

## Status of Independent Review Panel Information Requests As of August 8, 2016

Description	Date of Request/Venue	Due Date	Fulfillment Date/Resolution
<b>Overarching and Miscellaneous</b>			
DTSC comment on statutory change to allow public comment on draft settlements	12/8/15 IRP Meeting	N/A	Request Withdrawn
Signed legislation affecting DTSC in the last two years	12/9/15 IRP Meeting	N/A	12/11/15
Regulations promulgated in past two years and anticipated regulations pertaining to DTSC	12/9/15 IRP Meeting	N/A	12/11/15
Departmental Procedures Memorandums issued by DTSC director in the last 18 months	12/9/15 IRP Meeting	2/29/16	3/9/16
DTSC statutory reporting obligations	12/18/15 IRP Meeting	N/A	1/12/16
Bullet-point summary of DTSC budget change proposals	1/13/16 IRP Meeting	N/A	Request Withdrawn
<b>Permitting</b>			
Written summary of relationship between staff levels and number of permit applications received and issued	12/8/15 IRP Meeting	N/A	Request Withdrawn
LAO report on financial assurances	12/9/15 IRP Meeting	N/A	12/11/15
Air monitoring excerpts from 2005 Quemetco permit	12/9/15 IRP Meeting	N/A	12/11/15
List of how many Hazardous Waste Facility Permit permittees now fall within AB1075's violation categories with specifics	1/28/16 IRP Report	4/1/16	5/5/16
List of financial assurances for every full permit site	1/28/2016 IRP Report	3/1/16	3/1/16
Information that provides the following: (1) permitted sites that have provided financial assurances for corrective action, (2) permitted sites that have known contamination, and (3) any permitted sites for which DTSC lacks knowledge about whether there is or is not contamination	2/19/16 IRP Staff Request	3/21/16	3/23/16
Suggested metrics to evaluate Permitting Program performance (quantitative and/or qualitative)	2/22/16 IRP Staff Request	3/21/16	3/21/16
Initial ideas for draft regulations on permit violations scoring procedure	2/22/16 IRP Staff Request	3/9/16	3/9/16 IRP Meeting Presentation
Ideas for improving fee structure for permitting applications	2/22/16 IRP Staff Request	3/21/16	3/18/16
Additional Permitting Enhancement Work Plan action items	3/9/16 IRP Meeting	N/A	3/21/16

Adequately address IRP questions raised at April 7, 2016 meeting concerning March 23, 2016 data request about 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.	4/21/16 IRP Report	5/1/16	6/7/16
Update on status of state Hazardous Waste Management Plan as well as county hazardous waste management plans and recommend any advisable changes to the HSC Section 25135	4/21/16 IRP Report	7/1/16	Overdue
List of sites on continued permit status	4/21/16 IRP Report	7/1/16	7/6/16
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.	4/21/16 IRP Report	9/1/16	Pending
Report on whether DTSC is complying with the HSC 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 DTSC is not currently complying, explanation of reasons for not doing so and indication whether code section should be amended.	4/21/16 IRP Report	1/1/17	Pending
DTSC work plan on financial assurances	IRP Staff Request 5/2/16	N/A	5/10/16
<b>Enforcement</b>			
Relevant enforcement code sections	12/8/15 IRP Meeting	2/29/16	2/29/16
Data on compliance with 65-day inspection report and 175-day return to compliance/referral requirements under HSC Section 25185(c), including data for every permit site from 2014-2015 on: inspections, violations, and enforcement outcomes	1/28/16 IRP Report	5/1/16	5/10/16
Progress with data management goals from USEPA/ DTSC 2015 -2017 RCRA Grant Work Plan	1/28/16 IRP Report	5/1/16	5/9/16

