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Testimony

**DEQ Hearing re Intel's Proposed Air Quality Permit
For fabs at Ronler Acres and Aloha**

Issue of Concern: Inadequate Public Notice

DEQ was invited to a mid-July meeting at the request of the county's Committee for Citizen Involvement. At this meeting, DEQ staff indicated that they were in the process of granting Intel's permit proposal. Attendees inquired why there was no hearing process. DEQ staff said individuals could submit information by month's end and only if 10 or more wanted a hearing would a hearing be scheduled. The audience unanimously asked for a hearing. Prior to this meeting, few had heard much about the DEQ permit review of Intel's application. DEQ then scheduled an additional information meeting and tonight's hearing. Several media stories stimulated by citizens have identified these meetings to the larger but local public. However, the **plume dispersal zones** of the proposed air quality permit involve a wide area of the Tualatin Valley. DEQ has sought to portray this as related to Hillsboro and Aloha and portrays the Portland airshed as generic, and with plenty of capacity for toxin dispersal. However, the actual local impact, according to prevailing wind patterns would involve much of northern Washington County during the fall, spring, and winter months, and much of southeastern Washington County during the summer months.

Recommendation: DEQ should set aside this permit approval and plan for extended public outreach and information meetings to involve stakeholders from the plume dispersal zones. Only then would a hearing be appropriate.

Issue of Concern: DEQ Lacks Adequate Meteorological Considerations

DEQ has sought to downplay local meteorological conditions and specifically the prevailing winds in the Tualatin Valley. At information meetings, they have treated the Portland area as a generic zone with adequate emission dispersal. At the second informational meeting, they failed to present a meteorologist or meteorological rationale as requested. What little was said was that assessment of Hare Field monitors and the

NWS information from the Portland-Hillsboro Airport indicated a flat geography without much turbulence :"calm". (see attached: request for meteorological information being made available at the 2nd informational meeting). DEQ staff stated if we had health and meteorological questions, we could develop a conference and invite these specialties, but it was not the responsibility of DEQ to address these specialty questions. I followed up by email the following day and got referred to an individual who provided an overly simplified and opaque summary (attached: email #1 from DEQ's Mr. Barnack). I persisted seeking more specific information and finally received a link to the ***PATSAC Report and Recommendation:*** (attachment: email # 2 from DEQ's Mr. Barnack). The link provided was:

<http://www.deq.state.or.us/aq/planning/report/10Appendix.pdf>

Within this report, there is a discussion about the "dispersal model" the committee had under consideration, followed by a brief discussion of meteorological considerations. It also identified the then monitoring sites in the airshed. The closest monitoring site then (2010) to the Intel facilities was in somewhere in Beaverton. The Hillsboro Hare Field temporary station came later: 9 months ago and yet without annual data. DEQ indicated however that they also drew information from the National Weather Service installation at the Portland-Hillsboro Airport. DEQ characterized the meteorological conditions from the limited Hare Field and the Portland-Hillsboro Airport as flat (geography) and calm (turbulence). **However, the prevailing winds at the Portland-Hillsboro Airport are available at <http://www.wrcc.dri.edu/htmlfiles/westwinddir.html> and indicate clearly that from October though April, the prevailing winds are from the south. During May through September, the prevailing winds are from the northwest.** This meteorological information is critical to understanding the potential impacts to large populations and communities within the Tualatin Valley.

Recommendation: DEQ should schedule additional informational meetings to adequately review this meteorological information. Only after the public is presented this information would a hearing be appropriate.

Issue of Concern: Lack of Transparency

DEQ has represented that it is working from a state of the art air toxins modeling that had the vetting of the PATSAC and that we (the public) should be reassured that our health and safety has been weighed by experts and that we are fine to go about our lives without fear and lingering doubt.

George Davis of DEQ indicated that we can take reassurance from his still living in the Portland area, knowing what he knows.

