

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: ENVIRONMENTAL JUSTICE LISTENING SESSION

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BEFORE: CARL JONES, JR., ESQUIRE, Director  
PATRICK MCDONNELL, Secretary  
JIM MILLER, Regional Director  
NORA ALWINE, Regional Coordinator

HEARING: Thursday, April 27, 2016  
5:00 p.m.

LOCATION: Tom Ridge Environmental Center  
301 Peninsula Drive  
Erie, PA 16505

WITNESSES: Adam Trott, Kathleen Lutz, Freda Tepfer,  
Cindy Pervis, Ed Kissel, Ann McCarthy,  
James Miller, Paul Burroughs, Mary Markley

**ORIGINAL**

Reporter: Shannon C. Fortsch

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ALSO PRESENT:

Cole Lewis

Tom McClure

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## P R O C E E D I N G S

1  
2 -----  
3 MR. JONES:

4 Good afternoon. I am Carl Jones. I'll  
5 give you sort of a brief overview of why we're here  
6 today. I hope you all are here for our Environmental  
7 Justice Listening Session. This is the fourth stop on  
8 our nine-stop tour.

9 After I get done reading this brief  
10 overview, the Secretary will give introductory  
11 remarks. And then I'll come right back to sort of  
12 give an overlay of the Office of Environmental  
13 Justice, historically where we've been as well as sort  
14 of the purpose of our listening tour, along with  
15 questions.

16 The pamphlet's been sent out to frame  
17 our conversations, coupled with contact information  
18 for you all to continue this sort of information  
19 dialogue with us. And if you all pick up things after  
20 we leave, you'll see those contact information again.  
21 That's hugely important.

22 I'll be back in the background and let  
23 the Secretary do introductory remarks.

24 Thank you.

25 MR. MCDONNELL:

1 Thank you, Carl.

2 Hello, I'm Pat McDonnell. I'm the  
3 Acting Secretary for DEP.

4 Thank you, first, all for coming out  
5 tonight. Getting the perspective is why we're here.  
6 Making sure we're hearing from you all is --- is  
7 important, so I'm keeping this brief, because that ---  
8 that is the purpose of tonight.

9 Just so you can put this in some  
10 context, it's been over ten years since we really  
11 first looked at our environmental justice policies,  
12 development of the definitions of what our --- what  
13 our purpose was going to be. And frankly, it's past  
14 time that we have this conversation.

15 I use the conversation very specifically  
16 in this because I want to make sure this is ongoing  
17 dialogue. This is the start of a process. This is  
18 not the entirety of the process.

19 So you can expect, as we get the  
20 feedback, we will be taking that in, looking at our  
21 policies and reflecting that back out and --- and  
22 having a --- an iterative process here in terms of  
23 understanding what we need --- need to be doing and  
24 what we can do better about environmental justice and  
25 our public participation processes more generally.

1                   So thank you all. Thank you for --- for  
2 being here tonight, and I look forward to --- to your  
3 all perspectives.

4                   MR. JONES:

5                   Thank you, Secretary McDonnell.

6                   I sort of want to begin the program,  
7 before we turn it over to you, with sort of a brief  
8 overview of the Office of Environmental Justice.

9                   So if we could go to the first slide,  
10 I'll start with sort of the first --- what is  
11 environmental justice? Our website's sort of laying a  
12 very, sort of, detailed review of what sort of history  
13 our environmental justice has been, and how has it  
14 evolved throughout the Commonwealth.

15                   Well, sort of simply put, environmental  
16 justice really seeks to make sure that everyone has an  
17 equal seat at the table. The main sort of goal and  
18 sort of the premise of the environmental justice  
19 movement started as an offshoot of the environmental  
20 and civil rights movements of the '60s and '70s.

21                   The history in Pennsylvania has been  
22 more recent in that. In the late 1990s, there was the  
23 creation of internal work groups, and those work  
24 groups led to the creation of an internal DEP work  
25 group that sort of formed the --- the nexus for the

1 Department of Environmental Justice. At that time, it  
2 was called the Office of Environmental Advocate. That  
3 group that was formed in the late 1990s created a 2001  
4 report. That report is on our website.

5 I will reference our website often. It  
6 is a great place to look for updated information.

7 That 2001 report led to the 2004  
8 Environmental Justice Public Participation Policy.  
9 That policy has been what has guided Pennsylvania as  
10 it related to environmental justice since inception.

11 From that policy, we defined  
12 environmental justice communities by looking at  
13 poverty and risk. Currently, Pennsylvania has 851  
14 environmental justice communities using our current  
15 definition.

