

Department of Toxic Substances Control

# Quarterly Public Meeting

December 10, 2014 9:00am – Noon

Sierra Room, Cal/EPA Headquarters



Department of Toxic Substances Control



Cal/EPA

# Welcome



Department of Toxic Substances Control



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# Today's Agenda

- Exide Technologies Status and Update
- Safer Consumer Products Regulation
- Cost Recovery Audit Response
- Environmental Justice at DTSC
- Enforcement Update

# To Comment

- In the auditorium:
  - Fill in Comment Card
- On-line:
  - [DTSCPublicMeeting@dtsc.ca.gov](mailto:DTSCPublicMeeting@dtsc.ca.gov)

# Exide Technologies – Stipulation and Order

**Reed Sato**

Office of Legal Affairs

**Rizgar Ghazi**

Hazardous Waste Management Program



Department of Toxic Substances Control



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# Background

- Exide is an interim status facility
- Part B Application has been submitted
- 2002 Corrective Action Order
- Exide files for Chapter 11 Bankruptcy protection
- 2013 Order
- Facility is not currently operating

# Process for Issuance of Order

- Bankruptcy Court approval required for Exide to comply with Order
  - Court approval provided on November 20, 2014
- DTSC executed Order on November 21, 2014

# Major Elements of the Order

## Safely Closing the Facility

- Closure/Post Closure Financial Assurances

## Addressing Contamination

- Residential Offsite
- Industrial Offsite
- Onsite

## Enforcing Hazardous Waste Management Requirements

# Enforcement Provisions

- Civil penalties of \$526,000
- Reimbursement of costs of \$760,000
- Compliance activities
- Permit modification required before resumption of certain operations
- Funding of trust funds

# Compliance Requirements

- Exide cannot operate its lead smelter or recycling operation until it corrects these violations.
- Requirements for hazardous waste management on-site:
  - Install a functioning leak-detection system in the containment building;
  - Stop storing plastic chips in open or leaking containers
  - Inspect trailers, containers and containment areas at least weekly for leaks;
  - Ensure the containment building is free of cracks and other deterioration;
  - Minimize the potential for leaks or unplanned releases of hazardous waste;
  - Secure DTSC authorization for a dryer used to remove liquid waste from plastic chips.

# Closure/Post-Closure Trust Fund Deposits

<b>Payment</b>	<b>Amount</b>	<b>Date Paid/To be Paid</b>
First Deposit	\$500,000	Oct. 31, 2014
Second Deposit	\$2,250,000	November 21, 2014
Third Deposit	\$2,750,000	Plan Effective Date
Fourth Deposit	\$2,750,000	Nov. 1, 2015
<b>Total (year one)</b>	<b>\$8,250,000</b>	
Annual Deposits	\$2,138,888	Nov. 1, 2016 – 2024 (9 annual deposits)
<b>Total Trust Fund</b>	<b>\$27,500,000</b>	

# Offsite Residential Trust Fund Deposits

<b>Residential Cleanup Fund Payments</b>	<b>Amount</b>	<b>Date Paid/To be Paid</b>
First Deposit	\$3,000,000	November 21, 2014
Second Deposit	\$3,000,000	Plan Effective Date (Est. March, 2015)
Third Deposit	\$1,500,000	1 <sup>st</sup> Anniversary of Plan Effective Date
Fourth Deposit	\$1,500,000	2 <sup>nd</sup> Anniversary of Plan Effective Date
<b>Total</b>	<b>\$9,000,000</b>	

# Funds Provided by Order in the First Year

Initial Funds Under Order ( After One Year)	\$26,695,000
Closure / Post Closure Trust Fund	\$8,250,000
IMVWP Residential Trust Fund	\$6,000,000
Surety Bond (existing)	\$11,159,000
Penalties	\$ 526,000
DTSC Oversight Costs	\$760,000

# Public Outreach on the Order

- Meeting with community groups and public officials on November 14, 2014
- Follow-up phone briefing arranged through Senator de Leon's Office

# The Benefits of the Order

- Additional funds for site closure/post-closure and offsite cleanup regardless of bankruptcy of Exide
- Addresses noncompliant activities and facility and assesses penalties and costs
- Additional controls on Exide before resumption of hazardous waste operations
- Provides framework for corrective action

