

From: [Phil Chandler](#)
To: [DTSCPublicMeeting@DTSC](#)
Cc: [Singh, Mike@DTSC](#); [Rohlfes, Larry@DTSC](#)
Subject: POST-CLOSURE PERIOD AND FINANCIAL ASSURANCE
Date: Tuesday, October 11, 2016 2:51:14 PM
Attachments: [BKK Clip.docx](#)

I request that the IRP require DTSC to prepare, if it has not already done so, a rationale for its longtime failure to extend Assurance of Financial Responsibility (AFR) for post-closure care to address the amount of time that post-closure care must be provided. For example, it is unreasonable to bury lead in a landfill and require only 30 years post-closure care---that lead will be there much longer than 30-years. Please note that Exide has a lead slag landfill smack in the middle of Los Angeles---very unlikely to dig this up and haul away. Yes, this will be addressed in Corrective Action but the same bad "policy" is applied by DTSC there as well. Whether corrective action or post-closure care, the lead does not vanish in 30 years. For years, DTSC has systematically underfunded AFR for most facilities that it regulates by applying the "30-year rule". Please require DTSC to address changing its de facto policy of underfunding AFR---no more Exides please. There is an attorney client privilege claim on part of a 1999 e-mail exchange but this clipped piece is a direct instruction to me from my boss to ignore the fact that BKK should require post-closure AFR for over a hundred years or more and to merely require 30 years. Of course BKK bailed and put up nothing more than they had 17 years or so earlier. Phil

From: Jose Kou
To: Mike Shepard, Phil Blum, Phil Chandler
Date: 10/25/99 11:06AM
Subject: Fwd: Post-closure financial assurance

Phil, the response answers my questions. Please file a copy of Mike Shephard's Groupwise note in the Confidential Fileroom file for BKK since it is a confidential Attorney-Client Communication document. Ask Jesus Sotelo to develop a 30 year post-closure cost estimate from the date of post closure permit issuance. Thanks.