Independent Review Panel

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Gideon Kracov, J.D., *Chair*
Mike Vizzier, *Vice Chair*
Dr. Arezoo Campbell, *Member*

Edmund G. Brown Jr., *Governor*

April 21, 2016

The Honorable Edmund G. Brown, Jr.
Governor of California
State Capitol, Suite 1173
Sacramento, CA 95814

RE: DTSC Independent Review Panel Second Report to the Governor and Legislature Pursuant to Health & Safety Code Section 57014(f)

Dear Governor Brown:

The DTSC Independent Review Panel is submitting the attached report to the Legislature and yourself on progress by the Department of Toxic Substances Control in making improvements to its programs. Health & Safety Code Section 57014(f) requires submission of this report 90 days after the Panel was initially appointed and every 90 days thereafter. The first report was submitted on January 28, 2016. This, the second report, is due April 27, 2016.

An electronic copy of the Report can be viewed at:
https://www.dtsc.ca.gov/GetInvolved/ReviewPanel/IRPReports.cfm

If you have any questions, please contact Larry Rohlfes at (916) 327-4493 or e-mail him at larry.rohlfes@dtsc.ca.gov.

Sincerely,

Larry Rohlfes (on behalf of Gideon Kracov, Chair)
DTSC Independent Review Panel
CalEPA Headquarters
1001 I Street
Sacramento, CA 95814-2828
Legislation/MS 22C

Enclosures

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Department of Toxic Substances Control Independent Review Panel Second Report
to the Governor and the Legislature Pursuant to Health and Safety Code Section 57014(f)
April 21, 2016

Executive Summary

In 2015, Senate Bill 83 established the Independent Review Panel (IRP) within the Department of Toxic Substances Control (DTSC). The IRP is comprised of three individuals tasked with reviewing and making recommendations regarding improvements to DTSC's permitting, enforcement, public outreach, and fiscal management pursuant to Health & Safety Code Section 57014. The statute also states that the Panel may advise the DTSC on issues related to its reporting obligations.

SB 83 includes reporting requirements for the IRP. Section 57014(f) of the Health & Safety Code requires the IRP to report to the Governor and the Legislature 90 days after the IRP was initially appointed and every 90 days thereafter. These reports are to detail the DTSC's progress in reducing permitting and enforcement backlogs, improving public outreach, and improving fiscal management. The IRP's initial report was submitted on January 28, 2016. This second report is due on or before April 27, 2016.

The initial report consisted of preliminary recommendations to the Governor and Legislature, recommendations to the DTSC, and information requests of the DTSC on five topics: budget, permitting, enforcement, public outreach, and fiscal management.

The IRP subsequently approved a Work Plan for the remainder of the Panel's work until its sunset date on January 1, 2018. The Work Plan devotes two or three months to intensive study of each of the following six topics: permitting, enforcement, public outreach, fiscal management, site mitigation, and source reduction/consumer products. The Work Plan selects permitting as the first topic for in-depth review, and this report addresses that topic. The report includes a discussion of the Permitting Program, five recommendations to the Governor and Legislature, four recommendations to DTSC, eight performance metrics for DTSC, and five information requests of DTSC. Following up on this work, and during all of 2017, the Work Plan calls for the Panel to use the recommendations and performance metrics from the prior reports to evaluate and publicly report on the DTSC's progress and performance.

This report also provides initial recommendations for DTSC's site mitigation Brownfields and Environmental Restoration Program, just as the Panel's first report presented initial recommendations for other topics. There are three recommendations to the Governor and Legislature, three recommendations to the DTSC, and five information requests of the DTSC on this topic. The Panel's Work Plan has scheduled the first quarter of 2017 to more comprehensively study the Site Mitigation Program as authorized by Section 57014(d) of the Health and Safety Code.

See the IRP's webpage for other panel reports and activity information at: http://www.dtsc.ca.gov/GetInvolved/ReviewPanel/Independent-Review-Panel.cfm.

