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STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENVIRONMENTAL SERVICES  
  
PUBLIC HEARING  
ON DRAFT HAZARDOUS WASTE  
POST-CLOSURE/HSWA RENEWAL PERMIT  
FOR  
PPG INDUSTRIES, INC.  
LAKE CHARLES CHEMICAL COMPLEX  
WESTLAKE, CALCASIEU PARISH, LOUISIANA  
AGENCY INTEREST NO. 1255  
  
HELD ON THURSDAY, SEPTEMBER 10, 2009



HEARING OFFICER: KATHY WRIGHT  
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

REPORTED BY: SYLVIA C. PASTRANO  
CERTIFIED COURT REPORTER  
FOR ASSOCIATED REPORTERS

2                   We are going to go ahead and get  
3 started. Let the record reflect that the time is  
4 6:11 p.m. My name is Kathy Wright. I am employed  
5 with the Louisiana Department of Environmental  
6 Quality. I will be serving as the hearing officer  
7 this evening, Thursday, September 10, 2009.

8                   This hearing is scheduled to  
9 accept public comments concerning the draft  
10 hazardous waste post-closure/HSWA (Hazardous Solid  
11 waste Amendments) renewal permit for PPG Industries,  
12 Inc., Lake Charles Chemical Complex, Agency Interest  
13 No. 1255, Permit Number LAD 008 086 506-PC/HSWA-RN-1  
14 and Activity Tracking Number PER20070003. The site  
15 is located at 1300 PPG Drive, Westlake, Calcasieu  
16 Parish.

17                   PPG Industries, Inc. requested to  
18 obtain a RCRA hazardous waste permit for  
19 implementation and management of the final remedies  
20 for the HSWA corrective action requirements at the  
21 Lake Charles Complex. On March 12, 2007, PPG  
22 Industries submitted to the Administrative Authority  
23 the Integrated Final Corrective Measures Study  
24 Report (IFCMS). The IFCMS Report provided the  
25 Administrative authority with a summation of over a

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1 decade of administrative Authority with a summation  
2 of over a decade of investigation and interim  
3 corrective measures implemented to address



7 everyone at all times. You may speak in support of  
8 the permitting actions; in opposition to the  
9 permitting actions; or simply to provide additional  
10 information.

11 All interested parties will be  
12 given a reasonable opportunity to comment, unless  
13 testimony is not related to the purpose of the  
14 hearing. All comments heard and transcribed during  
15 this hearing and all written comments received  
16 during the comment period will be evaluated and  
17 addressed in the Department's written response.

18 A public notice advertising this  
19 public hearing and request for public comment was  
20 published in The Advocate, Baton Rouge, and in The  
21 American Press, Lake Charles, Louisiana on July 22,  
22 2009. A copy of the draft hazardous waste post  
23 post-closure/HSWA renewal permit is available for  
24 inspection and review at the LDEQ, Public Records  
25 Center, Room 127, 602 North 5th Street, Baton Rouge,

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1 Louisiana. Viewing hours are 8:00 a.m. to 4:30  
2 p.m., Monday through Friday, except holidays. The  
3 available information can also be accessed  
4 electronically on the Electronic Document Management  
5 System (EDMS) on the DEQ public website at  
6 [www.deq.louisiana.gov](http://www.deq.louisiana.gov).

7 Additional copies may be reviewed  
8 at the Calcasieu Parish Library, Westlake Branch,

9 937 Mulberry Street, Westlake, Louisiana 70669 and  
10 the Sulphur Regional Branch, 1160 Cypress Street,  
11 Sulphur, Louisiana 70663.

12 In addition, copies of the public  
13 notice were mailed to individuals who have requested  
14 to be placed on the mailing list maintained by the  
15 Office of Environmental Services on July 22, 2009.

16 In accordance with Louisiana  
17 Administrative Code, Title 33, Part 5, Section 715  
18 A, comments received by 12:30 p.m., Monday,  
19 September 14, 2009, will be considered prior to a  
20 final decision. All comments received by 12:30  
21 p.m., Monday, September 14, 2009, shall be retained  
22 by the Department and considered in determining  
23 whether to issue or deny the permit.

