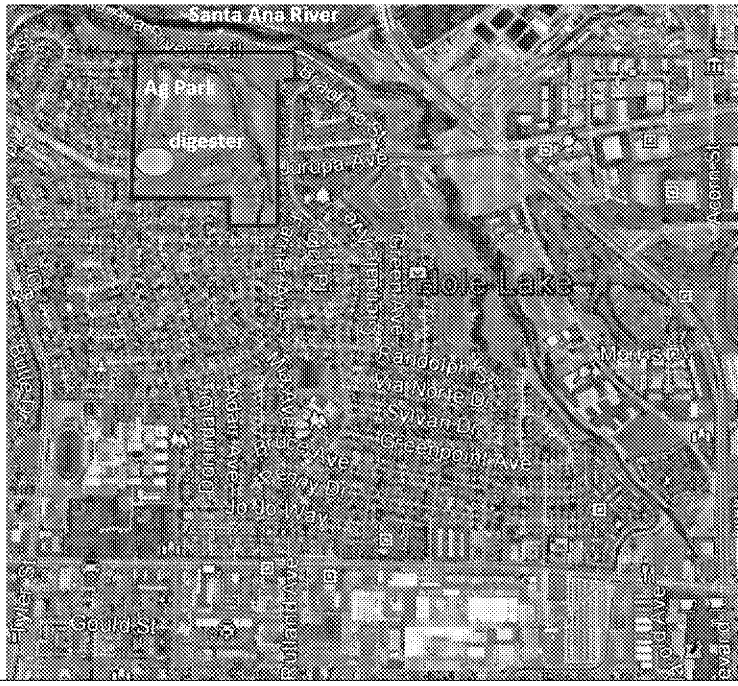

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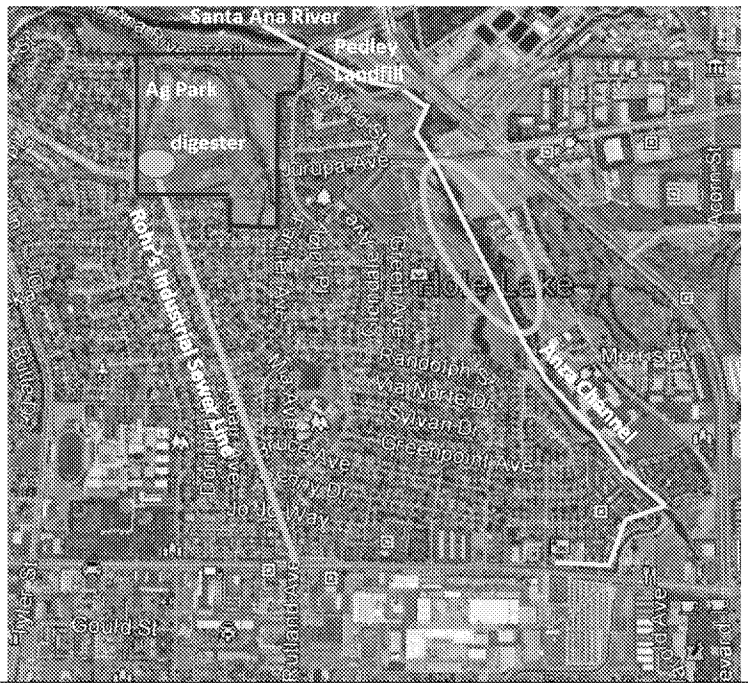
Santa Ana River
Pedley Landfill
Ag Park
digester
Jurupa Ave
Hole Lake
Randolph St
Via Norte Dr
Sylvan Dr
Greenpoint Ave
Bruce Ave
Jo Jo Way
Gould St
Rutland Ave
Acorn St
Morris Pl

Santa Ana River
Pedley Landfill
Ag Park
digester
Jurupa Ave
Hole Lake
Industrial Sewer Line
Randolph St
Via Norte Dr
Sylvan Dr
Greenpoint Ave
Jo Jo Way
Gould St
Tyler St
Rutland Ave
Acorn St
Morris Ct


