

**Independent Review Panel
Meeting Minutes
February 10, 2016**

1. Call to Order

Chair Gideon Kracov called the meeting to order at 10:02 a.m. at the Department of Toxic Substances Control's Sacramento Regional Office at 8800 Cal Center Drive, Sacramento, CA.

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

2. Welcome and Introductions

Chair Kracov introduced himself and asked Panel members and Legal Counsel Deborah Barnes to introduce themselves. He then announced that both IRP support positions have been filled and asked Larry Rohlfes, the recently hired associate governmental program analyst, to introduce himself. Chair Kracov also announced that the meeting was webcast on the DTSC website.

Chair Kracov led the Panel in the Pledge of Allegiance.

3. Announcements

Chair Kracov announced that two translators were available for Spanish-speaking members of the public: David Sweet and Ruth Monroy. He also announced that there would be public comment under the General Public Comment agenda item and all other agenda items.

4. Agenda Review

Chair Kracov noted that the agenda is ambitious from a scheduling point of view but that no closed session was expected. He suggested that Agenda Item 8, Department Presentation on Fi\$cal Billing System Transition, be postponed to the next meeting. The other panel members agreed.

5. Minutes of December 8-9, and 18, 2015 and January 13-14, 2016 Meetings

Chair Kracov noted that the minutes for the December 8-9, 2015, December 18, 2015, and January 13-14, 2016 meetings are not in final form yet and suggested that approval of those documents be deferred to the next meeting. Vice Chair Vizzier noted that the IRP has the webcasts as supporting documents and suggested links in the minutes to the webcast. Chair Kracov asked staff to provide Panel members with minutes from other state agencies as examples. Panel Member Campbell stated her preference for succinct minutes.

The Panel took the following public comments:

Ms. Ingrid Brostrom of the Center on Race, Poverty, & the Environment (CRPE) stated that meeting minutes are important and the versions posted so far have been deficient. She argued for not that much brevity because many people don't have the time or capability to access the webcasts. She said she was particularly concerned about the minutes of the December 18, 2015 meeting.

Panel Member Campbell suggested hyperlinks to the webcast. Chair Kracov said the Panel would give the public opportunity to comment on all minutes before approving them.

6. General Public Comment

Chair Kracov limited each public comment to five minutes.

Ms. Brostrom stated that the People's Senate has concerns about the IRP's January 28, 2015 initial report to the governor and Legislature. There are concerns that the DTSC director had quite a bit of influence in the recommendations and that the Panel has looked to her for direction. The People's Senate wants to see true independence from the Panel and is disappointed that the report didn't incorporate the People's Senate recommendations. She asked the Panel to deputize People's Senate members to help in monitoring DTSC.

Ms. Penny Newman of the Center for Community Action and Environmental Justice stated that when the panel accepts a recommendation from the department, that is very troubling, as we are talking about life and death issues in the community. Ms. Newman also reported that her organization suspected the Riverside Agricultural Park (Ag Park) site was not cleaned up and demanded confirmation testing. The EPA confirmation testing found elevated levels of PCB. The site they declared clean is not clean. This says a lot about the process and manipulation of data, she asserted. Ms. Newman also mentioned a DTSC email message that stated, "No data, no problem, therefore safe." She asserted that this statement appears to be the underlying attitude of DTSC staff.

Public comments via email:

Monika Shanker of Physicians for Social Responsibility – Los Angeles (PSR-LA) stated that she works with the community of Jordan Downs and expressed concerns about the IRP's decision to omit from its January 28, 2015 report to the governor and Legislature a draft recommendation asking DTSC for an update on the department's work and regulatory status for all sites listed in the People's Senate's July 9, 2015 letter to the Senate Rules Committee. She stated the recommendation was dropped after DTSC's director told the Panel that she had already responded to the People's Senate and could not comment on sites before decisions are made. Ms. Shanker stated that it is critical for the IRP to be aware of what is happening on the ground in communities like Jordan Downs and that DTSC should not be able to impact the Panel's recommendations so easily. She said PSR-LA urges the IRP to consult the organization and local communities on these matters before issuing recommendations.