24 Written comments on this draft  
25 hazardous waste post-closure/HSWA renewal permit may

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1 be submitted to Ms. Soumaya Chossen, LDEQ-OES,  
2 Permits Support Services Division, P.O. Box 4313,  
3 Baton Rouge, LA 70821-4313.

4 Under LA Revised Statutes 30:2017,  
5 as revised by the legislature in the 2004 session,  
6 the Department is required to follow the following  
7 order with the provision that the presiding officer  
8 may give preference to a public official to speak at  
9 any time during the hearing. However, any time  
10 limit set for citizens testimony shall apply to  
11 public officials.

12 Please turn off your cell phones  
13 at this time. Thank you.

14 And with that said, I would like to ask  
15 the permit applicant representatives to come forward  
16 and make their introductory presentation.

17 MR. MANNS:

18 My name is John Manns. My address  
19 is 4310 Indigo Place, Lake Charles, Louisiana 70605.  
20 I am the plant manager at PPG here in Lake Charles.  
21 With the issuance of a final permit, we have reached  
22 an important milestone in the HSWA permitting  
23 process. I appreciate this opportunity to provide a  
24 recap of our remedial efforts over the last 20  
25 years.

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1 Our work began in 1990, when EPA  
2 issued our original HSWA permit. The permit called  
3 for remediation. I am simplifying here but in  
4 general terms the approach required us to assess  
5 site conditons; conduct a thorough site  
6 investigation; and prepare a corrective measures  
7 report, which proposes and evaluates remedial  
8 alternatives.

9 The final step is the  
10 implementation of remedies which are selected by  
11 LEDQ with public input, which is why we are here  
12 today -- to provide public input into the process.

13 Once the final remedies are

14 selected, our HSWA permit <sup>9DEQPPG</sup> will be modified to  
15 include them, along with the provisions for  
16 conducting monitoring and maintenance activities  
17 well into the future.

18 I want to emphasize that while  
19 remedial implementation is the last step in the  
20 final process, our HSWA permit allows for us to  
21 implement measures at any point in the process, with  
22 agency approval, if such action would be beneficial  
23 to human health or the environment. We have made  
24 good use of this provision, and throughout the last  
25 15 years, we have protectively installed most of

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1 what needs to be done. These actions have enabled  
2 us to establish a proven track record on their  
3 effectiveness through the extensive sampling,  
4 analysis, and reporting that we have performed  
5 during this time.

6 we have utilized different  
7 remedial strategies to protect human and ecological  
8 receptors. Some of the voluntary projects that have  
9 been implemented over the years have involved the  
10 complete removal of contamination. Others provide  
11 for the on-site containment of contamination through  
12 actions such as groundwater pumping. Some involve  
13 the installation of protective barriers to eliminate  
14 exposure.

15 Our actions demonstrate our  
16 commitment to protect human health and the

17 environment in Southwest Louisiana. We are proud  
18 that we are one of the few companies in the nation,  
19 and the only one in our area, to have made it this  
20 far in the process. Thank you.

21 MS. WRIGHT:

22 I will now begin by allowing  
23 persons who have signed up to speak five minutes in  
24 which to present their comments.

25 Anyone who needs more time will be

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1 allowed to finish his/her comments after all the  
2 registers speakers have had the opportunity to  
3 speak.

4 The first to speak will be those  
5 citizens who live within a two-mile radius of the  
6 facility.

7 Our first speaker is Mr. Harold  
8 Arena. Please excuse me if I mispronounce your  
9 name: F. Harold Areno.

10 MR. ARENO:

11 I was told I don't have no proof  
12 of what I am saying, but I was told in the 200-foot  
13 sand, they are going way below that now with  
14 contamination. I live right there within 200-foot.  
15 I mean, 2 miles -- I live within a mile of it  
16 really.