16 The nexus behind this listening tour is  
17 to really try and figure out if that definition works  
18 for the Commonwealth today, and are we actually  
19 meeting the goals of what environmental justice really  
20 means for the citizens of the Commonwealth.

21 The Office of Environmental Justice has  
22 three main goals. Those three goals are inside of  
23 this handy pamphlet that is outside. So I ask you to  
24 take one, if you haven't already. They lay out the  
25 details for what these three goals are. They're



1 minimizing adverse environmental impacts, empowering  
2 communities and fostering economic opportunities.

3                   Framing questions. In anticipation of  
4 this meeting, we really are here to hear from you, so  
5 I'm trying to leave as much time as possible for  
6 everyone to have time to speak. We sent out framing  
7 questions in order for our conversation to be guided.  
8 We're trying to seek information that will allow us to  
9 sort of evaluate our program and the way that we do  
10 environmental justice throughout the Department.

11                   That being said, we're here to hear from  
12 you. So if there are topics that are not covered on  
13 this list of seven questions, feel free to use your  
14 time to address those needs as well.

15                   Logistically, each speaker will have  
16 three minutes. There will be a sign that says when  
17 you have one minute, when there are 30 seconds left  
18 and when there are 15 seconds left. We ask that  
19 everyone respect the time limits, as we have people  
20 inside the room and want to get to as many people as  
21 possible.

22                   If there is time after every speaker who  
23 has wished to speak has spoken, we will allot  
24 additional time for repeat speakers to come back up.

25                   Housekeeping. The restrooms are

1 directly out this door and to your left, and in a hard  
2 right, there are water fountains. And the men's and  
3 women's rooms are right there. The exit --- there's  
4 one also immediately down this hall, in addition to  
5 the one behind you.

6 All right. I will go to the last page,  
7 and then we'll come back to this framing question.

8 At the end, I will come back and sort of  
9 thank all of you for coming. We'll put this sheet  
10 back up. It has our ways to reach us.

11 So in addition to online, where you can  
12 submit comments until May 25th, we're also accepting  
13 written comments as well until May 25th. All comments  
14 that are received from you or from your neighbors or  
15 friend who weren't able to be here today who couldn't  
16 give testimony, we would greatly appreciate as much  
17 input as possible.

18 So with that being said, we turn it over  
19 to you all to give us testimony. At times, it may  
20 seem frustrating if you're asking a question and we  
21 don't respond. Part of our process and part of the  
22 process that we have consistently applied from this  
23 listening tour is to take in information and not to  
24 respond back. So please don't believe that we aren't  
25 listening to you. We are. We're keeping our process

1 consistent.

2 So with that being said, I'll turn over  
3 to Nora to call the first name.

4 Thank you all.

5 MS. ALWINE:

6 First up is Kathleen Lutz.

7 MS. LUTZ:

8 Hi, I'm just letting Adam Trott go ahead  
9 of me.

10 MS. ALWINE:

11 Oh, okay.

12 MR. JONES:

13 No, just stand there. Wait, well, sure.  
14 You can come up to the mic.

15 MR. TROTT:

16 Sure. Okay.

17 MR. JONES:

18 And make sure you state your name and  
19 spell it for the stenographer so that they have it for  
20 the record.

21 MR. TROTT:

22 Okay. Thank you.

23 Adam Trott, T-R-O-T-T. I live here in  
24 Erie.

25 What I wanted to touch base on was some

1 lessons we learned in our struggle to stop the  
2 demolition of the critical pedestrian and bicycle  
3 linkage on the east side of town, which happens to be  
4 in the second highest poverty area in the city of  
5 Erie.

6                   What we discovered in our work is that  
7 City Hall, lacking any planning expertise, had studied  
8 this bridge about --- and whether to demolish it or  
9 not, and the study completely disregarded any  
10 pedestrian or bicycle usage.

11                   Unfortunately, in that part of town,  
12 that's one of the highest areas that the people don't  
13 have a vehicle. And this linkage is a --- is a  
14 critical link over the railroad tracks that connects  
15 to impoverished neighborhood areas.

16                   And the one on the south side has all  
17 the retail businesses. The one on the north side has  
18 a little bit of retail, but it has all the schools and  
19 churches.

20                   So it's a very critical link for them,  
21 and in our challenge to --- to try and stop the  
22 demolition, well, we've discovered some things that  
23 were very interesting about this.

