



MENDOCINO COUNTY EXECUTIVE OFFICE

PUBLIC MEETING – FORMER MASONITE SITE

County Administration Center
Board of Supervisors Chambers
501 Low Gap Road, Ukiah, CA
November 5, 2007

COUNTY PANELISTS:

Tom Mitchell, Chief Executive Officer for the County of Mendocino
Carmel Angelo, Director of Health & Human Services Agency
Dave Koppel, Director of Environmental Health
Raymond Hall, Director of Planning & Building Services

ADDITIONAL PANELISTS:

Barbara Cook, Division Chief (Acting) for the State Department of Toxic Substance Control
Dave Evans, Senior Engineer for the Northern California Regional Water Quality Control Board
Craig Hunt, Engineer for the Northern California Regional Water Quality Control Board
Chris Brown, Air Pollution Control Officer for the Air Quality Management District

COUNTY ASSISTANCE STAFF:

Sally Palacio, Administrative Assistant
Cindy Roper, Administrative Assistant

1. Welcome and Introductions

Carmel Angelo called the meeting to order at 6:05 p.m., introducing herself and expressing appreciation to the public for their involvement in the evening's discussion regarding the former Masonite facility site in Ukiah. Ms. Angelo introduced Tom Mitchell, Chief Executive Officer for the County and all participating panelists. After a few housekeeping issues, Ms. Angelo presented Mr. Mitchell.

2. Opening Comments from the Executive Office

Mr. Mitchell expressed appreciation to the public, stating that tonight's meeting provided an opportunity for him to get to know each member of the public and the issues that concern them, and for the public to come to know each panelist and their department's roles. He noted that this was not a Board of Supervisor's meeting and as such, was not a noticed meeting. He added that although the meeting was scheduled to end at 8:00 p.m., public comment would override the clock.

Mr. Mitchell stated that he began as CEO on October 1st of this year, and it was immediately apparent to him that local citizens were highly interested concerning the former Masonite site. He clarified that two property owners were involved; Masonite Corporation retains some of the property, while Developers Diversified Realty Corporation (DDR), a development company, owns an additional portion. He stated that likely, most concern was in regard to the latter holding, and for ease of reference it is being referred to as the "former Masonite site."

Mr. Mitchell reviewed the agenda, stating that the meeting would begin with panelist introductions of their respective departments' roles and responsibilities, and following that, written questions are to be addressed by panelists. Questions for which adequate answers cannot be given this evening will be researched and answers will be provided in writing. In addition, the Executive Office is creating a website to provide answers for current and ongoing questions, which will include a byline naming each specific respondent. He noted that tonight's meeting would be repeated on public television, and radio

broadcasters were present as well. Following the Question & Answer period, the public will be invited to present verbal questions and comments; however each speaker is requested to limit their address to three minutes, so that all wishing to speak can be accommodated.

Mr. Mitchell concluded by stating that the Executive Office intends to hold as many meetings as necessary in order for the public to become fully informed and for all public expression to be heard. He stated that it is important for each member of the public to present any notable information regarding the site to aid in future decision-making.

3. Brief Overview of Agencies' Responsibilities

North Coast Regional Water Quality Control Board

Dave Evans, Engineer, stated that his Board is a State agency charged with the protection of beneficial uses of water, which involves all pollutant discharges into the surface waters within its region. This region extends from the Russian River to the Oregon border, and includes discharges in the corresponding portion of the Pacific Ocean. The Water Board also has programs to deal with sediment control from road building and timber harvesting to agricultural operations. He and Craig Hunt staff a program that involves groundwater clean-ups; addressing chemical leakage from gasoline stations, dry cleaners, sawmills and more.

Department of Toxic Substances Control

Barbara Cook stated that she is the acting Division Chief within the statewide site Mitigation and Brownfields Reuse program within the Department. Her program is responsible for the identification and ultimate clean-up of any type of hazardous substance abuse sites. The Department has no official role in the former Masonite site project; however they are providing technical assistance to the Air Quality Management District and the Regional Water Quality Control Board at this point in time.

Health and Human Services Agency

Carmel Angelo is the Director of the Health and Human Services Agency, who's role is to protect the public's health by assessment, assurance and policy development. Ms. Angelo stated that this is accomplished through the Public Health Branch, in making key public health policy decisions that are evidence-based and data-driven. In regard to the former Masonite building site and demolition, Environmental Health has an office in Public Health as a regulatory agency. Environmental Health performs inspections, verification of compliance with the handling and storage of hazardous materials, and also inspects for proper labeling and storage, disposal manifest and clean-up of any hazardous waste spill. In the event that Environmental Health discovers a problem with hazardous material or waste, or the site clean-up, they refer that to the appropriate state regulatory agency.

Air Quality Management District

Chris Brown, Air Pollution Control Officer for the Air Quality Management District, stated that the District is not, in fact, a part of County government, although that is often assumed. His District is a part of Cal EPA, along with the Regional Water Board and DTSC, and as such is a political subdivision of the State. The District's purpose is to protect air quality in Mendocino County from stationary sources of air pollution, such as the former Masonite facility and the demolition thereof.

Planning and Building Services

Ray Hall, Planning & Building Services Director, stated that his department's role in regard to the former Masonite site lies primarily under its Building Division's issuance of demolition and subsequent grading permits¹. Developers Diversified Realty Corp. has been issued those permits.

¹ The first permit issued was to export off site 10 cubic yards and to import 10 cubic yards as replacement (20 cu/yard total). The second permit was to export 380 cubic yards and to import 380 cubic yards as replacement (760 cu/yds total).

4. Presentation by Planning & Building Services

Mr. Hall stated that the California Building Code, previously adopted by the Mendocino County Board of Supervisors, mandates inspection of structures under construction and requires permits for demolition. The Building Division, in fulfilling this role, also provides for pedestrian protection, and ultimately inspects and ensures that utilities are turned and capped off. This is coordinated with the Air Quality Management District and the Solid Waste Division of the County Department of Transportation. He stated that as a part of the issuance of the demolition permit, his department must satisfy the Recycling and Reuse Requirements Plan for the Department of Transportation's Solid Waste Division. His department also requires clearance from the Air Quality Management District.

Mr. Hall stated that, in regard to the former Masonite site, on July 10th a site meeting was held by the property owners. In attendance were the Department of Transportation, Solid Waste Division, and Regional Water Board representatives, as well as Chris Warrick, representing the Building Division. By July 16th Planning and Building Services had received clearance from both the Solid Waste Division and the Air Quality Management District, and issued the demolition permit. Subsequently, a grading permit was issued for excavation of 20 cubic yards on October 24th of this year. Planning and Building Services will have an additional role toward the end of the process to verify that demolition has occurred and inspect to ensure that all utilities are properly turned and capped off.

5. Presentation by Air Quality Management District

Chris Brown stated that the Air Quality Management District (AQMD) operates under three primary levels of regulation: federal, state, and local.

The primary regulation concerning the Masonite site, lying within the Federal Clean Air Act, is the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP). In 1992, the AQMD was delegated to enforce the Act by the US Environmental Protection Agency (EPA). NESHAP requires that before demolition of a commercial or industrial structure, a survey be conducted to identify if potential asbestos exists on the site. If found, or assumed to be present, notification must be presented to the AQMD within ten (10) days prior to commencement of demolition. Additionally, asbestos must be abated prior to the occurrence of actual demolition activity. AQMD ensures that abatement procedures are followed as outlined in Federal law. US EPA Region 9 has oversight over AQMD's asbestos program; they have accompanied AQMD to the Masonite site on two occasions and found nothing that caused them undue concern.

Cal-OSHA also regulates asbestos and the California Department of Hazardous Materials regulates transportation of asbestos materials.

Mr. Brown stated that the AQMD has inspected the Masonite site on at least 23 occasions thus far, and will continue to visit the site on a regular basis. All AQMD inspections are unannounced and at all times must have complete and unfettered access to the site or a notice of violation may be issued. All AQMD inspectors and staff visiting the site are trained by Cal EPA in cross-media pollution. Though they may not be able to write a violation for an observed pollutant, they will document it and provide that information to an appropriate agency. On July 10th of this year AQMD received notice regarding asbestos on the site and on July 29th removal of that material began.

AQMD has been monitoring fugitive dust; i.e., dust drifting from the site, since September 2007. The fugitive dust standard is a zero emission standard; if AQMD observes dust crossing a property line, that can constitute a violation. The Masonite site property owner has complied with AQMD's request to contain fugitive dust.

Mr. Brown concluded that AQMD believes that the current Masonite site property owners are acting in a responsible manner. By law, the AQMD must respond to all complaints. Members of the public are welcome to telephone the AQMD at 463-4354 if they notice anything of concern being emitted into the air from the site and an AQMD representative will be sent to the site.