Santa Ana River
Pedley Landfill
Ag Park
digester
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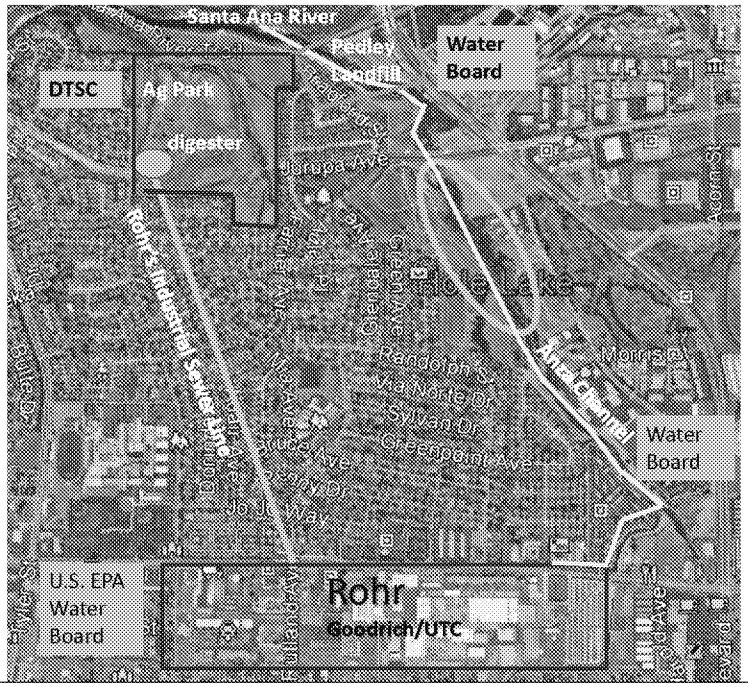

Santa Ana River
Pedley Landfill
Water Board
DTSC
Ag Park
digester
Jurupa Ave
Rohr's Industrial Sewer Line
Hole Lake
Randolph Dr
Via Norte Dr
Sylvan Dr
Greenpoint Ave
Ana Channel
Water Board
U.S. EPA Water Board
Rohr
Goodrich/UTC

Recommendations

- **Change DTSC into Board Structure**
  - Provide a public forum, transparency, accountability
- **Internal Affairs –**
  - investigate (including criminal investigations) when DTSC staff are negligent and not doing their jobs.
- **Scientific Review Panel –**
  - DTSC would need to appear before the Panel and defend their approach to cleanups
- **Set Minimal Cleanup Levels – OEHHA**
  - Currently cleanup levels are determined arbitrarily by the Project Manager. If you get a good project manager you get a good cleanup level; if you get a bad project manager you're screwed.
- **Institute Enforceable Agreements**
  - Currently the Dept. uses contracts with the polluters for oversight. Staff views the polluter as the client instead of the public. And it limits the scope of oversight of that contract.
- **Community Involvement – Ombudsman**
  - Located within CalEPA there needs to be someone to advocate for the community that isn't caught in the internal politics of the Department.

Recommendations

- Change DTSC into Board Structure (similar to ARB)
  - Right now there is no transparency to decision made by DTSC.
  - Everything decision is made in house and out of the public view.
  - Provide a public forum, transparency, accountability
  - An independent Board made up of government appointees and hopefully, with two EJ seats will open the process, build more confidence in decision-making and force accountability.

Recommendations

- Create a Scientific Review Panel –
  - Currently cleanup plans are developed arbitrarily. Either the polluter develops the plan and DTSC staff approve it or DTSC develops the plan. There is no set standard or vigorous debate on the clean up plans.
  - This action would create a process whereby DTSC staff would need to appear before the Panel and defend their approach to cleanups (Peer Review Process).