24                   One was that we --- we questioned why  
25 the study that was approved by the Federal Highway

1 Administration said that there were no environmental  
2 justice issues. And we first brought up, well, that's  
3 the most --- the second most impoverished area in the  
4 city. How could removing a critical linkage not be  
5 able to affect them?

6                   And their response to that is that it  
7 was presented to them by City Hall that it was just a  
8 neighborhood project. So the scope of the  
9 consideration of the environmental justice was limited  
10 just to that neighborhood.

11                   So then --- thank you.

12                   So then, we asked, well, how about the  
13 fact that if you take that away, a majority of the  
14 people that use it, biking and pedestrian  
15 modality-wise --- you're incredibly impacting their  
16 daily life. And they --- they said, well, that's not  
17 a classified minority group. If we were hitting  
18 African-Americans, Native Americans, Hispanics,  
19 whatever, then that would be a group. But people who  
20 don't have cars is not a group.

21                   So to us, that was a real eye-opener  
22 that that might be an aspect about determining social  
23 justice that is lacking in our --- in our parameters  
24 when we evaluate these things. Besides that, they're  
25 doing an awful lot to access people who don't engage

1 the planning system.

2 Okay. Thank you.

3 MS. ALWINE:

4 Leanne Sestak?

5 MS. LUTZ:

6 She isn't here.

7 MS. ALWINE:

8 Oh.

9 Alison Kaminski?

10 Kathleen, would you like to speak?

11 MS. LUTZ:

12 Sure, I'll come up.

13 MS. ALWINE:

14 Okay.

15 MS. LUTZ:

16 Hi, I'm Kathleen Lutz, and I'm an  
17 independent advocate for families who have children  
18 with special needs. And I did not come here today  
19 with any prepared statement or response to these  
20 questions. But as you spoke, Carl, the environmental  
21 justice concern that's most pressing to me in this  
22 community is the issue of lead poisoning in children.  
23 We became aware of high levels of lead  
24 in --- in --- in children in this community after  
25 hearing about the extremely high levels of lead in the

1 water in Flint, Michigan.

2                   Then, we --- we were made aware of the  
3 fact that there's actually more lead in Erie County  
4 and more children being poisoned in Erie County than  
5 in Flint, Michigan. So --- though, it's not a water  
6 issue, necessarily. It's a housing stock issue.

7                   We began testing children, I think,  
8 twice before their second birthday for lead,  
9 especially if they're children who have Medicaid. So  
10 that would qualify as children in --- who are living  
11 in poverty, I would assume, and many children of color  
12 and even --- we have a really wide --- a diverse range  
13 of children from other countries living in our  
14 community, as well.

15                   So I don't see any --- very many or any  
16 of those people in this meeting today, so we're not  
17 really reaching them.

18                   And we may be identifying them as having  
19 high levels of lead in their system, but we're really  
20 not doing anything about the damage that's done to  
21 children when they have this high level of lead in  
22 their system.

23                   Children end up in the school system.  
24 They may get identified as having special education  
25 needs, but we never trace it back to the fact that

1 they have high levels of lead.

2                   When we find the high levels of lead, we  
3 don't begin tracking them for possible disabilities in  
4 the future or for a lack of development or  
5 developmental issues.

6                   So I think we need to do a much better  
7 job of going beyond just testing and identifying them.  
8 We need to actually support them and help them achieve  
9 to the greatest level that they possibly can.

10                   And we need to make sure that a parent  
11 renting in a place that has lead paint and has  
12 poisoned their child, when they move, because they  
13 learned that that's where the lead is, then you don't  
14 get a turnaround and rent it again to another family  
15 with another child who's going to ingest that lead as  
16 well.

17                   So thanks.

18                   MR. JONES:

19                   Thank you. Thank you very much.

20                   MS. ALWINE:

21                   Does anyone who has not signed up wish  
22 to speak?

23                   MS. TEPFER:

24                   Yes, I signed up in here.

25                   MS. ALWINE:



1 Oh, okay.

2 MS. TEPFER:

3 I'm going up there.

4 My name is Freda Tepfer. I live in  
5 Erie, and I am the Resource Specialist for Erie CPR.  
6 I also have an extensive background of working on  
7 environmental documents and projects when I worked for  
8 the U.S. Forest Service in Snohomish County in  
9 Washington State.

10 I've been involved over the last --- for  
11 the last two years in a project concerning the --- the  
12 --- the proposal to demolish the East Street Viaduct.  
13 And in that regard, the concern most pressing that was  
14 ignored is the impact of that project on --- on an  
15 extremely poor population. 61.9 percent of the  
16 population in the census tract adjacent to the viaduct  
17 is in poverty, and most of those are children.

