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LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

PUBLIC HEARING
AND REQUEST FOR PUBLIC COMMENT ON
A DRAFT BASIS OF DECISION DOCUMENT FOR THE
FINAL REMEDY FOR THE CONTAMINATION OF THE
PLAQUEMINE AQUIFER IN THE VICINITY OF THE CITY
OF PLAQUEMINE A. WILBERT AND SONS TRAILER PARK

Agency Interest (AI) No. 81438

The public hearing in the above titled matter was taken at the Plaquemine Parish Courthouse Building, Council Meeting Room, Second Floor, 58050 Meriam Street, Plaquemine, Louisiana, beginning at 6:00 p.m. on April 10, 2008.

BEFORE: Mark LaCour, Certified Stenomask Reporter in and for the State of Louisiana

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H E A R I N G

MS. WRIGHT:
Good evening, everyone. Let the record reflect that the time is six o'clock. My name is Cathy Wright and I'm employed with the Louisiana Department of Environmental Quality. I'll be serving as the hearing officer this evening. This meeting is scheduled to accept public comment on the proposed Draft Decision Document for the Final Remedy for contamination of the Plaquemine Aquifer in the vicinity of the City of Plaquemine. The area of contamination extends northward from North of Louisiana Highway 1148, southward to Haase Street, westward to the end of West Homestead Road, and eastward to the Mississippi River levee. The agency interest number is 81438. This hearing is not being conducted in a question and answer format. Please remember that the purpose of this public hearing is to allow you the public an opportunity to express your thoughts

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concerning the Draft Decision Document for the Final Remedy for contamination of the Plaquemine Aquifer in the vicinity of the City of Plaquemine. I will allow all interested parties a reasonable opportunity to comment unless testimony is not related to the purpose

of the hearing. This hearing is being held to give all individuals a chance to be heard regardless of their position on the Final Remedy for contamination of the Plaquemine Aquifer in the vicinity of the City of Plaquemine. Courteous behavior is expected of everyone at all times. You may speak in support of, in opposition to, or to simply provide additional information concerning this Final Remedy. All your comments heard and transcribed during this hearing and all written comments received during the comment period will be evaluated and addressed in the Department's written response.

The public notice for the public hearing and request for public comment

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on the Final Remedy was published in the Advocate and the Plaquemine Post South on March 13, 2008. Previous notices associated with activities related to this Draft Decision Document for the Final Remedy for contamination of the Plaquemine Aquifer in the vicinity of the City of Plaquemine have been published in the Advocate and the Post South on January 17th 2008. In addition, on January 15th and March 10th of 2008 copies of the public notice were mailed to individuals who requested that they be placed on the mailing list maintained by the LDEQ, Office of Environmental Services.

A copy of the draft decision document for the Final Remedy for contamination of the Plaquemine Aquifer in the vicinity of the City of Plaquemine is available for inspection and review at the LDEQ Public Records Center, Room 1-127, 602 North 5th Street, Baton Rouge, Louisiana, 70802. Viewing hours are eight a.m. to 4:30 p.m.,

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Monday through Friday except holidays. The available information can also be accessed electronically on the electronic document management system, EDMS, on the DEQ public website at www.deq.louisiana.gov. A copy is also available for public review at the Iberville Parish Library Headquarters, 124605 J. Gerald Berret Boulevard in Plaquemine, Louisiana, 70764.

In accordance with the Louisiana Administrative Code, Title 33, Part Six, Section 803, comments received by 12:30 p.m., Wednesday, April 23rd 2008 will be considered prior to a final decision. All comments received by 12:30 p.m. on Wednesday, April 23rd 2008 shall be retained by the department and

considered in determining whether to approve or deny the Final Remedy. Written comments on the Final Remedy may be submitted to Ms. Soumaya Ghosn, LDEQ-OES, Environmental Assistance Division, P.O. Box 4313, Baton Rouge, Louisiana, 70821-4313. Under Louisiana Revised

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Statute 30:2017 as revised by the Louisiana Legislature in the 2004 session the Department is required to follow the following order with the provision that the presiding officer may give preference to a public official to speak at anytime during the hearing. However, at anytime -- however, any time limit set for citizen testimony shall apply to public officials.

Thereafter, preference for speaking up to one hour is given as follows: for the first hour those citizens who live within a two-mile radius of the location. For the second hour, those citizens who work within a two-mile radius of the location. As for the third hour those citizens who live within the parish of the location. Thereafter, each hour of the hearing shall alternate between those who are in support of the Final Remedy for contamination of the Plaquemine Aquifer in the vicinity of the City of Plaquemine followed by those citizens

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who are opposed to the Final Remedy.

The order of speakers for tonight's hearing will be based on the information provided by the speaker on the registration form. Anyone who registered to speak but did not provide the necessary information will be given the opportunity to speak, however, they will be called last in the order of registration.

This hearing is being transcribed, therefore, I ask that each speaker began by stating for the record, their name, address, and any organization he or she may represent.

I also remind you to please turn off your cell phone. Thank you.

At this time I would like to give a brief synopsis of the draft basis -- of the draft basis of decision for the Final Remedy that is the subject of this hearing.

Since March 2001 the Louisiana Department of Environmental Quality and the United States Environmental

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Protection Agency have been working to address vinyl chloride contamination that was discovered in the Plaquemine

Aquifer. After much investigation and delineation of the plume and ensuring that there was no ongoing exposure to contaminants the Louisiana Administrative Code, Title 33, Section Six, Chapter 14 has been used as a regulatory structure of actions performed to date. In order to address vinyl chloride contamination that remains in the Plaquemine Aquifer a remediation study was performed to evaluate the options for long term remediation and ensure protection of human health and the environment. Remedial objection -- objectives are to permanently reduce vinyl chloride concentrations to at or below the federal drinking water MCL of two parts per billion and to prevent vinyl chloride from impacting the quality of the City of Plaquemine's secondary drinking water source and throughout the

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aquifer. After the evaluation and careful consideration of a broad spectrum of possible remedial options including tox -- including chemical oxidation, pump and treat, in situ aerobic bioremediation, in situ anaerobic bioremediation, zero-valent iron permeable reactive barriers and monitored natural attenuation, the LDEQ and EPA are proposing Monitored Natural Attenuation as the preferred site remedy. This remedy is a widely accepted remedial approach where sources of contamination have been addressed and the environment is conducive to natural chemical breakdown of contaminates. This approach requires long term monitoring and evaluation to assure that remedial objectives are met within an acceptable time frame. With the implementation of Monitored Natural Attenuation the LDEQ and EPA will require a contingency plan to implement a response action if results are unacceptable. The contingency plan will

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identify the triggers for the response action and provide options for correcting the Course of the remedy which may include a treatment or containment measure.

Continued sampling and collection of groundwater data will ensure that predicted attenuation rates are correct or may serve to show that there are source areas that need to be addressed. The monitoring program will continue according to the regulatory requirements. The proposed remedy of Monitored Natural Attenuation will have

long term effectiveness as long as degradation is occurring. Data collected to date reliably show that natural attenuation is occurring and this process will continue to occur. The natural breakdown process will result in the reduction of toxicity and volume of contaminants. Monitored Natural Attenuation meets the remediation standard of being protective of human health and the environment, has

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a reasonable cost versus benefit ratio, and is minimally intrusive with no extraction of large amounts of water for holding or processing. This level of remediation is appropriate for the large size and low concentration of the plume and that there is no known continuing source of contamination.

A Performance Review Plan will outline a five year review of sampling data and comparison to modeling results to determine if the remedy is moving toward the remedial goal in the appropriate time frames, as suggested in the remediation study. It will also include recommendations for any needed changes in the performance monitoring. The Performance Review Plan will have a clear decision logic that defines the appropriate response action in the Contingency Plan to implement when remedial objectives are not met such as detection of vinyl chloride above MCLs in the sentinel wells and/or a lack of degradation of the plume or plume mass.

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As a risk and the plume -- as risk and the plume are reduced a plan for phase out or performance monitoring will be included.

LDEQ and EPA will consider all written comments received in response to the public notice along with the oral comments presented and transcribed during the hearing tonight before deciding whether to approve the proposed remedy to address the contaminant plume. Once the final remedy is selected LDEQ and EPA will take necessary actions to see that final remedy is implemented. Thank you.

I will now begin by allowing all persons who have signed up to speak five minutes in which to present their comments. Anyone who needs more than five minutes will be allowed to finish his or her comments after all the registered speakers have had the opportunity to speak.

The first to speak will be those citizens who live within a two mile

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radius of the location.

The first speaker that I have is Ms. Elizabeth Avants. Elizabeth, will you please come forward. I apologize in advance if I mispronounce anyone's last name. Speak right over here at the podium please. Ms. Avants, please do not forget to state your name and address for the record and speak into the mic.