Gideon Kracov, J.D., *Chair*
Mike Vizzier, *Vice Chair*
Dr. Arezoo Campbell, *Member*

Governor Edmund G. Brown Jr.

DTSC Independent Review Panel Second Report to the Governor and the Legislature Pursuant to Health and Safety Code Section 57014(f)

April 21, 2016

Introduction

The Department of Toxic Substances Control (DTSC) Independent Review Panel (IRP) submits this second report in compliance with Section 57014(f) of the Health & Safety Code, which requires the Panel to report to the Governor and the Legislature 90 days after it was appointed and every 90 days thereafter on the DTSC's progress in reducing permitting and enforcement backlogs, improving public outreach, and improving fiscal management. The Panel submitted its first report on January 28, 2016. This second report is due on or before April 27, 2016.

The first report, entitled Initial Report to the Governor and the Legislature Pursuant to Health and Safety Code Section 57014(f), addressed five DTSC topics: budget, permitting, enforcement, public outreach, and fiscal management. After providing background information, the report made initial recommendations to the Governor and Legislature, recommendations to DTSC, and information requests to the DTSC for each topic.

The IRP has drafted a Work Plan covering the remainder of 2016 and all of 2017 until its January 1, 2018 sunset date as stipulated in Health & Safety Code Section 57014(i). The Work Plan devotes two or three months to intensive study and discussion of each of the following six topics: permitting, enforcement, public outreach, fiscal management, site mitigation, and source reduction/consumer products. The Work Plan calls for the Panel to make recommendations with performance metrics to evaluate the DTSC's performance on each topic, with each of six, 90-day reports under Health & Safety Code Section 57014(f) becoming the focus of one topic. Following up on this work, and during all of 2017, the Work Plan calls for the Panel to use the recommendations and performance metrics from the prior reports to evaluate and publicly report on the DTSC's progress and performance.

In the Work Plan, the IRP selected permitting as the first topic to receive in-depth review. The Panel devoted the majority of its March 9, 2016 and April 7, 2016 meetings to permitting. It also asked DTSC to provide the IRP with permitting information in recent months and to make a presentation on the subject at the March 9, 2016 meeting. Using the information gathered and discussed, this report includes a discussion of permitting as well as recommendations, performance metrics and information requests for the DTSC Permitting Program.

The IRP's January 28, 2016 report did not include initial recommendations on site mitigation or DTSC's Brownfields and Environmental Restoration Program. Given the importance of site cleanup to the DTSC's work and human resources, the IRP believes that review of DTSC's Brownfields and Environmental Restoration Program and some initial recommendations for program improvements are warranted based on what IRP has learned to date. This report, therefore, also provides a brief overview of the Site Mitigation Program and makes initial recommendations for improvements as well as relevant data requests of the DTSC. The Panel's Work Plan has scheduled the first quarter of 2017 to more comprehensively study the Site Mitigation Program as authorized by Section 57014(d) of the Health and Safety Code. At that time, the Panel will also evaluate compliance with the initial site mitigation recommendations and data requests made in this report.

Section 57014 of the Health and Safety Code, the IRP's enabling statute that was signed into law in 2015 as SB 83 (Committee on Budget and Fiscal Review), provides up to $50,000 for IRP expenses in both FY 2015-16 and FY 2016-17. The IRP's expenses are on track to be under $50,000 in FY 2015-16. However, the IRP wishes to highlight that its expenses for FY 2016-17 would exceed $50,000 by approximately $15,000 if the Panel were to continue its current practices of meeting on a monthly basis, occasionally holding public meetings in California locations away from Sacramento to encourage public participation, and offering spontaneous translation to Spanish at public meetings.