18 As well as just the fact that Federal  
19 Highways, PennDOT and the city of Erie declined to see  
20 that as an environmental justice issue, they did not  
21 look at some of the issues of danger and concern for  
22 the kind of environment that they're putting these  
23 children into, and --- and --- and also, whoever ---  
24 whichever pedestrians are already in the community.

25 Currently, people are walking on this

1 former vehicular bridge. It's quiet. They're not  
2 walking adjacent to the vehicles, and they get to  
3 cross East 12th Street in a relatively quiet crossing  
4 with a traffic light.

5                   They are saying it's a superior route to  
6 take the people on the Bayfront Connector. The  
7 Bayfront Connector has a narrow walkway immediately  
8 adjacent to heavy traffic, including diesel vehicles,  
9 all kinds of large trucks, many kinds of vehicles,  
10 noise, splash.

11                   And --- and --- and a factor that was  
12 not evaluated in the study process was the comparison  
13 of the quiet crossing at 12th and East Street and the  
14 very hazardous crossing at 12th and the Bayfront  
15 Connector.

16                   The initial study said that the crossing  
17 would be at --- they would be routed on the south side  
18 of the street so they would not have to cross at the  
19 Bayfront Connector. And in their project newsletter,  
20 they've described that they've abandoned that because  
21 it, frankly, was never feasible.

22                   So this is a situation where we're  
23 exposing children and poor people to danger, to noise,  
24 to pollution in the city of Erie, where you have the  
25 21st most particulate pollution in the state. And all

1 of this --- they have been totally disregarding that  
2 this is an environmental justice issue.

3 And thank you for your time.

4 MR. JONES:

5 Thank you.

6 MS. PERVIS:

7 Hi, I'm Cindy Pervis. I live in the  
8 city of Erie.

9 First, I'd like to thank you very much  
10 for coming and asking us to speak and for listening to  
11 us.

12 I would like to first say that the  
13 location of this meeting is concerning. So then, that  
14 --- and although this is in a wonderful, wonderful  
15 location for most things, environmental justice should  
16 be right smack in the city of Erie. So I invite you,  
17 next time you have a meeting, to have one there.

18 The lead poisoning --- I don't know what  
19 the connection is between this Department and --- and  
20 speaking to the legislators, but this is a real  
21 concern. And as we look at our school systems that  
22 are going bankrupt, and they're having to deal with  
23 students that are victims of lead poisoning and the  
24 special needs they have, the money's just not there.

25 So from not only a health standpoint, a

1 moral standpoint, but also economically, I think it  
2 would be good if this Department can speak to our  
3 legislators about what's going on there.

4           In the city of Erie, the Erie Coke Plant  
5 continues to be a major concern. It's located right  
6 across the street from the Barber Center, a wonderful  
7 institute. And all of those people there --- and they  
8 have the training facility across the street --- are  
9 breathing that air, as well as elementary schools that  
10 are very close and also a large area of an --- of  
11 poverty. So they're all having to breath that air  
12 coming from that plant that continually violates the  
13 rules.

14           And last, renewable energy --- you know,  
15 the thing is, there's a lot of people that want  
16 renewable energy. And people with means are putting  
17 renewable energy on their homes and on their  
18 businesses.

19           But we have schools that certainly ---  
20 and there's no tax breaks for these schools, because  
21 they don't pay taxes. I think it's high time we start  
22 developing programs where schools --- especially  
23 schools in these inner-city, impoverished  
24 neighborhoods --- have some renewable energy that  
25 would help them financially as well as help them grow

1 with renewable energy and show the community that we  
2 care about them.

3 So thank you very much.

4 MR. JONES:

5 Thank you.

6 MS. ALWINE:

7 Anyone who hasn't spoken yet who would  
8 like to ---?

9 MR. KISSEL:

10 Good afternoon. My name is Ed Kissel,  
11 and I represent civic organizations under the State  
12 Coastal Zone Program, and I also have been involved in  
13 a lot of activities along our bay front.

14 And just recently, I've been involved in  
15 some permitting activities that were approved by DEP  
16 and by the Corps of Engineers that --- a document was  
17 submitted, the permits were submitted to the Corps and  
18 to the state. And there were conditions written in  
19 there, in the permits, to provide accessibility to  
20 low-income and the handicapped along our bay front,  
21 which, in the end, did not get done by the developers.