MS. AVANTS:

My name is Elizabeth D. Avants and I live at 58135 Main Street in Plaquemine, Louisiana, 70764. And I am representing Alliance Against Waste in an Action to Restore the Environment. For short it's AWARE. The comments I'm going to make are sometimes kind of scattered or whatever. But I did submit two letters for the record on February 26th and 28th where our group asked for a public hearing to be held and we appreciate the DEQ accommodating that. However, we asked also that all residents affected by this contamination

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be notified and that was not done. What -- our co-leader of AWARE is Les Ann Kirkland, co-leader of AWARE, and she was told that only one percent of all residents are on the mailing list for DEQ that received notifications. Another thing that was an area of concern, however, because we knew it was tied to A. Wilbert and Sons who own the trailer park, Myrtle Grove Trailer Park, that we've never seen a public notice go out without a potentially responsible party being on the notice, which as I read through the stuff the cooperative endeavor agreement that's being proposed is between EPA, DEQ, and Dow Chemical. So that was a little -- maybe it was intended that more people would take notice of it. Really if that was the intent then Myrtle Grove Trailer Park should have been put behind it because that was the name of the trailer park that was affected by the vinyl chloride in their drinking water well. On the draft basis of Decision Document for

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Final Remedy for contamination of the Plaquemine Aquifer in the vicinity of the City of Plaquemine the area of contamination is defined as -- it extends northward from north of LA 1148, southward to Haase Street, westward to the end of Homestead Road -- and that should be Homestead Drive, and eastward to the Mississippi River levee. Rather it should have been in more definitive

terms how far north of LA Highway 1148. Highway 1148 somewhat divides or is the parish line, not totally, between Iberville and West Baton Rouge. The Shintech site is on the West Baton Rouge side of 11 -- Highway 1148. So it really -- this needed to go to West Baton Rouge people too.

The other thing was our city officials are having their regular scheduled meeting tonight and they were not advised of this public hearing. We feel that that was something that really should have been done for parish and city officials, and the same in West

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Baton Rouge Parish should have been notified that this was going on because of the critical nature, because of the uniqueness of the situation. Nowhere that we're familiar with has vinyl chloride ever been found in drinking water. It's something that needs to be take notice of and needs to be taken seriously. Another thing I want to say is that I wanted to know -- well, first off there was no page 28 and I called the DEQ to find out. I don't know if it was just an oversight and there was no page 28 or if there is something missing from the record. I wanted to know when the plume was last defined, how far north on both sides of LA 1, does it stop at the levee as the thing said or has it only been -- or under the wells at the levee and not behind the levee to let us know even more so if maybe it's migrated across the river. And I also want to know on site at Dow if there's been any new construction over areas that may contain vinyl chloride

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contamination.

Another thing I wanted to note too was that their notice indicates that in '97 and '98 LDEQ found the contamination in -- as part of their testing. We're not sure if it didn't go back further than that because the last clean sample that had been done and the last sample that had been done as I understand --

MS. WRIGHT:

I'm sorry, Ms. Avants, I'm going to have to cut you off.

MS. AVANTS:

-- was in 1994. Okay, I'll come back.

MS. WRIGHT:

Once everyone has had an opportunity to speak --

MS. AVANTS:

That's fine. That's fine.

MS. WRIGHT:

-- you can come back and finish. Our next speaker is Les Ann Kirkland. Ms. Kirkland, before you begin, if I could remind any of the speakers if you

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have an exhibit or something that you would like to submit please after you finish speaking or before if you would like bring it up here to me and I will mark it and place it into the record.

MS. KIRKLAND:

I've got some comments but I'm probably not going to be able to get to finish it but I will give it to you after.

My name is Les Ann Kirkland. I live here in Plaquemine, Louisiana. We have an environmental group called AWARE for 21 years. Pertaining to the public notice, the public notice is not adequate for this event. As Elizabeth said less than one percent of Iberville Parish residents were mailed a notice and not everyone reads our local paper. Every person living above the aquifer deserved a notice. We asked the DEQ to do a mail out to everyone living above the aquifer or drinking the water and they refused. This is not transparency. In a meeting with Mr. Buwat of the DEQ

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in February he stressed it was his aim to obtain transparency in all DEQ matters. I loved hearing that. He asked us for some information on paper, which we provided. In it we made certain requests and asked certain questions in our letters. He granted this hearing. We have not received any answers or justifications on paper from him about any of the other matters. I want to know on paper, why a mail out by zip code at least wasn't done. I'm asking again that it be done immediately after this hearing for two reasons: It will constitute genuine public notice and it would perhaps generate comments for the record. Also the notice is very misleading for some reasons that Elizabeth mentioned especially as the responsible party is usually named at the top and that says A. Wilbert and Sons. They did not contaminate the aquifer. The 99.9 percent culprit, Dow Chemical, is not mentioned. Pertaining to a missing public notice. We have

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never received a document in the first place stating that our aquifer was contaminated. I discussed this with Mr. Buwat in our February meeting. I got the impression that he had the impression that we already knew it.

This is patently untrue. Six years ago we were told that the Myrtle Grove Trailer Park wells were contaminated. We are not hydrologists. Our aquifer is not a neat little square underground container of water that everyone knows the location of. We were concerned about the Myrtle Grove people. We never once connected the wells to the aquifer. There are issues that we don't know a thing about, size and shape of the aquifer from above, from the sides, where the well's pulling from the depth of the aquifer, or some other water bearing strata, etcetera, etcetera. We do not make assumptions. It's the DEQ's job to tell us when something of this magnitude occurs and we have found out after the fact. I'm asking for a public

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notice or a document that tells us in the first place with chronology when it was first discovered that the aquifer was contaminated. Was it through Myrtle Grove? Was it as a result of Dow's groundwater contamination remediation actions beginning about 20 years ago? Did the DEQ know before Myrtle Grove? Before Shintech siting? We brought up the issue of Dow's groundwater contamination when Shintech was trying to site here. We brought it up at DEQ hearings. Number three, pertaining to Dow's involvement. Approximately 20 years ago Dow admitted to serious groundwater contamination. DEQ and the public were notified and at least one hearing was held, if memory serves me. What that issue is memory should not have to serve me. This event should have been made a part of the record and it's unbelievable that there's no mention of it. I noted in my 2-26 letter to the DEQ, and I'm asking that it be made part of the record, this

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choice for this remediation we don't actually know how you could have actually have made a choice because there's so much missing information in this document. A Dow official at the hearing stated that they, Dow, would pump forever referring to the pump and treat method and that the contamination would never reach the aquifer. The DEQ needs to investigate this and if memory serves me somebody needs to do jail time for perjury. These people are always making claims about what's going to happen and not happen and then it happens. So it tells us that right now perhaps we ought not believe them. Such a wealth of information about

mitigation, of contamination, you would
think would be integral to this process
and therefore featured prominently in
the document. Ninety-six pages prepared
by Taylor, Porter, Attorneys at Law.
It's supposedly the document on which
the DEQ and EPA made their decision
about watching the aquifer hopefully

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clean itself. Now -- and nowhere was
mention made of Dow's contamination, the
chemicals in it, their depths, their
concentrations, all of which were
documented along with colored maps.
None of it was in there. So the report
and the information up for public review
and for the DEQ --
MS. WRIGHT:
It's time --
MS. KIRKLAND:
-- based this permit on is --
MS. WRIGHT:
I need to cut you off at some
point.
MS. KIRKLAND:
I'll be back.
MS. WRIGHT:
Is there anyone else who would
like to speak who lives within a two
mile radius of the location. If not our
next group of speakers will be those who
work within a two mile radius of the
location. Next are those citizens who
live in the parish of the location. At

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this time I would like to call those
citizens who are in support of the draft
decision followed by those who are
opposed to the draft decision. If there
are none in support I would like to call
on those citizens who are opposed to the
draft decision. Our first speaker in
that category is Mr. William Fontenot.
MR. FONTENOT:
Thank you. My name is William A.
Fontenot and I reside at 632 Drehr
Avenue, Baton Rouge, Louisiana, 70806.
I'm sorry that there are not more people
here tonight, but I'm glad that you have
at least local speakers speak first
which is a process that started at the
first Shintech hearing. I actually have
more questions than I have statements.
But the first thing I want to request is
that the Department of Environmental
Quality extend the time for comment.
That extension should be no less than 30
days and probably should be 60 days.
The previous speakers have talked about
a lot issues and problems and concerns

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that they have and I think that a lot of
the public does not have a clue about

what you're about to decide. You made several references to the final decision. I do not have any idea of what the final decision on this potential contamination is. I call it potential because I don't know what the contamination is. I don't think the Department of Environmental Quality knows what the contamination is and I don't think that if Dow is the source of the contamination I don't think Dow wants to know the extent of the contamination. I've looked at many documents related to groundwater contamination in this part of Louisiana and none of them are complete. This is the map that you -- or an image that you had on the table coming into the meeting tonight. And it's very difficult for me to determine how you made the decision about what the core area is. I know it includes the Dow facility. But I wonder why the rest of this rectangle, if it's

