

**CLEANUP FUND TASK FORCE
MINUTES OF OCTOBER 19, 2009 MEETING**

Members present:

Barbara Dunn
Rich Premzic
Zack Moran
Deborah Lichtenberger
David Arrieta
Nick Bokides
Julie Thompson
Steve Goldberg
Jim Arnold
Eric Swenson (by phone)
Markus Niebanck
Charles Ice

Members absent: Ron Chinn, Jerry Piritz

Alternates present: Dwayne Ziegler, Nicole Gleason

Alternates absent: David Zedrick, Hans Herb, Mark Magargee, Misty Kaltreider

State Water Board staff present: Dave Charter, Allan Patton, Ron Duff, Selica Potter, Toru Okamoto, Jennifer Nitta

AGENDA ITEMS

Orders of business

1. Minutes from 10/1/09 meeting were approved by the task force members.

Morning session

1. Staff informed the task force that staff is drafting a proposal to present to the Board on November 17 addressing all items in the Short Term Recommendations Letter except Health and Safety Code section 25296.25 subpart C. This will not be addressed because most groundwater impact cases would qualify as "emergencies" and thereby invalidate the intent of section 25296.25 subpart C.
2. The task force discussed AB 1188 which has passed the Senate.
3. The task force discussed items the USTCF could provide to facilitate bridge financing. Barbara Dunn will work on collecting information between meetings.
4. An update on the DWQ task force was provided to the USTCF task force.

Afternoon session

1. Long term recommendations were discussed. The topics included:
 - Capping claims/LOC's at seven years
 - Reducing the maximum claim liability to \$1,000,000
 - A "team approach" whereby consultants, the USTCF and regulatory agencies approach cases to leverage collaboration
 - LOP/Regional Boards performance metrics and consequences for poor performance
 - Preapproval process applied to longer case time frames; one to three years
 - Implementing motivational measures such as:
 - Payment of 30% of major project stages (such as remediation) up front and paying the balance upon completion;
 - Holding five to ten percent of reimbursement in retention to be paid out upon completion of assessment, cleanup and closure; and,
 - Increasing the deductible
2. The task force formed subcommittees to advance discussion of the following topics:
 - Bridge financing
 - A team approach to cases involving consultants, the USTCF and regulators
 - A committee to discuss the issues listed in 1) above.

Agenda for November 3, 2009 Task Force Meeting

1. Questions and answers with BOE staff
2. Report from subcommittees –
 - a. Financing Committee – Barbara Dunn, Dwayne Ziegler, Markus Niebanck, Julie Thompson
 - b. Regulatory Committee – Eric Swenson, Dwayne Ziegler, Rich Premzic, Deborah Lichtenberger
 - c. Subcommittee – Markus Niebanck, Zack Moran, Nick Botke, Steve Goldberg, Charles Ice
3. Discussion of USTCF processes and procedures for long term recommendations action.