6. Presentation by Regional Water Quality Control Board

Dave Evans stated that the Regional Water Quality Control Board (Water Board) has had regulatory oversight of the Masonite Mill for several decades during its actual operation period. Their efforts concern clean-up and long-term protection of groundwater quality. The Water Board issued a Proposed Corrective Action Plan notice to the public over one year ago, but received little input at that time. The commencement of plant demolition has raised concerns; and the Water Board will be holding a public meeting, after the holidays, to more fully explain all technical aspects of the site investigation and recommended remediation measures. The meeting will be noticed and emails will be sent to interested parties. Mr. Evans deferred the Water Board's technical presentation to Craig Hunt.

Craig Hunt stated that his office oversees both wastewater and storm water discharges and has been involved with the Masonite site since their inception in 1949. In the 1980s the Water Board began overseeing investigations and work done regarding underground storage tanks pulled at the site and resulting spillage. In 2002, the Water Board requested a facility-wide investigation. Oversight of the current demolition is basically limited in regard to storm water. Mr. Hunt stated that the Water Board's public meeting would provide an in-depth assessment regarding the investigation of contaminants; while tonight Mr. Hunt will provide an overview.

Mr. Hunt stated that Masonite, during actual production, turned wood chips into pressed wood products through the addition of steam, resins or other ingredients, using a combination of pressure and heat. He reviewed incidences and operations of the site that had the potential for releasing contaminants.

- Production utilized ingredients, including resins, could potentially be released to soil and groundwater.
- Large metal press plates were used to squeeze the boards, and from 1951 to 1986 these press plates were regularly electroplated on-site with hexavalent chromium.
- Maintenance shops on the site could potentially release petroleum products, solvents and metals.
- Various fueling operations on-site utilized above- and below-ground storage tanks, and some above-ground tanks held various production ingredients.
- Products were coated with various materials, paints, etc. which could potentially be released.
- An oil-water separator was utilized on the site for the treatment of storm water, which sometimes resulted in spills.
- Tanks farms included petroleum products, fuel oil and other fuels.
- Boiler fuel results in ash waste.
- Transformers on the site, prior to change-out, had used oils containing PCBs.
- A hazardous materials storage area may have held any of the above potential contaminants.
- Water treatment ponds were located east of the railroad tracks and were used for wastewater and storm water. The resulting sludge from these ponds could have had various impacts.
- In 2004, a gasoline tanker truck rolled over on the Masonite site and spilled over 5,000 gallons of gasoline that went into soil; storm drains, and traveled to much of the site.

Mr. Hunt reviewed actual impacts that have been found.

- In 1990, one of the large storage tanks, whose area around its berm was unpaved, spilled fuel oil onto the soil and permeated the groundwater.
- Because some level of dioxin exists in ash, testing has been done. In 1994, a testing of samples determined that the ash was acceptable in terms of land application on fields behind the plant.
- On the west side of the facility, a tank farm released diesel fuel into the subsurface. Clean-up and excavation of the diesel-impacted soil revealed that it clearly extended under the facility's foundation. As part of the demolition work, that section of foundation has been lifted and excavation is ongoing.
- Demolition of the large above-ground storage tank revealed that the soil underneath it was impacted by fuel oil. The developer has submitted a Work Plan for removal so that excavation can move forward.
- At the southern end of the main facility, a small operation used chlorinated solvents for softening plastic splines used in connecting siding at the site. An investigation initially done by

International Paper (former owner) found that there were some chlorinated solvent impacts to groundwater. No high concentration of solvents have been found. It is a low-level of chlorinated solvent, but it extends under irrigation fields eastward under the Russian River. In some instances, monitoring wells revealed levels above the Water Board's quality objectives, but in all instances were below federal and state maximum contaminant levels for municipal drinking water. The current proposal is to monitor the natural continuation of chlorinated solvents; the solvents are breaking down over time, but how long that will take has not yet been established.

- Water treatment pond sludge removal is ongoing.

Mr. Hunt stated in conclusion that the Water Board is at the point where potential release areas have been investigated, and the Water Board has concurred with consultants that further investigation is not needed in many of the areas of the site. The Water Board has a Remedial Action Plan to address what remains of known contamination impacts, and a Soil and Groundwater Management Plan that specifies Water Board notification of further impacts as they may be revealed during demolition. The Water Board anticipates no large impacts, but recognizes there may be smaller impacts as foundations are demolished. Mr. Hunt stated that any new information will be evaluated to determine if additional action is needed.

Dave Evans stated that the Water Board keeps a file on the Masonite Mill as well as all facilities under their purview. Their files are available for review and photocopying by the public at any time, and to do so one can make an appointment with their office. The Water Board office is located at 5550 Skylane Blvd., Santa Rosa. Mr. Hunt added that some documents are available for review on their website, www.waterboards.ca.gov/northcoast. Both gentlemen made their business cards available for members of the public.

Carmel Angelo added that a contact list for all panelists would be available for the public.

7. Response to Written Questions

Tom Mitchell read questions submitted by the public, and various panelists provided answers. The following questions are copied from actual submissions, and verbatim answers are documented.

1. Q. What are the DDR boundaries? What are the Masonite boundaries? Does Thomas own some of the property?

Dotty Coplen

- A. I can probably do some, Ray might want to chime in too. My understanding is everything to the west of the railroad tracks, towards State Street that was once owned by Masonite, is now owned by DDR, and then there are, I think, two parcels to the east and the Regional Board may have some thoughts on that.

Chris Brown

- A. Just to say that, yes, what we consider to be the site does include all of the facility on the west side of the tracks, all of the facility on the east of the railroad tracks, including the ponds and the irrigation fields, and yes, that does involve a different land owner other than Masonite or DDR. Some of the irrigation fields have been purchased by others.

Dave Evans

- A. But those are not actively being--there's no demolition activity; no soil disturbance occurring on those properties.

Chris Brown

- A. It is not part of the demolition project, but it is part of our site.

Dave Evans

2. Q. I would like to see a map of the floodplain of the Russian River on the DDR property/Masonite property. Where are the former Masonite settlement ponds relative to the

floodplain? Does Ackerman Creek run thru the property? If so, any riparian buffer zones planned? (Ackerman is, or has been, or can be, a salmon bearing stream.)

Ellen Faulkner

- A. I think Ackerman Creek's further to the north, off of the site. With respect to the floodplain, I'm going by memory, but the floodplain is the area of the 100-year storm, which in theory could occur once every 100 years. It is contained on the east side of railroad tracks; to my knowledge it doesn't go across to the DDR site, and it goes around the sediment ponds, the ponds out there, so everything east of the railroad tracks and east of ponds is within the 100-year floodplain as mapped by FEMA.

Raymond Hall

- A. I would add, for me, that the site, the ponds are elevated quite a bit; I'd say 15 feet at least above ground level, so they are up quite a bit.

Chris Brown

- A. Right, the ponds were constructed above ground when they were done. Regarding something we talked about, the discharges from the site, some of the streams that come off the site, if there is some, one of the streams off the site—at Ford Road, at the 101 overpass off of Ford Road, there is a small little pond there, and water coming from that, that has received some of the storm water discharge historically from the Masonite site, it also had a discharge more the northern end of the site, I don't remember any creeks though, in the area.

Craig Hunt

- A. I think what's there now is something that's just all being dismantled, and then there's going to be whatever is built there next, and I think that Staff's going to have to take into consideration riparian zone management and floodplain considerations and stuff like that. I don't know that it would be something that will involve the permitting authority of the Regional Board, unless a waste discharge permit was required. Construction activities will probably require a storm water permit. We have a number of programs that limit what can be placed in riparian zones and what can get placed in floodplains; for instance, you can't site a land disposal facility, disposal pond or a landfill or something like that within the floodplain, and we have setbacks from creeks for installation of septic systems and stuff like that. Most of those considerations would come into play with a subsequent Redevelopment Use Plan. The demolition activities and stuff like that—we're okay as long as the creeks are not damaged during the process. We would have a program; our 401 Federal Clean Water Act certification program would require that they get a permit from us for any kind of work in the wetland or an active stream channel.

Dave Evans

- A. Tom, I think one thing we should put on the website definitely is a map of the floodplain and the creeks. I think that GIS could produce that very simply.

Chris Brown

3. Q. Did demolition of this manufacturing facility start without a full and complete toxic survey being done? If so, what will the Board do to ensure that State and Federal laws regarding handling of toxic waste substances are observed within its jurisdiction?

Anonymous

- A. I'd just repeat what I said earlier, that our charge under the Uniform Code, California Building Code is under the Demolition Section 106.1, I believe, California Building Code, and it's to simply to look at that demolition and look at that the utilities are capped off properly, and then the local codes as well as the federal codes, our charge was simply to get comments from and obtain clearance from the Air Quality District as well as require that the recycling plan be submitted. So that was our area of responsibility, it doesn't go out into the toxics issue, other

than to get the clearance from the Air Quality District. So, no, because we have no authority to go out and address those issues.