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a rectangle, was decided on. Nowhere have I heard any information about what the source of the vinyl chloride contamination is. If this was first identified by the Department of Environmental Quality in 2001 certainly in seven or eight years an agency with the expertise and ability of the US Environmental Protection Agency, the Department of Environmental Quality, and the Department of Health and Hospitals and Dow Chemical should have been able to determine within a couple of feet the source of the groundwater contamination. I think one of the previous speakers mentioned that there's more than just vinyl chloride in the groundwater underneath the Dow facility. That's based on Dow's own geological survey reports showing that there's contamination that has migrated under the Mississippi River levee next to Dow. Since Dow's maps were done there's been a major, major spill of perchloric ethylene from an overfilling of a barge

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on the Mississippi River because the valves on the flow line were left open and several hundred thousand gallons of perchloric ethylene spilled out onto the ground, very little of which was recovered. Many of these chemicals like perchloric ethylene and vinyl chloride are heavier than water and they tend to go through clay like water goes through sand. There's no impermeable barrier to these chemicals in the vicinity of the Dow Chemical facility. So the groundwater if very, very vulnerable. I

think your information is totally inadequate from a geohydrological standpoint for a person to be able to make a reasonable assumption about what is going on and how it's going. For the information that you have presented, you being the Department of Environmental Quality, apparently the farthest south that this vinyl chloride plume has moved is about two blocks from where we are this evening. My guess is that the vinyl chloride has in some places moved

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farther south than the city limits of Plaquemine, Louisiana. This is the only place in the United States and probably the world where vinyl chloride has been identified in groundwater. Vinyl chloride was one of the first of seven chemicals I believe it was that was identified as a known human carcinogenic and that was by the U.S. Environmental Protection Agency and several other federal agencies that participated in that. So here we have a known human carcinogen that's been in some of the drinking water for the residents of this community. And I think that the information that has been provided in the rather lengthy time period that you've had to provide it, it's just not adequate. I'm sorry that there are not more people here tonight but I believe that the problem is this room should be overflowing. The reason people are not here is because they really do not understand what's going on. I'm legally blind. I do not read the newspaper.

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Your public notices went out in the Baton Rouge paper --

MS. WRIGHT:

I'm sorry, Mr. Fontenot, I'm going to have to cut you off.

MR. FONTENOT:

Let me finish. Your notices which went out in the Baton Rouge newspaper --

MS. WRIGHT:

You can continue to speak later.

MR. FONTENOT:

Let me finish my sentence. You can let me do that.

MS. WRIGHT:

Yes.

MR. FONTENOT:

I am legally blind. That means I can not read a newspaper. So all of your public notices in the newspaper are not accessible to somebody like me. I found out about this meeting because somebody from this community called my home yesterday. Thank you.

MS. WRIGHT:

You're welcome. Our next speaker is Darryl Wiley.

MR. WILEY:

Good evening. My name is Darryl Mollick Wiley. I'm an environmental justice organizer for the Sierra Club. I reside at 618 Adams Street in New Orleans, 70118. I have serious problems with this so-called public process we're involved in. I would echo Mr. Fontenot's request for an additional 30, minimum 30 day extension on the public comment period, probably extend it to 60 days. We're talking about as a number of speakers have said so far the first time that we have found vinyl chloride in drinking water in America, if not the world, at levels that were above concern. The proposed remedy is a natural -- quote, from your document up there, "natural chemical breakdown" and I didn't see a time line in the presentation you made tonight of how long that time line is. Are we talking geologic time or are we talking human time? That's of great concern because we are making decisions about vinyl chloride in drinking water and the information given tonight, and there should be more information given tonight, if we're having a meaningful public process. The document that was given, the one page notice referenced locations but the presentation did not show where the well sampling sites are located and the details of how often, when, how deep the sampling was taken, if the vinyl chloride has gone under the Mississippi River and contaminating other portions of the parish. We don't know how often the sampling was taken and I'm not sure that the -- in reading past DEQ documents and I don't know about this document because I have not read it yet but there's been a real lack of dates, times, when, how, and starting at the very beginning Dow Chemical caused this problem. In the public notice Dow Chemical is vastly lacking any kind of notice that they're involved at all in this process. And I find that that is disingenuous of the State Department of Environmental Quality not to inform the citizens of this parish that Dow Chemical is responsible for poisoning their drinking water. That's what we're talking about, a chemical company poisoning the drinking water of a parish. The documentation given here sort of -- it does not document that at

all. It does not say that. The fact that Dow is going to be involved in the process, the monitoring process for we're not sure how long because it's going to be a natural chemical breakdown. So that could be for the next ten years, a hundred years or as Ms. Kirkland referenced at one time the plant manager of Dow Chemical said in a newspaper report Dow Chemical would be pumping groundwater contamination forever. So is that what we're talking about the vinyl chloride contamination of the aquifer under the City of Plaquemine forever? I think we should be dealing with this process as a

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proposed superfund site and going through a whole different process that's not as closed as this process seems to be.

There was a statement in here about reasonable cost benefits and I'd like to see a very detailed breakdown on the reasonable cost benefit. Is it reasonable and cost to Dow Chemical versus the health impact of the citizens who are drinking the water here? I want to see a detailed health analysis of possible contamination of the drinking water, what health impacts it will have on the citizens of Plaquemine Parish and other places, and factor that into any kind of, quote, "reasonable cost benefit." I had hoped when we had a -- with the new governor that we would have a Department of Environmental Quality that took its responsibility to protect the natural resources of Louisiana more to heart than it has in the past and I'm not sure that that's happened that. I'll just stop right there before I get

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really mad.

MS. WRIGHT:

Our next speaker is Marylee Orr.

MS. ORR:

Thank you for having this hearing. My name s Marylee Orr. I live in Baton Rouge, Louisiana. I'm going to have to read these so bear with me, okay, guys. It's important. The following comments have been prepared by Wilma Subra, a technical assistant on behalf of Louisiana Environmental Action Network concerned the proposed remedy for addressing the contamination of the Plaquemine aquifer.

The Plaquemine aquifer is contaminated with vinyl chloride in excess of the maximum contaminant level of two parts per billion. The vinyl chloride groundwater contamination plume

is approximately one mile by two miles by 180 feet below land surface. The approach to remediation of the vinyl chloride contamination in the groundwater plume is proposed by DEQ,

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EPA and Dow Chemical Company through a monitored natural attenuation. I'm not sure I'm saying that right. After remediation of the groundwater plume has been dismissed by DEQ and the consultants for the Dow Chemical Company for a number of reasons including cost considerations and the fact that the majority of the vinyl chloride contamination plume is below a heavily developed area, residential and businesses, would require significant industrial type activities in the densely populated residential areas. Based on the large focus of the remedy of the monitored attenuation comments will be provided on issues associated with the proposed remedy. I have some further comments to give you later.

The City of Plaquemine sentinel wells. Four sentinel wells have been installed near the City of Plaquemine water supply wells to act as an advance warning system for the moving of the vinyl chloride plume towards the supply

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wells. The four sentinel wells are sampled and analyzed on a quarterly basis by both DEQ and the Dow Chemical Company. Vinyl chloride has not been detected in the sentinel wells but Cis-1, 2-dicloroethylene has been detected periodically in concentrations below the MCL of 70 parts per billion. DEQ has detected Cis in sentinel well number one. Dow (Gulf Coast Analytical Labs) has detected Cis in sentinel wells one, two, and four. An evaluation of the data indicates that DEQ -- DEQ has a much higher detection limit for both Cis and vinyl chloride and as a result cannot see the Cis in sentinel wells two and four. Comparing the detection limits for vinyl chloride the DEQ data reported a detection limit of one parts per billion while the Gulf Coast Analytical Lab detection limit was 0.2 parts per billion. Vinyl chloride could be present just under half of the MCL and still not be detected by the DEQ analytical data. The sentinel wells

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were designed to act as an advanced warning system for the movement of the plume toward the supply wells. However, if the DEQ analytical data can not detect the presence of vinyl chloride in

Cis until they are present at a concentration of one parts per billion the advanced warning system is flawed. A mechanism needs to be implemented to provide that vinyl chloride and Cis are detectable at the lowest detection limits.