How environmental justice (EJ) and health risk are prioritized in enforcement under AB 1329, particularly HSC Section 25180.2, including identification of planned EJ enforcement initiatives	1/28/16 IRP Report	5/1/16	5/6/16
Data on "cases" created in EnviroStor for CY 2014 and 2015, including number of referrals to the Attorney General, local District Attorney, and City Attorney for prosecution	1/28/16 IRP Report	5/1/16	5/5/16
Summary of various DTSC reporting mechanisms to other CalEPA, US EPA, and any other agencies	6/8/16 Meeting	7/13/16 Meeting	Information supplied to Vice Chair Vizzier for 7/26/16 IRP Report
Funds budgeted by DTSC for Attorney General's Office prosecutions in recent years	6/8/16 Meeting	7/13/16 Meeting	7/11/16
Statutory authority for penalties for DTSC administrative enforcement orders	6/8/16 Meeting	7/13/16 Meeting	6-29-16 (IRP Staff)
OCI and EERD staff levels in 2008 compared to present	6/8/16 Meeting	7/13/16 Meeting	7/8/16
SB 1249 regulatory status	1/28/16 IRP Report	5/1/16	5/5/16
Measure and evaluate the violations found during comprehensive inspections of hazardous waste treatment, storage, and disposal facilities	7/26/16 IRP Report	9/30/17	Pending
Measure and evaluate the percentage of hazardous waste treatment, storage, and disposal facilities with comprehensive inspections in which a Summary of Violation was made	7/26/16 IRP Report	9/30/17	Pending
Measure and evaluate the percentage of formal enforcement actions taken within 360 days of Summary of Violation, with a goal of exceeding the national average	7/26/16 IRP Report	9/30/17	Pending
Measure and evaluate the number of final formal enforcement actions and associated penalties	7/26/16 IRP Report	9/30/17	Pending
Measure and evaluate the referral time for OCI cases with a goal of referring 95 percent of the cases within 180 days from the date the violation was determined	7/26/16 IRP Report	9/30/17	Pending
Measure and evaluate the percentage of EERD administrative enforcement actions completed within 180 days from the date the violations were determined when the calculated penalties are less than \$75,000, with the goal of completing 90 percent within 180 days	7/26/16 IRP Report	9/30/17	Pending

Measure and evaluate the number of enforcement actions taken and amount of money collected from fines	7/26/16 IRP Report	9/30/17	Pending
Measure and evaluate the number of criminal enforcement proceedings undertaken	7/26/16 IRP Report	9/30/17	Pending
Measure and evaluate the amount of enforcement fines diverted to environmental justice SEPs	7/26/16 IRP Report	9/30/17	Pending
Measure and evaluate the average length of time for violators to return to compliance or fulfill corrective action	7/26/16 IRP Report	9/30/17	Pending
Measure and evaluate the frequency of inspections conducted at each permitted hazardous waste facility	7/26/16 IRP Report	9/30/17	Pending
Measure and evaluate the percentage of enforcement actions and inspections taken in environmental justice communities	7/26/16 IRP Report	9/30/17	Pending
<b>Public Participation</b>			
Best practices for translating meeting documents		2/29/16	5/2/16
UCD Work Plan for Public Participation	12/9/15 IRP Meeting	N/A	12/11/15
Actions DTSC is taking to strengthen its commitment to supporting diversity and fostering cross-cultural understanding	1/28/16 IRP Report	6/1/16	6/3/16
Public participation budget, staffing, and language skills	1/28/16 IRP Report	6/1/16	Pending. Due date changed to 8/1/16 to conform to IRP Work Plan.
Procedures for formal public feedback and evaluation of each public participation project and how such evaluation is used to evaluate and improve the overall public participation program	1/28/16 IRP Report	6/1/16	Pending. Due date changed to 8/1/16 to conform to IRP Work Plan.
<b>Fiscal Management</b>			
Status of Fi\$cal implementation and billing status	1/28/16 IRP Report	2/15/16	3/9/16 IRP Meeting Presentation
Status of limited-term cost recovery positions	1/28/16 IRP Report	9/1/16	Pending
Data on how much of DTSC's collections are billed and outstanding in all areas/programs and solutions to barriers	1/28/16 IRP Report	9/1/16	Pending
Goals and timelines in DTSC's internal cost recovery improvement programs, including: (1) sustainable cost recovery systems, (2) Audit Backlog Work Plan, and (3) Envirostor Enhancements to improve cost recovery	1/28/16 IRP Report	9/1/16	Pending
Report on any follow-up examination or comments by the State Auditor on DTSC's cost recovery procedures and improvement efforts	1/28/16 IRP Report	7/1/16	7/6/16