17 But, that water is I drink and  
18 all. I don't want my water contaminated. I hear



22 cleaned up as quick as I could. And I know the  
23 bayou needs cleaning up.

24 I know I hear they don't want to  
25 spend no money to get all the contamination that has

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11

1 been put in there. The bayou was good at one time.

2 Now, I think they ought to try to  
3 get it back like they had it one time. They knew  
4 when they put it in there, they were doing wrong.  
5 Now, they ought to have to fix what they did wrong.  
6 That is the way I am looking to see if people do the  
7 right thing and clean up what they done wrong.

8 MS. WRIGHT:

9 Our next speaker is Eranica  
10 Jackson.

11 MS. JACKSON:

12 My name is Eranica Jackson. I  
13 live at 7101 Prater Road, around two miles or so  
14 away from the plant.

15 Okay. When you were stating about  
16 the application, you were saying that you guys use  
17 ground pumping to get some of the contamination out.  
18 When you do the ground -- water pumping, it doesn't  
19 get all of the contamination out. So, contamination  
20 is still being sent into our water stream.

21 As well as, our well is  
22 approximately 1.23 miles away from the plant, so,  
23 there is still contamination going into our drinking

24 water. I want to know what precautions are you  
25 going to take to get rid of all of the

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12

1 contamination?

2 And, I also want to know, besides  
3 ground water pumping, are you going to be able to --  
4 with the other precautions that you said you were  
5 going to take, you said you guys are still studying  
6 precautions. I want to know what precautions are  
7 those that you all are studying to get complete  
8 contamination out of our drinking water?

9 And, as well as, with you all  
10 having complete authority over this, what can we do  
11 as a community? Because, if we can't do anything  
12 about it, you guys will persist to -- you guys will  
13 persist to poison our water. That is all I have to  
14 say.

15 MS. WRIGHT:

16 That concludes our speakers that  
17 live within a 2-mile radius of the facility. Next  
18 we will hear from those citizens who work within a  
19 two-mile radius of the facility. My first speaker  
20 is Mary Ellender.

21 MS. ELLENDER:

22 My name is Mary Ellender. The  
23 address is 7736 Highway 1133, Sulphur 70665.

24 As you stated in your opening  
25 statement, the problem with the bayou has been

1 recognized for decades. And it's time for DEQ to  
2 step up to the plate and require that all cleanup be  
3 done for the bayou and for the groundwater.

4 And, anything short of that is a  
5 problem with DEQ. And, I put the whole thing back  
6 on DEQ to clean it up. Force to clean up. Thank  
7 you.

8 MS. WRIGHT:

9 That concludes our speakers that  
10 live within a two-mile radius of the facility. The  
11 next speakers are those who live in the parish. Our  
12 first speaker is Paul Ringo.

13 MR. RINGO:

14 My name is Paul Ringo. I live at  
15 820 11th Street, Lake Charles 70601.

16 Just for the record, I would like  
17 to make sure that you have the submitted comments by  
18 Restore from Michael Tritico, as part of record.

19 MS. WRIGHT:

20 I have received them.

21 MR. RINGO:

22 You have. Good. Thank you.

23 I just want to thank you for this  
24 opportunity to be here tonight and to participate in  
25 this public meeting, because we have been part of

1 this process for over 20 years now.

2 And, finally, after 25, 20 years,  
3 PPG is essentially -- I heard someone ask, what did  
4 that man just get through saying, after the plant  
5 manager made his address?

6 Essentially what he says -- it is  
7 technically impracticable, in their very own  
8 documents, for them to do the job that they set out  
9 to do. It's taken them 20 years to admit the truth  
10 that we have been saying all along, and now we are  
11 finally -- they are finally saying that -- we cannot  
12 do anything about it.

13 It is not within -- listen to what  
14 I am telling you: It is not within their technical  
15 capabilities. But, even setting that aside, it has  
16 not been their goal to set Zero discharge is the  
17 only simple solution for a remedy.

18 This very contamination is taking  
19 place in this area. It includes Mossville. Look at  
20 these children. These very children are going to be  
21 the ones that have to bear this burden. These  
22 people are just basically admitting, say oh, well,  
23 we can't do anything about that.