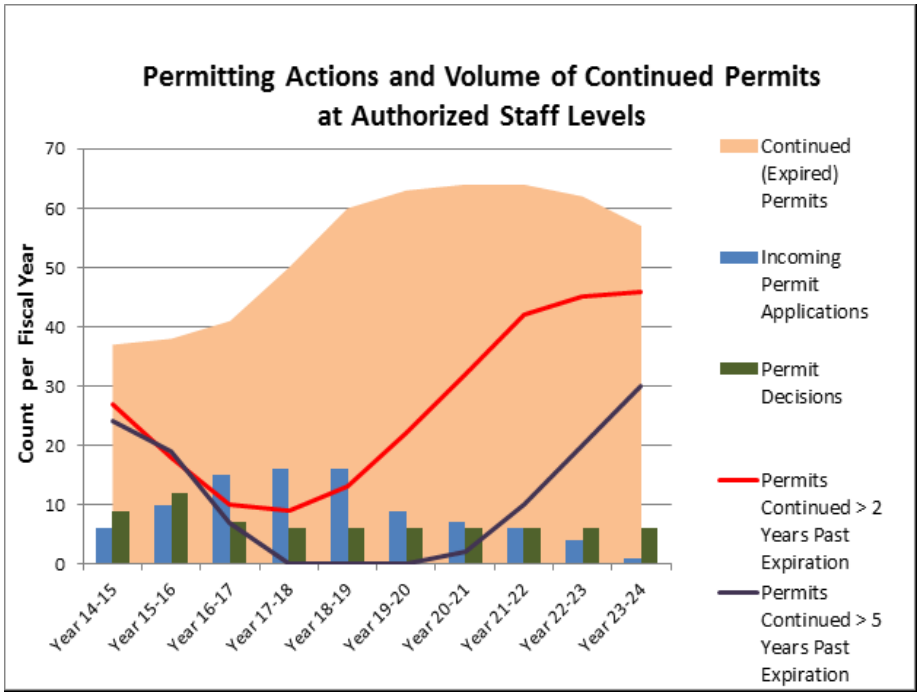
DTSC Permitting Program Recommendations, Performance Metrics, and Data Requests

Permitting Program Summary:

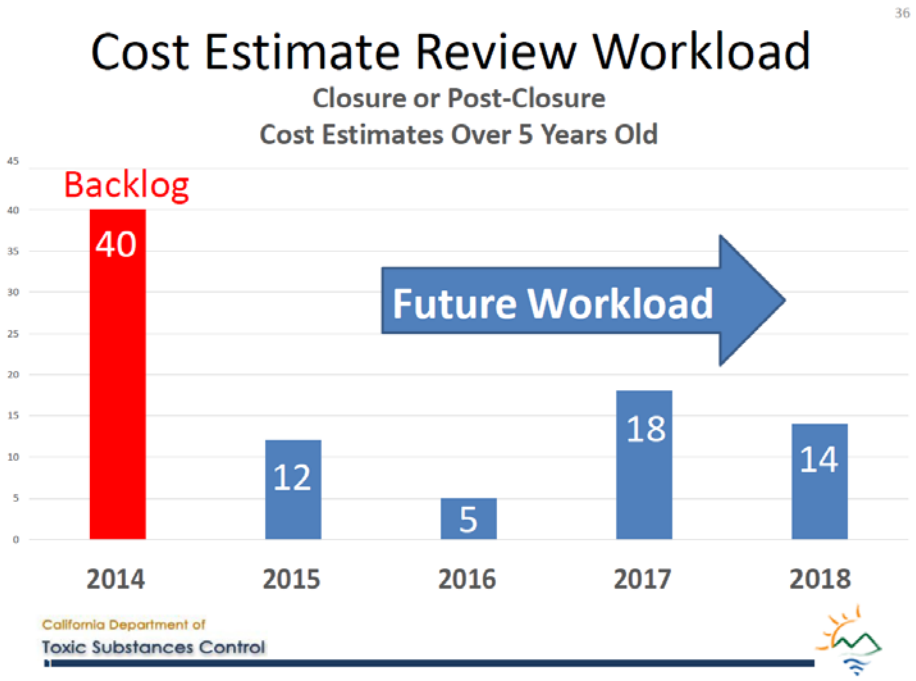
DTSC's Permitting Division issues hazardous waste facility permits to facilities that manage waste that is toxic, corrosive, reactive, and ignitable. When DTSC issues a hazardous waste facility permit, it establishes conditions that the facility must meet to comply with applicable laws and regulations for the management of hazardous waste.