Raymond Hall

- A. First, let me explain that the department does not have any involvement in the demolition process, unless it's dealing with the project that's part of it. As discussed as going through this, if we were involved in this project, and I guess I'm going to start bumping it back, even though I know you don't want it. As part of the issue is, the County is a delegated area with regards to dealing with hazardous waste generator activities, so I know that you have business plans activities of looking at how they use their toxic materials that were looked at. The department would, if it had any permitting requirements, it would have required to make sure that those areas had been properly closed, and that would have dealt with the plating operations and where the hazardous waste was stored, probably because it didn't have a permit, probably as part of the short term activities as a generator of activities. So, I believe that all of those types of activities were looked at. We don't have a role as it relates to demolition, unless the department already has an order on the site. So, it may not be an answer to your question, but we don't have a role in it. The County, as part of its business plan activities, as part of its overseeing of the generator activities would have ensured that all of the hazardous materials or substances that would have been used and waste that would have been generated would have been properly managed and disposed of as they were closing down the facility operations.

Member of audience commented, "Unless they're attached to the building."

With regards to that, a lot of that goes back to the Air District, with regards to looking at the building to make sure that it's properly deconned, looking at it as it relates to the air monitoring activities to ensure that any type of contaminants that were looked at would be looked at as part of the dust control issues, as part of the number of the building operations there's a decon process that they have to go through to ensure that those building structures are cleaned. It's very similar to lead abatement that's done on buildings, as part of where the building's demolished, they have to remove the lead. So, I'll bump it back to the County or the Air District.

Barbara Cook

- A. One of the activities that occurs regularly at this site, and this is with any large demolition like this, you have an individual who's called a Certified Industrial Hygienist, and that person is certified by an independent agency, they are actually hired by the landowner, and then they oversee the demolition contract who's working for the landowner, and their whole goal is to make sure that the landowner is not inheriting liability because the demolition is not being done properly. And that individual does go through and survey every building. I personally have witnessed them taking out, making sure that, fluorescent lights, sodium vapor lights, all kinds of lighting material, mercury switches are removed and taken to a safe area and properly disposed of. So that's some of the activities that go on. Our regulatory authority doesn't necessarily go into those areas, unless they're likely to become airborne. And in that case then, we do get it all. And the issues that we've been involved in at the site have been lead paint, there were some paints that they decided, rather than to test, they were going to treat as if they were lead-based paints because they were the right vintage. And the asbestos issue; almost all of the buildings, the warehouse buildings on the site, were covered with Galbestos siding, which is a non-friable, not likely to become airborne asbestos product, and so to remove that they were wetting down that property with what is called a water cannon, a water trough, and people were removing it with proper methods that was disposed of through the EPA approved handling process. For any kind of liquid material, any kind of other material like that, they would have turned to Environmental Health if we were aware of it and we saw it. I don't think anything like that happened in this process, but like I said, we were on-site twice a week, plus however often Dave's staff was on-site as well.

Chris Brown

- A. When hazardous wastes are generated at the site, either during its operation or in closing of the site, our staff would go out, see that the wastes are properly collected, stored, labeled, and shipped out to an appropriate facility. That was our role in the hazardous waste area.

Dave Koppel

4. Q. What chemicals were used, stored and disposed of at Masonite? Were all these chemicals/storage areas—sites areas investigated for potential harm to the environment?

Liz

- A. I'll start with the issue about what we maintain in our records. The Hazardous Materials Business Plan, one of its main purposes is to provide an inventory of the materials that are on-site for our staff to use when they make inspections, to make sure that those materials are properly stored and handled and disposed of. Another important issue is that we provide copies of that inventory, plus a map, of where everything is located at the facility, and the volumes for the fire agency in case there's an emergency at the site, responded would know where those chemicals are, where those dangers are. And then also our records are available for review from the public. Our records have never been intended, we're not required to keep historical records. What would happen is, as businesses change, the chemicals they use would also change. So, every year, when we made our inspection, we verified that the chemicals on-site; the materials on-site were accurate. And if they stopped using some materials they would fall off our list. So if you came to review our files you would see what was currently on the site and the volumes being used.

Dave Koppel

- A. And more details on what was there, what we investigated for, what we found, that is more of what we'll provide in the Regional Water Board's public meeting that we'll hold up here regarding this site, providing more detail about that.

Craig Hunt

5. Q. When will the deep soil tests be done? When will the test results be released to the public? Thank you.

Linda Sanders

- A. I'm not sure what it means by "deep" in terms of soil tests. There have been various soil testing done and those are a matter of our public record, and like I said, it's part of providing more specifics that will be a part of our future meeting, is providing specifics for things like that.

Craig Hunt

- A. I think it's also important to clarify, currently they have a demolition permit for the site, but there won't be the concrete and the asphalt being in place--that is not part of the current demolition permit, so I think that you'll see at some future date of the issue will be addressed as to how much of the concrete and the asphalt gets removed.

Tom Mitchell

6. Q. It seems to me that Ukiah and Mendocino County can be known for a toxics clean-up project now or a run of cancer and other toxics-related diseases later. I would like to see a responsible decision made based on the will of affected citizens.

Anonymous

- A. The question is more of a statement, so I'll read it into the record.

Tom Mitchell

7. Q. What is planned to be done with the scrubber next to the smokestack? At the end this scrubber was full of toxic material.

Ike Heinz

- A. As far as I'm aware, everything in terms of the stacks has been washed and rinsed down completely. As far as we've seen, everything we've seen and documented with our pictures and site visits, everything has been removed. The phrase "toxics" is somewhat of a leading term; I don't know quite what that refers to. There is obviously, some soot stains at the top of the stacks, but you'd expect to see that after 30-40 years in operation. The stacks themselves, when they do come down, they will be lowered to the ground mechanically, they're not going to be dropped, as you might see in the demolition on the East Coast of an old copper mill or something. And they have been scrubbed out very thoroughly. The water that was used is being stored on-site, is being tested according to Regional Water Board requirements, the wash-out water, and as have all the boilers been washed down. What is called boiler #4, which is at the west end of the building, it's the one that, for lack of a better term, looks like an erector set; that has been sold and it will be going out of the County. It will be removed and disassembled and taken to, I believe Oregon, last I heard, and that does include one of the wet scrubbers that will come down as part of that process.

Chris Brown

- A. It's my understanding that the wash water that's being generated is not going to be subject to being managed under any discharge program with us; rather it's going to be collected and hauled away.

Dave Evans

8. Q. Why did the Board of Supervisors decide to not write a letter to the _____ to oversee the processes concerning the former Masonite site?

Anonymous

- A. There was a meeting that was held with the Department of Toxic Control, there were two of our Board Members that were in attendance at that meeting and discussed it with the Department of Toxics. At this point, I believe, we have a letter from the Department of Toxics saying that they were satisfied with the work that's being done by the local agencies.

Tom Mitchell

- A. I can't speak as to why you didn't write the letter. That's a question for you. Let me explain the department's processes, and the Water Board's processes with regards to how we work on, who works on what type of stuff. We had entered into a Memorandum of Agreement between us a number of years ago to try to eliminate the form shopping that took place, and other activities with regards to deciding which one of us, since we had overlapping jurisdictions. The Agreement clearly states that an agency that is already working on a project will remain as the lead agency, unless things change. For example, a project that goes from an industrial operation and tomorrow will be a residential housing. In those cases then there is a very good argument as to why the Department of Toxic Control might be then, a transfer of the project might come to our department, because our mandate is more the protection of public health in the waters of the state. The issue on this side, based on the information that's been provided to date, there is the primary contamination that is listed as petroleum hydrocarbon, as was discussed in the presentation, there's a lot of areas where diesel fuel was found; diesel spills occurred, and to put it within my authority, I don't have the authority to work on petroleum hydrocarbon sites. So at this point in time the department has no--well, we have the authority if it's co-mingled type plumes. At this point in time, we don't see any information that would say that there is an argument that would justify why the department should become the lead for this project. The department has made it very clear that we will provide technical assistance, both to the Water Board and to the Air District as part of this demolition permit, for any type of questions or assistance we could give to that, but at this point, we don't see a jurisdiction that we would have the authority to work on this project.

Barbara Cook

9. Q. Dioxin, metals, solvents, petroleum contamination have all occurred here – but your report here states everything is OK – there is no real impact at this time. What constitutes a large impact versus a small or no impact? Has any of the agencies taken core samples of areas where dioxins and metals have been identified?

