please respect the voices of the original
11 landlords of this country. Lastly, thank you for allowing
12 me to speak up on behalf of my people and the land I as
13 O'odham was taught to value.

14 (Applause).

15 CHERYL JOAQUIM: Good evening. My name is Cheryl
16 Joaquim and I am a resident of Gila River. I represent
17 myself as a mother and grandmother and an O'odham woman.
18 Again, I'm not going to take up too much time because I
19 understand how the process goes and once again, you know,
20 it's just amazing to me like many of the people had stated
21 that, you know, the decision has been made. The voice has
22 been spoken, not only by my people, but the rest of the
23 people within the community who have a concern for human
24 life.

25 And with that, that is the highest standard or

1 highest entity I could look at because we are all human
2 beings, but we have one creator. We have one environment.
3 We have air. We have water, and the way I looked at it, for
4 too long we have taken these things for granted, even our
5 own people -- I stand and talk about my own people -- have
6 taken that for granted and I myself am quite ashamed when I
7 see some of our tribal leaders and people that are in
8 authority to make those changes and yet they stand idly by
9 and think it doesn't concern them because they're not there.

10 They don't live there, but in the end it concerns
11 all of us as a human family and that's all I would like to
12 say and I'd like to thank all of you that have come to
13 support us and all the people that have said in our positive
14 support this evening and just for the record, myself as a
15 land owner and original inhabitant of this area, I deny also
16 the permit. Thank you.

17 (Applause).

18 MS. WONG: I would like to invite Haley Ritter to
19 the mic. Please state the organization that you represent.

20 MS. RITTER: My name is Haley Ritter, H-A-L-E-Y,
21 last name R-I-T-T-E-R. And I'm here tonight to -- I don't
22 represent any group other than myself. I'm here tonight to
23 express my appreciation, respect and support of the decision
24 to deny Romic's permit. I've been going through this
25 struggle with Lori and all the wonderful people of the Gila

1 River Indian Community and I've seen the turmoil this
2 company all the way back to Southwest Solvents has caused on
3 this land and I find it a disgrace that like Delores and
4 other members of the community have pointed out, that we are
5 taking this land for granted. Even producing chemicals like
6 this in the first place just don't make sense to me, you
7 know.

8 We have all the things we need without creating
9 things in mad scientist labs to destroy our planet. I think
10 that it's ridiculous and I'd like -- and I'm very glad that
11 this decision has been made because now we can close down
12 the facility like this and tell the world -- send the world
13 a message that says we don't need these chemicals in the
14 first place. Yes, they exist now, but they need to be -- we
15 need to wean ourselves off of our addictions to chemicals
16 and hazardous waste.

17 I also believe that regardless of what happens,
18 well, from this point on -- this decision is like another
19 gentleman said -- a huge landmark in history, and I believe
20 at this point on, the EPA needs to step in and do what I
21 believe is called RIO project where they basically just set
22 up the existing space as a Super Fund site and just get it
23 cleaned up. Stop allowing companies like this to come in
24 and just destroy the land and upset the community.

25 I think that with slow painful process, we can

1 get this land cleaned up and it's very important to me and I
2 think to many members of the community here that this
3 happens. And hopefully, like I said, send a message to the
4 world that we don't need to have these kinds of chemicals in
5 our world anymore. To take advantage of our water and our
6 resources is just not necessary. We hope that together as a
7 community we can support each other and realize that we have
8 everything we need without mad scientists. Thank you very
9 much.

10 (Applause).

11 MS. WONG: I would like to invite Scott Long to
12 the mic. Please state your organization, if any, you're
13 representing and your name again.

14 MR. LONG: My name is Scott Long. I'm here
15 representing myself in the political tradition of the old
16 Democratic -- progressive Democratic party of Hubert
17 Humphrey, Walter Mondale and Paul Wellstone and I've lived
18 in Arizona for many years and it's very difficult for me to
19 get adjusted to how politics and policies are enacted out
20 here, but days like today I'm getting watching this process
21 take place and different groups involved and the roles that
22 they play, give me hope that the things that I grew up
23 loving and believing in about our nation and our society and
24 our ideals are beginning to be applied here and again,
25 thanks to folks like Lori Riddle taking the lead.

1 Anyway, the denial of this permit is sort of a
2 victory of due process and of responsibility, two values
3 that have been neglected for so long. 1988 Romic came out
4 here. Romic had an opportunity -- there is an opportunity
5 to recycle hazardous waste. I mean, in the context of
6 eliminating chemicals and trying to create a society where
7 we don't need chemicals, there is an opportunity for a
8 company to make some money and help making that dream come
9 true and benefitting the community.

10 And so they were given a temporary permit and
11 they started working. Then, accident, accident, accident,
12 18 years, an 18 year temporary permit. I only became
13 personally aware of this issue within the last year. Since
14 I became aware of this issue, there have been three or four
15 incidents where there have been toxins that have been
16 released into the environment. Is that responsibility? Is
17 that taking the opportunity to solve a problem? It just
18 seems like recklessness that they have been year after year
19 after year. Why is this allowed to go on?

