

From: Dale Feik [<mailto:dfaik33@comcast.net>]

Sent: Wednesday, June 25, 2014 2:21 PM

To: EQC Stephanie (Clark) Caldera (clark.stephanie@deq.state.or.us); Dick Pedersen (pedersen.dick@deq.state.or.us)

Cc: Russ Dondero (dondero1@easystreet.net); Linda Peters (lindabpeters@gmail.com); DEQ Ira Papish (uri.papish@state.or.us); Greg Aldrich (aldrich.greg@deq.state.or.us); Dan Bloom (grownomo@gmail.com)

Subject: EQC and Intel: Mutual Agreement and Order between them re: Intel toxic emissions

To: Environmental Quality Commissioners

Jane O'Keeffe, Chair

Ed Armstrong, Vice Chair

Morgan Rider

Colleen Johnson

Melinda Eden

Dick Pedersen, Director, DEQ

Via: Stephanie Clark, Administrative Assistant to EQC, 503-229-5301, Name change to Stephanie Caldera as listed on name tag at June 19, 2014, EQC meeting.

Topic: Intel's Toxic Air emissions, reason for concern, actions needed to protect public health and well being. Following is a summary of what I said during the public comment at The Dalles June 19, 2014, and a few other comments. I attached the comments that I sent to you, Commissioners (Melinda Eden has since replaced Bill Blosser), after Linda Peters and I made public comment at the EQC meeting Oct. 17, 2013, in Tillamook. I added a few more attachments since Commissioner Melinda Eden replaced Bill Blosser.

I have attached the letter that Intel's attorney, Thomas R. Wood, wrote Nov. 4, 2013, to you. This is important because it appears that Intel was able to stall, keep building its two 3 billion dollar manufacturing plants even though they violated OAR rules: As stated in your, EQC, Mutual Agreement and Order, "Intel began modifying the Ronler Acres Facility without first obtaining either a Construction or Standard permit modification to add a Fluorides PSEL, as required by OAR 340 340-012-0230(2). This is a Class II violation to OAR 340-012-0054(2)(c).

An Intel spokesperson was quoted as saying that they are waiting until the Supreme Court rules on whether EPA has the power to regulate certain greenhouse gas emissions. The Oregonian yesterday morning, June 24, 2014, reported that the Supreme Court ruled that EPA can Keep Clean Air Powers. The article states that this is important because EPA and the State regulatory agencies that set permits/inspection schedules of large polluters (Intel) who are regulated for non-greenhouse gas emissions can require the use of so-called 'best' available control technology. As I said, Intel's current and proposed permit would allow 'reasonable' abatement control technology and, as I read in the permit, allow some of the oxidizers to have no abatement control devices! I also said that the original and proposed permits are sham permits as defined by EPA terminology. See my attachments: Sham permits EPA rules document and Rogoway sham permit email document. On October 13, 2013, Fred Marsh emailed and wrote: "If Intel NM did this, they would be in full compliance with their existing permit, which Jim Shipley - the NMED permit expert - called unenforceable, a sham, and the process that produced it a farce. Because Shipley insisted on writing a proper permit, the Intel permit

assignment was taken from him and assigned to Richard Goodyear, who gave Intel everything they wanted - essentially letting Intel write their own permit.”

Here is the link to the Mutual Agreement and Order that your attorney, Leah K. Feldon, Manager, Office of Compliance and Enforcement via, it appears, the Department of Justice, signed as well as Neil Tunmore, Vice President, Intel Corporate Services:
<http://www.oregon.gov/deq/NWR/Documents/MAOintel.pdf>

My Public Comments: Against my wife’s and my recommendations, our adult children bought a home between the Hillsboro Airport and Intel’s manufacturing plants – three blocks away each of the sites. They planned on getting pregnant. Before they made the purchase, we were concerned about the lead caused by leaded fuel used in airplanes and helicopters; so we hired Soil Solutions, Environmental Services, to analyze the lead content in the front and back yards. The analysis results: 12 ppm in both yards. At the time, we thought that was okay. Our children purchased the house. But after learning more about the harmful effects of lead and more importantly the harmful effects of the toxic emissions from Intel’s manufacturing plants, we wish they had never bought the house. We have not been successful in persuading them to move, financially a difficult thing to do.

The advice that I received from Barbara Rockwell, who wrote the book, Boiling Frogs, Intel vs the Village (Corrales New Mexico) was “...to protect yourself and those you love, get as far away from that plant as you can.” See below for details of emails.

And Fred Marsh, research chemist of 39 years, retired from Las Alamos Laboratories, (Rockwell devotes half of her book to Marsh’s experience and expertise), just recently told me, “For the health of your family, they should move away from Intel’s manufacturing plants.” See attachment ‘Fluoride emissions harmful to public health’.

I am puzzled and amazed that both Intel and DEQ spokespersons have consistently made statements that Fluorides are not harmful to public health. The evidence does not support those statements. Our daughter is now 6 months pregnant.

During my public comment to you, Commissioners, I said that I read Mike Rogoway’s 2010 Oregonian article entitled: “Oregon embraces Intel, but in New Mexico environmental doubts persist”. As I said I read every article that had active links. Mike Rogoway did the public and me a great favor even though he is usually very pro big business.
http://www.oregonlive.com/business/index.ssf/2010/12/oregon_embraces_intel_but_in_n.html The articles that helped me understand the toxic emissions the best were: [Here's the EPA's report](#) on last December's inspection of Intel's New Mexico factory; [here's a list](#) of the chemicals Intel uses in Aloha., but all of them are very informative.

