

From: Liza Tucker [<mailto:liza@consumerwatchdog.org>]

Sent: Thursday, September 25, 2014 2:54 PM

To: McKinney, Shannon

Subject: If your Chair is really interested in cleaning up orphan sites

He should ask why the DTSC does not enforce the environmental laws in this state.

If DTSC levied appropriate fines--as much as \$25,000 per day per violation--they would replenish that fund in a heartbeat.

That is the way the orphan fund gets its money.

He should ask how much is in it at this time.

Furthermore, they do not demand enough assurance up front of financial responsibility--they allowed Exide to put up \$10 million.

The proper closure, cleanup and securing of the site, plus maintenance for a minimum of 30 years, not to mention 400 houses to be cleaned up, would total up to \$200 million. But they will never get that. This should be a scandal of monumental proportions, but is overlooked.

Likewise, state statute, which I am happy to show you, does allow DTSC to order assurance of financial responsibility at the time they order a corrective action. They claim they cannot, which is patently untrue on its face, and that it is too hard to estimate how much to ask for until studies have been done. Those studies stretch out for decades and nothing is done. DTSC knows perfectly well and can estimate what sort of remedy needs to be implemented at these sites, and they can easily ask for a ballpark figure up front. They could reimburse the company later if it managed to spend less to perform a corrective action.

He might ask how much total assurance of financial responsibility DTSC has demanded--in aggregate--from more than 100 permitted facilities.

You would be doing a public service if you informed the Assemblymen of these facts and they used them to ask questions.

All the Best, Liza

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