

The January 13-14th meetings were recorded and posted on the Independent Review Panel's [website](#).

Any questions can be directed to Erik.Erreca@dtsc.ca.gov

- **Call To Order (9:33 a.m.)**
 - Translators – Veronica / Jesus Cruz
- **Welcome and introductions**
 - Mr. Gideon Kracov – Chair
 - Mr. Mike Vizzier – Vice Chair
 - Dr. Arezoo Campbell – Member
 - Legal Counsel – Teri Ashby
 - Staff OT – Erik Erreca
 - IRP Staff intro / DTSC Staff Thanks
- **Announcements**
 - Pledge of allegiance
 - Safety brief
- **Agenda Review**
 - Overview of agenda items
 - Draft Recommendations
 - Work plan
 - Reporting requirements
 - General Public Comment. The Panel will hear General Public Comment on Items within the Panel's jurisdiction.
 - Penny Newman – CCAEJ Presentations
 - Emails (Racial concerns)
 - Communities are concerned with DTSC attitude
 - New PRA – All documents (result – 50,000 emails)
 - Wildomar / Autumnwood – Housing making people sick

- Thomas C. – Serviceman story
 - Bill B. – email about Thomas C.
 - Reflects poorly on DTSC representation in the area
 - “shove it ...” email
 - Data corruption in testing
 - Not all sites are bad – but some are
 - AG park
 - Penny Newman picture and comment – derogatory
 - Director Lee address about Penny Newman
 - DTSC did not launch investigation –
 - Lee - we did
 - Porter Ranch / Exide gets privilege due to race (larger Caucasian majority)
 - Penny’s recommendations
- **Organizational, Operational and Administrative Matters**
 - Campbell – Work plan discussion
 - Remove members on header
 - Lacking staff – AGPA
 - Guideline document needs to be prepared
 - More detailed sections – Expansion of work plan
 - Project work plan schedule
 - Monitoring parameters - change to ‘tasks’?
 - Action 1: Establish organizational and procedural methods that enable the panel’s optimal performance - See Monitoring Parameters
 - Action 2: Gather Input from Stake holders - See Monitoring Parameters
 - Action 3: Determine the most/least successful DTSC procedures - See Monitoring Parameters

- Action 4: Ref Action 3 – Provide recommendations to DTSC - See Monitoring Parameters
 - Action 5: Establish metrics for determining success - See Monitoring Parameters
 - Action 6: Gather metrics - See Monitoring Parameters
 - Action 7: Evaluate results of the data gathered from both quantitative and Qualitative metrics - See Monitoring Parameters
 - Action 8: Generate Reports - See Monitoring Parameters
- ❖ Tom Jacob – Comment card - Agenda item 7
 - ❖ Anthony Samson - Comment card – Agenda item 6
 - Vizzier’s recommendations
 - Priority added to document based on consensus
 - Chart recommendations from stakeholders
 - Kracov’s recommendations
 - Timelines are aggressive
 - Info gathering year (2016)
 - Topics 6-7 for (2017) – Progress
 - Compartmentalizing topics based off months – Singular focus
 - IRP singular topic specific meetings
 - Meeting calendrer
 - Kracov wants to solidify many of these topics/documents today
 - ❖ Anthony Sampson comment card
 - ❖ Emails – Ingrid Broadstrum – Permitting Backlog
 - ❖ Emails – Dolores Mejia – Agenda Exide

- [Work Plan \(continued\)](#)

- (Panel) Do we think 2016 is about listening and 2017 is more reporting?
- Vizzier – Clearly a lot of information needs to be gathered. (2016)
- Kracov - Tracking recommendations (2017)
- Organize recommendations- stack recommendations / prioritize / consensus based
- Divide year by topics – which will encompass priority, consensus, and other metrics
- Set dates for topics (concerns with rigidity from Campbell)
- Kracov - month/quarterly breakdown
 - Work Plan needs to be flexible
 - Identify primary topics by quarter and adjust meetings to reflect specified topics
 - Adding procedure expansion to the document
 - Collaborative effort between Panel / Staff
 - Agendas in Spanish and English – It should also be eblasted to our listserv within BK perimeters
 - When can staff/panel drafts be summited according to BK?
 - Teri Ashby (or any other legal counsel) will provide counsel on time constraints for prepared documents

❖ Emails – Delores Mejia – See Email

• [IRP Reporting requirements](#)

