

**Independent Review Panel  
Meeting Minutes  
December 18, 2015**

**1. Call to Order**

Chair Gideon Kracov called the meeting to order at 10:01 a.m. at the California Department of Transportation Building at 100 S. Main Street, Los Angeles, CA 90012.

Board members present: Chair Kracov, Vice Chair Mike Vizzier, and Panel Member Arezoo Campbell. A quorum was declared.

**2. Closed Session**

*Chair Kracov adjourned the meeting for closed session at 10:05 a.m. to confer with legal counsel regarding potential litigation consistent with Government Code Section 11126(e)(1)(2).*

*Chair Kracov reconvened the meeting at 10:30 a.m.*

**3. Welcome and Introductions to Panel and its Statutory Authority**

Chair Kracov introduced himself, the other Panel members, and Deputy Attorney General Deborah Barnes, legal counsel for the meeting. He also announced that two translators were available for Spanish-speaking members of the public.

Chair Kracov led the Panel in the Pledge of Allegiance.

Chair Kracov introduced state Senate President Pro Tempore Kevin de León.

Senator Kevin De León thanked Panel members for their service and help in reforming DTSC. The senator pledged his best efforts to support the Panel and help where he could. He said the Panel was created because, after decades of dysfunction, the Legislature lost confidence in the department to fix its own problems. After ongoing scandals such as the failure to collect over \$100 million from polluters, it was time to take new action.

The senator made several requests. First of all, the Panel should always keep in mind how DTSC's actions impact people living and breathing daily in communities like Vernon and the surrounding neighborhoods where the Exide plant is located. The core job of this Panel is first and foremost to make the department work for the public interest and for those communities most affected by toxic pollution. Secondly, the Panel should focus on "big picture" reforms, such as the need to do a much better job working with and cleaning up communities, restore public confidence, increase funding so programs can actually be implemented, and improve management and fiscal oversight. The Panel should not get bogged down in the details. Thirdly, as the law requires, the Panel should act now to

begin making regular recommendations to the governor and Legislature. The Legislature will be back in session in January 2016 and can consider any recommendations quickly. Fourthly, the Panel should act immediately to address new scandals, such as the offensive and racist emails that recently were brought to light. With all of the other problems the department has, it doesn't need an entire new set of scandals to make it even more dysfunctional. And finally, the senator asked the Panel to keep his office posted regularly as it proceeds with its work.

#### **4. Announcements**

Chair Kracov made several brief announcements.

#### **5. Agenda Review**

The Panel decided not to hold the second scheduled closed session.

#### **6. General Public Comment**

Jean Kayano, Marilyn Whitney, James Martin, Maria Castro, and Marilyn Martin made a presentation on Riverside Agricultural Park. The PowerPoint version of this presentation is available on the IRP website at [https://www.dtsc.ca.gov/GetInvolved/ReviewPanel/upload/IRP\\_AGPark-Presentation\\_12-18.pdf](https://www.dtsc.ca.gov/GetInvolved/ReviewPanel/upload/IRP_AGPark-Presentation_12-18.pdf).

The presenters argued that the site was not properly cleaned up by DTSC and the federal Environmental Protection Agency (EPA) after a hazardous spill took place at a sewage treatment plant on the former U.S. Army Camp Anza in 2003. In 2014, DTSC provided a certificate letter stating that the 66 acres were safe to develop residential homes. However, residents believed that contamination continued to exist. DTSC and EPA subsequently agreed to do additional sampling. Although DTSC confirmed that the property remains safe in 2015, the presenters argued that DTSC's methodology resulted in low readings. The presenters asked the Panel to support their requests that: (1) full-scale testing and health assessment be done for residents who have been exposed over a 13-year period, (2) testing be done by EPA and not by the developer or DTSC, (3) the results not be averaged out, and 4) the residents be involved in the planning of the health assessment and testing/sampling plan.

Thelma Pérez of Los Angeles Community Action Network expressed concerns about industrial pollution at the Jordon Downs housing complex in South Los Angeles and DTSC's lack of action or clear response to requests for action.

Rebecca Overmyer-Velázquez of the Clean Air Coalition of North Whittier and Avocado Heights expressed concerns about evidence of high levels of lead contamination in the vicinity of the Quemetco Battery Recycling Facility in the City of Industry and the need for investigation and cleanup action by DTSC and other responsible agencies.