Cindy Gortner of Rocketdyne Cleanup Coalition stated that many members of the People's Senate and Rocketdyne Cleanup Coalition are concerned about IRP's ability to reform DTSC. Given the decision to omit reform recommendations following input from the director at the January 14, 2015 meeting, Ms. Gortner stated that there is now worry that the IRP may not be functioning as an independent body. In addition, she said it is disturbing to learn that the DTSC director was unwilling to comment on site-specific issues. Ms. Gortner also stated that DTSC appears poised to approve Boeing's proposal to not clean up 98 percent of the contamination at the Santa Susana Field Laboratory (SSFL) and said this is unacceptable.

Jaime Sánchez, a member of Neighbors Against Phibro Tech and People's Senate, stated that DTSC continues to allow serial polluters such as Phibro-Tech Inc. (PTI) to operate with an expired permit while ignoring the law and concerns of the residents of Los Nietos and Santa Fe Springs. He said the residents of those communities continue to request that DTSC: deny the hazardous waste facility permit until PTI is in full compliance with the law, compel cleanup of existing toxic contamination, conduct an environmental impact report to determine probable dangers to the surrounding community, conduct a health risk assessment, conduct public hearings for residents, and implement the existing facility closure plan within a reasonable and predetermined period of time should PTI fail to comply.

Chair Kracov halted the comment because it exceeded the five-minute maximum and asked staff to circulate the email message to IRP members.

Xonia Villeanueva of Concerned Neighbors of Wildomar and a People's Senate member said she was a former resident of the Autumnwood community in Wildomar whose family was forced to move because of illness caused by the contaminated soil upon which their home was built. She stated that independent testing found toxic chemicals well above known health screening levels, yet DTSC found no evidence of soil contamination, even though the department's raw data contradicted its findings. She also stated that William Bosan and Theo Johnson, whose emails display contempt for their community, were DTSC staff members assigned to Wildomar. She expressed concern at a statement she said was made at the January 14, 2016 IRP meeting that there was no indication that the technical work of those two staff members was problematic. She stated that while EPA, which recently completed its review of DTSC's investigation in Wildomar, concluded that it generally agreed with DTSC's findings, the agency nevertheless made several findings that are a concern for community health and which bode poorly for the quality and integrity of DTSC's work. The technical work of the two staff members must be reviewed, she asserted, and the IRP must be independent of DTSC and place more trust in the communities.

Chair Kracov halted the comment because it exceeded the five-minute maximum.

Denise Duffield of PSR-LA expressed disappointment at a decision made at the Panel's January 14, 2016 meeting to drop a recommendation for a DTSC briefing on its policy regarding disposal of radioactive waste from sites being cleaned up under department oversight. This is an important matter, she said, as DTSC has been approving requests to ship for disposal or recycling wastes with radioactive contamination to sites not licensed to receive them, often in Environmental Justice locations. While other agencies, such as NRC, have some jurisdiction over radioactive waste, DTSC has jurisdiction for cleanup of contaminated sites and is granting approvals. She urged the IRP to read an email she sent on February 9, 2016 and the accompanying reports and documentation that make it clear DTSC has been receiving and approving Boeing's requests for approval of its demolition and disposal plans for radioactive wastes to be disposed at Buttonwillow, regular municipal landfills, and metal and concrete recyclers. None of those facilities is designed or licensed to receive low-level radioactive wastes, she said. Ms. Duffield also expressed concern about the IRP not approving the recommendation that DTSC respond to the People's Senate concerns. The IRP should not change its recommendations based on input from the DTSC, she stated.

7. Chair's Report

Chair Kracov announced that with the recent hiring, the panel is fully staffed. He noted that the Panel's website has a lot of information about IRP work. He said members of the public could receive information from the Panel by subscribing to its new EList. *(To do so, click on the ELists page at the top of the DTCS home page at <https://www.dtsc.ca.gov>.)* He reported that the panel submitted its Initial Report to the Governor and the Legislature Pursuant to Health and Safety Code Section 57014(f) on January 28, 2016. The report included numerous recommendations and information requests.

Panel Member Campbell stated that the panel is working with DTSC to obtain information. The IRP is not asking DTSC what recommendations to make. The IRP did not include every possible recommendation in the report because it must first work in depth on them in the coming months. There are many more reports to write.