20 There is someone who came up here sort of
21 representing the status quo just a little bit ago who was
22 talking about, well, they're going to have to pay for it
23 economically. There's going to be lawsuits and what's going
24 to happen. This is just going to go somewhere else. This
25 problem isn't going to go away.

1 It's that type of attitude -- and that's what it
2 is is an attitude -- that contains the status quo and keeps
3 fear going and keeps people thinking oh, no. But thanks to
4 people like Lori Riddle and people and organizations like
5 Greenaction to back her up, that you know, we don't have to
6 listen to that because those are the cowards in the system.

7 (Applause).

8 And so anyway, Romic had its chance and this
9 process and I would thank the EPA being pushed on by again
10 by GRACE and Greenaction and the courage of the Gila River
11 Indian Community to look -- use the true leadership that is
12 so true about Native Americans of placing the values of
13 people and health over economics and growth.

14 The Gila River Indian people have set a great
15 example for those of us in Phoenix and the rest of the
16 community and then there's the U.S. Environmental Protection
17 Agency. Back when they were founded in 1972, it was done by
18 a lot of idealistic people in the federal government to help
19 preserve the environment of our country and it was funded.
20 It was given a vision and a mission.

21 Over the course of time, because the values of
22 our culture have gone into economics and growth, the power
23 of the EPA to actually fulfill this vision got washed out,
24 but again, thanks to the grass roots efforts of GRACE and
25 one woman on a crusade and an awareness organization out in

1 San Francisco willing to back her up and help spread that
2 awareness and spread the word, that vision can be restored
3 to the due process of what the EPA was established for.

4 So hopefully this will begin to be a template or
5 at least set a precedence for not only this, but for all
6 other types of situations involving the environment,
7 chemical facilities and such that the EPA can sort of fight
8 the trend of economics and growth and actually place the
9 values of people in the environment. And again,
10 Greenaction, the fact that there are advocacy groups.

11 Sometimes we roll our eyes when we get phone
12 calls or letters in the mail asking for money from all of
13 these groups and I've even, you know, questioned the
14 validity of that, but it is groups and it is those
15 commitments that we make and those phone calls and checks we
16 send for \$5 to groups like Greenaction that give them the
17 teeth and power so they can support the grass roots efforts
18 of people like Lori Riddle. So I'm thankful for them and it
19 makes me think about the next time I get one of those
20 envelopes in the mail.

21 Then also, GRACE -- the Gila River Association
22 for a Clean Environment -- one woman who felt like she was
23 just fighting the tides, the fact that she had a vision by
24 herself -- and this is what restores my faith in the
25 American dream -- that one person seeing an injustice being

1 done and believing in it and that's the whole thing. If you
2 believe in something, you make the commitment no matter what
3 shit gets thrown at you, that she kept going and going and
4 going because she believed in it and she wasn't going to let
5 anything deter her.

6 So again, I think this tonight and this process
7 is a victory for our community values and, you know, the
8 revival of our society and our people. And anyway, I'm
9 proud to be here. Thank you.

10 (Applause).

11 MS. WONG: I have read all the names of those
12 individuals who signed up to make a comment. At this time
13 if there is anyone present today who would like to make a
14 comment that has not yet spoken, please raise their hand so
15 I can pass the mic to you. Okay. So I will pass the mic
16 back to Arlene to close out the public hearing.

17 MS. KABEI: Seeing that there are no more
18 speakers for this evening, it is now 8:40 and this concludes
19 our public hearing tonight. Thank you for all of your
20 attendance and your participation and safe journey home.

21 MS. NELSON: I just wanted to respond to the one
22 comment about who to talk to in our headquarters office.
23 His name is Matt M-A-T-T. Last name is Hale, H-A-L-E. He's
24 with U.S. EPA in Washington, D.C. His title is Director,
25 Office of Solid Waste. And I don't have access to his phone

1 number or address with me right now, but I will bring it to
2 the public meeting tomorrow night. If you're not able to
3 attend that meeting, if you want to just give me your number
4 or information we will call you or mail it to you.

5 MS. MARTINEZ: I'll be there.

6 (Whereupon, the hearing is concluded at 8:42
7 p.m.)

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1 STATE OF ARIZONA)

) ss:

2 COUNTY OF MARICOPA)

3 BE IT KNOWN that the foregoing public hearing was
4 taken by me pursuant to notice; that I was then and there a
5 Certified Reporter for the State of Arizona and by virtue
6 thereof authorized to administer an oath; that the
7 proceedings were taken down by me in shorthand and
8 thereafter transcribed into typewriting under my direction;
9 that the foregoing 45 pages are a full, true and accurate
10 transcript of all proceedings upon the taking of said public
11 hearing, all to the best of my skill and ability.

12 I FURTHER CERTIFY that I am in no way related to
13 nor employed by any of the parties hereto, nor am I in any
14 way interested in the outcome hereof.

15 DATED at Phoenix, Arizona, this 2nd day of
16 October, 2007.

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PEGGY SMITH, CSR, RPR
Certified Reporter, No. 50726

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