Anonymous

- A. In terms of releases, when I look at results of investigations, if I see something that looks like it's above background, I consider that to be a release that needs to be investigated, and once it's defined how much is there, what is there, then it's determined what, if anything, needs to be done about it. I discussed about having metals as potential releases, but in terms of releases, I'm not certain there were metals releases or not, but that's a specific question I can't pull out of my brain at the moment. Regarding dioxin samples, that's been focused on the ash so far, though we do have a verbal commitment from the responsible parties to do some sampling, where the ash was placed, because, I just have the answers that the dioxin testing was done on the ash before it was placed out there, however I understand it would give more confidence about the site to have this--some additional testing.

Craig Hunt

- A. There are some chemical behaviors of different pollutants in what we call the subsurface--not in the ground but in the ground water. Some things travel readily, solvents in particular, MTB, a component of gasoline that you've probably heard about, gasoline and some fuel products themselves, much less a degree for things like heavy fraction fuels and oils, like motor oil and stuff like that. Most metals tend to chemically combine with particulates in the soil and they don't tend to be great travelers unless it's a high fast-perk environment, a low PH or an acidic environment, or in the case of hexavalent chrome, we have some hexavalent chromes that can travel distances, I think like that you probably are familiar with up in Willits. Each of these kind of behaviors needs to get looked at during the site investigation to inform us as to whether or not we think its appropriate to leave a certain residual behind because we don't think it's going to be any consequence or whether or not it has to be completely removed. And that is all part of the clean-up process and we'll get into a much greater detail of that when we explain the site investigation in January.

Dave Evans

- A. I would like to add one little bit, because I realized I discussed some background operations of the site I had brought up the chrome plating on the site, though I don't think I mentioned anything in terms of the results. To pass on, like what potential releases: potential releases include the fact that back in the 1950s one of the chrome treating tanks over a holiday weekend burst open and ran into the drainage ditches. There has been testing, that was 50 years ago, there has been testing for hexavalent chrome around there, around where it was released, around the ditches, that follow. It's not there anymore. Did it go into the subsurface 50 years ago? Yes, it did. Is it there still, however? No, because hexavalent chromium will either go on it's way, or turn back into the other type of chromium, which you just find in the soil. That release is not a potential release, it was a release, and that was investigated to see if it's a current impact and that hasn't been found.

Craig Hunt

10. Q. I understand that Masonite was licensed to use a radioactive substance on the Ukiah site. What precautions were taken to ensure that this substance was properly contained while the plant was in operation? Are any of the agencies present here tonight testing for release of contamination by the radioactive material?

Anonymous

- A. There's a state agency that regulates the use of radioactive isotopes. They use it in industry for measuring and I remember some discussions that took place about Masonite using it to measure the level of material in bins, actually surveyors, engineers use radioactive materials

to measure density of soils and things. And that is regulated by the state – the Department of Radiology. So there was some out there, and they were small quantities, they were shielded, and they were used for measuring.

Dave Koppel

11. Q. Why is DDR not bonded on behalf of the residents of Mendocino County, to ensure health, safety, environmental concerns are not breached? The bond needs to be commensurate with the costs and hazards of the demolition site. How do you test for possible toxic contaminants when you do not know all the toxins that may be present? Is your toxic testing comprehensive in this respect?

Dorothea M. Dorman

- A. Like I said, we'll go into the details, but generally, yes, we gathered information and various tests were ran according to that.

Craig Hunt

12. Q. 1) We were told there would be no grading prior to the EIR. We were also told that DTSC would only get involved if grading began. Well, grading has begun, or is about to. Doesn't that trigger DTSC involvement? Doesn't any further work require an EIR?

2) What is the potential for harm if something goes wrong with dismantling the smokestacks?

3) RWQCB: Why are paper mills on your list? What is their inherent danger? How can work go forward before your public meeting? How can you draft comprehensive remediation plan without public hearing?

4) All: What is the financial liability to State or County if work suspended pending further testing and public hearings?

5) What would it take to determine full extent of chlorinated solvents, or time needed for their breakdown?

Dennis O'Brien

- A. 1) There was a grading permit issued, I think October 24th did I say, and on the permit it talks about 20 cubic yards that had been removed, I think there was a reference probably to that same site, the Regional Water Quality said that they were doing removal of that dirt, and we've had a couple of similar grading permits in 2004 and 2006 as well. So it's very limited grading occurring at sites where there was some contamination that was found.

Raymond Hall

- A. 1) Right, and then the grading as far as contamination or removal is that it's digging out some impacted subsurface soil. So that's what the soil work is.

Craig Hunt

- A. 2) The comment is read into the record.

Tom Mitchell

- A. 3) Both Masonite and paper mills involve the wood pulp process. However, paper mills in general also use a chlorine input in their pulping, because they don't want their paper brown. This produces more contaminants in this process, and results in a dioxin generation potentially at paper mills, that is not the same operation as what happened here. I'm not sure if I'm addressing that to your point or not, that's the only thing I can think of in terms of talking about paper mills.

Craig Hunt

- A. 3) I would like to provide a technical clarification: There aren't any paper mills in the North Coast region, nor have there ever been. There were two pulp mills in Humboldt County, one of which is still there. It does not use the chlorine-based bleaching plant that they used to when it was first constructed, they switched over to an oxygen-only bleaching process which is pretty much unique in the United States. The processes have been used over in Europe for a while but they're not common in the United States. Non-chlorinated bleaching is the way to go. All the pulp that has been shipped out of the North Coast region goes to other paper mills, for instance there's one over in Anderson, there's one in Antioch, in the Bay Area, but anyhow, for that clarification. The Masonite mill could make pulp but it didn't make paper, they made particle board, and they both use wood chips as their raw material.

Dave Evans

- A. 3) There is a remediation plan in place to deal with the contaminant areas that are there, and then there's a sub-groundwater management plan to deal with any localized contamination under foundations that hasn't been found through the investigation so far.

- A. 4) "What is the financial liability to State or County if work suspended pending further testing and public hearings?" This is a legal question, and as such we are not prepared to answer legal questions.

Tom Mitchell

- A. 5) We know the full extent in terms of what's out there, but it might just be additional monitoring. This is a conversation that is essentially going back and forth in letters between us and the responsible party—their consultants.

Craig Hunt

13. Q. 1) For Craig Hunt – Re: The 2002 mill-wide investigation – What were the results of that investigation?

2) For Craig Hunt – Ray Hall says the grading permit allows 20 cubic feet to be removed. How much now is envisioned to be removed, and where will it be taken?

3) As foundations are lifted up and "impacts are found," (as you described it), who determines what is an impact – Masonite consultant or a third party?

4) Re: Press pit and chromium – What is status?

Guinness McFadden

- A. 1) Besides what I've spoken to tonight, I can only say that we will try to present more of that in our own public meeting, and the records are available if you wish to view them.

Craig Hunt

- A. 2) The 20 cubic yards, I'm not particularly familiar with that specific figure. These type of dig-outs easily exceed 20 cubic yards, so I'm not sure if there's something more that would need to be done grading permit-wise, if it's larger than that, and that's just all the particulars I can think of. Generally, these are landfills, which type of landfill depends on the characteristics of the waste. I can't pull off the top of my head right now which landfill this would be heading for, though.

Craig Hunt

- A. 2) All the landfills in the North Coast region are either closed or operating by permits from the Regional Board; and we specify what kind of waste they can or they can't take. Most chemical residual wastes are ones that we save now. Our landfills are all municipal solid waste landfills and always were. So most of the export of chemical contaminated soil goes outside of our region to landfills that have permits from other agencies. Our only requirement

is that they be appropriately permitted. We don't want to be exporting waste from our region to someplace where they're not going to a controlled and very well taken-care-of facility.

Dave Evans

- A. 3) It will be a consultant working for a responsible party or for the people doing groundwork at the time.

Craig Hunt

- A. 3) Usually the consultants that are on behalf of the responsible party submits a work plan to us that describes what they're going to do in order to be sure that they adequately respond to whatever it is they find. And that's why we have them prepare a Soil and Groundwater Management Plan, so that if, during the demolition activities, or removal of foundation activities or even later, when post-removal development is occurring and they find contamination, say in trenching for underground utilities or something like that. Whatever is found, we intend to have it dealt with and they've cleaned-up as appropriate. We don't always know what we're going to find until we have access to look. There's also the messes that we require which are generally, anything that's visual, anything that's olfactory, which means that it can be--you can smell, and anything that's got other evidence, like you bring in to other kinds of waste materials or debris, which makes you realize you're no longer digging in native dirt, you're digging out something that got buried there, and we also typically have the instrumentation on-site so that you can use things that are sensors to tell whether or not you're encountering organic compounds that can be sensed using different devices.