There are 118 facilities permitted by DTSC to manage hazardous waste in California, with a total of 127 permits. Of the 118 facilities, 89 are operating facilities that handle hazardous waste. The other 29 are considered post-closure facilities. The latter have monitoring activities to ensure that previously disposed waste is not migrating from the hazardous waste unit. Facility permits are issued for 10-year terms, and facilities are required to apply for renewal six months prior to a permit's expiration. If the permit renewal application is submitted on time, the facility may continue to operate under an expired permit, known as a "continued" permit. Although a facility with a "continued" permit is required to comply with the conditions of the expired permit as well as all applicable laws and regulations, the permit would not include the improved safeguards, technologies, and practices that may have been developed since the original one was issued. In addition, changes could have occurred in the area around the facility, such as new residence construction. There are currently more than 30 facilities operating with a continued permit.

This permitting backlog is one of the chief reasons the IRP was created. In addition to the more than 30 continued permits, DTSC anticipates it will receive 57 permit applications over four years beginning in FY 2015-16, with the number of applications per year expected to vary between 10 and 16. The following graph illustrates expected permitting actions and the volume of continued permits at authorized staff levels through FY 2023-24.



DTSC's Permitting Division also is experiencing a serious backlog in its review of closure and post-closure cost estimates. This work is critical to ensure that facility owners provide adequate financial assurances for closure and post closure. According to DTSC, there was a backlog of 40 cost estimates in 2014, with a backlogged cost estimate defined as one that is over five years old. The following table shows the backlog of cost estimate reviews as of 2014 that DTSC plans to complete by June 30, 2016, as well as the number of annual cost estimates becoming due for five-year review through 2018.



Members of the public have expressed concerns to the IRP that DTSC's permitting standards are not rigorous enough to protect public health or the environment. They also have asserted that hazardous waste facilities are

too often situated near disadvantaged communities and that those communities are not provided with information on permit applications early enough to participate in DTSC decision-making. So too, the regulated community has expressed concerns about the timeliness of DTSC's decision-making, communication, and a lack of clear regulatory standards when it comes to permitting tasks.

DTSC launched its Fixing the Foundation initiative in 2012 to identify practices and procedures in need of improvement, including permitting practices and procedures. This led to the development in 2014 of the Permitting Enhancement Work Plan, a two-year effort to improve the DTSC's ability to issue protective, timely, and enforceable permits using more transparent standards and consistent procedures. The plan has 86 action items under 10 reform goals. According to the DTSC, it had completed 78 percent of the action items by early March of 2016. The goal is to fully implement the plan by July 1 of 2016. This is laudable progress, and the DTSC has provided some written information to the IRP documenting completion of these tasks.

Two new laws, both of which went into effect on January 1, 2016, are also expected to improve DTSC's Permitting Program. SB 673 (Lara) requires DTSC, by January 1, 2018, to establish or update criteria for use in determining whether to issue a new or modified hazardous waste facilities permit or renewal of a permit, and to develop and implement, by July 1, 2018, programmatic reforms designed to improve the protectiveness, timeliness, legal defensibility, and enforceability of the DTSC's Permitting Program. AB 1075 (Alejo) requires DTSC to consider, except under specified circumstances, three or more violations of specified provisions for which a person or entity has been found liable or has been convicted, with respect to a single hazardous waste facility within a five-year period, as compelling cause to deny, suspend, or revoke a permit.

Currently, the Permitting Division has a total of 49.5 positions. There are 8 management positions: 1 division chief, 2 branch chiefs, and 5 supervisors. There are 7 administrative support positions: 5 office technicians and 2 program analysts. There are 34.5 technical staff members, including permit writers.

In its January 28, 2016 initial report to the Governor and Legislature, the IRP made five permitting-related suggestions that would require legislation to implement. They were:

1. Require hazardous waste facilities to set aside adequate financial assurances for corrective action in addition to closure and post-closure to ensure that DTSC does not issue permits to facilities that lack appropriate financial assurances to clean up existing contamination at or around the facilities.