Recommendations

Set Minimal Cleanup Levels – OEHHA

- Allow Office of Environmental Health Hazard Assessment (OEHHA) set cleanup standards using a rigorous scientific approach

  - Currently cleanup levels are determined arbitrarily by the Project Manager. If you get a good project manager you get a good cleanup level; if you get a bad project manager you're screwed.

  - For example, the cleanup standard set for Ag Park is .22kg/mg while OEHHA's CHHSLs for PCBs in soil and soil gas is 0.089mg/kg

    DTSC is basing their standard on cancer risk ignoring that PCBs are endocrine disrupting compounds and that IRAC has set PCBs as a Class I Known Carcinogin. They also calculate on current time instead of past exposures.

Recommendations

- **Institute Enforceable Agreements**
  - Currently the Dept. uses contracts with the polluters for oversight. Staff views the polluter as the client instead of the public. And it limits the scope of oversight of that contract.

Recommendations

- **Community Involvement – Ombudsman**
  - Located within CalEPA there needs to be someone to advocate for the community that isn't caught in the internal politics of the Department.
  - Advisory Committees – partnerships where discussions take place in open, public forums. Stringfellow Advisory Committee is a perfect example.
  - Access to all information

Recommendations

- Create Internal Affairs –
  - Section (maybe within CalEPA) charged with investigating actions of DTSC staff when there is an appearance of legal negligent and the appearance of unethical practices.
    - Racists emails
    - Declaring “no further action required” when the site clearly is not cleaned.

Recommendations on Ag Park

- Inadequate air monitoring – not enough monitors around the site; Action Level (point at which action must to taken to stop dust- whether watering the site or shutting down all activity) is too high;
- Inadequate testing and identification of all chemicals of concern (dioxin, furans, perchlorate, etc.)
- Inadequate testing to depth of soil (have only tested "shallow" - 3 feet - areas)
- Inadequate and protective clean up levels at the site; without consulting OEHHA. DTSC is using .22mg/kg while OEHHA has set 0.089mg/kg clean up level for PCBs in soil.
- Inadequate requirements for public disclosure, and
- No testing of residents' yards and homes. DTSC is "modeling" to see where they should test! We believe they should test homes adjacent to the site – period.

No testing of residents' yards and homes. DTSC is "modeling" to see where they should test! We believe they should test homes adjacent to the site – period.

Comparisons between
Fieldstone Property and Ag Park

SITE	SIZE	CHEMICALS OF CONCERN	Homes near site	Year of discovery of site	Time to test Homes	Highest readings	Median household income	ETHNICITY
FIELDSTONE PROPERTY	42 ACRES	PCBs	1 SIDE	JUNE 2002	1 MONTH	3,220 PPM	$81,389	78% WHITE
AG PARK	62 ACRES	PCBs	3 SIDES	JUNE 2003	13 YEARS AND STILL WAITING	4,930 PPM	$47,476	75% LATINO

Inadequate air monitoring – not enough monitors around the site; Action Level (point at which action must to taken to stop dust- whether watering the site or shutting down all activity) is too high;

AIR MONITORING DEMANDS

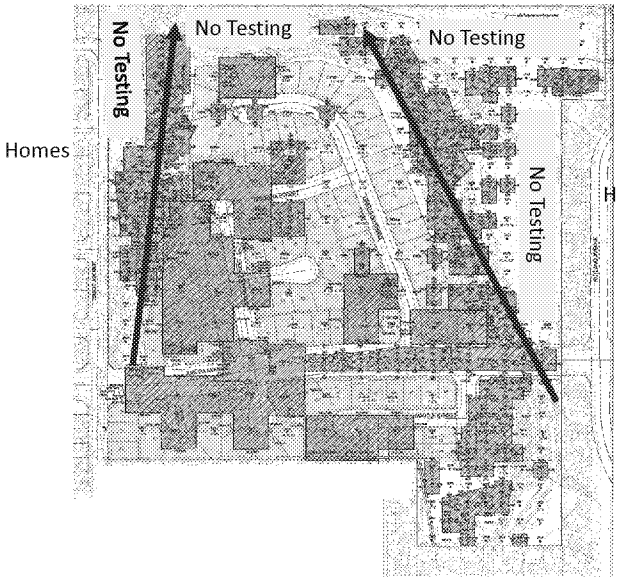
- Lower Action Level (7 mg/kg not 50 mg/kg)
- Industrial Hygienist on site with authority to shut down work
- Monitors around the site not just on two sides
- 24-hour monitoring, not just when work in taking place.
- Testing for chemicals as well as dust.