8. Department Presentation on Fi\$cal billing System Transition

The DTSC presentation on Fi\$cal was postponed to the next meeting.

9. Department Presentation on Closure Efforts at Exide Technologies Facility in Vernon, CA

Chair Kracov said the DTSC presentation on Closure Efforts for Exide Technologies may run until 1 pm. The Panel would then break for a half-hour lunch. Exide Technologies would then give its public comment presentation.

Chair Kracov adjourned the meeting for a break at 11:10 a.m. The meeting resumed at 11:22 a.m.

A Power Point version of the DTSC presentation is available on the IRP website at https://www.dtsc.ca.gov/GetInvolved/ReviewPanel/upload/Revised_IRP-Presentation-on-Exide-21016-JM-with-additions-for-Barbara-27s-original-TPs.pdf.

DTSC Director Barbara Lee initiated the presentation by covering the department's 2013 closure order, subsequent enforcement orders in 2013 and 2014, her permit denial in February of 2015, the structured closure process, the 2015 enforcement order and non-prosecution agreement that were approved by the bankruptcy court in March of 2015, community meetings, the creation of an advisory group for the closure, recent testing of residential properties, testing showing that lead emissions for the facility could be contaminating properties as far as 1.7 miles away, and the Administration's \$7 million budget augmentation for the department to test up to 1500 properties and continue the cleanup of the most contaminated properties. As a result of the augmentation, Director Lee said residential properties are being cleaned up years earlier than otherwise would be required by the schedule for actions and payments approved by the bankruptcy court.

DTSC Hazardous Waste Management Program Deputy Director Elise Rothschild next provided an overview of the closure process. She covered how DTSC makes a permit decision, the elements of a closure plan in the permit application, the corrective action requirement to clean up past releases, how DTSC oversees closure, financial assurance mechanisms, and DTSC review of financial assurances. She stated that DTSC has successfully closed 329 facilities, with 12 of those facilities requiring public funds and the department pursuing cost recovery.

Vice Chair Vizzier asked how DTSC reviews financial assurances. Ms. Rothschild responded that DTSC ensures that the financial assurance mechanisms are sound and reviews them regularly. Mechanisms can be in the form of a trust fund, surety bond, letter of credit, insurance policy, financial test/corporate guarantee, or alternative such as a certificate of deposit, secured savings account, or time deposit agreement.

Panel Member Campbell asked how the estimate of maximum hazardous waste inventory is determined in the contents of a closure plan. Director Lee responded that the estimate includes an engineering evaluation of a facility's operations. The facility provides this information.

Panel Member Campbell asked why DTSC and EPA came to different conclusions at Ag Park. Did EPA use a different methodology? Director Lee responded that EPA used a different extraction method that is more sensitive at low levels. DTSC uses EPA-approved testing methods.

Chair Kracov noted that the IRP recommended in its January 28, 2016 report that financial assurances should be set aside for corrective action as part of the permitting process. However, the presentation implies that the law already requires this. Director Lee responded that financial assurances are required to the extent they are known. They are not always known.

Chair Kracov asked about incentives to comply with corrective orders. Director Lee responded that there are penalties for not complying.

Chair Kracov asked about the relationship between permits and orders. Director Lee responded that to the extent that there are orders in place, they can apply. DTSC does not have to wait until permit expiration.

Chair Kracov asked how DTSC handles situations where they issue a permit while knowing there is contamination. Director Lee responded that a cost estimate is made. The department is working on methodologies to improve estimates.

Chair Kracov said the IRP may want to request from the department an understanding of the number of permitted facilities operating with corrective orders.

Director Lee emphasized that the Exide closure is unique. Because DTSC denied Exide's permit, the facility is closing without completing the permit process. Federal law requires that closure be completed and that Exide fund it. DTSC is enforcing federal law, but the department also is moving ahead with residential cleanup on a parallel track. The closure plan is structured through the March 2015 enforcement order that was approved by the bankruptcy court. The closure process also is unique because air monitoring by the South Coast AQMD shows a high likelihood of lead dust emissions during closure activities without very careful containment and control. Close cooperation is needed with the air district. Finally, because communities around the facility are understandably upset, additional steps are being taken to involve them in the decision-making process.