Dave Evans

- A. 4) I'll just repeat what was told. We were out at the site on Monday; we took a tour of facility—what was left. They showed us a press pit, and that pit contains gray water, organic material, oils and stuff from the press pit, and that will eventually be collected, put in barrels and tested. The pit itself is going to be cleaned and those materials will be collected and tested and sent away to a site.

Dave Koppel

14. Q. a) In 1994, it was determined that the dioxin level was at a level that the ash could go to land cover at the site. What was the part per million of acceptable dioxin in 1994? 1) For an industrial site? 2) For a residential site?
- b) "Sludge was removed" – Where were the sludge removed to?
- c) Who is responsible for unknown contaminate – How many years are the responsible parties obliged to pay and clean?

Darca Nicholson

- A. a) This sounds like we're talking about ash that was used as a soil amendment, so it was mixed in with the soil and the irrigation fields, as ash is often used as a soil amendment for growth. I don't recall specific levels at this time.

Craig Hunt

- A. a) Nor do I, but if it was in the parts-per-million level, it would have been acceptable for disposal. The ash requirements for being considered safe from the human health standpoint are usually down to the parts-per-trillion level, and that's what makes dioxin such a difficult chemical. There are differences between the residential levels of dioxin that the Office of Human Health Environmental Assessment, or Health Hazard Environmental Assessment publishes as opposed to ones for industrial land uses, but they're both in the parts-per-trillion range.

Dave Evans

- A. b) In terms of pond closure, again, that was being hauled away to landfill; I can't tell you specifically which one at the moment. Dave was explaining there are different grades of landfills.

Craig Hunt

- A. b) I'd like to differentiate. Sludge is usually the solid portion of a waste stream where you put it into like a pond or a clarifier so it will sit still, then the solid part goes to the bottom—that's typically called the sludge. There's another waste product generated out there, which is a form of ash, and they're different.

Dave Evans

- A. c) Who is responsible for unknown contaminant and who pays, we can't answer tonight.

Tom Mitchell

15. Q. If these pollutants exist – then have we been exposed to them since the mill shut down, and if so, then to what extent?

Anonymous

- A. As far as we've known, and we were at the site from the time of closure, once or twice, because they actually maintained, but basically I shut down the facility, they were trying to sell the facility for a number of years and it's a lot easier to maintain your permit than to apply for a new permit, so they maintained their permit for 2½ years, I think, after the facility actually ceased operations, and we were out there at that time, doing regular inspections. Probably, after the last, no we kept permits at the site for the fire pumps, now that I think about it, they had some diesel fire pumps and those were made under permit, they totally were removed, just recently. So we were out at the site probably once a year, taking a look at that equipment, our inspectors didn't notice anything that was being released into the environment. The presence of a regulated substance is of concern, but if that regulated substance is inert and it's sitting still and it's in a contained space, it's not being released into the environment, it's not something that we would take regulatory action on. If we observed something, a weakened fuel tank or something like that, we would have referred it to another agency as well, and as far as I know that didn't happen.

Chris Brown

16. Q. As a new resident to Ukiah, I chose this place for its natural beauty and environment. I moved here to start a new family, and now I am very concerned that I chose a place that isn't going to be serious enough to protect me and my family from possible toxic accidents. How can you now CONVINCING me that Ukiah is a safe place to live? With so many possible problems with this clean-up, how can we possibly try to deconstruct this site without 100% cooperation between the DDR development and clean-up and state? What guarantees can you give a new resident that this mess isn't going to harm my children?

Anonymous

- A. Again, a comment that this is a statement for the record, hopefully, as we go through and have these public meetings, some of these concerns will be addressed.

Tom Mitchell

17. Q. I am concerned about the start of the rainy season and the threat of contamination to the City's water system due to disruption of toxins in the soil.

Estelle Palley Clifton

- A. I believe our office did get a statement from the City that there are no dioxins present in the latest test that the City has done. But perhaps Craig you could just talk about the levels of toxicity that this may be addressing or maybe the plume that's on the actual Masonite property, or if you've had any experiences.

Tom Mitchell

- A. The things like the petroleum impacts, soil bound impacts, these do not travel those kinds of distances. Chlorinated solvent impacts doesn't reach all the way over to the City's raining collectors.

Craig Hunt

- A. That's true about the subsurface, there's another issue which has to do with storm water discharge, and we had a storm water permit on this facility that would require to monitor for any of the discharges that leave the site and go into the surface water system and that's what would be there to inform us as to whether or not such impacts were actually happening.

Dave Evans

18. Q. DTSC says Masonite is not in jurisdiction because of hydrocarbon contamination there. But DTSC is overseeing hydrocarbon clean-up at Georgia Pacific mill site in Fort Bragg. Can you explain – why one – not the other?

Christina

- 18A. Q. What were the reasons for DTSC being requested to oversee the Fort Bragg mill site demolition?

Kirk Van Patten

- A. If nothing else, I'd like to all invite you to Fort Bragg for the next two nights. Tuesday and Wednesday night my department will actually be in Fort Bragg giving a presentation about what we've been doing out there. The processes between Masonite and the Georgia Pacific property are very different; there is either more different types of contamination that was found there, it's not limited to TPH, we are doing extensive sampling at the property. I've found a variety of metals in the way of lead, arsenic, which is a metal of concern because it's also very commonly found as a background contaminant. We also have found dioxin sampling that we're doing out there, so the different types of metals and the different type of activities are finding different things and that's why at that site the department felt it could become involved in that site and why we ultimately became the lead agency associated with that one. On this property, most of the contaminants that have been outlined and listed to us are primarily TPH and the levels of the other metals, well, those I haven't really seen any that have a high level of metals all, and dioxin levels I haven't seen anything that would lead us to say that's a major problem here, since most of the dioxins came from the ash-type of operations and the boilers while at Georgia Pacific, because the lumber came from saltwater, dioxins can actually come from the saltwater in the redwoods as part of leaching it out. So that kind of expands how the dioxins can come in contact there.

Barbara Cook

- A. Let me just add on just a little snippet to that. Our role doesn't change at all when DTSC comes in; we just coordinate through DTSC. We're involved in the Georgia Pacific site, and the asbestos demolition intervention issues that are going on there and we're involved in the issues here in Ukiah. We're not doing anything different here in Ukiah that we're doing in Fort Bragg. We're still doing the same job, just that in Fort Bragg we report through DTSC, here we're reporting through the EPA by ourselves, and the work is the same.

Chris Brown

- A. I'd like to just speak a little bit on the Regional Water Board side. If you're out there tomorrow night in Fort Bragg, I'll see you there. The Regional Water Board is not done with the Georgia Pacific site either. And regarding how that one ended up there, there were a lot of discussions between the Regional Water Board and DTSC and between upper management at our agencies, and it was decided between the two agencies for the switch in lead agency to take place, and it formally happened when our Executive Officer then submitted the request for DTSC to assume the lead agency role. One more thing with the Regional Water Board, the other sites where clean-ups, investigations are taking place, which is a lot of gas

stations, a lot of other places, other mills, that's mostly us. You talk about what's out at Masonite, well, the gas station operating out there at the corner, if you turn on to Ford Road, that's our oversight, they have some big gasoline contamination under there that they are treating right now—things like that. We, for the majority of these type of contaminant release sites, in this region for Mendocino County, we are the lead agency.

Craig Hunt

19. Q. Regarding Mr. Koppel's response to Question #4: Is it true that the County retains no records of hazardous materials used historically at the site? Thank you.

John Azzaro

- A. We have records that go back to 1998 at the site. In 1998, we began to keep those records. Those are the historical records that we have.

Dave Koppel

- A. Just to add to what Dave Koppel has said is that Environmental Health does follow all protocols for a regulatory agency and we are reviewing our policies and procedures around record retention.

Carmel Angelo

20. Comment: We highly encourage the Board to ask for state oversight to ensure there are no harmful particles or materials from the demolition. If none are found, that's wonderful. If toxins are discovered without state oversight, then the Board of Supervisors should be held responsible. Thank you.

Anonymous

21. Q. Is the precautionary principle being applied to this operation? Is it mandated to be applied due to the Mendocino County B.O.S. adopting it (the P.P)?

Mary Misseldine

- A. The Precautionary Principle is on a pilot basis currently and so we have not adopted that for this particular project.

Carmel Angelo

22. Q. Tom Mitchell said, "We are not prepared to answer legal questions." When can we expect an answer about liability to the County if the permit is suspended or withdrawn pending more specific answers to the questions raised tonight?

Anonymous

- A. That will be something I will be discussing with County Counsel and asking for their opinion. I wish I could tell you the answer to that, but it is complicated by what the rights of the individuals are that hold the various permits. We'll get that answer to you as quickly as we can after this process right here.