DUST MONITORING LOG
COX PROPERTIES – AG PARK
RIVERSIDE, CA

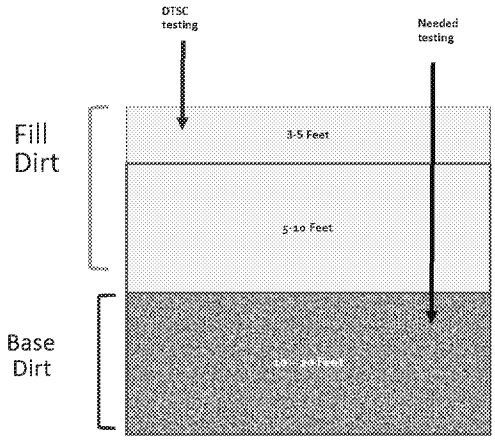
DATE	Wind Direction	UPWIND (ug/m³)				DOWNWIND (ug/m³)				Δ	CHAR.
		Tag	Time	Cox	Speed	Tag	Time	Cox	Speed		
10/23/13	S	51	1721	338.9	1.8	73	1926	152.9	1.0	185.5	FOG
	SE	51	1820	362.8	1.4	73	0825	141.9	0.9	220.9	FOG
	SE	51	1720	368.4	0.7	73	0925	115.7	1.4	130.7	FOG
	SE	51	1820	324.7	1.4	73	1025	123.8	0.5	190.9	FOG
	SE	51	1120	340.5	4.9	73	1125	130.7	4.5	159.8	FOG
	SE	51	1220	344.1	2.7	73	1225	129.3	2.4	164.8	FOG
	SE	51	1320	357.6	1.0	73	1325	162.9	2.9	194.7	FOG
	SE	51	1420	331.2	5.2	73	1425	131.0	4.3	200.2	FOG
	SE	51	1454	345.9	4.3	73	1500	154.3	5.0	191.6	FOG
10/24/13	SE	52	0725	410.4	1.1	76	0729	184.5	1.8	225.9	FOG
	SE	52	0820	374.1	1.0	76	0825	157.4	1.9	216.7	FOG
	SE	52	0920	278.4	3.4	76	0925	124.3	2.4	154.1	FOG
	SE	52	1020	277.9	3.1	76	1025	125.6	3.0	152.3	FOG
	SE	52	1120	317.5	3.3	76	1125	146.9	3.4	170.6	FOG
	SE	52	1220	329.1	1.9	76	1225	161.1	4.3	168	FOG
	SE	52	1320	366.3	2.5	76	1329	140.0	4.0	225.2	FOG

Highlighted readings are above the 7 mg/kg set as an action level where all work would stop. More than 52 days went by above this safe reading.

Inadequate testing and identification of all chemicals of concern (dioxin, furans, perchlorate, etc.)



Inadequate testing to depth of soil (have only tested "shallow" - 3 feet - areas)



Inadequate requirements for public disclosure,

"we're concerned that the cleanup plan focuses on PCB mitigation and neglects to address both the additional contaminants of concern and the groundwater."

- *"…who in their right mind would buy the homes? We would therefore <u>not</u> be interested in the project."*

Gresham/Savage Attorneys at Law for Tate Goss, President, Viridian Partners