



**Matthew Rodriguez**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

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**Edmund G. Brown Jr.**  
Governor

To All Interested Parties:

The Department of Toxic Substances Control (DTSC) will hold a public workshop to solicit input on regulatory concepts for implementation of:

### SENATE BILL (SB) 673 - PERMIT DECISION CRITERIA

The workshop will be held at the following time and place:

**Date:** December 14, 2016  
**Time:** 9:00 am – 12:30 pm (PST)  
**Location:** Byron Sher Hearing Room  
Joe Serna Jr. Cal/EPA Headquarters Building  
1001 I Street, 2nd Floor  
Sacramento, California 95812

Note: Visitors must check in with security upon entering the Cal/EPA building.

The SB 673 (2015) (Health and Safety Code section 25200.21 et seq.) law requires DTSC to consider various criteria when adopting new or revised regulations related to DTSC's permitting program. During the workshop, DTSC representatives will summarize the issues to be discussed regarding the regulations DTSC is preparing to draft. After the short presentation, DTSC will solicit comments and suggestions from workshop attendees. Below is a brief description of the background on the issues. DTSC anticipates there may be a need to hold additional focused workshops on the topics identified in this announcement.

### WEBCASTING

If you are unable to attend, the workshop may be monitored live via audio webcast. The broadcast link will be available on the Cal/EPA website at: <http://www.calepa.ca.gov/broadcast/>. Questions and comments may be submitted in real time by sending an e-mail to: [byronsherrm@calepa.ca.gov](mailto:byronsherrm@calepa.ca.gov). DTSC staff will monitor e-mails and, as time allows, read them aloud. All questions and comments submitted via e-mail will be considered in DTSC's future actions.

\*\*\* This e-mail address is valid only for the duration of the workshop; all other correspondence should be made in accordance with the contact information listed at the end of this notice.

## TRAVEL INFORMATION

Travel information is available at <http://www.calepa.ca.gov/EPAbldg/Location.htm>.

## ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this workshop, please contact Evelia Rodriguez at (916) 327-6104 or [erodrigu@dtsc.ca.gov](mailto:erodrigu@dtsc.ca.gov). Notification 48 hours prior to the workshop will enable staff to make reasonable arrangements to ensure accessibility to this workshop. Hearing-impaired individuals can obtain information by using the California State Relay Service at (888) 877-5378 (TDD).

## TRANSLATION

The workshop notice has been translated into Spanish and posted on DTSC's regulations website at <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm>. Printed copies are available at the workshop. DTSC may hire a translator to be present at the workshop to translate presentations and discussions spontaneously into Spanish. To request a translator, contact Evelia Rodriguez at (916) 327-6104 or [erodrigu@dtsc.ca.gov](mailto:erodrigu@dtsc.ca.gov) by December 9, 2016.

## REGULATIONS MAILING LIST

To receive future notices and information by email on proposals for these regulations, you may subscribe to the EList at <https://www.dtsc.ca.gov/ContactDTSC/ELists.cfm>.

## BACKGROUND:

DTSC has the primary oversight over the regulation of hazardous waste in California, including the permitting of hazardous waste facilities. DTSC reviews permit applications to ensure the safe design and operation of these facilities. The review may result in either an approval or denial of the application. Furthermore, DTSC may deny, suspend or revoke any permit for violations or noncompliance with applicable hazardous waste laws.

The purpose of SB 673 (2015) is to establish additional decision criteria for proposed hazardous waste facilities. These criteria will provide an additional margin of safety beyond the protection already afforded by the existing requirements in chapter 6.5 of title 22 of the California Code of Regulations.

DTSC has a strong commitment to public involvement and has decided to divide the rulemaking activities into three phases. As part of the first phase, DTSC is holding a workshop with the public, the regulated community and other interest groups regarding criteria specified in SB 673. This workshop will address regulatory concepts for 1) compliance history (Violation Scoring Procedure), 2) data for a community profile, 3) financial assurance, 4) financial responsibility, 5) training for facility personnel, and 6) a risk assessment for facility operations.