# Exide Technologies – Residential Cleanup Update

**Rizgar Ghazi**, Hazardous Waste Management Program



Department of Toxic Substances Control



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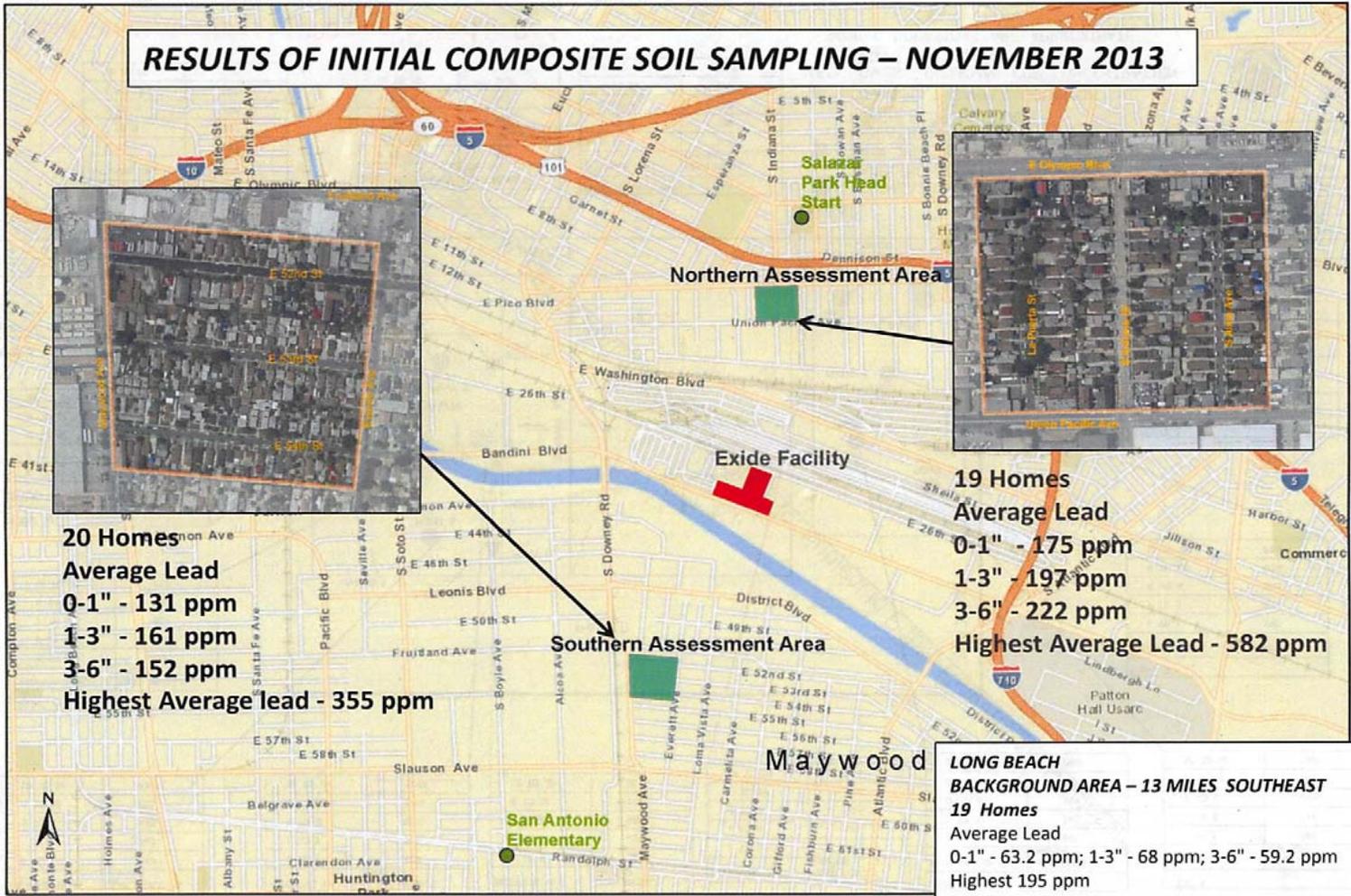
# Clean Up Background

- 2013 Order requires Exide to conduct sampling
- 2014 Order provides funding for the cleanup
- Interim measure work plan requires Exide to conduct residential cleanup