- Re-cap on past IRP meetings regarding reporting
- Jan 8-10th report
- Jan 28th report – Chair draft report
 - Draft has been considered by multiple organizations
 - IRP Website has been shown in meeting
 - Draft disclaimer
 - Vizzier - has concerns about overstepping and credibility

- Campbell - thinks the chair has done ample research and vetting
- Kracov - believes the Panel needs to get content out

- Lunch break

- Lunch reconvene (1:15pm)

- General statements on Recommendations Draft

- Vizzier Draft needs a one page summary of contents (executive summary)

- **Permitting**

- Health and Safety Code 57104 (a) (f)
- 24 permits operating 5 years past expiration
- SB 673 – Highlight
- Recommendations – Backlog
 - Permit Appeals Board
 - Time – 3yr of expiration
 - SB 654
 - Legislature – Fee for Service?

- **Recommendations – Improve Permits**

- Publish draft regulation SB 673 – **Vote: All Aye**
- Violation Scoring Procedure (or publish draft regulations) – **Vote: All Aye**
- Technical Assistance Grants- **Vote: All Aye**
- Legislature should require financial assurances be set aside for corrective action – RCRA permit issuance – **Vote: All Aye (strike last three sentences)**
- Regulatory agencies / fence-line-aerial deposition monitoring / reporting – **Vote: Pass**
- Sites should not be given a RCRA permit without being adequately characterized with funds set aside for corrective action

- DTSC should convene regulatory agencies and publish a strategy by 1/1/17
 - Current rules and multi-agency regulatory oversight may not be working well
- DTSC should adopt a policy by 7/1/17 that CEQA analysis of full RCRA permits – including analysis of least hazardous processes/equipment
- **IRP Data requests to DTSC**
 - IRP should request that DTSC produce, by 3/1/16, a list of existing financial assurances for every full RCRA permit site – **Vote: Aye**
 - IRP should request that DTSC produce, by (4)/1/16, a list of how many RCRA permittees now fall within AB1075's violations – **Vote: Aye**
 - Vizzier- Assigning more tasks and not allocating more resources makes us the problem and not the solution
 - Vizzier – More explanation for Permit Appeals Board
 - Vizzier – Statute already in place for recouping funds
 - Vizzier – Leg recommendations are good
 - Campbell – Permit Appeals Board, would staff help with back log?
 - Vizzier – Time frame concern with Legislature financial assurances section (possible re-write of section)
 - Vizzier – who is responsible for re-permitted or building contamination
 - Vizzier – Coordination (agency) can become convoluted
 - Vizzier – Concern about duplicate reporting for DTSC
 - Campbell - determine what Leg duties are and DTSC duties are regarding recommendation
- ❖ Anthony Sampson – Public comment
 - Support – Early public participation
 - Support – Setting financial assurances for corrective action (concern with logistics)

- Permit Appeals Board - Legislature comment is important and their recommendations should be considered before moving forward.
- Scoring – flesh out the scope
- Speaking on behalf of the Cal Chamber, however his letter was submitted on behalf of many organizations
- Law is on the books regarding CEQA analysis of full RCRA permits
- Minimum set back – (concern) New facilities not existing facilities
- ❖ Penny Newman CCAEJ
 - Lack of transparency
 - Need for community appeal process board before finalization within DTSC
 - Fee for service – (Concern) there is a lack of money – state and federal
 - The staff begins to see them as client
 - DTSC defending clean-up - disconnect in money
 - Technical assistance grants
 - Public outreach – affected residents (people of color and poor)
- ❖ Tom Jacob – Chemical industry of California
 - Support Anthony Sampson
 - Green Chemistry
 - Look forward to working with the Panel / DTSC / and legislature
- ❖ Email – Ingrid Broadstrum – Community vulnerability
- ❖ Email – Ingrid Broadstrum – Funding / Grants
- ❖ Email – Ingrid Broadstrum – See email
- ❖ Email – Jane Williams – Financial assurances
- ❖ Email – Dolores Mejia – Exide
 - Director Lee
 - Thanks Panel
 - Some topics are more complex than they appear
 - Cannot endorse or reject any legislative concepts
 - Permit Appeals Board – Done properly, can be very effective tool

