To: Montiel, Johanna[Johanna.Montiel@mail.house.gov]
Cc: Saldivar, Liz[Liz.Saldivar@mail.house.gov]; De La O, Irvin[Irvin.DeLaO@mail.house.gov]; Jimenez, Gemma[Gemma.Jimenez@mail.house.gov]; Keener, Bill[Keener.Bill@epa.gov]
From: Maier, Brent
Sent: Thur 2/18/2016 6:00:51 PM
Subject: RE: Follow Up Clarifications on Exide - Status

Johanna –

A quick note to let you know that we are going to need some additional time to provide you with any needed clarifications on what you shared with us. I received a message today from our Chief of Staff who participated in our last call with you, and who is out of the office on travel this week with our Regional Administrator indicating that she would like some time to review our draft clarifications and asked that I let you know that we now expect to send our response to you sometime early next week. I apologize in advance for the delay in getting this to you, but will follow up as soon as I can next week. Thanks.

Regards,

Brent Maier

Congressional Liaison

U.S. Environmental Protection Agency, Region IX

75 Hawthorne St. (OPA-3)

San Francisco, CA 94105

Ph: 415.947.4256

From: Maier, Brent
Sent: Friday, February 12, 2016 4:06 PM
To: 'Montiel, Johanna' <Johanna.Montiel@mail.house.gov>
Cc: 'Saldivar, Liz' <Liz.Saldivar@mail.house.gov>; 'De La O, Irvin' <Irvin.DeLaO@mail.house.gov>; 'Jimenez, Gemma' <Gemma.Jimenez@mail.house.gov>
Subject: RE: 2/11/16 Call w/ EPA

Johanna –

Just a quick note update you on the status of our review of the summary you provided and your request that we provide any needed clarifications. As I mentioned earlier, I have shared with my colleagues and with this being Friday, some folks are out of the office, so we will need a some additional time to track down some needed technical information, but do hope to follow up with you on Tuesday or Wednesday of next week following the federal holiday on Monday. Thanks for your patience while we review what you provided.

Regards,

Brent Maier

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Ph: 415.947.4256

From: Maier, Brent
Sent: Friday, February 12, 2016 9:12 AM
To: 'Montiel, Johanna' <Johanna.Montiel@mail.house.gov>
Cc: Saldivar, Liz <Liz.Saldivar@mail.house.gov>; De La O, Irvin <Irvin.DeLaO@mail.house.gov>; Jimenez, Gemma <Gemma.Jimenez@mail.house.gov>
Subject: RE: 2/11/16 Call w/ EPA

Johanna –

Thanks for your message and I have shared with my colleagues who joined me on yesterday's call for their review and to see if they have anything from your notes that they wish to clarify. I will follow up with you once I hear back from my colleagues. Thanks.

Brent Maier

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From: Montiel, Johanna [mailto:Johanna.Montiel@mail.house.gov]
Sent: Thursday, February 11, 2016 5:11 PM
To: Maier, Brent <Maier.Brent@epa.gov>
Cc: Saldivar, Liz <Liz.Saldivar@mail.house.gov>; De La O, Irvin <Irvin.DeLaO@mail.house.gov>; Jimenez, Gemma <Gemma.Jimenez@mail.house.gov>
Subject: 2/11/16 Call w/ EPA

Hi Brent,

Again, thank you for putting together todays call and taking the time clarify a lot of the questions we had. I am sending this e-mail to summarize what was discussed, and please let me know if I misunderstood anything.

•□□□□□□□□ EPA has been playing an advisory role to DTSC when they request technical assistance in understanding best practices.

•□□□□□□□□ However, there is a non-prosecution agreement between DOJ, U.S. EPA, DTSC, and Exide, where U.S. EPA has no regulatory role and that role has been delegated to the state of

California.

•□□□□□□□□ EPA's policy/standards that would trigger a clean-up in a residential yard is if the testing is above 400 ppm and in industrial areas would be if it is above 1,200 ppm.

•□□□□□□□□ But, the state of California's standard to trigger a clean-up at a residential yard is at above 80 ppm.

•□□□□□□□□ Right now there is no specific pace at which Region IX EPA is recommending DTSC can take.

•□□□□□□□□ On steps EPA discussed to deny a RCRA permit to DTSC (state of CA?) were unclear because EPA felt the authority to do that were unclear under federal and state laws.

•□□□□□□□□ Apart from the soil risk-management standard at 400 ppm, there is no standard in soil that EPA has that would trigger an emergency evacuation

o However, there have been instances where EPA has had people relocate based on a combination of many things such as the level of lead contamination in the home and if there is clear evidence that an individual has lead poisoning.

A question I have, and maybe someone who better understands the agreement might be able to answer. In a case like this, if the state fails to effectively enforce the agreement, would there be any EPA involvement? Would they have a role?

I hope to hear from you soon.

Best,

Johanna

Johanna Montiel| Legislative Correspondent

Rep. Xavier Becerra (CA-34), Chairman of the House Democratic Caucus

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Sign up for email updates from Congressman Becerra.