22 There's a court case that's on --- going  
23 on now on this. And the judge has ruled in favor of  
24 our zoning board by permitting activities that are  
25 contrary, I believe, to the permits that the state and

1 Corps signed that were submitted by the developer for  
2 the public to enjoy the waterfront and have access to  
3 the water. And hopefully, something can be looked at.

4           After these permits were issued, a  
5 change took place prohibiting 600 feet of 900 feet of  
6 access along our waterfront to the Commonwealth waters  
7 with a stone barrier preventing handicapped, young ---  
8 young age groups and elderly people to access the  
9 water's edge in a very low income area on our west  
10 side. That can be checked out on the lower west side  
11 from State Street over to Cranberry Street within the  
12 poverty area.

13           So I encourage some help, possibly, to  
14 look into those promises and/or regulations that were  
15 permitted and then not followed up, per the permits  
16 that were issued by the state allowing the people to  
17 the water's edge.

18           So I thank you.

19           MR. JONES:

20           Thank you.

21           MS. ALWINE:

22           Ms. McCarthy, remember to state and  
23 spell your name.

24           SISTER MCCARTHY:

25           Thank you.

1                   Ann McCarthy, A-N-N, M-C-C-A-R-T-H-Y,  
2 OSB. I'm a Benedictine Sister, and I live on that  
3 East side. And I live right upwind from the coke  
4 plant, and I live in that --- in the census track in  
5 the area of high poverty.

6                   A few things I'd like to say. One ---  
7 Cindy mentioned the placement of this hearing. Also,  
8 the timing --- I don't know if you're aware that  
9 there's a major candidate's forum for mayor, and it's  
10 the one that's put on by the African-American  
11 Concerned Clergy. The people specifically who are  
12 doing the most work on environmental racism are  
13 organizing that mayoral candidate --- candidate forum  
14 at the MLK center. It starts at six o'clock.

15                   So --- so that's another reason, I  
16 think, we're split. I know there are people that are  
17 running that forum that are very passionate about the  
18 impact of the benzene from the coke plant, the number  
19 of times that the complete ineffective action taken by  
20 any --- anyone to stop the benzene coming from the  
21 coke plant.

22                   So they've been fined. They keep ---  
23 they pay the fine. It doesn't change, and the number  
24 of children that live in our area --- it's a high  
25 concentration. A lot of immigrants, a high

1 concentration of poor people.

2                   We have our climate march this weekend.  
3 It's starting at --- it's going to be Saturday, and  
4 we're reflecting on the quality of water. And it  
5 could be threatened by fracking, and we're very  
6 concerned that permits would be given in the Lake Erie  
7 watershed for fracking. And then, we're going to walk  
8 past the coke plant and walk a few blocks up to the  
9 park in front of the schools for a rally just to  
10 highlight that.

11                   One other thing I wanted to mention  
12 about the lead --- almost every house that we've done  
13 on our block --- we've rehabbed 14 houses, either  
14 rehabbed or taken them down, old houses.

15                   There's still a number that were not  
16 rehabbed. But those that are not rehabbed and still  
17 have the lead have young children living in them, but  
18 the homeowners are not doing anything about the lead.

19                   So there are programs available, but the  
20 homeowners --- well, are not interested. And so we  
21 have, again, the poorest children of our neighborhood,  
22 and around our block, it's huge, living in lead,  
23 ingesting it.

24                   Thank you.

25                   MS. ALWINE:



1                   Would anyone else like to give testimony  
2 who has not?

3                   MR. TROTT:

4                   I'll take a second ---.

5                   MS. ALWINE:

6                   Okay.

7                   A second round?

8                   MR. TROTT:

9                   Okay, thank you.

10                   I just happened to come out --- oh, Adam  
11 Trott. I just happened to come out at the luncheon  
12 today that the subject was community engagement. And  
13 a couple points that came out of that luncheon that I  
14 think we're sharing here today. One is that --- and  
15 I'm an architect, I work with developers and all kinds  
16 of projects. And they always begrudge, you know,  
17 public hearings and things like that.

18                   Right?

19                   So I see that side of it, Erie CPR. One  
20 of our main objectives is to foster community  
21 engagement in the planning process. So I see the  
22 other side of that.

23                   What came up to me in our discussion,  
24 one of the items was that when they talked about  
25 advertising a public hearing and things like that, it

1 became apparent that the mechanisms in place today  
2 provide access, but that access is just an open door,  
3 that's it.

4                   The people that have the most trouble  
5 taking advantage of that access really don't have  
6 mechanisms to show up at these things. Their lives  
7 are very restricted, between multiple jobs, daycare,  
8 things like that. That access is not the same as  
9 actually getting engaged.