Private water wells in Plaquemine aquifer that are contamination. In the Basis of Decision Document DEQ states, quote, "that since becoming aware of the vinyl chloride contamination the DEQ has taken action to ensure that no private water wells within the area of the contamination are being used for drinking water or for watering vegetable gardens. This includes -- gardens. This include door to door surveys, public meetings, and capping of known wells. Review of the file indicates

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that letters have been sent by DEQ to owners of water wells of analytical results of sampling events. Letters to owners of water wells with vinyl chloride concentration in excess of two parts per billion contain the following statement from DEQ -- contains the following statement. This well should not be used for drinking water or we do not recommend use of this well. In the case of one water well that was sampled at least three times in 2006 and 2007 vinyl chloride concentration were detected in excess of the two parts per billion maximum contaminated level of vinyl chloride. The three levels -- the three letters sent to the water owner by DEQ with the results of the samplings contained the following statement: Although the levels of Contaminants are below drinking water standards for this event it is recommend based on the history of the well it should not be used at this time. This statement is incorrect. All three sampling events

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had vinyl chloride in the water in excess of the two parts per billion maximum Contaminant level. And yet the letters to the water well owners state that the Contaminants were below drinking water standards. The information was contained in the DEQ letters in some cases are providing incorrect information and in other cases are not adequately informing the well owners of the contamination situations. Since it is estimated it will take up to 20 years to remediate the vinyl chloride contamination of the Plaquemine aquifer the owners of private wells should be adequately informed and be educated

about the Contaminants in their wells. It does not appear that DEQ has taken sufficient actions to ensure that no private water wells within the area of contamination are being used for drinking water or for watering vegetable gardens. In Section Five, the basis of decision document, the DEQ states that, quote, "if concentrations of vinyl

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chloride continue to be below the MCL -- does that mean my time is up?

MS. WRIGHT:

You can finish your sentence.

MS. ORR:

Okay. If concentrations of vinyl chloride continue to be below the MCL at the sentinel wells, then the attainment of cleanup standards will be maintained. And I'll be back.

MS. WRIGHT:

At this time is there anyone else that would like to speak who is opposed to the draft decision?

MS. AVANTS:

If I already spoke do I need to --

MS. WRIGHT:

If not, do they have any new speakers? If there are none, Ms. Avants, if you would like to come forward to finish your comments. After Ms. Avants we will have Ms. Kirkland to come forth to finish her comments. You will have five minutes.

MS. AVANTS:

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I'm not sure I will finish in that time and I'm not sure exactly where I left off. But I did want to say too I have three ATSDR, Agency for Toxic Substances Disease Registry, documents from -- on the Myrtle Grove Trailer Park as a result of their contamination with the vinyl chloride. And I want to put these in the record but this is my only copy. So I'll have to get you copies. But I want to say that I will be getting you copies. This one is dated July 2nd 2002 and then this one is May 17th 2004, and then December 11th 2006. While they -- while ATSDR is somewhat saying that vinyl chloride was not harmful to these people's health it's not really and truly known because vinyl chloride is a known human carcinogen. This is a unique situation in the pathway in which these people were exposed and there's a latency period for a lot of chemicals, vinyl chloride included, where sometimes you don't see your health effect for a number of years, 20 or 25 years before

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you actually sustain that effect. So

while I am including these in the record I do want to make that clarification. One of the things you read when you gave your initial presentation was that to be notified there needed to be written -- a written request that the Final Remedy be sent to those who actually asked for it. For all those people who took the time to come here tonight I am requesting that, that they be notified in writing of that final revision or any other documents that go out as a result of this public hearing. Again, I feel very strongly that all citizens, and in particular public officials, need to be notified about what's going on. There was talk about four different remediation options, monitoring and natural attenuation, chemical injection which is the pump and treat method that was spoken about. And that was Dow had to sink like 220 some wells because of contamination in either block 49 or block 80. I can't off the top of my

0043

head recall where. That was where that statement came from in the newspaper about having to pump and treat forever. If that's what it takes to clean something up that's what needs to happen regardless of how much -- how costly it is. Bio-stimulation, that's bio-remediation where you put these -- you inject these bugs that are suppose to eat up the stuff. That's another costly thing. Not sure -- and then the fourth option is no further action. Well, the fourth option is somewhat linked to first option, which is nothing but monitoring. So it's really three options. The -- let me see if I can find how much each option was going to cost because it is in here, and even though it would be cost prohibitive under normal circumstances -- and I'll go back to it if I have to come back up and talk. I'll find it and I'll read it into the record. The thing I want to say is that for each day of non-compliance, meaning each day that our

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water is contaminated, any water is contaminated, surface water, ground water, drinking water aquifer, there are penalties allowed for by law. I want those penalties assessed and I want them to be paid. I want the MSDS. That's the Material Safety Data Sheet on vinyl chloride included in the record. In addition to being a known human carcinogen there are a lot of other health consequences that are associated with vinyl chloride contamination and it

13 definitely needs to be read into the
14 record. I also want to say that this
15 document that was prepared -- okay, let
16 me let somebody else talk and I'll talk
17 about that after.
18 MS. WRIGHT:
19 Les Ann Kirkland?
20 MS. KIRKLAND:
21 My name is Les Ann Kirkland, and
22 the last thing I was saying that I
23 wanted the DEQ to use that missing
24 information in its modeling on the
25 movement of contaminants, the old data
0045
1 from Dow, which they probably have
2 current data too. The next issue was
3 fault and fines. In the February with
4 Mr. Buwat of the DEQ stressed he would
5 not be getting involved in ongoing legal
6 issues. I didn't know what he meant.
7 After a few questions I still wasn't
8 that clear on it or its connection to
9 this hearing. It may have been about
10 Myrtle Grove -- about the Myrtle Grove
11 residents' cases. We were discussing a
12 lot of issues in a short period of time.
13 He gave me the impression that he was
14 interested in cleanup, not naming the
15 culprit or assessing fines. Definitely
16 cleanup is a priority. But hot on the
17 heels of that is assessing damages and
18 fines and yes, naming names. If you
19 don't then you send the message that
20 it's okay to contaminate an aquifer -- a
21 God given resource that we need God to
22 cleanup. An aquifer that the experts
23 say we're just going to have to watch
24 and hope it cleans itself up, which is
25 kind of sad. Like you're watching a
0046
1 desperately ill person and hoping they
2 just make themselves well. I mean I
3 don't know if Dow's name is rarely
4 mentioned because existing -- because of
5 existing lawsuits. But if that's so it
6 would go on forever because they're
7 always in some suit or another. If they
8 don't admit guilt here for these
9 contaminations then there needs to be
10 another suit. Also there was no mention
11 of the injection well that Dow tried out
12 25 plus years ago to get rid of chemical
13 waste, which could also be a route for
14 their contamination to move from. I
15 would like this added to the record and
16 further investigated. I hate to assume,
17 but I am assuming that the DEQ has the
18 information from Dow but left it out for
19 some reason. Pertaining to the
20 remediation study itself by Taylor,
21 Porter, Attorneys at Law, this document
22 is deficient in matters listed
23 previously in my testimony and in the

following ways: It states that there's a cooperative agreement between DEQ, EPA,

and Dow in the matter of the Plaquemine aquifer. Is Dow admitting fault? This paves the way for fines. Does the agreement let them out of admitting fault? DEQ personnel stated that Dow paid for the remediation study. The fox guarding the hen house thoughts aside, does this still admit guilt and pave the way for fines? Money is just so not important in my world. But it's top -- top priority for industry. You're not going to hurt them in any other way. You're not going to change them in any other way. You can lay your mamas out in the street with a steam roller, it's not going to -- you have to hit them where it hurts and that's the pocket book. That's their God. Missing from the document are Dow's findings, etcetera, from their pump and treat remediation, from their own contamination of approximately 20 years ago. Also the injection well data. Also the fact that they paid for the study. Also any information on the

extent of their interaction with hopefully or none of the third party. Hopefully there was a third party studying the present day remediation possibilities. Also missing, and this was really important to me, an overview, overhead views, side views of the Plaquemine aquifer. And I believe that these drawn approximations were in a small blue book by the U.S. Geological Surveyors. The book is referenced in the study, in the bibliography, but the study is definitely incomplete without the drawings themselves. When you consider public information that aspect of this document that absence is like a concealment. I mean we need to know where the aquifer is from above as though we were flying, as though we were underground looking at the side. The drawings on page eight of this study are infuriatingly deficient and in no way constitute any real degree of information as far as the location, the size, and the shape of the Plaquemine

aquifer. Page 82, on this and other pages the Plaquemine aquifer -- the Plaquemine water wells are referred to as secondary and supplemental. In a 4-3-2008 Post South Plaquemine local newspaper the mayor stated that the ratio is half and half, which is a contradiction and that needs to be

cleared up in the study. Page 83, discusses groundwater flow in relation to water well pumping. I see no references to the huge amounts of water that the Island Golf Course is using on a regular basis. The Island community is between Dow and the city wells. I have been told after asking of course when sampling in town was done there was a considerable drop in pressure when the Island turned its watering system on. This would be against groundwater flow. This information is critical for many reasons. That's my five minutes?