2. Consider whether to create a permit appeals board to decide all hazardous waste facility permits that DTSC does not timely process within three years of permit expiration.

3. Change the permitting fee structure so that fee income at least equals DTSC permitting costs for each applicant.

   The IRP notes that legislation has since been introduced to address this issue. The April 5, 2016 version of AB 2794 (Santiago) would increase the flat fee amounts for applicants. In addition, the Administration submitted a spring finance letter to the Legislature on April 8, 2016 stating that DTSC proposes to eliminate the option to pay a flat fee for permit applications in lieu of a fee for service so that permit applicants pay the full costs associated with permitting efforts. The IRP also notes that it has learned more about the fee structure issue in recent months and consequently makes a follow-up recommendation in this report that any legislation requiring fee for service for permitting provide a mechanism for reasonable assurance of application costs and a mechanism to hold DTSC accountable.

4. Fund technical assistance grants to encourage public participation before a hazardous waste facility permit is prepared.

5. Support the Governor's FY 2016-17 budget proposal to fund eight permanent positions to ensure timely permitting actions and help improve the clarity, consistency, protectiveness, and enforceability of the permits issued. (This recommendation was listed in the Budget rather than the Permitting section of the January 28, 2016 initial report.)

   The Legislature is currently considering this budget proposal. On April 8, 2016, the Administration submitted a spring finance letter to the Legislature requesting 15 additional permitting positions to fully implement the process improvements developed under the Permit Enforcement Work Plan and support the completion of approximately 16 permits annually.

The IRP made two permitting-related recommendations directed to the DTSC in the initial January 28, 2016 report. They were:

1. Publish by January 1, 2017 draft SB 673 regulations and adopt regulations by January 1, 2018.

2. Adopt guidance or publish draft regulations by January 1, 2017 on DTSC's Violation Scoring Procedure (VSP*)*.

   The DTSC subsequently presented a draft VSP to the IRP at its March 2016 meeting. The IRP, however, is unclear on the relationship between the proposed VSP, the above-mentioned AB 1075, the California hazardous waste violation classification system, and the federal hazardous waste violation classification system. The IRP also believes the VSP should be consistent with other laws and regulations. As indicated below under Recommendations to the DTSC to Improve Permitting, the Panel recommends that DTSC create a guidance document on the relationship between the VSP and other violation classification systems.

The IRP made the following two permitting-related information requests of the DTSC in the January 28, 2016 initial report:

1. Provide a list of existing financial assurances for every hazardous waste facility permit site by March 1, 2016.

   The DTSC complied with this request by providing the Panel with data on financial assurances. However, as indicated below under Data Requests to the DTSC on Permitting, the Panel subsequently has made a more specific request for information on the existence and amount of financial assurances for site corrective action at hazardous waste facility permit sites with contamination.

2. Provide a list of hazardous waste facility permit holders by April 1, 2016 that currently fall within AB 1075's violation categories, with specifics.

   The Panel has not yet received this information, but expects to receive it shortly.

Now, following up on the initial January 28, 2016 Report, having selected permitting as the first topic to receive in-depth review, and after devoting the majority of its March 9, 2016 and April 7, 2016 meetings to permitting, the Panel identifies the following recommendations, performance metrics and data requests relating to the DTSC's Permitting Program:

Recommendations to the Governor and Legislature to Improve Permitting Program:

1. Augment the Hazardous Waste Control Account to fund necessary permanent positions to achieve the goal of DTSC making 16 permit decisions a year and processing 90 percent of permit decisions in a two-year period or less.

2. Require DTSC to review each permitted hazardous waste facility's financial assurances every five years.

3. Require DTSC to respond within certain time periods to hazardous waste permit application submittals, require applicants to submit application information on a timely basis, and establish accountability mechanisms, such as deemed approval of the submitted information or the initiation of permit denial proceedings, if these event deadlines are not met by DTSC or the applicant.