However, within the PATSAC Report and Recommendations, there are indications that the report was not embraced by the committee, that majority recommendations were not embraced by the DEQ, and that DEQ stepped in and became the author of the report that should have been the product of the committee that had worked on it for several years. Major public health, environmental, and methodological questions were raised by parties to the PATSAC. Questions and concerns about the modeling went unanswered. Calls for increased air monitoring were made, and by industrial representatives. An addendum to the report contained numerous letters from participants that qualified their experience on the committee and its final product.

References are made to the influence of “industry” but no information is provided. Today, several years later, we did not hear about this major rift in the PATSAC. We have heard that monitoring is expensive and DEQ cannot afford it. We have heard that our health, safety, and environmental concerns have been positively vetted.

Recommendation: DEQ should go back to the drawing board, reconsider what is adequate and necessary information to share with the public, and embark on additional informational meetings. Only then would a future hearing be appropriate. This process must be transparent, honest, and public.

Issue of Concern: Fluoride Emission Omission by Intel and DEQ’s Inability to Detect the Omitted Emissions

DEQ indicates that Intel will not have to submit to the higher current standards and regulations tied to their now being considered a “federal source emitter”. DEQ represents that this omission was significant for Intel and admits that it was also significant in that they (DEQ) did not catch it. DEQ and Intel have mutually agreed that these oversights do not require any sanctions and that Intel can undertake this new permit with pre-2010 standards. However, this equation lacks critical representation. The residents of communities that are within the plume dispersal zones might well regard the higher standards and regulations as better reassurance than what we have heard from DEQ and Intel to date, notwithstanding the embarrassment that these omissions and lack of oversight must cause both organizations,

Recommendation: Intel should be formally admonished for their omission and the previous DEQ approval should be invalidated. Intel should now be held to the current higher standards and regulations. DEQ, because of its omission to catch the fluoride emissions should be directed to hold public hearings on increased monitoring, its costs, and how increased monitoring might come about. That they could not detect the emissions of the omitted gas is a case in point for increased monitoring stations.

Issue of Concern: Proprietary Emissions

DEQ is tolerant of Intel's secrecy with regard to proprietary toxic emissions. I started out assuming respect for DEQ. However, DEQ credibility has become questionable to me through this process. They are OK with trusting Intel, even in the face of a prior omission and concerns from other facility locations: New Mexico. I started out with a neutral regard for Intel. However, now in the face of their omission and concerns about their response to issues from other facilities, I consider that there should be some external, neutral expertise that is brought into this that is capable of monitoring these secret emissions and for the public benefit. Our health and safety is proprietary. We normally look to the government to assure this.

Recommendation: If the state of Oregon's DEQ is not willing, capable, or competent to undertake this, we should bring in an entity that, sworn to secrecy, will monitor for the public's benefit.

Issue of Concern: Objectivity of Hearing

DEQ took over the authorship of the PATSAC Report and Recommendations. DEQ has been overly narrow with its public notification. DEQ has been miserly with information that would allow the public to comprehend the impact to its health and safety. DEQ has committed an omission in it's failing to catch Intel's fluoride emission omission. DEQ has not been transparent and informative with meteorological information. All of this creates a perception that DEQ is in conflict (of interest).

Recommendation: A neutral hearings officer should be selected to receive and adjudge public testimony.

Issue of Concern: DEQ does not require any liability insurance on the part of the applicant in the event of damages to individuals, vocations, or communities that might suffer damage from these emissions.

When I asked this question of DEQ at the second informational meeting, I was told “no”, “next question”!

Recommendation: Intel (federal source emitters) should be required to have levels of liability insurance sufficient to address damages from individuals, communities, or vocational sectors (agriculture) shown to be damaged by their emissions. They should also be required to make public their damage settlement process. No settlements that oblige victims to secrecy should be allowed.

The Governor’s currant 10 Year Plan has **Healthy People, Safety, and Healthy Environment** among its top 5 goals.

Respectfully,

Robert Bailey