Tom Mitchell

23. Q. a) Masonite plant operated for nearly half a century. The County Environmental Health Dept. didn't even exist until the late 1980s/early 1990s. It's hard to have confidence that anybody really knows what was discharged on that site prior to a decade or so ago.

b) In addition, the hundred-year floodplain stops at the RR tracks? How is that possible? And also the settling ponds – how secure are they? Not regarding height but regarding solidity and stability. They are basically levees.

c) Has there been a health assessment of workers or former workers?

d) Once grading takes place, isn't that when releases in soil would occur?

e) Was the resin used at the plant formaldehyde-based?

Anonymous

A. a) I've read that into the record as a comment.

Tom Mitchell

A. b) I'm not sure on the ponds in terms of stability, I mean they were constructed a few decades ago, again, to be holding water the entire time and now they have been treatment ponds, dug-out and generally opened-up so they don't retain water.

Craig Hunt

A. b) I think that would have been a concern when they were full, back when they were being used. But now that they're no longer in use, you say they are bleached? [Answer by Craig Hunt: "Some of them."] I don't see there being a large problem there, I could be wrong I suppose. But it seems to me that they're been just kind of sitting there. I think that the dykes themselves would have been removed in a subsequent operation because I don't know that I see any plans afoot to put those ponds back in operation.

Dave Evans

A. b) If I can address that, two of the ponds that are out there were for weak waste water, storm water there, and testing of sediments at the bottom of the pond have shown really high levels of heavy petroleum. At the same time the stuff is showing that it's not leachable, not going to move if the soil doesn't move with it, and so what controls are going to be placed on that are long-term until at some point, we assume that the ponds are going to be removed at some point; but the plans are in discussion.

Craig Hunt

A. b) I think maybe that's another issue for us to flag to talk in a little more detail when we get back together again in January. I know that, we've seen a lot of ponds built that have to do with the storage and the percolation of treated sewage, and since we were the program that dispersed the government monies to do that, we were in charge of making sure that everybody properly engineered their facilities, including the levees, or the embankments so that they were designed not to fill, and I would only assume that we had a similar requirement on the construction on the Masonite dykes, but I didn't review that in preparation of tonight's meeting, and so, you'll have to take that as an assumption until I can confirm it.

Dave Evans

A. a) I'd like to take a shot at the first part of question, which deals with--you're right, the environmental regulatory agencies did not come into being, except for the Water Board, who seems to have been here for a long, long time. ... Maybe back in the 40s, but the rest of us have not been here that number of decades. The Department of Toxic Substance Control started in the mid-1980s. And it is not unusual that manufacturing processes and operations occurred that had been here for centuries. I have a number of sites where we're talking about activities that took place during the gold rush time-period. What you end up playing is a little Sherlock Holmes, a little Nancy Drew, you play a little game trying to put together history, so you're looking for whatever information you can do, and then you do very broad type of sampling efforts to try to get an understanding of what's there. So, what we would end up looking at, especially in the Bay Area and I suspect that there exists here too, you're looking for old historical maps, old historical pictures, photos, talking to people. You wouldn't believe the things that people keep with regards to, some newsletter the company might have issued many, many years ago as to the opening up of a facility or opening of an operation, and you ask questions. However, you can't find everything, so then your investigations are now going to turn into a collection of soils, ground water, soil gas samples, to try and looking for a broad range of chemicals. There are test methods that are out there that look for a very large, broad range; looking for TPH, looking for solvents, looking for solids, looking for semi-volatile

materials, looking for metals. And you try to piece together the information based on what that type of information is there. So, it's an iterative process when you're collecting samples to try to put together the history of the site and what it involves. It's not something that can be done very quickly, it's not something that can be done, that may still have holes that are in there, and that's one of the reasons why the Water Board has the Soil and Groundwater Management Report after they've done what they've done. It never fails, that once you've done a Remedial Action Plan, you think you've defined some or all the contamination, but you always find more soil, so I hope there's not a limit on the 20 cubic yards, because I'm sure they're going to find quite a bit more—it just happens. No matter how well you investigated the site, you will always find the underground tank that nobody knew about—it always happens. So it's important to make sure you set up contingency plans, like the soil Management Plan is a way of going, "OK, I see something, it smells funny," and please understand, smelling is primarily the best way to deal with TPH, and "it looks funny," you notice something doesn't look right here, and all of these things, using instruments, have a way of helping you define what the problem is. What it represents, you have to go back and figure out what it is; how serious it is. But as long as people are protected as they're going through and doing that work, as long as there is no direct exposure to people as activities are going on or after the site has been redeveloped, there is no public health risk associated with it. So I know the facility has been here for a long, long time, and it's not unusual for us to have to put together the puzzle here to figure out what's there. And it really is, it ends up being a jigsaw puzzle. So I guess I'd like to reiterate the comments that were made here tonight, if you have information with regard to the historical use of the property, the historical activities that occurred at the property, please call the Water Board, send them an email message, let them know what you've found, and then they can go back and see whether or not there's any holes that are there, because they have to continue filling in the gaps in the holes.

Barbara Cook

- A. c) Another part of this question, and I don't believe we can answer this tonight, "Has there been a health assessment of workers, or former workers?" That's a question we'll have to look further into.

Tom Mitchell

- A. d) Once grading occurs, if dust becomes airborne, possibly. It depends on what's in that dust, the material. The amount of grading that is happening on the site is, what I've seen, is very confined. We need to go back out there I think and look one more time—we always do that—one more time, as always. It frustrates the property owner. It seems to us that there's not that much grading and activity at this point that we would require a permit. I'm actually a little more concerned about the concrete dust that we saw when we were out there at the site. We've got that fine layer of concrete that's been ground up as equipment's gone over it—in terms of that becoming airborne then it would be a bit under the heading of soil fractions. Especially since one of the things you put on soil to keep the dust down is oil, going back to the old days. Maybe Craig would have more to say.

Chris Brown

- A. d) No, I think you've pretty well addressed it there.

Craig Hunt

- A. e) Yes, some of it was. And some of that came from the nearby Georgia Pacific Resins plant.

Craig Hunt

24. Q. Dioxins are forever! They are also a major cancer causing substance. How will you deal with the situation?

Michael Toms

- A. I will treat that as a comment.

Tom Mitchell

25. Q. How do you determine the background levels of contaminants? What is DDR's involvement in that process? What are the background levels for dioxin, chrome, metals? How far back is mandated? 50 years ago, before mill operation? Have you contacted former workers for health assessments of past workers?

Christina

- A. There are a variety of techniques for defining background. Let me give you the background for dioxin. In the urban environment the published number is 10. There is an argument that Georgia Pacific will end up having that as we speak, but that is what is the published number is--10 parts per trillion. How is background calculated? Metals and to some extent dioxin as well--they exist everywhere. If you want to find some high levels of dioxin right now, go to San Diego County. Go to any place in southern California where there is a fire. The highest levels of dioxin typically are found where a forest fire actually occurred. Just because that's where it is. What is done is to calculate background, you have two ways of doing it. The first one is if you know of an area, which is very difficult to find, an area where you know that no type of activities or history of any type of operations existed, is where you might collect background samples. You have to find a whole number of them so you get an idea of what it is to figure out the variations of it. If you're like me, and I'm in the Bay Area, you can't really find any places where, you're going to find places where industry has not impacted it. So now you're going to look at collecting a number of samples, probably close to 40-50 samples, testing for them, and then you're going to start plotting them. How many of you are statisticians? I'm not even going to describe the methodology because I just bring a statistician with me, and they describe it. But they plot the data on a line, all of the data, and they're sitting there looking for breaks in the plot to figure out where it is background and where obviously the site's activities have had an impact on it.

Barbara Cook

- A. If I could speak more specifically to the site: When you're talking about solvents--if it's there, it's above background. If you're talking about petroleum, now petroleum test can kind of get tricked up a little bit if there are organics in there. You can get false positive on petroleum, but we can usually figure that out, but if petroleum is there it's above background. Metals, you can find just about any species of metals in the soil at some level or another. I've seen a lot of Mendocino County samples, reviewed some reports on background and things, usually you can tell when, if you've run into something like lead, what level does that going to playing that could be something above background as you go through it. And if there needs to be a determination, a break, in terms of how much of this is due to site contaminants and how much of this is due to background, there will be a kind of extensive background study typically, to potentially have to make that kind of distinction. But on a lot of these potential releases--no, if it's there, it's a release.

Craig Hunt

- A. The last part of that question, I think we previously talked about, we're not prepared to answer is, "Have you contacted former workers for more assessments, past workers?" and that's something I'm sure we'll be doing as part of an ongoing process; we're not specifically looking for former employees.

Tom Mitchell

- A. That's something that consultants for Masonite International Paper did to some degree in preparing background.

Craig Hunt

26. Q. 1) Which agency monitors dioxins?
2) Have dioxins been monitored?

3) What was date of beginning of dust monitoring?