Holly Hoff, Denise Leffler, and Cindy Gortner made a presentation entitled: The Santa Susana Field Laboratory: A Case Study in DTSC Failures. A PowerPoint version of this presentation is available on the IRP website at [https://www.dtsc.ca.gov/GetInvolved/ReviewPanel/upload/IRP\\_SSFL-Presentation\\_12-18.pdf](https://www.dtsc.ca.gov/GetInvolved/ReviewPanel/upload/IRP_SSFL-Presentation_12-18.pdf).

The presenters stated that contamination has migrated offsite from a one-time rocket and nuclear-testing facility, and the area is now inhabited by half a million people within 10 miles of the facility. The responsible parties are the Department of Energy, the National Aeronautics and Space Administration (NASA), and Boeing. Administrative Orders on Consent were signed in 2010 between DTSC, the Department of Energy, and NASA to clean up contamination. At the time DTSC promised it would require Boeing to clean up its part of the contamination. However, Boeing did not sign the agreement and recently submitted a proposal that would not address 98 percent of the contamination. Boeing urged the creation of a DTSC-sanctioned Citizens Advisory Group (CAG), which it offered to fund. The presenters alleged that CAG meetings are designed to limit public participation. The presenters also stated that Boeing is disposing of radioactive waste to facilities not licensed to receive such waste.

***Chair Kracov adjourned the meeting for lunch at 1:11 p.m. The meeting resumed at 2 p.m.***

Cynthia Babish of the Del Amo Action Committee expressed air quality and other concerns from neighborhoods near the Del Amo Superfund site in Los Angeles.

Florence Ghariabian of the Del Amo Action Committee introduced herself as a former DTSC branch chief and urged clear, mandatory standards for cleanup sites. The voluntary program was created for low-risk properties and is not adequate, she maintained.

Jane Williams of California Communities Against Toxics (CCAT) read a letter to DTSC from Mark López of East Yard Communities for Environmental Justice and Exide Technologies Advisory Group.

Chair Kracov disclosed that CCAT and East Yard Communities for Environmental Justice have been clients of his, but all matters he has handled for the clients have been settled or dismissed, and that he has informed the clients that he will not be taking on any new matters for the clients while serving on the Panel.

Ms. Williams stated that DTSC needs the following: a technology innovation office, a remedy review board, technical assistance for communities, a permit appeals board, and environmental forensics capability.

***Chair Kracov adjourned the meeting for a break at 3:25 p.m. The meeting resumed at 3:32 p.m.***

## **7. Organizational, Operational, and Administrative Matters**

Panel members agreed that the IRP should adopt a public comment policy. Ms. Barnes advised the Panel not to set a strict limit on the length of public comment and to give the chair some discretion to manage comment length.

In expectation that a support person would be hired for the Panel the following week, the Panel members asked DTSC Legislative Director Josh Tooker how long it takes for new employee orientation. Mr. Tooker responded that the initial orientation and training takes about a day or so.

Panel members discussed future information requests, how this information would be reviewed, media issues, written work plan, and other matters.

#### **8. IRP Reporting Requirements**

Vice Chair Vizzier volunteered to draft a brief report for the governor and Legislature to meet the requirements of Section 57014(h) of the Health and Safety Code prior to submission of the governor's 2016-17 annual budget to the Legislature.

Chair Kracov volunteered to draft a more comprehensive report to the governor and Legislature to meet the requirements of Section 57014(f) of the Health and Safety Code. The Panel would discuss this draft at its January 13-14 meeting.

Panel Member Campbell volunteered to draft a work plan for Panel discussion at its January 13-14 meeting.

#### **9. Future Meeting Schedule and Agenda Items**

The Panel agreed that the recommendations of the Section 57014(f) report, due on January 28, should be the primary focus of the January 13-14 meeting.

#### **10. Closed Session**

There was no closed session.

#### **11. Reconvene and Report Out on Closed Session**

There was no need to reconvene and report out on a closed session.

#### **12. Adjournment**

**Motion:** Adjourn meeting. Chair Kracov moved. Panel Member Campbell seconded. The motion carried unanimously.

Chair Kracov announced that the meeting was adjourned at 5:03 p.m.