DTSC Senior Staff Counsel Ann Carroll next presented an overview of Exide closure financial assurances. The March 2015 enforcement order requires Exide to submit three corrective measure studies: (1) a residential study by May 2019, (2) an off-site industrial study by November 2019, and (3) an off-site study by December 31, 2016. DTSC will determine and select the appropriate corrective action measures based upon these studies. Exide must fund all of them. There are three corrective action trust funds: (1) one for residential, (2) another for off-site industrial, and (3) another for off-site. Any money left in a trust fund will be placed in other trust funds. As of May 30, 2015, Exide deposited \$9 million into the Residential Off-Site Corrective Action Trust Fund. This money has been spent on cleaning residential properties in the initial assessment areas. There will be three additional payments totaling \$5 million between November 2018 and March 2020. Following approval of the Residential Corrective Measures Study, Exide must deposit funds annually for up to 10 years. With respect to the Industrial Off-Site and Corrective Action Trust Funds, the total value of each fund must equal the cost estimate for the DTSC-selected corrective actions. Exide is to make deposits into each fund annually for up to 10 years. The enforcement order requires Exide to pay for all closure costs, which are expected to be \$38.6 million. Financial assurances for closure costs total approximately \$26 million and include a surety bond and the Closure Financial Assurance Trust Fund. Exide has paid \$8.25 million into the fund to date. Future payments of \$6.5 million are due (\$3.25 million in November of 2017 and \$3.25 million in March of 2018).

Chair Kracov asked why financial assurances from Exide only total \$26 million when the order requires the company to pay for closure costs estimated to be \$38.6 million. Director Lee responded that the \$26 million was mandated by the bankruptcy court and this estimate was conservative in order to try recuperate expenses from Exide that were deemed "reasonable," considering that Exide was declaring bankruptcy.

DTSC Hazardous Waste Management Program Supervising Scientist Suhasini Patel next discussed the Exide closure process. Exide submitted a draft closure plan in May of 2015 that addresses potential impacts from the facility and excludes areas included in 2002 order. Phase I of the draft plan includes: (1) removal of hazardous waste inventory; (2) decontamination, removal, and disposition of hazardous waste management units; and (3) preventing fugitive emissions and complying with air quality standards. Phase II involves: (1) foundation and (2) soil removal based on Phase I data and post-closure permit application, if necessary. We are half way through Phase I.

Chair Kracov asked what program at DTSC is responsible for the closure plan. Ms. Patel responded that it falls under the Permitting Program.

Chair Kracov asked what is going on with the 2002 corrective order. Ms. Patel responded that DTSC has been doing investigations to determine contamination levels.

Chair Kracov asked what will be the outcome. Ms. Patel responded that there would be a remedy and corrective action. Discussion followed about remedy deadline dates.

Chair Kracov asked if there would be a separate CEQA doc in 2017 during the remedy selection process. Ms. Patel responded in the affirmative.

Ms. Patel next explained that DTSC will make a decision on method of removing lead from kettles based on public comments. There are 13, each about 2 stories tall. Some are too heavy to move as a whole. Those kettles may be melted down and then removed. DTSC evaluated other methods of dealing with the heavy kettles, but there are problems with those methods. Although other options are better for air quality and greenhouse gasses, DTSC will make a decision based on sound science. The comment period on the draft closure plan has been extended to March 28, 2016. Comments must be in writing and submitted to Wayne.Lorentzen@dtsc.ca.gov on DTSC's website. Based on comments, DTSC will issue a final closure plan and environmental impact report. Exide is required to implement the approved plan within 30 days of approval. Ms. Patel explained that while corrective action and closure are separate processes, they are interrelated and, with Exide, are running concurrently.

Chair Kracov asked if the South Coast Air Quality Management District (SCAQMD) is involved. Ms. Patel responded in the affirmative.

DTSC Special Assistant for Program Review Terri Hardy addressed the department's commitments during the facility closure process. She said DTSC is committed to safeguarding the community, protecting the environment, engaging the community, and partnering with SCAQMD to ensure the control of air emissions. Extensive precautions will be taken to prevent release of contamination. DTSC has been reaching out to the community.