MS. WRIGHT:

Mr. William Fontenot?

MR. FONTENOT:

Thank you very much. I want to add something to my identification just for your record. I am retired from the Louisiana Attorney General's Office where I worked as a community liaison officer for 27 years and I worked on environmental problems across Louisiana and worked on problems in every parish in the state and helped groups in more than 30 other states. The kinds of problems and issues that people are dealing with here, and I guess the problem here is from some activity on the Dow property, though there seems to be some confusion about where and what. The best information that I've been able to gather is that the source of the vinyl chloride contamination under the City of Plaquemine is from the railroad switch yards on the Dow property. I believe there are three switch yards, railroad switch yards, where when the railroad cars that were hauling vinyl chloride would come back on the Dow property, they would be flushed out and

the material contents of those railroad cars would be dumped onto the ground. That's just pure vinyl chloride with water dumped on the ground and since the vinyl chloride is heavier than water it would sink and just disappear. And that went on for many years. Unless you have those sources identified then a map like this is not very helpful to the community. Unless you identify either by shading or coloring or something you're projecting some images up here on the wall but you don't identify an image that shows the plume that you have identified, you being the Department of Environment Quality, not you personally. But I think the plume needs to be identified in a visual that's easy for people to understand where it is and

where they are. What you have presented -- if the rest of information which Dow and the DEQ have presented thus far is -- it's unclear in the information which I've seen here tonight, and again I'm legally blind so maybe you have some

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better things, then it's preposterous to be asking the community to get their final comments in on your final decision within two weeks. I think that is totally, absolutely preposterous and I can not stress strongly enough how important it is for the Department of Environmental Quality in 2008 to be doing an adequate job of public involvement. The reason you have a two mile radius around, and I'm not sure what your core facility or core area is how you determine that funny looking rectangle, but at least allowing people who live within two miles of your core area to come at first came out of a fairly difficult struggle and Representative Roy Cazair (phonetic) getting a law passed to force the Department of Environmental Quality and other state agencies to hear from people who live near facilities before they hear from people who came from out of state. That was from the Shintech hearing which took place a few years

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ago. The Department of Environmental Quality has to provide information about the extent of groundwater contamination from all of the other chemicals which have been identified in the groundwater from the Dow activity in this area. There are a bunch of different chemicals. DEQ has them. Dow has them. Dow has had a number of geological and geo-hydrological surveys done on their property and adjacent properties. They need to present all of that information, if they have not presented it to the DEQ and to the public. The public here in this community needs to know what's in their groundwater, what's just upstream of their community. Groundwater in this part of the state tends to travel south southwest and there are a lot people that live south southwest of the Dow industrial complex. This is one of the largest industrial complex in the world. Dow has problems at many of their other facilities. In Midland, Michigan right now Dow has been combated more with the

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local community because of extensive dioxin contamination like this is reaching final a little better resolution -- in Midland they're

reaching a little better resolution. In Bopal, India Dow is saying they don't have any responsibility for an accident that occurred 20 years ago. They say that was Union Carbide but Dow applied Union Carbide but somehow didn't acquire their liability of the worst industrial accident in the history of the world based on the number of people who were killed. Bopal, India was that accident. That occurred about the time that the washing out of the railroad tank cars stopped here. So there is some relevance. The people who live across the Mississippi River need to know the extent of groundwater contamination of all the different chemicals and how deep they are on the Dow property and whether or not any of them might have traveled under the Mississippi River. To limit your presentation to one chemical I

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think is preposterous at best. But it's certainly a mischaracter of justice. Am I over? All right, thank you.

MS. WRIGHT:

Ms. Elizabeth Avants, would you like to come forward to finish your presentation or continue your presentation?

MS. AVANTS:

I have the amounts and I did want to do a poster with this and I didn't get the time to do it. The natural attenuation, the cost for that would be -- which is just the monitoring, allowing nature to take its course, estimated cost for this option is 2,122,690 dollars over a 20 year time span. I'm not sure that would go on that long from what was said about the five year performance review plan and phase out that monitoring process which I think if that option is selected which it seems to be as part of this conclusion that the 20 years should be in stone at the least. Pump and treat

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method or the chemical injection method was a 15 year thing which we know better than that. It would cost 123,669,486 dollars over what they proposed 15 years. The bio-remediation or bio-stimulation would cost 63,751,377 over a time frame of five years. Then the fourth one which is akin to the first one was due nothing. Let me mention that as critical as this is I'm not sure that just one study should have been done. I am thinking that others who are experts in this type of groundwater or aquifer cleanup should be called in to review or peer review this before a

16 final conclusion and final cooperative
17 endeavor agreement is put together. So
18 I am asking for that. I think what
19 should have been included in this there
20 was an original cooperative endeavor
21 agreement that was dated October 6th
22 2004, that should have been a document
23 that was included for review. So in all
24 likelihood they referred and although we
25 did ask originally about an additional
0057
1 30 days or 60 days to this comment
2 period it seems like with the
3 incompleteness of documents that should
4 have been in the record that possibly
5 another public comment period with
6 another public hearing needs to be done
7 with the considerations that we are
8 asking for to be well thought and sent
9 out. We did ask for input in the public
10 notice to make it -- and we would still
11 ask for that if this is accommodated
12 that we have some input that the notice
13 is more user friendly, that people will
14 take note of what this is about and
15 that's vinyl chloride in our drinking
16 water aquifer. Less mention about the
17 Island golf course. There was one well
18 on the course that did have vinyl
19 chloride in it when the Myrtle Grove
20 wells came up tainted and contaminated.
21 What I read in this document is that the
22 City of Plaquemine -- Plaquemine pumps
23 uses 1.3 million gallons of water per
24 day. And what I remember from back then
25 was that the Island was using a million
0058
1 gallons of water when they utilized that
2 well to water the golf course. That's a
3 lot of draw down. That means that those
4 chemicals go to that source where the
5 water is being pumped. So I guess what
6 I'm asking is that there just needs to
7 be more monitoring, more investigation.
8 With technology today there is no reason
9 that we should not know the source of
10 the contamination and should not be made
11 aware of it. I would like to read into
12 the record all of our posters that we
13 have because the record is not a visual
14 thing. So I am going to take this
15 opportunity to read them into the
16 record. The first one being DEQ: name
17 names, levy fines and prevent elsewhere.
18 The second one, God given resources are
19 not for man to destroy. Perjury
20 underlined with a colon. The third one.
21 Twenty years ago Dow said that
22 groundwater contamination would never
23 reach our aquifer.
24 MS. KIRKLAND:
25 Perjury carries jail time.
0059

MS. AVANTS:

Perjury carries jail time. I'm sorry, I can't read very good. These glasses are not that great. Fourth poster, Myrtle Grove residents, poisoned, relocated, forgotten by DEQ. Fifth poster, vinyl chloride is not naturally occurring. Sixth poster, everybody can't afford bottled water. Seventh poster, Dow poison it, pay for it, clean it up.

MS. WRIGHT:

Ms. Avants, you're going to have to stop at this time.

MS. AVANTS:

I may have a little more.

MS. WRIGHT:

Mary Lee Orr? I apologize, Ms. Orr, I skipped over you.

MS. ORR:

That's all right. I wouldn't have left. I'm hanging in here. I just have a few more things. I'm going to start back with the last sentence so it makes sense please. In section five in the

0060

basis of decision document the DEQ states that, quote, "if concentrations of vinyl chloride continue to be below the MCL at the sentinel wells then the attainment of cleanup standards will be maintained," end of quote. The focus only on the sentinel wells and not on concentrations of vinyl chloride in excess of the MCL in the individual private wells is not appropriate. The cleanup and remedial approach must also focus on the vinyl chloride throughout the impacted aquifer area including the areas where existing private water wells have been impacted. If increases in vinyl chloride occur in private well locations or monitoring well locations appropriate actions must be required to be initiated.

Plan not developed. The proposed remedy of Monitored Natural Attenuation is calculated to take 20 years to remediate the aquifer water to meet the MCL for vinyl chloride at an estimated cost of more than 2.1 million dollars.

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The remedy as proposed does not contain a contingency plan, the work plan or the monitoring plan. The absence of the plan makes it difficult to fully evaluate the acceptability of the proposed remedy. In order to allow for appropriate public involvement in the Plaquemine aquifer remediation process the contingency plan, the work plan, and the monitoring plan, as well as any other similar documents that are

developed in association with the remedial activity must be made available for public review and an appropriate public comment provided.

That's the end of my written comments. But I want to state this I've been -- had the privilege of representing people for more than 22 years and never in 22 years have I ever seen anything like this where we received a call where people were actually drinking water that had vinyl chloride in it. They were not only drinking in it -- drinking it, they were

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bathing in it. They were making formula. They were doing their breathing treatments. They were having their children in little swimming pools in their yards and this went on for years. It's unbelievable the tragedy I think with this situation and I think that we need a better plan to move forward now. Thank you.