10                   So another item that came up was whether  
11 --- the municipalities, like City Hall, for example.  
12 If they could empower somebody in City Hall to be an  
13 advocate for community engagement so that state  
14 agencies, such as the DEP --- obviously, we don't  
15 expect you to know all of the community advocate  
16 connections that are here in Erie. I mean, you're  
17 covering the whole state.

18                   But if there was a point source at  
19 Community Hall or the Township Building or what have  
20 you where there is one person you call and say yes,  
21 this issue's coming up. Who do we need to get  
22 directly in touch to --- with that they can then, in  
23 turn, encourage and empower the residents to make more  
24 of an effort to come here.

25                   And also, to help define to those

1 residents what their stake actually is in this.  
2 Because we've been finding that people are so  
3 disfranchised, when a project comes up, they have no  
4 idea what they have a right to expect. They're so  
5 detached from the system. And we need that medium to  
6 connect the two.

7                   Because I think --- granted, there's a  
8 lot of people that wouldn't know what to comment to  
9 you about. But they can sure share their daily life  
10 experiences and how that could be impacted to help you  
11 assess impact.

12                   So that was something I felt worth  
13 mentioning. Thank you.

14                   SECRETARY MCDONNELL:

15                   Thank you very much.

16                   MS. TEPFER:

17                   I'm going to testify again. So again,  
18 working with the community in that census track and  
19 the names by the --- it's just constantly apparent to  
20 us that people don't understand what is being  
21 proposed. That a facility that they use is going to  
22 be taken away from them.

23                   They still think it's going to be fixed  
24 up or maintained or whatever. And we're constantly  
25 telling them, no, it's actually going to be

1 demolished, unless we can do something about it.

2           In the study, there were supposed to  
3 have been two more public meetings that didn't happen.  
4 And the Citizens Advisory Committee had hardly any  
5 actual residents on the committee.

6           I totally agree with Adam, that the City  
7 needs to have a better way to get into process. I've  
8 been trying to get on boards of the commission in the  
9 city for several years. And it's a very who do you  
10 know kind of thing.

11           I would also like to be on my  
12 conservation district board. I think as a soil  
13 scientist, I have a superior background to be part of  
14 that. And I might be able to get more knowledge about  
15 how to do that.

16           I do want to commend the DEP, I have  
17 called in some air quality violations. And you did go  
18 out and look at that. And it turned out the factory  
19 was not using proper --- they weren't cleaning their  
20 filters. A choice that was using chemicals and we  
21 were smelling chemicals in the air.

22           I was concerned about a seepage coming  
23 out of the banks near the water factory. And  
24 apparently, there is some pollution in that area. But  
25 I think there were four of you on the phone with me.

1 And so I do want to commend you for that you did  
2 actually get back to me and try to address my  
3 concerns.

4 Thank you.

5 MS. ALWINE:

6 Right there.

7 MR. RICHARDSON:

8 I'm Al Richardson and I am a member of  
9 the executive committee of the Lake Erie group of the  
10 Pennsylvania Sierra Club Chapter. And I came in late,  
11 I apologize for that. So I missed your initial  
12 presentation.

13 But I see that in your handout, there's  
14 a lot of information that would be useful, including  
15 your goals and I want to speak to them a little bit.  
16 One of them, empower communities to have a seat at the  
17 table.

18 So my first question is --- it's been a  
19 while since I researched the environmental justice.  
20 When I last did, there was environmental justice  
21 advisory board. Do you still have that? Can you tell  
22 me a little bit about how that functions and how we  
23 get on it? How you get onto that advisory board?

24 MR. MCDONNELL:

25 I'll just sort of redo what we did at

1 the beginning of the meeting since you weren't here  
2 for the introductory section.

3           As this is testimony that we'll be  
4 receiving, we won't be responding back to questions.  
5 We're here to receive feedback and comments from you  
6 about issues that need addressed.

7           MR. RICHARDSON:

8           Any questions was --- unable to  
9 question. Okay.

10           That's the question I'd like to hear  
11 more about, if you have some way to respond to that.

12           The other thing is, I think when you  
13 were informed in 2002, you had a Citizens Advisory  
14 Council. And my question is the same, is that still  
15 existing and how you get on the Citizens Advisory  
16 Council? And in connection with both of those  
17 questions, if you're on it, how often do they meet and  
18 where do they meet?

19           You have your goals, you have your  
20 objectives, your guidelines, I guess. My next  
21 question is, how are they enforced? What enforcement  
22 mechanism do you have or when you make recommendations  
23 or when you are working on some environmental justice  
24 concern?