SB 673 also requires that DTSC consider criteria for vulnerable populations, cumulative impacts, and setback distances from locations for sensitive receptors, such as schools, daycare centers, and hospitals. Meaningful public participation and best available science will

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be important to the development of cumulative impact standards and policy considerations for issuance of a hazardous waste facility permit.

The Office of Environmental Health Hazard Assessment (OEHHA) has led in the development for a screening method for assessing cumulative impacts in support of the Cal/EPA Environmental Justice Action Plan. Cumulative impact assessments may be used to determine health impacts related to multiple and long-term exposures to pollutants in the community. More importantly, cumulative impact criteria will need to account for factors that disproportionately affect the susceptibility and vulnerability of minority and low income communities. DTSC will use the additional time to consider a wide range of views on establishing a process for determining cumulative impacts for permit decisions. Accordingly, DTSC is proposing to address the issues discussed in this paragraph in a later separate rulemaking package.

Another State law (Health and Safety Code section 25186.3) requires DTSC to evaluate a facility's compliance history when evaluating applications to modify or renew the permit. DTSC staff has developed a Violation Scoring Procedure (VSP) concept to make compliance evaluations more consistent, transparent and accountable. While presentations have been made to environmental justice groups, industry, and legislative staff soliciting comments on VSP, DTSC will again present this concept.

#### ISSUES:

Specific topics that DTSC would like to discuss during the workshop are:

##### Violation Scoring Procedure

Some areas for discussion:

1. The purpose of the Violations Scoring Procedure
2. Criteria used for the Violations Scoring Procedure
3. The use of compliance history as criteria for making decisions about hazardous waste facility permits

##### Community Profile Questionnaire and California Environmental Quality Act (CEQA) Information

Some areas for discussion:

1. The purpose of the community profile questionnaire
2. The purpose of CEQA information
3. The use of this information for making decisions about hazardous waste permits.

##### Financial Responsibility

Some areas for discussion:

1. Amending liability requirements for releases that happen over a long period of time (nonsudden releases). Financial coverage is mandatory for landfills and optional for treatment and storage facilities. Changing this requirement would make it mandatory for all facilities.

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2. Amending the requirements so that facilities notify DTSC when a claim is made against their liability insurance. Currently, the notification is required when a claim is paid.
3. The use of liability requirements as criteria for making decisions about hazardous waste facility permits

#### Financial Assurance

Some areas for discussion:

1. Clarifying when a facility would have to demonstrate financial assurance for corrective action. Corrective action is required when there are releases of hazardous waste that need to be cleaned up to protect people and the environment. Adjustments to the amount would be made after cost estimates are finalized.
2. The use of financial assurance for making decisions about hazardous waste facility permits.

#### Training of Facility Workers

Some areas for discussion:

1. Providing an annual certification of training that is given to workers that handle hazardous waste. Workers at hazardous waste facilities must be trained to safely handle hazardous waste and understand emergency procedures.
2. Clarifying that training must also include California Occupational Safety and Health (Cal/OSHA) and hazardous materials transportation training requirements, if applicable.
3. Clarifying initial training and any potential triggers for additional training, such as permit modifications, new equipment, updated emergency plans, etc.
4. The use of training requirements for making decisions about hazardous waste facility permits.

#### Health Risk Assessment

Some areas for discussion:

1. Requiring health risk assessments for all hazardous waste facilities. DTSC is considering a two-step approach for the risk assessment. The first step would require a screening level assessment based on a questionnaire and a conceptual site model. The second step would include a baseline analysis if the screening analysis shows that a more comprehensive study is needed.
2. The need for annual updates for the risk assessment.
3. The use of the health risk assessment for making decisions about hazardous waste permits.

It is anticipated that the workshop will follow the discussion outlined above. Go to our Web site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov) and click on the "Laws, Regs & Policies" link. Locate the "Regulation Concepts" table under the "DTSC Rulemaking" section to view the slide presentations for the workshop discussion.

Participants are encouraged to download and review these presentations prior to the workshop.

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