- Table information – explanation of Exide on permits table and other possible discrepancies
 - Reference to Ingrid’s email about CEQA
 - Elise
 - DTSC VSP in the process of moving forward with that
 - DTSC 1/1/17 draft
 - Technical assistances grants – very supportive of this idea
 - Financial assurance – We are acknowledging the concept’s complexity and ask for assistance on this concept
 - Full permitted sites, not just RCRA
- **Enforcement**
- **IRP Recommendations to Improve Enforcement**
 - DTSC should adopt by 5/1/2016 AB1071-compliant Supplemental Environmental Projects policy – **Voted: All aye**
 - DTSC should adopt by 1/1/2017 eManifest Regulations, subject to federal requirements. **(move to strike)**
 - Legislature should consider whether DTSC should allow public review of draft settlements/consent decrees, in certain cases based on criteria to be developed. See, e.g, section 113(g) of the Clean Air Act. **Voted: Two Nay’s Striken**
 - DTSC should adopt by 1/1/20167 “Improving Enforcement Performance Initiative” Work plan. **Voted: Aye**
- **IRP Data Requests to DTSC re: Enforcement**
 - IRP should request that DTSC produce, by 5/1/16, data on compliance with 60 day inspection report and 180 day referral requirements, including data for every site from 2014-2015 on: inspections, violations, and enforcement outcomes. **Voted: All Aye**
 - IRP should request that DTSC report, by 5/1/16, progress with data management goals from RCRA Grant Work Plan pp. 28-30. **Voted: All Aye**

- IRP should request that DTSC report, by 5/1/16, on how environmental justice and health risk is prioritized in enforcement under AB1329, including identification of planned EJ enforcement initiatives. **Voted: All Aye**
- IRP should request that DTSC produce, by 5/1/16, data on “cases” created in 2014-2015, including # of referrals to Attorney General. **Voted: All Aye**
- IRP should request that DTSC report, by 5/1/16, on AB1249 **(metal)** Shredder regulatory status. **Voted: All Aye**
 - Vizzier – eManifest – coordination concern, but very supportive
 - Vizzier – clarification of typo: 60 not 65 on first topic in data requests
 - Vizzier – Auto shredder regulatory date may need adjustment
- ❖ Public Comment - Anthony Sampson
 - Legislature Clean Air Act section - Problematic – increase in litigation
 - 113(g) of Clean Air Act – Misguided policy **(postpone movement)**
- ❖ Email - Delores Mejia – All minutes in Spanish
- ❖ Email – Delores Mejia – Director Lee **(Legal counsel agrees with chair’s removal of links in email)**
- ❖ Email – Delores Mejia – see email
- ❖ Email – Delores Mejia – see email
 - Elise R.
 - **Not an Auto shredder, but a metal shredder**
 - Joshua Tooker
 - eManifest – report for 2018 **(moved to strike)**
- **IRP Recommendations to Improve Public Outreach**
 - DTSC should institute, by 6/1/16, a procedure to require formal public feedback and evaluation of each public participation project that is used to evaluate the overall public participation program. **Voted: All Aye**

- Legislature should fund positions to strengthen the role of the Assistant Director for Environmental Justice and Tribal Affairs,, including more staffing and resources. **Voted: All Aye**
- The DTSC should implement, by 1/1/17, the UC Davis public participation work plan. **Voted: All Aye**
- DTSC should continue practice of monthly EJ accountability calls, or an equivalent mechanism. **Voted: All Aye**
- DTSC should publish all CEQA notices in one tab on DTSC website. **Voted: All Aye**
- DTSC should publish all full RCRA permits in one tab on DTSC website. **Voted: All Aye**
- DTSC should publish all public enforcement action information in one tab on DTSC website. **Voted: All Aye**
- **IRP Data Requests to DTSC re: Public Outreach**
 - IRP should request that DTSC report, by 6/1/16, on public participation budget, staffing and language skills. **Voted: All Aye**
 - IRP should request that DTSC respond, by 6/1/16, with an update on the DTSC's work and regulatory status for all sites listed in the People's Senate 7/9/15 letter to Senate Rules, and concerns expressed by People's Senate to the IRP on agency "regulatory capture." **Vote - to delay from Campbell (She wants to further evaluate DTSC response) 2 aye 1 no: Vote Passes**
 - DTSC should immediately report to IRP by 1/16, as allowed by law, on DTSC review of the e-mail issue. Describe who was tasked with investigation? What was scope of investigation? What are findings? What discipline was taken? What staff training and resources were made available? **(Update pending) - Voted: All Aye**
 - DTSC should immediately assign staff, charged with independent review, to revisit all cases in past 5 years of "No Further Action" that involve William Bosan or Theo Johnson, and report to the IRP by 6/1/16 on the findings.
 - Vizzier – email report
 - Vizzier – email second section