Panel Member Campbell asked Ms. Patel to clarify if Phase 1 will take 30 months. Ms. Patel responded in the affirmative.

Panel Member Campbell asked how DTSC will evaluate the closure effort. Ms. Hardy responded that DTSC will make sure that the closure effort will not contribute further to contamination by using negative pressure methodology to inhibit escape and further pollution.

Chair Kracov asked IRP support staff to look at the two bankruptcy orders and report on dates mentioned in them up to 2018 at least.

Ms. Patel emphasized that Exide will held responsible. DTSC Interim Chief Counsel Frances McChesney added that the department also will be looking at others who may be responsible.

Chair Kracov asked who at DTSC is managing/monitoring Exide closure and corrective actions. Ms. Patel said she is in the Hazardous Waste Unit in Permitting and that her sole responsibility is the Exide facility.

Chair Kracov adjourned the meeting for lunch at approximately 12 noon and reconvened the meeting at 1:30 p.m.

Ms. Hardy and Ray Leclerc, DTSC division chief, Brownfields & Environmental Restoration Program, next addressed residential cleanup in the area of the Exide facility. They pointed out that there are two initial assessment areas: Boyle Heights and Maywood. Of the 219 properties in those areas, 195 provided access for sampling, 186 have been cleaned up, six declined cleanup, and three did not require cleanup. In the expanded area, DTSC ordered Exide to determine the extent of its contamination. Initial testing on 146 residential properties was completed in April 2015 and shared with the public in May 2015. Additional testing was done along dominant wind directions up to 4.5 miles away. The assessment of the expanded testing analysis was completed in July 2015. It showed that a 1.7-mile area including about 10,000 homes may be contaminated. At this time DTSC does not know how many homes will require cleanup, but is committed to testing and prioritizing.

Ms. Hardy said the Administration augmented DTSC's budget by \$7 million in August of 2015 to test up to 1500 residential properties in the Preliminary Area of Investigation and clean up most of the contaminated properties. In November of 2015 DTSC met with the Advisory Group to draft a method for prioritizing properties and a plan for cleaning the highest priority properties. The Advisory group's comments are reflected in the finalized method and plan. Near-term cleanup includes 50 priority properties in the expanded area and environmental review. The next phase of testing includes plans for testing all homes in the 1.7-mile radius. It was finalized in November of 2015, and testing began immediately. There are 760 access agreements in place.

Ms. Hardy then showed portion of a video that shows how the testing and decontamination process works in the community.

Mr. Leclerc did a demonstration of how sampling is done for lead in soil. He said they can do 6 homes a day in dry weather. Two homes are cleaned up a week by DTSC contractors.

Panel Member Campbell asked how priorities are determined. Mr. Leclerc responded that priorities are determined by the amount of contamination and whether property owner is in the vulnerable population (pregnant women & children who may be more susceptible to lead-induced toxicity). A site would generally be considered a priority if soil lead levels found are 80 parts per million (ppm).

Chair Kracov asked where that number comes from. Mr. Leclerc responded that it is determined by DTSC. It is used unless the background is higher. However, the soil lead level background in the Exide area is generally less than 80 ppm.

Chair Kracov asked if it is the department's opinion that the Exide influence is 1.7 miles. Mr. Leclerc responded that the department may or may not find Priority 1 sites as they move towards the 1.7-mile line.

Mr. Leclerc said that one of the big problems is separating out Exide's contribution from other sources of lead, such as paint, gasoline prior to the 1980s, and other industries in the area. He pointed out that the department also educates residents that they could have lead paint problems on their properties. He said the plan includes cleaning the inside of homes following yard cleanup. In the past, public participation was low. DTSC is trying to emphasize how important this is and is scheduling interior cleanup at the time of yard cleanup.

Chair Kracov asked about thresholds to determine whether interior cleanups will be done. DTSC staff responded that there is no threshold. Everyone who gets soil cleaned up is offered interior cleanup.

Chair Kracov asked if attics will be addressed. Mr. Leclerc responded that they are still discussing that. They don't know yet if they are a concern.