25           The next question is, last night I

1 attended the Invisible Hand Documentary and my  
2 question concerns the people living in Grant and  
3 Highland Townships. And they are trying to protect  
4 their health of their community. And my question is,  
5 why does DEP suing those communities for trying to  
6 protect their own environment?

7 MR. MILLER:

8 Yeah, my name is James Miller, too, but  
9 everybody calls me Sam, that's my middle name. So I  
10 just wanted to bring up three points.

11 Nora came up from Pittsburgh for several  
12 meetings involving environmental pollution on the east  
13 side of Erie. Mostly poor section of Erie. And I  
14 commend her for that, I commend this group for  
15 environmental justice actions that are happening.

16 But the point is, even this meeting here  
17 at the Tom Ridge Center is in the nice part of town.  
18 The part of town that should've been called in, is in  
19 the community centers or churches over on the east  
20 side. And that seems to happen a lot.

21 And one of our key organizers with the  
22 Urban Erie Development Corporation --- he's very  
23 discouraged this meeting was called here instead of in  
24 the disadvantaged part of town.

25 Next was the pipeline issue. Pipelines

1 are coming up through Pennsylvania left and right.  
2 And nobody --- it's like a big secret for further  
3 involvement.

4                   John Quigley had its task force for  
5 pipeline --- meeting the means of natural gas that was  
6 coming out. But he left and I tried to get on that  
7 pipeline committee as an engineer, I couldn't. The  
8 pipeline was staffed with industry pro-people. More  
9 pipelines, more gas. Ignoring the monitoring of  
10 climate change.

11                   It was invited here because I'm one of  
12 the organizers for the Erie People's Climate March on  
13 Saturday. And we're expecting many --- 1,000 to 2,000  
14 people that are appealed --- Pennsylvania pushing  
15 fossil fuels instead of preparing for the coming clean  
16 energy. And it's going to happen.

17                   Last comment was I watched from afar, an  
18 updated cracker plant that's going in northeast of  
19 Pittsburgh. And that seems to be another case where  
20 the community was only involved at the very last  
21 minute, not implanted.

22                   So I hope this goes good. Thank you.

23                   MS. ALWINE:

24                   Would anyone else like to speak who has  
25 not?



1                   MR. BURROUGHS:

2                   My name's Paul Burroughs and I live in  
3 Fairview and work in Millcreek and I've spent a lot of  
4 time in this building.

5                   Now, I first wanted --- I was looking at  
6 framing question number five. And it reminded me of  
7 the experience that Sam just mentioned, that Nora and  
8 Melanie Williams from the Northwest Region Office  
9 brought a group together and we did meet in the  
10 eastern part of the city where all the issues were  
11 taking place.

12                   And the main focus was a number of the  
13 people had a number of questions about existing sites,  
14 Act 2 sites or what appeared to be neglected sites.  
15 And I thought, you know, I have tremendous access to  
16 DEP information. I've been involved on both sides.

17                   But I started to think about the folks  
18 who were attending the meeting who, while they may  
19 have the access to a computer, don't necessarily know  
20 their way around. And we were fortunate enough to  
21 have these folks from Meadville and Pittsburgh come in  
22 and give us the information that we were looking for.

23                   I'm not suggesting that it's a personnel  
24 intensive matter and you should make that routine, but  
25 I think having a presentation within the areas that

1 are affected that you want to focus upon, is a great  
2 idea.

3                   You have the resources and, Carl, I  
4 think you even took the time to come to my office and  
5 meet me with Nora and I appreciate that. But having  
6 the opportunity to meet right in the core of the  
7 district, I think would be a great benefit, not only  
8 to the people in the area, but also to the reputation  
9 of DEP.

10                   MS. ALWINE:

11                   Anyone else like to give testimony or  
12 speak?

13                   MS. MARKLEY:

14                   I mean, I didn't sign up to talk and I  
15 came mainly for information. But I'm going to ask, I  
16 don't know if it's relevant. My name is Bonnie  
17 Markley, I've been a resident off and on. My home is  
18 here in the ghetto for 150 years.

19                   My question is --- well, the lead, for  
20 one thing. I'm renovating my home with no help from  
21 anybody except my bank account. My question is, and I  
22 don't know if you could project any information or  
23 anybody here can.

24                   I have a classmate, who's also 78 years  
25 old, and she has two sons that are in their 50s and

1 are working in the area under the McBride Viaduct.  
2 It's a commercial building that they're allegedly ---  
3 she doesn't know much about it. Because, I guess,  
4 it's a secretive operation.