4. Amend Section 25200 of Health & Safety Code to give DTSC specific authority to require fence line monitoring by permit holders in appropriate cases.

5. Give hazardous waste facility permit applicants a reasonable assurance of application costs and include some mechanism to hold DTSC accountable for those assurances, even in fee-for-service scenarios.

Recommendations to the DTSC to Improve Permitting Program:

1. Using CalEnviroScreen, post clear and concise data on socioeconomic indicators of communities in proximity to permitted hazardous waste facilities on the DTSC website by January 1, 2017.

2. Post clear and concise information on DTSC website that lists all DTSC-permitted sites with contamination, status of cleanup, and amount of financial assurances for cleanup by January 1, 2017.

3. Post all formal responses and permit processing documentation in EnviroStor to improve transparency and community understanding of permit application status by January 1, 2017.

4. Create a guidance document on the relationship between the VSP, AB 1075, the California hazardous waste violation classification system, and the federal hazardous waste violation classification system by January 1, 2017.

Recommended Performance Metrics for Permitting Program:

The IRP thanks the DTSC for helping to establish many of the following performance metrics. The IRP recognizes that several of the metrics are designed to apply to average periods of time in excess of one year. Nevertheless, the IRP will ask DTSC to report on its progress at the end of FY 2016-17 and provide an explanation for unmet metrics as of June 30, 2017. The IRP also cautions that it is not just the quantity, but also the quality, of DTSC's permit decision-making that matters.

1. Make an annual average of 16 hazardous waste facility permit decisions over a 10-year permitting cycle.

2. Send out reminder letter at least 18 months in advance of hazardous waste facility permit expiration date 100 percent of the time each fiscal year.

3. Conduct a pre-application meeting with the hazardous waste facility permit applicant within three months after issuance of the reminder letter 100 percent of the time each fiscal year.

4. Review hazardous waste facility permit application for administrative completeness within 30 days of receipt of the permit application and notify the applicant, in writing, whether the application is complete 100 percent of the time each fiscal year.

5. Complete technical review for an average of 80 percent of permit applications within 13 months after the application is determined to be administratively complete for the next 10 years.

6. Establish average processing time of 2 years or less for 90 percent of hazardous waste facility permits completed for the next 10 years.

7. Review, on average, 24 hazardous waste facility permit closure and post-closure plans and associated engineer's cost estimates each fiscal year.

8. Experience less than 10-percent staff turnover with permitting staff during FY 2016-17.

<u>Data Requests to the DTSC on Permitting Program:</u>

1. By September 1, 2016, provide IRP with information on whether a Statement of Overriding Considerations was used, what type of CEQA document (EIR, addendum, negative declaration, exemption, etc.) was used, and whether a human health risk assessment was prepared for each permitted hazardous waste facility.

2. By July 1, 2016, provide IRP with a list of sites on continued permit status.

3. By July 1, 2016, provide the IRP with an update on the status of the state Hazardous Waste Management Plan as well as county hazardous waste management plans and recommend any advisable changes to Health & Safety Code Section 25135.

4. By January 1, 2017, report to the IRP on whether DTSC is complying with the Health & Safety Code Section 25200.8 requirement to initiate proceedings to deny a permit application if an applicant does not respond to three or more notices of deficiency, or responds with substantially incomplete or unsatisfactory information on three or more occasions. If the DTSC is not currently complying, it should explain the reasons for not doing so and indicate whether the code section should be amended.

5. By May 1, 2016, adequately address IRP questions raised at April 7, 2016 meeting concerning March 23, 2016 data received from DTSC on financial assurances for corrective action. Provide clear information on which hazardous waste facility permit holders with known site contamination have provided financial assurances for site corrective action, and identify the form and amount of each financial assurance for corrective action.

Initial DTSC Site Mitigation Program Recommendations and Data Requests

Since January 28, 2016, the IRP has developed initial recommendations on site mitigation. What follows is a brief discussion of DTSC's Brownfields and Environmental Restoration Program, recommendations to the Governor and Legislature, recommendations to the DTSC, and information requests of the DTSC. The Panel's Work Plan has scheduled the first quarter of 2017 to more comprehensively study the DTSC's Site Mitigation Program under Section 57014(d) of the Health and Safety Code. At that time, the Panel will also evaluate compliance with the initial site mitigation recommendations and data requests made in this report.