Mr. Leclerc then discussed on-site corrective action—requirements that go beyond site closure. He began by noting that because the Exide situation is so complicated, the lines between closure and corrective action are blurred. He then talked about corrective actions. On-site corrective action includes investigation and remediation of site releases as well as removal of storm water piping and related structures. Mr. Leclerc also discussed current Resource Conservation and Recovery Act (RCRA) facility investigation efforts. Fieldwork was completed in December 2015 and draft reports are due this spring. Exide must submit a corrective measures study for soil and groundwater by December 31, 2016.

Chair Kracov asked if they also checked LA River, which is adjacent to the facility. Mr. Leclerc responded in the affirmative.

Chair Kracov asked IRP support staff to find out what the Los Angeles Regional Water Control Board has on sampling of the LA River adjacent to the Exide site.

Mr. Leclerc next discussed off-site industrial cleanup measures.

Chair Kracov asked if the \$9 million that Exide has paid has been spent and if that is all they have paid. DTSC staff responded that it has been spent and that they are working with the additional \$7 million budget augmentation. However, it will not be enough to do what they want to do.

Chair Kracov asked if DTSC is spending money on the offsite industrial cleanup. DTSC staff responded that Exide is doing so.

Chair Kracov asked who is paying for closure costs. DTSC responded that Exide is funding them.

Ms. Hardy summarized efforts to involve the public. The draft Outreach Plan has three goals: (1) inform affected communities about lead sampling, cleanup activities, and closure; (2) collaborate closely, and (3) make sure information is available. In the past year 20 meetings have taken place, tens of thousands of notices have gone out, and the Advisory Group has met eight times. They are working on access for sampling, collaborating with community leaders to share information, and revising outreach materials, among other things.

Panel Member Campbell said it is important for community residents to understand what is happening and commended DTSC for its public outreach work.

Vice Chair Vizzier asked for more information about the relationship between lead sampling results and area location. Mr. Leclerc responded that it is not easy to create an isomap. DTSC believes Exide's responsibility extends 1.7 miles, but there are uncertainties. They did find lead above 80 ppm at more than 1.7 miles. Ms. Patel said that while they did find lead contamination of more than 80 ppm outside the 1.7-mile area, they are not seeing a simple pattern. It is complicated. There are many other causes of lead in the environment. There is no simple answer.

Vice Chair Vizzier asked if blood samples are being taken. Ms. Patel responded that the LA Department of Public Health is doing that. DTSC doesn't have access to a lot of bio-data, but is working on it. They are not finding much that is alarming, but are just at a beginning phase of bio-data analysis. There are two cases of children with high levels. Blood testing is free and gaining momentum.

Chair Kracov noted that six soil samplings can be done in a day, that 500 have been done so far, and that 10,000 may be necessary. He asked how long this will take. Mr. Leclerc responded that it will take longer than this year.

Chair Kracov told DTSC staff members present that everyone is counting on them and to keep at it. Hopefully the Panel can be a help to DTSC.

Public comment:

The following Exide representatives made a presentation to the Panel: Randolph Visser, John Hogarth, Paul Stratman, Tom Strang, and Gene Erbin. A Power Point version of the presentation is available on the IRP website at <https://www.dtsc.ca.gov/GetInvolved/ReviewPanel/upload/IRP-PP-Presentation-021016-meeting.pdf>

According to the presentation, Exide acquired the Vernon site in 2000. The facility is closed and will not re-open. The closure plan, which is currently under DTSC review, has two phases. Phase I, which addresses the buildings, is expected to take up to 26 months. Phase II, which involves the in-ground work, is expected to take up to 30 months. Phase II will begin before Phase I is completed. Exide has made a financial assurance commitment of \$38.7 million for facility closure and \$14 million for off-site residential sampling and cleanup pursuant to the November 2014 order. In addition, Exide is funding a blood-testing program (\$856,000 spent in the past two years), paying the costs of DTSC oversight (\$2.4 million), paying the costs of SCAQMD dust mitigation monitoring (\$1.4 million), and engaging experts to design the facility's closure and corrective action plans. Post-closure activities include deed notice for nonresidential standards and capping, monitoring, and maintenance for the capping remedy if it is utilized.