# Key Elements of 2013 Order

- Order Required Exide:
  - Conduct soil testing for arsenic and lead in residential areas
  - Conduct dust and soil testing in the industrial areas near Exide
  - Fund a blood lead testing program through the LA County Department of Public Health
  - Install additional air pollution control devices
  - Install new storm water pipes with leak detections systems

## RESULTS OF INITIAL COMPOSITE SOIL SAMPLING – NOVEMBER 2013



# Outcome of Initial Soil Testing

- Required Exide to conduct more thorough and detailed testing
- Required Exide to test all properties within the assessment areas
- Required Exide to provide DTSC with a cleanup plan for the assessment areas
- Required Exide to expand lead testing beyond the assessment area

# Second Round Sampling Results

December 5, 2014

- 215 homes in assessment area
- 103 homes sampled
- 85 results certified

# Priorities of homes (with complete samples)

- Priority 1: 19 homes
- Priority 2: 35 homes
- Priority 3: 31 homes

# Cleanup Process

- Remove contaminated soils from yards
- Yard restoration
- Interior cleaning of homes
- Relocation during cleanup

# Cleanup Progress

- Cleanup Plan approved Nov. 7, 2014
- Completed cleanup for two properties
- Cleanup initiated for two additional homes
- Additional homes are scheduled
- The Order requires Exide to clean up 2.5 homes per week