24 what is more important is that  
25 they are not even willing to set that as a goal as

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1 the only solution to the real problem.

2 The main problem is that, none of  
Page 13

3 these areas -- and PPG in their very own documents  
4 admits to DEQ that they do not have the capability  
5 of correcting what is wrong.

6 well, basically what this is doing  
7 is allowing the fox to tell the chicken to decide  
8 how many chickens they are going to eat every night.  
9 And the chickens have no say so about it. And  
10 nobody is watching over the fox and saying -- No,  
11 you can't. That is exactly what is going on.

12 Because, DEQ keeps going on with  
13 consent decrees, and making agreements and patting  
14 them on the shoulder and thanks for trying; and not  
15 doing one single thing to stop exactly what has been  
16 going on.

17 From their very own documents,  
18 they say that their own risk evaluations, and  
19 technical practicability, that none of that is going  
20 to work to make right what has been made wrong by  
21 their own admission.

22 what has happened is that, as a  
23 result, Mr. Areno mentioned the 200-foot sands.  
24 There are also the 500-foot sands. The Lake Charles  
25 water wells are in that area. The Mossville water

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1 wells are in that area. Private water wells are in  
2 that area.

3 And, they are saying that we  
4 cannot do anything to stop the movement of the

5 dense, heavy chemicals <sup>9DEQPPG</sup> that they know are moving  
6 through this entire estuary, and eventually  
7 contaminating seafood and sources of drinking water.

8 Some of the chemicals of concern  
9 that they refuse to even monitor, because they don't  
10 want those to show up; but, they have been found in  
11 99 percent of the screening samples, include  
12 dioxins, PCBs, dibenzylpurines, ethyl benzines. And  
13 they have been found in 99 percent of the  
14 preliminary evaluations.

15 DEQ has done nothing to stop that.  
16 And PPG says that they are the only ones that  
17 produce those kind of chemicals and use them; and  
18 they have to be the ones that are responsible for  
19 those.

20 I mentioned the 500-foot sands.  
21 The one good thing is that they are saying, there  
22 will be no new drinking water wells allowed within  
23 the perimeter that PPG has set. But that does  
24 nothing to correct what has been made wrong.

25 Essentially, what is happening is

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1 that a chemical -- I don't have the word for it --  
2 concoction of heavy chemicals is oozing into the  
3 surface waters full of dioxins, undiluted heavy  
4 bottoms: They are nonbiodegradable. They will not  
5 break down on their own.

6 PPG says, that with their best  
7 efforts, their own technologies, there is no way for

8 those to be recovered.

9 But, the point again is that, they  
10 are not even willing to stop what they know is  
11 causing the problem. They are not even willing to  
12 address zero discharge as their goal. We have been  
13 talking that for 20 years.

14 There are a lot of problems with  
15 the bypass, bypass, bypass canals that we have  
16 discussed over and over and over again. The only  
17 solution that I can see is for the entire bayou  
18 drainage area, for that entire area to be set aside.  
19 And I honestly don't know exactly what you are going  
20 to do.

21 I know that it cannot be solved at  
22 the same level that it was created. And I know that  
23 trusting the fox to guard the chickens is not going  
24 to work. I know that DEQ has not stepped up to the  
25 plate and done their job to protect the health of

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18

1 the people in Calcasieu Parish, nor the surface  
2 waters, nor the drinking water sources in this  
3 parish. Thank you.

4 MS. WRIGHT:

5 Our next speaker is Beth Zilbert.

6 MS. ZILBERT:

7 Good evening. My name is Beth  
8 Zilbert. I am the Director of the Peoples Advocate.  
9 Our address is 607 Ryan Street in Lake Charles,

10 Louisiana 70601. We are a nonprofit organization  
11 representing people of Southwest Louisiana.

12 I have a few questions that I  
13 would like to be addressed before this permit is  
14 issued by the DEQ. Make no mistake. We have no  
15 illusions. We understand that these comments and  
16 these hearings, they are proforma.