Corrective action includes addressing pre-Resource Conservation and Recovery Act (RCRA) impacts and actions required by the 2002 Corrective Action Consent Order. The latter covers on-site contamination, off-site residential and nonresidential contamination, and groundwater contamination. There are two residential corrective action assessment areas: northern and southern. Soil sampling in those areas so far does not show a clear pattern. Exide agreed to remediate properties with lead contamination above 80 mg/kg once sampling was done. 414 properties have agreed to participate, and 186 have been remediated since November 2014 at a cost of \$9 million. Sampling also has been completed in the expanded area. A soil lead study by Mitchell Small, Ph.D., found that the Exide facility's potential impact above background is confined to the industrial area. The threshold distance at which results become indistinguishable from background ranged from 1000 feet to 3,900 feet. The presentation concluded that Exide is in compliance with all of its closure, remedial, and financial obligations.

Chair Kracov asked who did the soil sampling. The Exide presenters responded that this work is contracted out. Once they do sampling, they remediate every home with over 80 ppm.

Vice Chair Vizzier asked about the duration of long-term maintenance. The Exide presenters responded that 30 years is the assumption.

Panel Member Campbell expressed concerns about the sampling procedures. The Exide presenters responded that the sampling is done in a consistent manner.

Chair Kracov asked the presenters about their understanding of Exide's liability for residential offsite correction. The Exide presenters responded that they stand by the conclusions of Professor Small's study.

Panel Member Campbell asked if Professor Small's study delved into the form of lead that Exide produced. The Exide presenters responded that lead batteries have many different kinds of lead in them. They also pointed out that there also were other lead smelters in the vicinity as well as paint production. It is a complicated situation. Panel Member Campbell responded that she would like to do some of her own research on this subject.

Chair Kracov asked if there is a chance of accelerating payments that are due for residential offsite. The Exide representatives responded in the negative.

Other Public Comment by email:

Xonia Villeanueva of Concerned Neighbors of Wildomar and a People's Senate member said it would be helpful to know where the soil samples from Long Beach were obtained that were used for comparison to Exide soil.

10. Organizational, Operational, and Administrative Matters

The Panel discussed the second draft of the IRP Work Plan for 2016-17 and made suggestions for a third draft. Among other things, they agreed that the work plan should include specific meeting dates, devote meetings to specific topics while at the same time keeping the flexibility to address other topics at those meetings, add Site Reduction as a meeting topic, and include a review of compliance with previous IRP recommendations.

Chair Kracov asked legal counsel if staff can circulate the draft to IRP members and finalize the document according to their comments, as long as staff does not share comments made by Panel members with other Panel members. Deborah Barnes responded in the affirmative.

Chair Kracov instructed support staff to finalize the document accordingly.

Public comment:

Ms. Brostrom suggested the IRP address Site Mitigation before the other topics, address issues that require legislation first, and incorporate the People’s Senate recommendations into the work plan.

Ms. McChesney said that if the IRP moves Site Mitigation up on the calendar, DTSC staff may not be able to provide the Panel with necessary information. Chair Kracov suggested the IRP leave in-depth discussion of Site Mitigation for next year but understand they have the ability to discuss this topic at any time.

The Panel then discussed the second draft of the IRP Authority, Composition, and Meeting Procedures and made suggestions for a third draft. Among other things, a separate section should be created for Bagley-Keene Open Meeting Act issues, email contact information should be added for Panel members and support staff, a section should be added on ex-parte communications, information in the meeting reports section should be clarified, and a five-minutes maximum should be allowed for public comments.

Chair Kracov instructed support staff to finalize the document.

11. IRP Reporting Requirements

The IRP postponed discussion on draft Site Mitigation recommendations until the following meeting.

12. Future Meeting Schedule and Agenda Items

Chair Kracov said the next meeting will take place on March 9, 2016 and will include agenda items on Fi\$cal, Site Mitigation, and Permitting.

13. Closed Session

There was no Closed Session.

14. Reconvene and Report Out on Closed Session

There was no need to report on Closed Session.

15. Adjournment

Chair Kracov adjourned the meeting at 5:02 p.m.