I also said that to you, Commissioners, June 19, 2014, that during my public comment to you on Oct 17, 2013, I gave Commissioners Ed Armstrong and Colleen Johnson copies of the book Boiling Frogs, Intel vs the Village. I submitted Boiling Frogs as part of my official Hearing Testimony for the record, Oct 14, 2013. I personally gave George Davis the book and said it was part of my official testimony. That is why I said that Director Dick Pedersen already had Boiling Frogs.

I also commented that I attended on June 6, 2014, the Portland Metro Area Air Quality Workshop coordinated by Senator Michael Dembrow and Representative Mitch Greenlick. I said that an attorney (Mark Morford), who works for Stoel Rives, spoke at the workshop. I was

amazed how forward he was in defending industries that pollute the air. He astonished me so much so that I went up to him after he spoke and talked with him some more. I was even more astonished at how he defended/declared that the corporations he represents cannot be held accountable for air pollution. Stoel Rives law represented Intel and sent, Nov. 4, 2014, a letter to you, EQC/DEQ, in support of a slow approach to getting an updated air toxic permit, letter attached. (Yesterday, I attended a Blue Ribbon Water Committee at DEQ. I learned that another Stoel Rives attorney, Michael Campbell, is a member of the DEQ Blue Ribbon Committee. I had a chance to talk with him after the meeting. A much more reasoned discussion, but the input and decision-making influence of Stoel Rives is a concern. me.)

Ira Papish, Air Quality Program Manager for DEQ, presented at the Workshop and talked about North Portland Air Quality Monitoring, - Progress Update. Later I had a chance to talk with Ira and let him know that the DEQ presentations and other presenters slides/talks were posted as announced they would be. The public comments were also posted. Russ Dondero and I made public comments and those are posted also. The link is:

<https://www.dropbox.com/sh/su2yo0e1liwbdd6/AABs-y5uMStio3ID3NXLxnXFa>. I am carbon copying this to Ira so that he can access the information too. I am also carbon copying this to Greg Aldrich who has attended the EQC meetings and the Blue Ribbon Committee meetings.

As I said, I am a strong supporter of DEQ's mission and the people at DEQ who have assisted me in getting information. I am working to increase your funding so that you will not be at the mercy of big corporations – relying upon them to self report because you do not have the staff or expertise to do permit writing and compliance monitoring.

BEST (Be Earth Stewards Today) regards,
Dale Feik, Ed.D.

hm: 503-357-7555
cell: 503-504-5972

Cc:

1. Linda Peters, Chair of Washington County Citizen Action Network, former chair of WC Commissioners
2. Russ Dondero, PhD, Vice Chair/Senior Policy Analyst WCCAN
3. Dan Bloom, citizen of Orenco Neighborhood, who road with me to The Dalles, made public comments
4. Ira Papish, DEQ, Air Quality Program Manager
5. Greg Aldrich, DEQ, Government Relations Manager

Other information:

1. I read Andy Grove's book, Only the Paranoid Survive, How to Exploit the Crisis Points that Challenge Every Company and Career. Andy Grove when he wrote the book was president, cofounder and CEO of Intel Corporation. It helped me understand the culture that dominates Intel's multi-national corporation.

2. On Oct. 3, 2013, I emailed Fred Marsh and asked for his advice. Following is his reply and following it is Barbara Rockwell's comment to his advice to me.

From: sfmarsh@msn.com
To: dfeik33@comcast.net; rockwellbarbara@hotmail.com
Subject: RE: Advice, consult request
Date: Thu, 3 Oct 2013 09:58:19 -0700

Dale,

I must respond to the malfunctioning recorder episode that you cite.

The Task Force set up by NMED held a special meeting at which many Corrales residents spoke very movingly about the health problems they and their families suffered due to their proximity to Intel. Their testimonies were all being recorded by NMED. But (and this brings back memories of the accidental erasures of parts of President Nixon's tapes) somehow the NMED tape recorder malfunctioned and failed to record any of these many emotional and incriminating testimonies. It seems to have worked so well for NMED that DEQ has used the same tactic in Oregon.

My interaction with Rogoway led me to believe he wants to avoid anything critical of Intel, which is the attitude taken by most reporters and their employers. The business community has a lot of leverage with newspapers who depend on their advertising revenue. I recall a rare instance when NMED caught Intel NM in a major violation and fined them \$40,000 (pocket change for Intel). The Albuquerque Chamber of Commerce immediately responded by holding an Intel Appreciation Day.

I've shared only a few of the establishment obstacles that we faced, and you already have, or are likely to face. You're in a card game with a crooked dealer who's using marked cards, and also controls the security forces whose job is to prevent cheating.

As I've said before, I wish you good luck but - based on our many decades of experience - am not optimistic.

Fred

Dale,

I have to concur with Fred 100% on his assessment. If Intel were a flesh and blood person, you would have to treat them as you would a dangerous sociopath, not a reasonable, moral individual. You can't believe or trust anything they say or do. I think my book Boiling Frogs is a fair account of our experience, so be forewarned. What's not included in my book is the death of Rosemary Keefe, a lovely woman, a retired English professor who was looking forward to a long and happy retirement. She died a year ago of pulmonary fibrosis after living in my old neighborhood just below Intel for just a few short years. She had a clean bill of health when she moved there and now she's dead. Doesn't get more final than that. Of course, Intel accepts no responsibility, they never have and they never will. My advice is to protect yourself and those you love, get as far away from that plant as you can.

I wish you well !

Barbara

Dale,

I think you need to keep saying that Intel considers this a public relations problem, and the purpose of the New Mexico CEWG is to improve Intel's public image, while they continue to dump toxic emissions into the air their neighbors breathe. Your focus must remain on having Intel use continuous monitoring to establish actual (not calculated) emissions, and the best available abatement technology to minimize the toxic chemicals released into the air.

Fred