17 Once we get to this part, the  
18 permit is likely to be issued. We would just like  
19 our questions to be answered before you go ahead and  
20 issue that permit. Unless, these questions can be  
21 answered to the satisfaction of protecting the  
22 public, we are opposed to the issuance of that  
23 permit.

24 We don't see anything in the  
25 permit concerning protections for the public

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1 regarding surface waters and fish. For example,  
2 there are requirements that there be advisories in  
3 the estuary.

4 On our most trip to the waters of  
5 the estuary, there were no signs warning people not  
6 to eat the fish and warning people not to get in  
7 contaminated waters.

8 There are no signs there. How  
9 will you make sure that people are protected? How  
10 will you make sure people are not going in those  
11 waters or eating those contaminated fish?

12 Make no mistake that people in  
Page 17

13 this parish are smart enough to realize that fish  
14 that swim on the bottom, the bottoms are  
15 contaminated; those fish are contaminated.

16 Accountability is also not  
17 addressed in the permit as far as we can see. There  
18 has already been a contamination of surface waters.  
19 That has obviously affected recreation in the Lake  
20 Charles area.

21 There will be contamination of our  
22 drinking water, since it's technically impracticable  
23 for PPG or, as they say, technically impracticable  
24 for them to clean this up. The chemicals that are  
25 in this spill are chemicals that eat through the

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1 sands and eat through the clays of the aquifer,  
2 heading towards our sole source of drinking water,  
3 the aquifer.

4 How will they insure and be  
5 accountable for the contamination that already  
6 occurred in surface waters, and for protecting and  
7 being accountable for any contamination that occurs  
8 to the drinking water.

9 For, example, remuneration of  
10 public bodies for expenses and remedial measures,  
11 which may be necessary now or in the future for  
12 protecting the public because of this contamination.

13 we also see nothing in the permit  
14 regarding what will happen if there are permit

15 violations. Either permit violations in the past  
16 that led to this particular spill -- in the present  
17 or in the future and how that will affect this  
18 hazardous waste permit.

19 What is also not included, as was  
20 mentioned by another speaker are things like dioxins  
21 and PCB's. How is it possible to determine the  
22 spread of a contaminant, if you are not looking for  
23 it?

24 Dioxin is one of the most  
25 dangerous chemicals known to man. It has also been

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21

1 found in 99 percent of the samples that have been  
2 taken of humans in this parish, including breast  
3 milk.

4 How will you make sure to alert  
5 the public and the public bodies about the spread of  
6 these very dangerous contaminants which are a  
7 by-product of the chemicals that you spilled decades  
8 ago? How can we also then hold you accountable for  
9 things we are not looking for?

10 PPG says, that it is impracticable  
11 to clean this up. Now, under federal and state law,  
12 DEQ and EPA can takeover the cleanup and charge the  
13 responsible for the contamination for that cleanup.

14 DEQ should explain why they are  
15 not using that authority, and follow the charge of  
16 their office, which is to protect the public health  
17 and the environment on which the public health

18 depends.

19 I would also like you to explain  
20 how exactly one in 10,000 cancer deaths is an  
21 acceptable risk. I for one am not choosing to be  
22 one in 10,000 as the acceptable risk. And I doubt  
23 anybody working for PPG would like themselves or  
24 anyone in their family, nor would anyone from EPA or  
25 DEQ like to be one in those one in 10,000.

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1 So, the acceptable risk is not  
2 acceptable to the Peoples Advocate, the number that  
3 is being used.

4 In conclusion, some of the Peoples  
5 Advocate's comments are that the people who cause a  
6 problem should be held accountable for the full  
7 cleanup of that problem.

8 I am an attorney and I represent  
9 people who are constantly being faced with the  
10 consequences of their actions. And they are having  
11 to face them, whether or not it's hard for them to  
12 face them or not.

