

CLEANUP FUND TASK FORCE  
MINUTES OF JULY 15, 2009 MEETING

Members present:

Barbara Dunn  
Ron Chinn  
Zack Moran  
Deborah Lichtenberger  
David Arrieta  
Nick Bokides  
Julie Thompson  
Jerry Piritz  
Steve Goldberg  
Jim Arnold  
Markus Niebanck  
Charles Ice

Members absent: Rich Premzic, Dan Johnson, Eric Swenson

Alternates present: Dwayne Ziegler, Mark Magargee, Nicole Gleason

Alternates absent: David Zedrick, Hans Herb, Misty Kaltreider

**AGENDA ITEMS**

Administrative issues:

1. Structure of meetings: Markus Niebanck was elected chair and Julie Thompson was elected vice-chair.
2. Use of facilitator for future meetings: The decision was made to accept USEPA's offer to provide a contract facilitator(s) to help with future meetings. The same facilitators that are working with DWQ's task force are preferred, so there would be a good overall understanding of the issues that overlap with both task forces. However, in recognition of the organizational/purpose differences between the groups, the role of the facilitators for this Task Force are expected to be different than for the DWQ's Task Force, and include note-taking, keeping the group on track, time management, etc. A determination of facilitator need/nature would be an order of business for the August 3 Task Force meeting.
3. Formation of meeting rules: Not a lot of discussion other than the meetings will be run professionally and the members will be courteous and respectful of each other's positions.
4. Role of DFA and USEPA:

- Neither agency will be a voting member of the task force. Pursuant to the Board resolution, the task force is responsible for making recommendations to the Board.
- State and Regional Board staff and USEPA will be resources for the task force by providing information, data and insight into current processes, procedures and the current status of the Fund, and will help to coordinate the meetings.

5. Meeting schedules/locations:

- It was decided to keep the previously proposed meeting dates of 8/3, 8/17, 9/2, 9/16, 10/1, and 10/19. Future meetings will continue about every two weeks.
- Comments were made that it would be a good idea to have some of the meetings in Southern CA. There was concern expressed that the So. CA agencies are underrepresented on the task force as well as the public. If we had some meetings in So. CA, the public in that area could participate (better representation).
- It was decided to have the 9/16 meeting in So. CA (location to be determined).
- We should try to coordinate our meetings with the DWQ task force by having the meetings on consecutive days, for consistency purposes and the convenience of the members who are on both task forces.
- The 8/3 meeting will also be teleconferenced at the Solano and Merced LOP offices. The task force members from these two LOP agencies are not able to travel outside their county at the present time so we decided to have a teleconference location at their offices and will include the locations in the public notice. Future meetings will be handled similarly if travel is still prohibited.

6. Role of Alternates:

- Alternates will rotate taking minutes of the meetings.
- If a task force member knows he/she can't attend a meeting, they will contact an alternate to fill in for them (and casting a vote on decisions).

Objectives:

1. Task Force members were in agreement that their shared priority was working to help restore the USTCF to good fiscal health – to ensure going forward a Fund that would predictably and reliably be available to reimburse claimant corrective action costs. All agreed that our work should also be geared to ensure that the complications currently experienced would not occur again somewhere down the road. The Task Force agreed that it was important to gain a complete understanding of the problem so as to not make recommendations for change based solely on symptoms.

2. Recommendations for the Audit (program and financial) were discussed. See attached Program Audit and Financial Audit comments that were captured on the flip charts.

#### Presentation by Payments Unit:

1. The latest payment projections were presented and are attached.
2. Overview of payment process was tabled for a later meeting.
3. Bridge financing: The Fund is working with legal counsel on finalizing the procedures/forms necessary to allow NatLUST to offer this service to claimants. NatLUST is concurrently working to secure financing. This may be delayed due to the current economic situation and the banks' reluctance to provide funds.

#### General Outline for Next Meeting

We discussed the pressing need of reimbursement program-related issues and how this need could shape our work. The immediate term nature of some issues (as compared to structural longer term) was discussed, and agreement reached relative to a portion of the next meeting being dedicated to working with priority short-term issues. A general outline of the next meeting follows:

#### **MORNING**

- Meeting structure overview and administration issues; introduction of facilitators and discussion of their role (15 minutes)
- Cash flow – presentation by Payments Unit staff (1 hour or more)
- Short/long term issues (1 hour) – with the help of our facilitators, record task force member's views on short and long term issues for attention/examination/recommendation.
- Audit recommendations (1 hour or less)

#### **AFTERNOON**

If morning work is concluded, begin work on immediate-term issues. Three that were identified as candidates for attention at the next meeting are:

- Unsuspension of Letters of Commitment
- Maintenance fee increase
- Bridge financing status

Meeting conclusion – administrative business. Review and confirmation (or modification) of role of facilitators (15 minutes)