MS. WRIGHT:

Let the record reflect that Ms. Marylee Orr has submitted an exhibit which I am marking as Exhibit Number One. It will become a part of the record. Next is Les Ann Kirkland. Ms. Kirkland, would you like to come forward to continue with your comments?

MS. KIRKLAND:

On page G1 of the document there are some ancient data from 1972 which never should have been used. It was a list of wells that were drawing water in the area. You list these to be developed. Dow pump and treat wells weren't in existence then, nor the

0063

Island golfing community, etcetera. Using 34 year old data in an area like ours is the height of irresponsibility and they, Dow or Taylor, Porter, should be fined or reprimanded, etcetera, and new information generated and considered for the final document. Something is not mentioned in the document as to who was paying for the cleanup. I would like that included in the final document. Number five, pertaining to the draft document itself again the Plaquemine aquifer is referred to as the secondary source when information from our mayor says that it's 50/50, Port Allen wells and Plaquemine wells. Page two, paragraph three, states at concentrations of four to six parts per billion in VC can be reduced to below the MCL of two parts per billion. What about the 97 percent that was detected in June of 2001? We would still been --

be above 90 percent, correct? Anyway, the paragraph goes on to discuss further reductions in the concentrations but

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expresses this in percentages saying it will remove a further 53 to 67 percent of VC. It then says further reduction is possible but gives us no numbers here. Ninety-seven parts per billion number could have easily been used for an example even though it was not found in the public wells. From parts per billion to percentages to an unspecified number, this is unacceptable especially for those of us who are math challenged. Page two, paragraph four, states that the majority of the plume is below a heavily developed area. If by that Dow is meant then say Dow. It continues. There is no known continuing source of the contamination. What about the known source? If by that you mean Dow then say Dow. Can you not say it because they're still leaking somewhere? Page two, paragraph six, the acronym MNA is given after the meaning Monitored Natural Attenuation, which already stands for just watch. Further in the paragraph the COCs we are told stand for

0065

constituents of concern. I was just curious about why we can't just call them Contaminants. There may be a reason. I just think that agencies have a tendency to grow -- to go acronym crazy which is a hindrance to public understanding and participation. Pages two through six discuss the top six treatments considered. The just watch and hope option by far the cheapest, a little over two million, over 20 years. The others were approximately 123 million over 15, 63 million over five, and 56 million over five. The last two option numbers were not given. Pretty pricy, every last one of them. But there's no doubt that the one the DEQ and EPA has selected is the cheapest by far, 54 million away from the next. The MNA or just watch and hope option is approximately two million which is pocket change for Dow Chemical. Now is no time to consider them poverty stricken. Now is the time to consider how much money their pollution of our

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groundwater has made for them. They made and are continuing to make jillions of dollars from processes that include the contamination of our air, land and water. They can not contain themselves on site. They cannot do it. I don't choose jobs for a neighbor. But the

powers that be in this state and country apparently want them here. So this is the deal, like my co-leader, Elizabeth D. Avants, says you've go to pay to play. It's the only thing that means anything to them, money. So, DEQ, please choose the best option and not the least expensive.

Number six, pertaining to issues of transparency. I would like to touch briefly on some issues which should be apparent in the paperwork up for review but which are not. I do this in the interest of Mr. Buwat's interest in transparency as expressed in our 2-26-2008 meeting. The responsible party needs to be named and fined. Information needs to be readily accessed

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by the public. Be able to be readily accessed. Background information that the public is not well versed in needs to be given such as hydrology. Information should be readily understood and not written in techno-babble. Adequate public notice should be given. A pre-hearing presentation in a question and answer session should be held. That would have been so critical and it still needs to happen so that a better informed public can comment, participate, and affect proper changes and therefore protect life and livelihood. That's it.

Are you sure that's five whole minutes?

MS. WRIGHT:

Five minutes.

MS. KIRKLAND:

I'm going as fast as I can.

MS. WRIGHT:

Mr. Fontenot, would you like to come forward and continue with your comments?

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MR. FONTENOT:

Certainly.

MS. WRIGHT:

Would you like to come forward and continue with your comments?

MR. FONTENOT:

Yes. The first time that I worked on A pollution, chemical pollution problem in Iberville Parish was in June of 1978. I received a phone call from a member of the Iberville sportsman's league and I came down here to a little community named Bayou Sorrel and met with one of the parish council members or policy juror at that time, Mr. Cardonell. A young truck driver had just died at the Bayou Sorrel dump site and the local residents were pretty

upset. This is a 19 year old truck driver who had been overcome by chemical fumes when the waste from his truck mixed with the waste in the pit where he was dumping the waste about seven and a half miles from the community of Bayou Sorrel. He died instantly. The

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governor at the time, Edwin Edwards, said that he heard that the young fellow died from carbon monoxide poisoning and it was from a chemical that occurs naturally from oil and gas exploration or production of oil and gas naturally, hydrogen sulfide. What we're dealing with here is a chemical that does not occur naturally. Vinyl chloride has never occurred by itself in nature. It's from the breakdown of salt which is sodium and chloride. Vinyl chloride is used to make a lot of things, some of which are in this building. Dow Chemical is one of the leading producers of vinyl chloride in the world. There are a couple of other vinyl chloride producers in this parish, but Dow is one of the leaders. Dow is also one of the most financially successful corporations in the world. Dow has claimed in a number of their publications that they are the chemical company in the world. A couple of other companies like Dupont and BASF Corporation from Germany also

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claim to be the largest chemical companies in the world. I guess that's -- you're trying to be the biggest and best and shiniest when you're trying to attract investors. But Dow has lots of money and can bring lots of money to bear when they want to deal with an issue. They also have a lot of money to hire attorneys and engineers and other experts to delay dealing with an issue or a problem as long as they feel they want to do that, and I think that's what they're doing here. I think that if Dow is the responsible party, and I believe they are, then I think they need to step forward and not put off dealing with this problem and not to take the cheapest and easiest way of solving this problem. They need to take it seriously. The people who live in the community south or east or west of the chemical plume need to know that they're going to be safe. It's not enough for you to tell people that they shouldn't drink the water if their source of

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contamination has not been identified. If their source of contamination is a public water supply well then it's a

whole different game. I think Dow could provide drinking water for the entire community. That's not out of their realm. I haven't seen that or heard that as a discussion this evening. But there's no reason that that should not be an option on the table. If Dow is the source of the contamination of people's source of drinking water then Dow should have as one of the options for the people to consider Dow paying for an alternative water source and it might be expensive. But hey because they didn't operate in a safe and responsible way, and I'm assuming that's what happened many years ago, then people are faced with some really hard choices today. That's part of why the Department of Environmental Quality was created because of the disaster of the death of Curt Lee Jackson, a 19 year old truck driver, in 1978 right here in this

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parish. It's almost like we're coming full circle here. The chemical that claimed -- killed Curt Lee Jackson had come from I believe Good Hope Refinery which is located on the Mississippi River and it was being dumped in an open pit. This is an internationally recognized chemical company that whose operations caused contamination of a major drinking water source and contamination under the parish seat of Iberville Parish. This is not some minor little offense. It's not as serious as the destruction of all the lives in Bopal, India from Union Carbide or all the people that had to deal with breast implants that had problems and that was one of Dow's. But it's bad enough. Is my time up?

MS. WRIGHT:

Yes, it is.

MR. FONTENOT:

All right, thank you.

MS. WRIGHT:

Ms. Avants?

0073

MS. AVANTS:

I just have a little bit more. Les mentioned, and I had highlighted it to speak about it, that the highest concentrations found when the Myrtle Grove Trailer Park was identified as having vinyl chloride in the drinking water was 97 parts per million -- per billion. That was in June of 2001 and that she also mentioned a two step process, the aeration which would remove vinyl chloride 53 to 67 percent. Then the subsequent carbon filter system that should take care of the rest of it as

being by which our City of Plaquemine water could be treated and dropped to from the four to six parts per billion down to the two parts billion. My point here is that if there was at some point in time 97 parts per billion and there's been no cleanup as a result of it who's to say that won't flare up again, which kind of makes me think that somebody knew something that caused that number to go down.