Site Mitigation Program Summary:

An estimated 90,000 properties throughout California are contaminated or believed to be contaminated with some level of toxic substances.

Some of these are "brownfields," sites that often sit idle or underused and contribute to urban blight and sprawl. DTSC's Brownfields and Environmental Restoration Program cleans up or oversees approximately 220 hazardous substance release sites at any given time and completes an average of 125 cleanups each year. Expediting site mitigation is an important goal of the program, and several "brownfields" initiatives support that effort.

The Voluntary Cleanup Program and the California Land Reuse and Revitalization Act (CLRRA) Program encourage responsible parties to clean up contaminated properties by offering economic, liability, or efficiency incentives. The former allows motivated parties who are able to fund the cleanup of lower-priority, contaminated sites to move ahead at their own speed to investigate or remediate their sites under DTSC oversight. The latter allows innocent landowners, bona fide purchasers, and contiguous property owners to qualify for immunity from liability from certain state statutory and common laws for pollution conditions caused by a release or threatened release of a hazardous material if certain conditions are met. Those conditions include entering into an agreement for a specified site assessment and response plan. The CLRRA's enabling statute, Health & Safety Code Section 25395.60 et seq., is scheduled to sunset on Jan. 1, 2017.

DTSC also encourages property owners to investigate and clean up contamination, if found, through low-interest loans. However, funding is extremely limited for DTSC's Investigating Site Contamination and Cleanup Loans and Environmental Assistance to Neighborhoods Program, which provides loans for this purpose.

The State Superfund, also overseen by the DTSC's Brownfields and Environmental Restoration Program, covers sites for which there are no cleanup options through the responsible party and which threaten the people or the environment of California. In its January 28, 2016 report, the IRP recommended an increase in DTSC's Site Remediation Account funding to address the projected shortfall for "orphan site" cleanup and transition of federal National Priorities List cleanup sites to state maintenance oversight.

Additionally, DTSC works to ensure that all new, existing, and proposed school sites are environmentally safe. State laws require all proposed school sites that will receive state funding for purchase or construction to go through the DTSC's environmental review. This process ensures that new school sites are uncontaminated, or if previously contaminated, that they have been cleaned to a safe level. Since 2000, DTSC has assessed, investigated, or overseen the cleanup of over 2,300 different school sites in California to ensure that the state's need for new schools is met and children are fully protected.

The DTSC also is currently investigating, cleaning up, or providing technical assistance at more than 160 current or former military installations. This task presents some unique challenges, which include addressing residual unexploded ordinance, chemical and biological munitions, and other toxic substances that remain on the properties. California has one-third of the closing military bases in the country and more than 1,000 former defense sites.

The DTSC's Brownfields and Environmental Restoration Program has 331.75 authorized positions, including staff at Berkeley, Chatsworth, Cypress, Sacramento, and San Joaquin branch offices. The Branch Chief position for the program has been vacant for many months.

One high-profile DTSC site mitigation project is the 15-acre, former Exide Technologies lead-acid battery recycling facility in Vernon, about five miles southeast of downtown Los Angeles. DTSC ordered Exide to suspend operations in the spring of 2014. Exide reached an agreement with federal officials in March 2015 to shut down, demolish, and clean up the site, and to spend $38.6 million on closure costs as well as provide approximately $26 million in financial assurances for this effort. On December 8, 2015, the DTSC issued a public notice on a draft closure plan for the Exide site that underwent public comment until March 28. Soil investigations reveal that up to 10,000 residential properties within a 1.7-mile radius of the facility may be potentially affected by Exide Technologies' lead contamination. The cost to investigate and remediate all these properties is unknown. Exide has paid $9 million that DTSC has spent on cleaning residential properties in the initial assessment areas. There will be three payments totaling $5 million between November 2018 and March 2020 for cleanup. Exide is required to make additional payments in the coming years. In August 2015 the Governor approved $7 million in emergency funding to test up to 1500 residential properties, continue cleanup on the most impacted properties, and conduct an environmental review. In February of 2016 the Administration proposed a $176.6 million spending plan to fund expedited and expanded testing and cleanup. In April of 2016 the Legislature approved SB 93 (De Leon and Lara) and AB 118 (Santiago), which would transfer the $176.6 million as a loan from the General Fund to the Toxic Substances Control Account for DTSC to use for this purpose.