Site Mitigation			
Response to People's Senate 2015 site-specific concerns	4/21/16 IRP Report	6/1/16	Overdue. DTSC has informed IRP that it will respond to Panel with an update in mid-August.
Update on DTSC discussions with CalEPA and its boards, departments and offices as well as with local air districts on addressing fugitive dust impacts from site cleanup	4/21/16 IRP Report	1/1/17	Pending
Existing requirements, guidance documents, and other pertinent information on fence-line/aerial deposition monitoring during site mitigation in situations where there are adjacent receptors	4/21/16 IRP Report	1/1/17	Pending
Update on the status of the Exide Technologies facility closure and post-closure and residential cleanup, including funding for the efforts	4/21/16 IRP Report	1/1/17	Pending
Oral presentation in collaboration with the Department of Public Health on disposal requirements for radioactive waste that is above background levels, including discussion of the disposal of radioactive and mixed waste from the SSFL in Simi Valley	4/21/16 IRP Report	2/17 IRP Meeting	Pending
Oral presentation on sampling and analysis methods used for site characterization and mitigation, including criteria and methods used for "no further action" determinations as well as lessons learned from the follow-up sampling at Riverside Agricultural Park in 2015, why the DTSC concluded that 66 acres were safe to building 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	4/21/16 IRP Report	2/17 IRP Meeting	Pending

## Status of IRP Recommendations to Legislature and Governor As of August 8, 2016

Recommendation	Date of Request	Action/Resolution
<b>Budget</b>		
Support the Governor's 2016-2017 budget proposal for DTSC.	1/28/2016	Legislature approved all budget proposals for DTSC.
Increase the DTSC's SRA funding to address the projected shortfall for orphan site cleanup and transition of federal sites to state operations and maintenance oversight.	1/28/2016	AB 2891 (Committee on Environmental Safety and Toxic Materials) would address issue. In Senate Suspense File.
Provide position authority and funding to DTSC to maintain the 14.0 limited-term cost recovery staff positions through 2018 or make them permanent.	1/28/2016	Pending
Provide position authority and funding to strengthen the role of the Assistant Director for Environmental Justice and Tribal affairs, including more staffing and resources.	1/28/2016	Legislature approved funding for 6 positions to create proposed Office of EJ and Tribal Affairs.
<b>Permitting</b>		
Require that DTSC require as part of Hazardous Waste Facility Permits that adequate financial assurances be set aside for corrective action for existing hazardous waste releases at the site, not only for post-closure equipment decommissioning. Investigate whether current Health & Safety Code Sections 25200.10(b) and 25245 et seq. should be amended to ensure that adequate financial assurances be set aside during Hazardous Waste Facility Permit issuance to pay for corrective action for existing hazardous waste releases at the sites that DTSC is permitting. This is consistent with the April 2006 LAO Report: "Financial Assurances: Strengthening Public Safety of Waste Facilities and Surface Mines."	1/28/2016	Pending
Consider whether to create a Permit Appeals Board to hear, and decide on all Hazardous Waste Facility Permits that the DTSC does not timely process within 3 years of expiration. Consider whether establishing such a Permit Appeals Board would increase transparency and reduce backlogs. A possible legislative vehicle for this could be pending SB 654 (De León).	1/28/2016	Pending. Assembly Majority Floor Leader indicated intention to take SB 654 from inactive file on 8-4-16.

Require that DTSC obtain full cost recovery connected with its Hazardous Waste Facility Permit decisions. The DTSC reports that the DTSC's existing HSC section 25205.7(d) fee collection for permitting statute does not ensure that it achieves full cost recovery connected with its Hazardous Waste Facility Permit actions.	1/28/2016	Pending. AB 1611 and SB 654 would eliminate the flat fee option.
Fund Technical Assistance Grants to allow public participation before a draft Hazardous Waste Facility Permit is prepared. This can assist in transparency of permitting decisions and allow community questions and concerns to be raised early in the process.	1/28.2016	Pending. AB 1400 would have required DTSC to grant request from member of public for grant for getting information about pending permit. Bill dead.
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 2-year period or less.	4/21/2016	Approved in 2016-17 budget.
Require DTSC to review each permitted hazardous waste facility's financial assurances every 5 years.	4/21/2016	Pending. AB 1205 would have required DTSC to review financial assurances once every 5 years. Bill dead.
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.	4/21/2016	Pending. SB 654, which was taken from the Assembly inactive file on 8-4-16, would require facilities to submit part A & B applications 2 years before permit expiration.
Amend HSC section 25200 to give DTSC specific authority to require fence line monitoring by permit holders in certain cases.	4/21/2016	Pending. AB 1400 would have required DTSC to require facility operator to install monitoring devices at fence line as a condition for permit. Bill dead.
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.	4/21/2016	Pending
Enforcement		