Anonymous

A. 1) It depends on the media. If it's in air, the facility at one point in time did emit a very small amount of dioxin in the air as part of their combustion process, we monitored that, and those air emissions. And then they moved on into other media, and we handed the mike over.

Chris Brown

A. 1) We do some sampling of our own, use it to cross-check whom we call discharges permits with us, whom we call dischargers. There's too many of them and too few of us, for us to be able to take over the sampling, so we do have them do sampling under requirements that we issue to them. It's been that way since 1977, since I started working for the Water Board, and I fully expect that that will continue into the future, and we have to keep them honest by cross-checking them from time to time. I would also add that there's a difficulty in dioxin sampling, and that if you go with a really high-grade set of laboratory equipment and analysis, it's going to be expensive, but if you don't go with the expensive test analyses, you run a real chance of running into a false positive. It's real easy to come up with a small number, like several parts per trillion, and then look at it and say, "Wow, is that stuff really there?", you know, at those kinds of levels. So you want your science to be as accurate as possible, so it drives the cost of the sampling up quite a bit, and that's one of, I think, the reasons why we don't know a lot about dioxin, because everywhere where you want to look, it's going to be a tremendous expense to come up with the answers to your questions.

Dave Evans

3) There is several different types of monitoring and we actually have a timeline, which we'll put out to the County. Monitoring inside the containment area, obviously workers, and immediately outside the containment area started when abatement started, which I believe was on the 26th of July. That's all that is mandated under the NESHAP regulation. After seeing the level of public interest increase, we did request additional monitoring, that started at the fence-line in September, we requested it at the end of August. That monitoring continued until the middle of October, where they switched over to the monitoring to upwind and downwind monitoring, that was requested by the DTSC. During our monitoring phase, additionally, they were monitoring simply on the downwind side of the property, so you don't know what's blowing onto the site, you only know what's blowing off of it. Those monitors haven't shown anything that raises our level of concern at any time. It's safe to say that dust monitoring began in September, visual monitoring occurred from day one, when our staff drove by the site, every day.

Chris Brown

27. Q. Does the County Building/Planning Dept. have a general provision to prohibit projects that propose a danger to the public? (Regarding Mr. Hall's and the Environmental Health Dept's. statements of limited authority.)

Anonymous

A. I think it's inherent in the Building Code that talks about the process that it's to eliminate the danger. I assume that if we found something, and Chris you can correct me if I'm wrong, Chris Warrick is the Chief Building Official, we can rescind a permit if we find it's been issued in error or if we find some inherent danger with that project.

Raymond Hall

28. Q. What will be the process in which the remainder of the stacks will be taken down? What will be the timeline?

Ana

- A. The stacks were, originally, when we talked to them they were talking about taking down the stacks last week. Of course the Board expressed their opinion at the last Board meeting, they asked for a delay, that delay was a request and the property owners did comply with that request. My understanding is they are now at a stage where they'd like to proceed and the Board has not made a request at that time. So I think we can expect to see that happen any day now. We have twice now gone and examined the stacks. All I have seen, when I've stuck my head in there and examined photographs is bare metal, some rust, a small amount of lime at the bottom of the stacks. The disassembly process, it's not going to be, as I said earlier like you'd see a coal-fired power plant in Pennsylvania where they just go in and knock the thing down, they're going to have a crane at the top end, they're going to chop the base, they're going to bend it in half, they're going to lower it to ground, at that point it will be compacted and put into a shipping container and sent overseas to be recycled. One of the stacks will be saved, and will be going with that boiler to Oregon to be reused. So we are talking only about two of the stacks actually coming down and being dismantled. As I've said they've been scrubbed, they are very clean, surprisingly clean actually, when I stuck my head in there I was quite surprised, I was expecting to see something clean, but it was even cleaner than that. And I know that, I think, Tom, yourself, Carmel and Dave have also looked at it, and you might add anything that you want.

Chris Brown

- A. We know that stacks were originally scheduled to come back for review and possible dismantling as early as last week. DDR agreed that they would not remove those stacks, and other sections of the project until we met after this forum. That's all we know at this point.

Tom Mitchell

Mr. Mitchell stated that this concludes the address of questions that have come forward. In the interest of time, questions that were too lengthy to be discussed will be responded to in writing.

8. Matters from the Public

During the meeting, members of the public wishing to speak provided Speaker Request forms to Mr. Mitchell. Mr. Mitchell invited each member forward, in order of the forms received.

Albert Krauss

Mr. Krauss expressed appreciation that the DTSC was present at the meeting. He is a grandparent of children at the Tree of Life Charter School, located on Ford Road where trucks that transport site material travel. He is specifically concerned regarding PCBs and dioxins that may be remaining in untested soil. He posed the question:

Can our local agencies, our Air Quality Control Board even being to address: If a truck is transporting materials other than properly containerized asbestos from the site, and that truck is uncovered, and further, the truck wheels have driven over an unspecified route on the property in question, randomly over various surfaces there, and a very short distance beyond the site on Ford Road, that truck is passing within a very few yards of the Charter school, would not the fact that the truck body vibrating or tires are centripetally distributing residues, interact with even the slightest ambient air motion to generate a hazard from the transport and volatilization of microscopic particles of contaminant. That if present, the contaminated particles would constitute a clear health risk to the children in that school, such that pre-emptive evaluation of the transported materials in question would be mandated? And that such transport be stopped until such proper oversight is established?

In summation, Mr. Krauss asked panelists to address the assurance of the school children's safety.

Chris Brown stated that any load of soil will be covered, and that all scrap metal will be enclosed in containers, with the exception of materials going overseas due to Cal-OSHA rules. Also, materials are taken to the trucks, the trucks are not leaving pavement or entering the demolition area for the loading of material.

Barbara Cook stated that she is also taken back by the truck route, and was told that was the only way out from the facility. She advised that the property owner be asked to ensure that trucks do not transport at times when children are present. She stated that another route from the premises would be more ideal.

Tom Mitchell stated that the County would be certain to address the issue.

[Clerical Note: Mr. Krauss submitted written questions and concerns, which may be viewed upon request to the Executive Office at the County of Mendocino Administration Center.]

Linda Gray

Ms. Gray provided information that the Simpson Mill in Eureka had been found to be contaminated with pentachlorophenol (PCP or "penta") after the Water Board and consultant had claimed that no further clean-up was required. She stated that the Water Board had not required dioxin testing at the Georgia Pacific Mill in Fort Bragg; that it had been found after the DTSC assumed oversight. By contrast, the State of Oregon required that a former Masonite plant be tested for hydrocarbons, PCP, PCB, dioxin, arsenic, manganese and iron throughout its entire site. All contaminants were found and remediation requirements were severe.

Ms. Gray stated that Bob Scaglione, a former Environmental Manager at Masonite, documented in a letter that PCP had been removed in 1988 from the Ukiah Masonite facility.

Bob Scaglione, present in the audience, was invited to speak by Mr. Mitchell. Mr. Scaglione stated that he had worked for Masonite, and that the PCP referred to by the speaker was a drum received from another mill, had been kept on site and disposed of by Masonite. To his knowledge, PCP was never used at the facility during the 20 years that he worked there.

Craig Hunt stated that Masonite was a pressboard plant, not a wood treatment facility, and so would likely not use PCP in its operations. Regarding the Georgia Pacific Mill in Fort Bragg, the Water Board's discovery of dioxin was a contributing factor in the decision to ask the DTSC to become lead agency.

Dave Evans stated that with regard to the Eureka Sawmill, it is not a closed site. The data is difficult to interpret; however, the Water Board is still working on it.

Donald Larsen

Mr. Larsen stated concern regarding soil disturbance and particles becoming airborne during the demolition of buildings. He stated that he worked at Masonite in 1956 as a college student and during this time observed pressboard production lines and residual fluid run-off from them. He stated that during that time he had observed a manager employed by Masonite hosing a seemingly toxic yellow substance into the ground near the railroad tracks. Additionally, he stated concern regarding Chris Brown's comments regarding visible dust, because he believes there is much in the air that cannot be seen.

Chris Brown stated that the AQMD is sampling for all suspended particulate.

Michael Toms

Mr. Toms reported that a sweet smell was suspended in the air when he first moved here, and that members of the public began asking questions. He stated that Air Quality was involved, and that the US EPA found that Masonite was illegally operating for many years. Masonite was fined 500 million dollars, which caused the bankruptcy of their parent corporation at the time. He urged everyone to review that public record.

Alan L. Spivak

Mr. Spivak expressed appreciation for the present assemblage of panelists and that his questions had been answered nicely. He also commented that he was proud to be a part of the large amount of individuals present who were interested and involved in addressing this problem.