At its meetings to date, the IRP has received extensive public comment from concerned residents of Southeast Los Angeles County about the Exide site. At its February 10, 2016 meeting, DTSC provided the IRP with a presentation on the status of the closure and corrective action plans, including funding for them.

The IRP also has received public comment from individuals residing in the vicinity of the Santa Susana Field Laboratories in Simi Valley, Riverside Agricultural Park, Jordan Downs in Los Angeles, Brown & Bryant in Shafter and Arvin, and many other communities. Concerns have been expressed about site mitigation activities in their communities with regard to fugitive dust emissions, the accuracy of sampling relied on for "No Further Action" letters, and disposal of radioactive waste above background level, among other health and environmental issues. Concerns also have been expressed that site mitigation seems to be a lower priority in disadvantaged communities.

<u>Recommendations to the Governor and Legislature to Improve Site Mitigation Program:</u>

1. Support Gov. Brown's proposed $176.6 million appropriation to fund expedited and expanded testing and cleanup of residential properties, schools, daycare centers, and parks impacted by the former Exide Technologies facility in Vernon.

2. Require the DTSC to prioritize the Exide Technologies residential cleanup based on mapping data on metal levels in blood and soil.

3. Require collaboration between national, state, and local agencies to better make available and use data, including blood data, to address lead contamination in California communities.

Recommendations to the DTSC to Improve Site Mitigation Program:

1. Publish a strategy by July 1, 2017 on how, in appropriate cases, DTSC will work with CalEPA and its boards, departments, and offices, as well as with local air districts, to require fence line/aerial deposition monitoring during site mitigation in situations where there are adjacent sensitive receptors.

2. Publish on DTSC's website an easy-to-read matrix of clean-up standards, cleanup schedules, and sampling levels to enhance transparency of mitigation at particular sites that are subject to public concern and inquiry.

3. Provide Level 4 data packages for site mitigation analyses and decisions to the public upon request.

Data Requests to the DTSC Regarding Site Mitigation Program:

1. By January 1, 2017, DTSC should: (a) update the IRP on its discussions with CalEPA and its boards, departments, and offices as well as with local air districts on addressing fugitive dust impacts from site cleanup and (b) provide the IRP with the existing requirements, guidance documents, and other pertinent information on fence line/aerial disposition monitoring during site mitigation in situations where there are adjacent receptors.

2. At the February 2017 IRP meeting, DTSC should provide IRP with an oral presentation in collaboration with the Department of Public Health on disposal requirements for radioactive waste that is above background levels. The presentation should include a discussion of the disposal of radioactive and mixed waste from the Santa Susana Field Laboratories in Simi Valley.

3. At the February 2017 meeting, DTSC should provide IRP with an oral presentation on sampling and analysis methods used for site characterization and mitigation. The presentation should include the criteria and methods used for "no further action" determinations. The presentation also should explain lessons learned from follow-up sampling at Riverside Agricultural Park in 2015, why the DTSC concluded that 66 acres were safe to build residential homes at Ag Park in 2014, and why the DTSC and US EPA investigations came to different conclusions about levels of PCB contamination at the site.

4. By January 1, 2017, DTSC should provide the Panel with an update on the status of the Exide Technologies facility closure and post-closure and residential cleanup, including funding for the efforts.

5. By June 1, 2016, DTSC should respond in writing to the People's Senate 2015 Site-Specific Benchmarks document with detailed information on what is being done to address the sites requiring mitigation according to the document.

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