13 It is unacceptable to us that the  
14 people who caused this absolutely deplorable  
15 degrading, very dangerous and possibly deadly spill  
16 are not being held accountable. Holding it in place  
17 is not the answer. Cleanup is.

18 The agency should be using the  
19 authority under the law to enforce the cleanup and

20 to make those responsible pay.<sup>9DEQPPG</sup>

21 Thank you.

22 MS. WRIGHT:

23 That concludes the speakers that  
24 live in the parish. Our last group of speakers are  
25 those who oppose the permit, and we have one speaker

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23

1 in that group: Ms. Laura Cox.

2 MR. COX:

3 Hi. My name is Laura Cox. I live  
4 in Austin, Texas, but I have a son that lives here  
5 in Lake Charles, and I have two little grandbabies.  
6 I am here because I am extremely concerned for the  
7 children of Calcasieu Parish.

8 I feel like they don't really have  
9 a voice in what us grownups are doing. I feel like  
10 PPG and LDEQ and the EPA are not following the  
11 responsibilities that adults should follow, which is  
12 to protect the future of our children.

13 I really want to know what PPG is  
14 going to do about cleaning up their mess, and also  
15 stopping the mess that they are still creating.

16 I continue to take air samples in  
17 this area. The area is completely polluted. Even  
18 in Lake Charles, the center of Lake Charles, I am  
19 picking up high hits of 14 to 15 chemicals at a  
20 time.

21 I am a very emotional person about  
22 this, because it's killing people. People have very

23 rare cancers in this area. They don't realize it,  
24 because everyone knows someone who has cancer. But,  
25 that is not common in other areas.

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1 I am sorry that I am getting upset  
2 about this, because I know Harold Areno very well.  
3 We tested the fish in his area in the late 90's.  
4 They are full of dioxins and PCB's. We brought  
5 them to Mike Foster to eat and he hid from the  
6 issue.

7 This issue is not going to go  
8 away. The DEQ needs to protect the health and  
9 welfare of the children in this area. That is all I  
10 have to say. I pray God that someone actually hears  
11 the cry of these people.

12 MS. WRIGHT:

13 Before we close, is there anyone  
14 else who would like to speak for or against the  
15 facility?

16 (There was no response.)

17 I would like to remind you that  
18 the comment period for this draft hazardous waste  
19 post-closure/HSWA renewal permit for PPG Industries,  
20 Inc., Lake Charles Chemical Complex end at 12:30  
21 p.m., Monday, September, 2009.

22 All comments received, requests  
23 for notification of the final decision and the  
24 transcript from the hearing are processed by the

25 Public Participation Group and are available on the

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1 EDMS.

2 The permit writer reviews all  
3 comments and uses any additional information that is  
4 appropriate to update the Permitting information.

5 The names and addresses of all the  
6 commenters, speakers and those requesting to be  
7 notified of the final decision are added to the  
8 Public Comment Database.

9 A final draft of the permit and  
10 the response to the public comments are prepared and  
11 forwarded to the Office of Environmental Services  
12 Assistant Secretary for final decision.

13 Upon the issuance or denial of the  
14 permit, a letter is mailed to all the commentators,  
15 speakers and those who requested to be notified of  
16 the final decision. The final decision includes the  
17 appeal process, the basis of decision and the  
18 response to all the public comments received.

19 I have received a total -- I  
20 received one exhibit during this hearing. It is a  
21 written comment prepared by Michael Tritico:  
22 President of Restore.

23 This exhibit has been labeled as  
24 one and will be attached to become a part of the  
25 record of this hearing.

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1                            If there are no other comments, I  
2 would like to thank all of you for your attention  
3 and participation in this hearing.

4                            Let the record reflect, that the  
5 time is now six forty-five, 6:45 p.m., and this  
6 hearing is now closed.

7                            Thank you.

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C E R T I F I C A T E

I, SYLVIA C. PASTRANO, a Certified  
Court Reporter for the State of Louisiana, do  
hereby certify that the foregoing transcript is  
true and correct, as reported by me and reduced to  
typewriting under my personal supervision.

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SYLVIA C. PASTRANO

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