Daphne Macneil

Ms. Macneil asked the following questions:

- Is dioxin being tested in both soil and water?
- Have the toxic standards for dioxin have changed since 1994?
- What happened with the settlement ponds during the flood of 2005?
- Her understanding is that PCP was used in many mills before we knew about its toxicity and before there was proper oversight, and that the Masonite mill was burning waste material from a number of other mills that were presumably using this substance. Have water and soils been tested for PCP?
- In regard to wind drift from the Masonite burners, her assumption is that the plume would have contaminated soils downwind from the plant; are the soils under those drift plumes being tested?
- She understands that Masonite had transformers with PCBs, that there were leakages of those and at one point a transformer explosion. Have water and soil been tested for PCB and if found, how ill it be remediated?
- Requesting an answer from each agency, Ms. Macneil asked if they feel that a comprehensive analysis of the entire site is being conducted and if each agency is satisfied that adequate testing, monitoring and clean-up is being done of all substances all areas?

Chris Brown responded that a listing of the emissions resulting from the plume are available as per AB 2588; legislation adopted in 1989. The report, completed in 1992, has a complete characterization of everything in the plume and is publicly available. He stated that the prevailing wind direction would have taken the plume to fields southwest of the site. He stated that he did not know of anything in the plume that would be a health concern and that it contained a 0.9 grams/year level of dioxins, which is well below any regulatory threshold. AQMD did request PCB testing of the Galvestos siding because some of that could have been contaminated by the manufacturer, but those results were negative.

Craig Hunt stated that the dioxin testing done at this point has been in ash. In terms of characterization, his agency has been largely satisfied with what has been done to date; however as new information is revealed due to the demolition, his agency may have more work to do.

Mr. Brown added that the owner, his representatives and the Industrial Hygienist have all been very forthcoming and cooperative with AQMD requests for information and testing, and have fully answered their questions. He stated that the EPA had the same experience when they visited the site with the AQMD.

[Clerical Note: Ms. Macneil submitted written questions and comments, which may be viewed upon request to the Executive Office at the County of Mendocino Administration Center.]

Mēca Wawona

Ms. Wawona stated that she is speaking on behalf of the Mendocino Environmental Center Toxics Task Force. She stated that in regard to demolition, their most urgent concern is the imminently scheduled dismantling of stacks and boilers for transport off-site. She stated that no air samples have been taken for the testing of dioxins, furans and other toxins known to have been present and emitted from those structures. Last week her organization presented to the DTSC and the County, records that listed numerous toxic substances reported under AB 2588 as being reportedly emitted and present on the site.

In addition to the above, Ms. Wawona questioned the adequacy of the site characterization, that risk-based clean-up has not been addressed, and that there have been other inadequacies, errors and omissions. She requested that a full, written meeting record be provided to the Mendocino Environmental Center Toxics Task Force, and pointed out data gaps in the site characterization.

Ms. Wawona questioned why no soil had been tested for dioxins and furans. She stated that the Remedial Action Plan did not address risk-based clean up, potential human health and ecological risks associated with the reuse of the facility and in areas adjacent. She questioned what assurances could be given that toxic substances associated with every aspect of the site no longer present ecological risks. She stated that until these questions could be answered, her organization requests that the stacks not be dismantled and that no further disturbance or removals of soil occur, until the DTSC has had the opportunity to advise the Regional Water Board and Air Quality staff on sampling strategies and protocols and laboratory tests for dioxins and other toxic chemicals and metals.

Tom Mitchell responded that tomorrow's Board of Supervisors meeting would be the appropriate forum for Ms. Wawona to make that request. He stated further that this is an informational meeting and we cannot take action on the items that she requested, and he encouraged Ms. Wawona to be present at tomorrow's meeting and make that request of the Board.

[Clerical Note: Ms. Wawona submitted written questions and comments, and a written statement, which contain the full text of her address. These documents may be viewed upon request to the Executive Office at the County of Mendocino Administration Center.]

Jennifer Kelly

Ms. Kelly stated that she was confused because she is hearing panelists express that levels of toxins are within normal ranges but that there is concern regarding dioxin in ash, diesel fuel in the soil and that chlorine was used at the site. She also asked how the public could be certain that a third party, hired to protect DDR from potential lawsuits, could protect the environment from toxic spills.

Tom Mitchell responded that he and all panelists are providing factual information as it is known at this point in time. He stated that the best available science for monitoring is being utilized, and that he and the panelists are taking all comments very seriously. He responded that he would never make a statement today that the site is absolutely clear. Monitoring of the site will continue, and that if anything of concern arises, it will be dealt with.

Clifford Paulin

Mr. Paulin stated that it was public outcry which gave rise to the increased level of oversight and ambient air monitoring of the demolition project. He stated that testing of high particulate matter indicates that only testing of asbestos is occurring; and therefore no other chemicals of concern.

Additionally, Mr. Paulin stated that public outcry also resulted in the testing for dioxin from the wash water of the stacks. He noted that dioxins are not water soluble; therefore it won't be found using that method. According to the SCS Engineering Report, dioxin testing has been limited to boiler ash. Mr. Paulin, in reference to a letter to Mr. Hunt from the project consultant stating that dioxin testing should not be required, commented that the consultant should not be the one to choose what is tested for.

Mr. Paulin cited the Storm Water Management Plan as stating that the site will be used as a containment plan and that storm water drains were to be cemented over. He believes that this assumes that the site is impermeable, which it is not, and in fact further excavation would increase ground permeability; thus increasing the probability that storm water on the site will enter into the groundwater.

Mr. Paulin expressed concern regarding treated wood being transported from other mills to be burned on the site as boiler fuel.

Mr. Paulin urged Barbara Cook to assume oversight of the project, and requested Mr. Mitchell to urge the Board of Supervisors to halt demolition until all issues have been adequately addressed.

Chris Brown asked Mr. Paulin for clarification regarding the treated wood burned on the site; whether it had included pressure-treated wood, painted wood, and what would be considered urban wood waste.

Mr. Paulin responded that the treated wood was of those varieties, and will provide Mr. Brown with documentation to that extent.

Chris Brown stated for the record and the audience, that complaints to his office are anonymous. He encouraged individuals to call the AQMD office if they are aware of anything going on, or have concerns. He stated further that the only time he cannot guarantee anonymity is if litigation demands that the anonymous party become a witness; but up to that point anonymity is guaranteed. He stated that, likely, all the regulatory bodies present have the same policy.

[Clerical Note: Mr. Paulin submitted an introductory letter and written questions, which may be viewed upon request to the Executive Office at the County of Mendocino Administration Center.]

Dorotheya M. Dorman

Ms. Dorman questioned why there was no surety bond on behalf of DDR to cover any liability resulting from inadequate testing done thus far, testing to be done later, and the potential harm to the community. She stated that the demolition was done without adequate public notice, observation and inspection. She asked that if a public group wanted to do independent testing, how would they obtain permission to go on to the site, which is privately owned?

Mr. Mitchell responded that those are legal questions that he is not prepared to answer at this time.

Ms. Dorman continued by drawing an analogy to mining operations in Appalachia, and reported hearing of spontaneous abortions and stillborn births occurring in greater numbers when Masonite was in operation.

Darca Nicholson

Ms. Nicholson stated that she has been a Health Care Practitioner for almost 40 years. She reported that she has a sensitive client who lives in Talmage but attends the Tree of Life Charter School which is close to the site. She stated that her client awakens with normal health, but that within two hours of school attendance experiences respiratory distress that her medications won't address. This has been occurring since the client began school this semester. She also stated that a report was published in the New England Journal of Medicine about particulate matter and post-menopausal women and the increased incidence of heart disease, and qualified that these types of occurrences may not be seen for some time due to lack of demographic information. She requested that the County utilize the precautionary principle in their approach, and that Barbara Cook of the DTSC assume the lead agency role.

Jim Mulheren

Mr. Mulheren expressed appreciation for the panelists' dedication and professional service. He stated that after hearing the testimony tonight, he is glad that DDR is cleaning up the site. He added that all who have spoken made a great cause for not continuing this site as an industrial site and that he looks forward to when the site becomes a shopping center and is environmentally friendly.

Pinky Kushner

Ms. Kushner stated that she had visited the Tree of Life Charter School, and that its playground is very close to the approximately 25 foot-wide, and very dusty, road. She stated that there was no way that dust from the site was not falling on the road. She added that Mr. Mitchell should present Ms. Wawona's request to the Board of Supervisors, and concurred with Ms. Wawona that the process of deconstruction should be stopped until the public can be assured that the site is clean and that it will be replaced with a clean industry.

9. Wrap Up and Adjournment

Mr. Mitchell concluded the meeting by thanking each member of the public and the panelists for their time and attendance. He reiterated that it is not the intention of the Executive Office that this will be the last public meeting regarding the former Masonite site, and meanwhile, his office will address all questions and concerns. The meeting adjourned at 9:10 p.m.