5                   And the boys, for eight to ten years,  
6 they've been working there 12 years, up to 14 to 20  
7 hours because nobody else will work there. And  
8 understandably, it's such a chemical jungle that her  
9 children, her children 50, 55, 60 come home with burns  
10 and scars.

11                   And if there's a fire or an outbreak of  
12 any kind of emergency, the fire department will not  
13 enter the premises. They will give directions to the  
14 employees, which I don't know how many. Give them  
15 directions to tell them to put out this fire, what to  
16 do. But they will not enter the premise because it's  
17 so dangerous.

18                   And I don't know the name of the  
19 company, I know it's allegedly owned by a German  
20 corporation who lives out of the Country. Can anybody  
21 give any information on that or know anything about  
22 it? It's under the viaduct, McBride, back in that  
23 collage of buildings back there. There's no name to  
24 it. But she didn't even tell me.

25                   And it's hot and dangerous and I thought

1 for the sake of the east side, East, 12th --- East  
2 Avenue and 12th, that somebody might be aware of the  
3 chemical --- kind of dangers there. Anybody know  
4 anything about that? It might be something to be  
5 looked into.

6                   And this poor mother is traumatic  
7 because the boys can't communicate. I guess it's a  
8 secretive operation, if we still have those in this  
9 country. But it'd be interesting to find out what is  
10 made, the chemicals, they come home with burns,  
11 congestion, serious complications.

12                   So as long as I'm here, I thought I'd  
13 ask the question, thank you very much. I'd like to  
14 know more about you and be involved. Thank you.

15                   MR. JONES:

16                   Thank you.

17                   MS. ALWINE:

18                   The second round, anyone who wants to  
19 speak?

20                   MR. KISSEL:

21                   Me again, I was sitting up front because  
22 I rushed out of the house without my hearing aids and  
23 I wanted to hear.

24                   But this People's Climate March was  
25 originally scheduled for downtown, Perry Square. And

1 what we heard about --- every report on the Erie Coke  
2 Plant over on the east side. I was horrified at how  
3 many health problems they've had. One block, the  
4 first block away from Erie Coke had nine cases of  
5 cancer reported over four years.

6           The benzene releases keep being cited by  
7 EPA and sometimes the DEP. And the company pays the  
8 fine and says we're going to fix it, they never do,  
9 they never do. The Erie Times or the Erie Reader  
10 record on it --- I've got extra copies if you'd like  
11 to see it.

12           Then last week, the Erie Times reported  
13 that there was --- anyway, the FBI came in, the DEP,  
14 the EPA and the Border Patrol or the Border security  
15 guards. They reported that they came into the plant  
16 on a fact finding thing or something. But  
17 unannounced, that there was no feedback to the public  
18 about why are they going in or what they found. And  
19 it's been over a week now since that happened.

20           It's just another area of where the  
21 people in the area, they're affected. Sort of feel  
22 left in the dark again. That's all I would like to  
23 say. Thank you very much.

24           MS. ALWINE:

25           Anyone else who would like to speak,

1 first or second round?

2 MR. JONES:

3 We want to thank you all for coming out  
4 this afternoon --- this evening to give us your  
5 testimony and things that have happened here in Erie  
6 and the Erie community. We have received all of this  
7 information and feedback and we'll be taking that as  
8 we go across the state and sort of process one of the  
9 next steps.

10 Again, I know a lot of people have made  
11 comments about people who cannot be here. Again,  
12 those comments can be received, and will receive the  
13 same amount of weight, electronically or mailed to us,  
14 we're also very easy to find. Our contact information  
15 is on this back sheet with our phone numbers and email  
16 addresses.

17 So if there are people who are not here  
18 who would like to be involved and give us feedback,  
19 please have them reach out to us and let us know what  
20 their thoughts are so we can continue this  
21 conversation.

22 And we look forward to this being a  
23 first of the many outs of the northwest. Nora is the  
24 Regional Coordinator for the Northwest and Southwest  
25 Region for the Office of Environmental Justice. So

1 she is this point of contact for the Department in  
2 this area.

3 Thank you all again for your time.

4 \* \* \* \* \*

5 HEARING CONCLUDED AT 6:00 P.M.

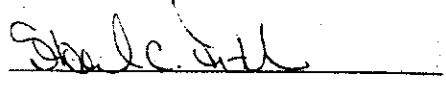
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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing held before Director Jones was reported by me on 4/27/2017 and that I, Shannon C. Fortsch, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.



Court Reporter

Shannon C. Fortsch