Include inspection frequencies for permitted hazardous waste treatment, storage, and disposal facilities and hazardous waste generators in statute. The frequencies should be based on facility compliance history, quantity of waste, toxicity risk, and proximity to sensitive habitats and populations at risk, including disadvantaged communities.	7/26/2016	Pending
Support AB 1858 (Santiago), which requires the DMV to establish an Unlicensed Automobile Dismantling Task Force to investigate the occurrences of unlicensed vehicle dismantling.	7/26/2016	Pending
Increase the maximum penalties for violations of HSC section 25189 to make them equivalent to the federal maximum penalties for similar violations, with an inflation allowance.	7/26/2016	Pending
Public Outreach		
Fiscal Management		
Site Mitigation		
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.	4/21/2016	Gov. Brown approved SB 93 (De Leon) and AB 118 (Santiago) on April 20, which 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.
Require the DTSC to prioritize the Exide Technologies residential cleanup based on mapping data on metal levels in blood and soil.	4/21/2016	Pending
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.	4/21/2016	Pending
Source Reduction Program		
Consumer Products Program		

## Status of Independent Review Panel Recommendations to DTSC As of August 8, 2016

Recommendation	Date of Request	Due Date	Date Fulfilled
<b>Permitting</b>			
Publish draft SB 673 regulations.	1/28/2016	1/1/2017	N/A
Adopt SB 673 regulations.	1/28/2016	1/1/2018	N/A
Adopt guidance or publish draft regulations on Violation Scoring Procedure (VSP).	1/28/2016	1/1/2017	N/A
Using CalEnviroScreen, post clear and concise data on socioeconomic indicators of communities in proximity to permitted hazardous waste facilities on the DTSC website.	4/21/2016	1/1/2017	N/A
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.	4/21/2016	1/1/2017	N/A
Post all formal responses and permit processing documentation in EnviroStor to improve transparency and community understanding of permit application status.	4/21/2016	1/1/2017	N/A
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.	4/21/2016	1/1/2017	N/A
<b>Enforcement</b>			
Adopt an AB 1071-compliant Supplemental Environmental Projects Policy.	1/28/2016	5/1/2016	5/5/2016
Adopt "Improving Enforcement Performance Initiative" Workplan.	1/28/2016	1/1/2017	N/A
Evaluate the number of positions and vacancy levels in OCI and EERD to determine if they are sufficient to meet all inspection and enforcement goals	7/26/2016	N/A	N/A
Evaluate participation in state and local task forces that investigate environmental crimes to determine if DTSC is collaborating with the groups, when necessary, as well as the perceptions and opinions of other environmental enforcement partners about collaboration with the department.	7/26/2016	N/A	N/A
Evaluate whether to include environmental, occupational, and other violations in the VSP.	7/26/2016	N/A	N/A
Upload all public inspection reports, settlements, and summaries of violation into EnviroStor on a timely basis and evaluate additional technologies to enhance public accessibility.	7/26/2016	N/A	N/A

Prior to inspection of a permitted hazardous waste facility, the inspection team should communicate with site mitigation staff members to verify that the facility operator has provided any required financial assurances for corrective action.	7/26/2016	N/A	N/A
<b>Public Outreach</b>			
Start to implement the UC Davis public participation work plan.	1/28/2016	1/1/2017	N/A
Continue practice of bi-monthly environmental justice accountability calls or an equivalent mechanism designed to increase the communication between the DTSC and the community.	1/28/2016	N/A	N/A
Publish all CEQA notices on one tab on the DTSC website.	1/28/2016	N/A	N/A
Publish all Hazardous Waste Facility Permits on one tab on the DTSC website.	1/28/2016	N/A	N/A
Publish all public enforcement actions (orders, settlements) in one tab on the DTSC website.	1/28/2016	N/A	N/A
Assign staff, immediately, charged with independent review, to revisit all cases in past five years of "No Further Action" that involve William Bosan or Theo Johnson, and report to the public on the findings.	1/28/2016	6/1/2016	DTSC Review in Progress (Overdue)
<b>Fiscal Management</b>			
DTSC should provide timely Health & Safety Code Section 57007 Biennial Report and tie report to DTSC "Fixing the Foundation," including documenting compliance with <u>all</u> goals and objectives therein.	1/28/2016	1/1/2017	N/A
<b>Site Mitigation</b>			
Publish a strategy 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.	4/21/2016	7/1/2017	N/A
Publish on DTSC's website an easy-to-read matrix of cleanup standards, cleanup schedules, and sampling levels to enhance transparency of mitigation at particular sites that are subject to public concern and inquiry.	4/21/2016	N/A	N/A
Provide Level 4 data packages for site mitigation analyses and decisions to the public upon request.	4/21/2016	N/A	N/A
<b>Source Reduction Program</b>			
<b>Consumer Products Program</b>			