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I'd like to read just a paragraph from one of my letters that was sent and that was the letter of February 25th. I think I said my letters were February 26 and 28th. It was February 25th and 28th that I sent letters to DEQ. I'd like to read this paragraph, and I quote, "your call back to me to advise that the need for a public hearing would be determined by Mr. Lou Buwat was puzzling in light of the previous focus (inaudible) and severity of this situation and its ongoing implication -- implications. Eleven years have passed since levels of vinyl chloride above the safe -- federal safe drinking water standards were recorded in the Wilbert wells in 1997. Seven years have passed since 2001 when the residents of Myrtle Grove Trailer Park were informed of their exposure to vinyl chloride and the ultimate poisoning of their drinking water supply. Other than a connection to the City of Plaquemine water lines no real resolution besides relocation has

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occurred," and I end my quote. What I would like to say is the Myrtle Grove Trailer Park Residents were the initial victims. Had their situation not come to light none of us would know about the City of Plaquemine being threatened. The City of Plaquemine aquifer being threatened. I think these people deserve some form of justice and they've not gotten that yet. And it is my hope that sometime in the not too distant future that that happens for them. Thank you.

MS. WRIGHT:

Ms. Kirkland, were you -- were you finished with your comments? Is Ms. Kirkland still here?

MS. KIRKLAND:

I'm here.

MS. WRIGHT:

Were you finished with your comments or did you have --

MS. KIRKLAND:

No, ma'am, I wasn't.

MS. WRIGHT:

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Okay. You're next.

MS. KIRKLAND:

I wanted to put our letter to the editor in the Plaquemine paper into the record and an article that was also in the paper into the record. I want to put a letter to DEQ from 2-26 of mine and two letters from Elizabeth from February -- one from February the 25th and one from February the 28th. I'd like to put all of these into the record. Do I need to wait or go ahead? You're not starting my five minutes, are you?

MS. WRIGHT:

Let the record reflect that Ms. Kirkland has submitted six exhibits that I have marked Exhibits Two, Three, Four, Five, Six and Seven. They're going to be attached to the record.

MS. KIRKLAND:

Okay. There was one more thing that I had hoped or that I think needs to be -- another issue regarding transparency. I wish there was an understandable graph showing the

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monitoring results over the years including Dow's monitoring from their groundwater remediation program. I have to read one sentence from this draft document. Quote, "The majority of the plume is below a heavily developed area; there is no known continuing source of contaminants," unquote. An English major would have a field day with this and she would want to know if the source period had been determined. But one more thing about the aquifer. When I first started doing environmental work in 1986 I saw some maps of the Plaquemine aquifer and as Willie was saying I believe it goes under the river and connects -- it's connected to the river, but it also goes under and connects to the Gonzales aquifer. So it's something to checkout over there that perhaps there's contamination over there.

In closing, this incident should incline the DEQ to be proactive in the matter of aquifers. They should develop

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a matter of Louisiana with a transparency or the computer equivalent thereof of our aquifers on top of it. Then another transparency of the areas of known groundwater contamination and injection well activity because I -- I think it would show a clearer picture of what is at risk. I do think that identifying wrongdoers, assessing fines, and cleaning up is very important but

it's only the beginning, and what must follow is a determination of what went wrong so we can prevent it in other places. The DEQ needs to start setting and collecting some dues for every industry that wants to play in Louisiana. That's one of Elizabeth's saying, you've got to pay to play. They are scavengers. They ruin our natural resources. They give us cancer and other disease states that cause so many things including death. This is my answer to Mr. Buwat's mention of inadequate funding for the DEQ. I think we should start a campaign now and get

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the legislature familiar with the idea. When the DEQ has to depend on industry in other ways such as funding studies that the DEQ should be doing, performing, and paying for it's seen as an alignment between government and industry. The government should be aligned with us, the public, and protecting us from industry pollution. 9-11 showed us that anything can happen, and when anything does happen what do we do for water? Suppose Baton Rouge is bombed and Port Allen and there's no water coming through our pipes. Now, we're surrounded with capped wells. If you find one that's not -- is it one that's pulling contaminated water? That's the big picture. What about the small, a private well used to mean free water. For the poor in our area that's important. It also meant untreated water, no fluoride. It meant watering a garden and having organic produce. We have been a robbed in a way that kills. This is a crime. What has happened to

0080

us is morally reprehensible. What has happened to this aquifer is morally reprehensible. DEQ, please recognize your duty. Protect and defend, whatever it takes, because to ruin a God given resource should bear no mercy.
Sincerely, Les Ann Kirkland.
MS. WRIGHT:
Let the record reflect that Les Ann Kirkland has submitted written, handwritten comments, which I will mark as Exhibit Eight and will be attached to the record. Ms. Avants, would you like to come forward to finish -- to complete your comments?
MS. AVANTS:
I would like a transcript of this hearing to be put in our library, and I need to say this because it's something that made me so very angry, and it takes a lot to make me angry. Several years

ago -- I mean I frequent the library probably every Saturday afternoon reading permit volumes and that kind of thing. And when I went one time a

number of volumes were gone. A lot of the shelves were like cleaned out and it was like what's going on? Somebody in another parish, I guess with a smaller library, not that it's justifies going and taking stuff from that library, had requested the DEQ come to clean out some shelves. Did they go there first? No, they came to our library. I refer to older volumes of stuff for comparison and there are a lot of folders with the water well sampling stuff in the library and I'm requesting and demanding that these never be removed from our library. Not any of the volumes on any our industries that has stuff up for comment. It's important that we have history and it's important that we have history to review when we're reviewing new data. So those are just my additional things. I am finished. Thank you very much.

MS. WRIGHT:

At this time if Ms. Shirley Holmes would come forward for comments.

MS. HOLMES:

Good evening, I'm Shirley Holmes. Everyone must know that I'm quite nervous. I myself was a resident of Myrtle Grove Trailer Park. I lived back there. I drank the water. I fed my kids food and I cooked with the water. We bathed in the water. My family stayed very sick. I represent myself as well as the many others that lived back there. I came here tonight because I only just got notice. It wasn't on TV. It wasn't -- no one knew. If you heard you heard from someone else. I'm not prepared to stand up here and speak. I rushed here as fast as I could. We do appreciate everyone who's standing in our behalf. We appreciate all the research and the hard work that y'all have done for us. We do need this to be resolved. But we need it to be resolved in a fair way. Who's going to stand for the little person like myself? I'm not an attorney. I don't have millions of dollars. I'm just a mother who lived,

could see my children suffering. I suffered as well myself. What needs to be done needs to be done for the people who suffered as well as the many who will remain suffering. I realize I only have five minutes. But all the people

who stand for us we appreciate that. We appreciate that so much. You don't know how much we appreciate that. But look at me. Who am I? Who will stand for us? DEQ needs to do their job. They need to stand up. They need to speak up for the people and they need do -- they need to do. Now, these little five minutes might not mean much but I could not sit down and listen to people trying to help us without getting up and trying to speak. No one might not remember my name and you might not remember my face, but I pray that you remember the suffering of all the people who have suffered and who is still suffering. I had breast cancer. I had to go through so much. I have friends that's still going through it. Children,

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grandchildren being born with stuff they can't even get rid of. I ask you from my heart to do what needs to be done. To do the right thing for the residents of Iberville Parish as well as those from Myrtle Grove. Thank you.

MS. WRIGHT:

Are there any other comments? Ms. Avants?

MS. AVANTS:

I just want to say as a result of that a tragedy occurred when Myrtle Grove was relocated and the community was not kept together. In our previous relocations with Revele Town and Morrisonville some of those communities were relocated in groups together. What did happen in the past when we were working for the Myrtle Grove thing was that we could walk the community and hand out flyers. It's slightly intense but it's what needed to happen. Because the community has been disposed it's very hard to get two people that you want to be here that you don't know

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where they are anymore. I think what we have learned from relocations industry loves it when they can dispel people and not have that connection of them being neighbors anymore because what it does is it allows them to not have the connection to connect (inaudible). So I just wanted to say that is another reason it's so important for DEQ to put this word out and when public notices are put out that they be more user friendly, that the public knows exactly what's going on.

MS. WRIGHT:

Mr. Fontenot?

MR. FONTENOT:

I apologize for dragging out your

meeting a little bit but, Ms. Holmes, are you still here?
MS. HOLMES:
Yes.
MR. FONTENOT:
Yeah, I want to thank you for speaking because it's so important to have at least one person from who lived

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that close and who's water well or water wells or water source was clearly identified as being contaminated and she was never noticed or notified. Dow Chemical, if Dow is the source of this contamination should have been the one that notified Ms. Holmes years ago that they had dumped a whole bunch of vinyl chloride on the ground and done it improperly and incorrectly and lack of all safety. When those activities went on on that Dow facility they knew this was an extremely toxic and hazardous material -- but Dow's not alone. I mean the contamination in the Lake Charles area from all the industries there. It's one of most highly contaminated areas in the world. A whole number of federal and state agencies including the Department of Environmental Quality had been getting together for several years to look at the contamination in the Calcasieu estuary because they knew there was contamination. They knew it was very wide spread and they knew where

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most of it had come from. They were doing a study on how chemicals moved in an estuarian environment, an environment that's subject to tidal flow. They have been doing this study for a few years. No one in the local community knew this was going on. One of the people involved in that study talked to a friend and they suggested they should talk to me. I talked to people in a couple of agencies that were involved with it and I was able to determine what was going on. And based on some public information I wrote a letter for Attorney General Guste about the contamination in the Calcasieu estuary and it was the first time that the public found out about something that the Department of Environmental Quality, the Department of Health, the U.S. Environmental Protection Agency, the U.S. Geologic Survey and several other federal and state agencies had been involved with for years. That's the kind of confusion and concern that

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people like Ms. Holmes have. Can they trust you? You being the Department of

Environmental Quality. Is the Department of Environmental Quality dealing ethically with this community? Are you more concerned about what Dow is going to say and do or what other industries are going to say and do than you are concerned about the people who are being adversely impacted that have no way of protecting themselves? Ms. Holmes has lost her home and her community. She has some adverse health problems. She doesn't know if her health problems are related to drinking vinyl chloride. She doesn't know if her children and grandchildren may have some problems. No deadline for comments is going to help Ms. Holmes. What's this called, a final what?