- Campbell- Lee has answered - In process
 - Campbell –clarification of the People’s Senate (re-write draft)
- ❖ Anthony Sampson
 - SB 112 (Office of Planning and Research) – CEQA reporting
- ❖ Email – Denise Duffield(Long) See email
- ❖ Email - Delores Mejia – Exide
- ❖ Email – Jane Williams – See email
- ❖ Email – Delores Mejia – Exide
 - Director Lee
 - Formal public feedback section – no objection to providing a report
 - UC Davis work plan – multi-step process – cannot commit to implementation
 - EJ Accountability calls – clarification and intent of the ‘equivalent mechanism’ should account for changing modes of communication
 - Enforcement action section – The documents are already provided on the website under ‘enforcement’
 - People’s Senate section – cannot comment until information is finalized
 - First email section - Summary of 13th address will be provided
 - 5 year Technical work was not affected by individuals in derogatory emails
- **Fiscal Management and Budget**
- **IRP Recommendations to Improve Fiscal Management**
 - Legislature should adopt legislation and funding to address orphan site funding and transition of federal O&M sites to State oversight. **Voted: All Aye**

- DTSC should provide timely Health & Safety Code § 57007 Biennial Report by 1/1/17 and tie Report to DTSC “Fixing the Foundation,” including documenting compliance with goals and objectives therein. **Voted: All Aye**
- **IRP Budget Recommendations**
 - For DTSC, the Governor’s 2016-2017 Budget proposes a total of \$217.5 million (All Funds) and 889.8 positions. The IRP supports this budget proposal. **Voted: All Aye**
- **IRP Data Request to DTSC re: Fiscal Management**
 - IRP should request that DTSC report, by 2/15/16, on status of Fi\$cal implementation and billing status. **Voted: All Aye**
 - IRP should request that DTSC report, by 7(9)/1/16, on status of limited term cost recovery positions. **Voted: All Aye (Date change)**
 - IRP should request that DTSC produce, by 7(9)/1/16, data on how much collections are billed and outstanding, in all areas/programs, and solutions to barriers. **Voted: All Aye (Date change)**
 - IRP should request that DTSC report, by 7(9)/1/16, on goals and timelines in its “Cost Recovery: 1) Sustainable Cost Recovery Systems, 2) Audit Backlog Work Plan, 3) Envirostor Enhancements.” **Voted: All Aye (Date change)**
 - IRP should request that DTSC report, by 7/1/16, on follow-up examination by State Auditor on cost recovery. **Voted: All Aye**
 - Director Lee
 - Biennial Report – Will provide
 - Documentation for audit will be provided
 - 14 Cost recovery 5 - improving permitting process – Expiring at the end of the fiscal year
 - Terri Hardy
 - Data requests are all good
- **Site Mitigation -(Not Covered) – Postponed till Feb. 10 meeting**

- DTSC should convene regulatory agencies and publish a strategy by 1/1/17 on how, in appropriate cases, to require fence-line/aerial deposition monitoring during corrective action where there are adjacent sensitive receptors. This can address concerns such as those expressed at AgPark and Jordan Downs.
- DTSC should publish on DTSC website, for appropriate site specific clean ups, an easy to read matrix of clean up goals and sampling levels for corrective action, to enhance transparency of site mitigation. This can address concerns such as those expressed at AgPark and Jordan Downs.
- DTSC should provide raw data for corrective action, once verified, to public upon request. This can address concerns such as those expressed at AgPark and Jordan Downs.
- Legislature should consider support of SB 820 that removes sunset for California Land Reuse and Revitalization Act.
- IRP Data Requests to DTSC re: Site Mitigation
 - IRP should request that DTSC report, by 8/1/16, on disposal requirements for radioactive waste that is above background levels.
 - IRP should request that DTSC report, by 8/1/16, on concept of “averaging” used to determine site mitigation standards, and federal guidance thereon
 - **Vizzier -Delay 820 till May**

❖ Email – Denise Duffield

- Staff E-mails
 - Not covered
- Future Meeting Schedule and Agenda Items
- February 10th - Work Plan, Fiscal, Site Mitigation, Exide invite (Delores Mejia), Data Request Follow-Ups.
- Closed Session

- Closed session (approx. ten minutes)
- Reconvene and report out on closed session.
- No reporting out of closed session
- Adjournment
 - Adjourned (5:15pm)

DRAFT