MS. WRIGHT:

Draft decision.

MR. FONTENOT:

I'm sorry?

MS. WRIGHT:

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Draft decision.

MR. FONTENOT:

A final decision. I don't know that Ms. Holmes or anybody else that's been adversely impacted wants you to make a final decision. That final means that's the last decision that the agency will make. I don't think you can make a final decision on this contamination until we know about all of the contamination. Until we really know about the extent this contamination has moved out. How deep it is, how widespread it is. The monitoring wells are totally inadequate in number and in depth and in closeness for you, the Department of Environmental Quality or anybody else to be able to really make a definitive or a final decision on where this contamination is. We're standing in a building which has vinyl chloride underneath it or some of us is sitting. But we don't know what the extent of that contamination is. It may not be real serious. Comments by Marylee Orr

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about the levels of contamination that you're using are saying that if you set your standard too high you're not going to pick up levels that you can measure but you're not going to report because you've set your standard at one part per billion or a 100 parts per billion or whatever the number is. You're using numbers that are entirely too high to decide when you start reporting. You should be reporting vinyl chloride in every water well or every well, monitoring well, at whatever level you

find it. You should be testing for as low a level of vinyl chloride as your testing ability. You should not being using a standard that is so high that there could be contamination of vinyl chloride in the water and you'll miss it because your level us set too high. Does that make sense? I hope so.

MS. WRIGHT:

This isn't a question and answer period. So I can't --

MR. FONTENOT:

Well, you may not -- you may not know the answer. But the standard that the Department of Environmental Quality is using is I think an incorrect standard. A couple of speakers have gone to that point tonight. I think the number of wells, the level at which below the surface where you're taking samples is not adequate enough. The closest of those wells and the -- particularly the level of vinyl chloride and other chemicals you have set entirely too high. You being the Department of Environmental Quality. I'm not blaming you personally. That needs to change before the public can be convinced that this agency is doing everything it can to protect this community. This community is extremely vulnerable. Like I mentioned earlier when Curt Lee Jackson died in 1978 that was a revolutionary moment in the State of Louisiana. The state environment -- the agencies with environmental responsibility are still doing catchup.

DEQ was created yet. But a lot of the officials in what is now the Department of Environmental Quality worked in other agencies. The Department of Environmental Quality and the other agencies in Louisiana and the federal agencies are still play catchup because of the stupid things that they did like intentionally, willfully, and knowingly withholding information from the public in places like Lake Charles with a massive contamination there. The same thing happened here. Ms. Holmes and her neighbors were not notified when vinyl chloride was found in their drinking water. A lot more has to be done to make up for those oversights. It's not just an oversight. It's a real serious problem. Cutting off the deadline --

MS. WRIGHT:

Mr. --

MR. FONTENOT:

-- for input to this process 20 days from now is entirely too short a

25 period of time for people to be able to
0093
1 get together and get information and
2 look at your documents and figure out
3 what they want to tell you.
4 MS. WRIGHT:
5 I have to cut off at this point,
6 Mr. Fontenot. You're way over your
7 time.
8 MR. FONTENOT:
9 Thank you very much. Well, I've
10 been waiting a while to say some of
11 these things. Thank you.
12 MS. KIRKLAND:
13 Can I add one thing?
14 MS. WRIGHT:
15 Yes.
16 MS. KIRKLAND:
17 I wanted to just put up --
18 MS. WRIGHT:
19 Ms. Kirkland, just state your
20 name.
21 MS. KIRKLAND:
22 Les Ann Kirkland. I wanted to
23 thank also the Myrtle Grove people for
24 coming. I wanted the record to reflect
25 that there may have been 20, maybe two
0094
1 dozen people here on and off throughout
2 the hearing. These people have been
3 through the mill. They've been going
4 through this for six years. There's a
5 lot of litigation going on. Everything
6 is at a standstill. These people are
7 incredibly frustrated. Anything you can
8 do for them we need you to do for them.
9 I want to thank Ms. Holmes. I want to
10 recognize all the other residents who
11 are here. We think about y'all all the
12 time. We're not forgetting y'all. I
13 think at the very least all of these
14 people's name and addresses and contact
15 information, I think the DEQ and DHH
16 should have kept that so they could be
17 kept in the loop for things like this
18 and be notified. I want to add one
19 thing about the people in that
20 community. When they found out that
21 there were no standards for drinking
22 vinyl chloride and what that would do
23 these people were novices at
24 environmental work and one of them
25 stepped right up to the plate and said
0095
1 use us. That's what kind of people
2 these are. They -- they're in a
3 horrible situation and they're looking
4 toward other people who might be in it
5 and they were ready to be studied and
6 for things to be noted about their
7 health condition and this state dropped
8 the ball on it. I mean it's still not
9 too late. But anything you can do for

those people we appreciate it.
MS. WRIGHT:
Are there any other comments? If not I would like to remind you that the comment period on the Draft Decision Document for the Final Remedy ends at 12:30 p.m. on April 23rd 2008. At this time I would like to state for the record that I have received a total of eight exhibits during this hearing. Regarding the draft -- yes, Mr. Fontenot?
MR. FONTENOT:
I know you're not in the position to answer this tonight but you're making it sound like there will not be a

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change. I've asked for an extension of the time to comment on this and couple of other people have asked for that extension, will that be decided sometimes soon and how will we find out what your decision is or what the agency's decision is?
MS. WRIGHT:
Being that this is not a question and answer period I can not answer that.
MR. FONTENOT:
Well, that's fine about the question and answer. A request was made and I want to know if there is going to be a decision made on that before the deadline for comment where that may be extended?
MS. WRIGHT:
I understand, Mr. Fontenot --
MR. FONTENOT:
You don't have to answer me.
MS. WRIGHT:
Oh.
MR. FONTENOT:
I just want you to understand that

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a request -- if you're going to be reading into the record that the deadline is this you can say a request has been made for an extension and that will be addressed by the appropriate officials in the agency or something.
MS. WRIGHT:
You just said it.
MR. FONTENOT:
Okay. I mean I just don't want you to leave with the final word being the deadline is this date and that's it. Thank you.
MS. WRIGHT:
I have received a total of eight exhibits during this hearing. If there are no other comments I would like to thank you for your attention and participation in this public hearing. Let the record reflect that the time is

now 7:51 p.m. and this hearing is closed.

WHEREUPON, AT 7:51 P.M. THE HEARING ENDED

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R E P O R T E R ' S P A G E

I, Mark LaCour, Certified Court Reporter, in and for the State of Louisiana, the officer, as defined in Rule 28 of the Federal Rules of Civil Procedure and/or Article 1434(b) of the Louisiana Code of Civil Procedure, before whom this sworn testimony was taken, do hereby state on the record:

That due to the interaction in the spontaneous discourse of this proceeding, dashes (--) have been used to indicate pauses, changes in thought, and/or talk overs; that same is the proper method for a Court Reporter's transcription of proceeding, and that the dashes (--) do not indicate that words or phrases have been left out of this transcript.

Also, any words and/or names which could not be verified through reference material have been denoted with the phrase "(inaudible)."

_____

Mark LaCour, C.C.R.
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C E R T I F I C A T I O N

I, the undersigned reporter, do hereby certify that the above and foregoing is a true and correct transcription of the stenomask tape of the proceedings had herein, taken down by me and transcribed under my supervision, to the best of my ability and understanding, at the time and place hereinbefore noted, in the above-entitled cause.

I further certify that the witness was duly sworn by me in my capacity as a Certified Court Reporter pursuant to the provisions of R.S. 37:2551 et seq. in and for the state of Louisiana; that I am not of counsel nor related to any of the counsel of any of the parties, nor in the employ of any of parties, and that I have no interest in the outcome of this action.

I further certify that my license is in good standing as a court reporter in and for the state of Louisiana.

_____

Mark LaCour, C.C.R.
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