# Questions on the Order and Cleanup



# California's Safer Consumer Products Program Update

**Karl Palmer**

Chief, Safer Consumer Products Branch



Department of Toxic Substances Control

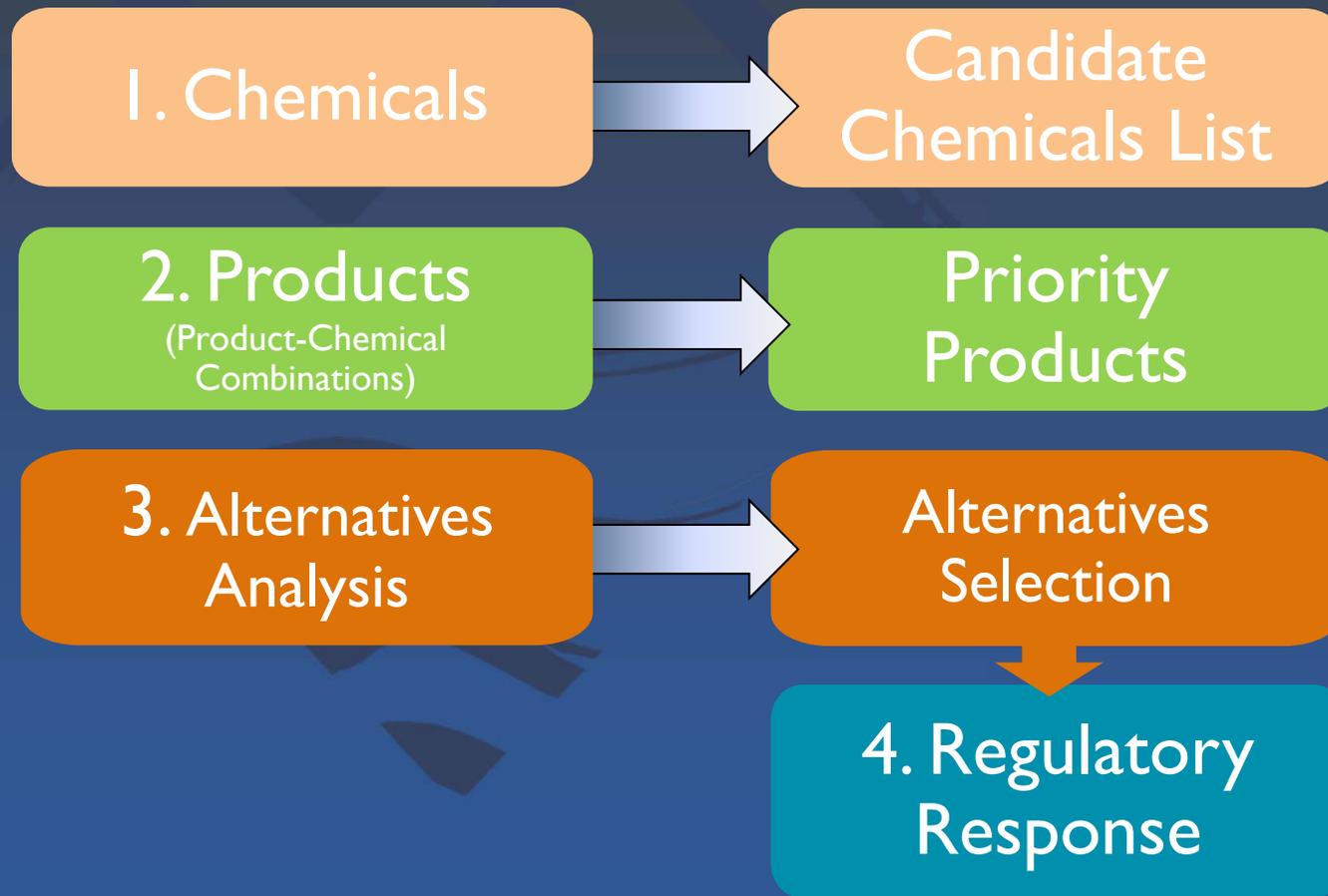


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# Updates:

- Candidate chemicals lists
- Priority product selection
- Three Year Priority Products Work Plan
- Alternative Analysis Guidance Development
- Stakeholder engagement and dialogue

# How it Works: The SCP Regulations



# Informational Candidate Chemical List

## 23 Authoritative Lists

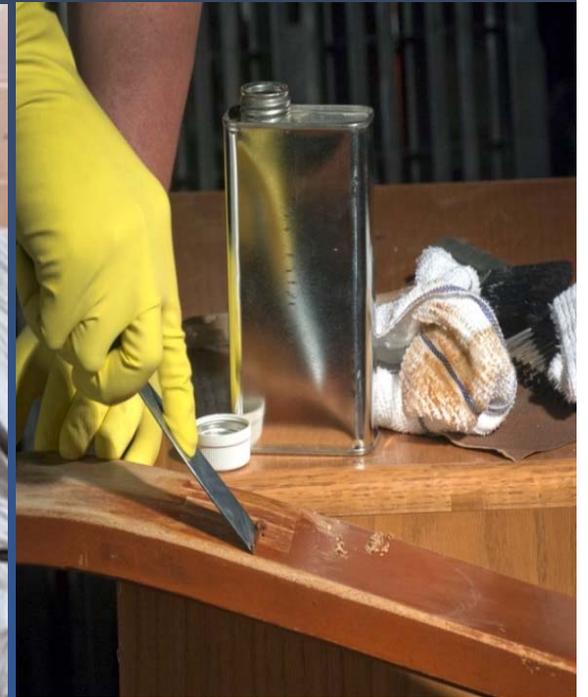
- 8 exposure potential lists
- 15 hazard trait lists
  
- Updated in October
- 7 of 23 lists changed
- 19 Chemicals Added
- 10 Chemicals Dropped



Work Plan list >1,100

<http://www.dtsc.ca.gov/SCP/ChemList.cfm>

# Initial Priority Product Selection



# Initial Priority Products Revisions

Refined/ revised scope based on stakeholder engagement

1. Children's Foam-padded Sleeping Products containing TDCPP
  - *Added TCEP*
  - *Added pillows*
2. Paint Strippers containing Methylene Chloride
  - *No surface cleaners*
3. Spray Polyurethane Foam Systems with MDI
  - *Only unreacted MDI*
  - *Only two part foams*

# Finalizing the Initial Priority Products



Workshops  
Meetings  
Comments  
Data/Information



Research  
Q/A  
Refinement  
Dialog



**Rulemaking:**

- Supporting documents
- Formal comment period
- Formal hearing

**Early 2015**



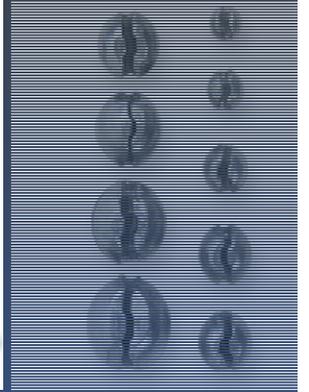
# Future Product Selections: Draft Priority Products Work Plan

# Priority Product Work Plan

- Identify product categories for next three years
- Provide market signals
- Engage stakeholders, gather data

# Priorities

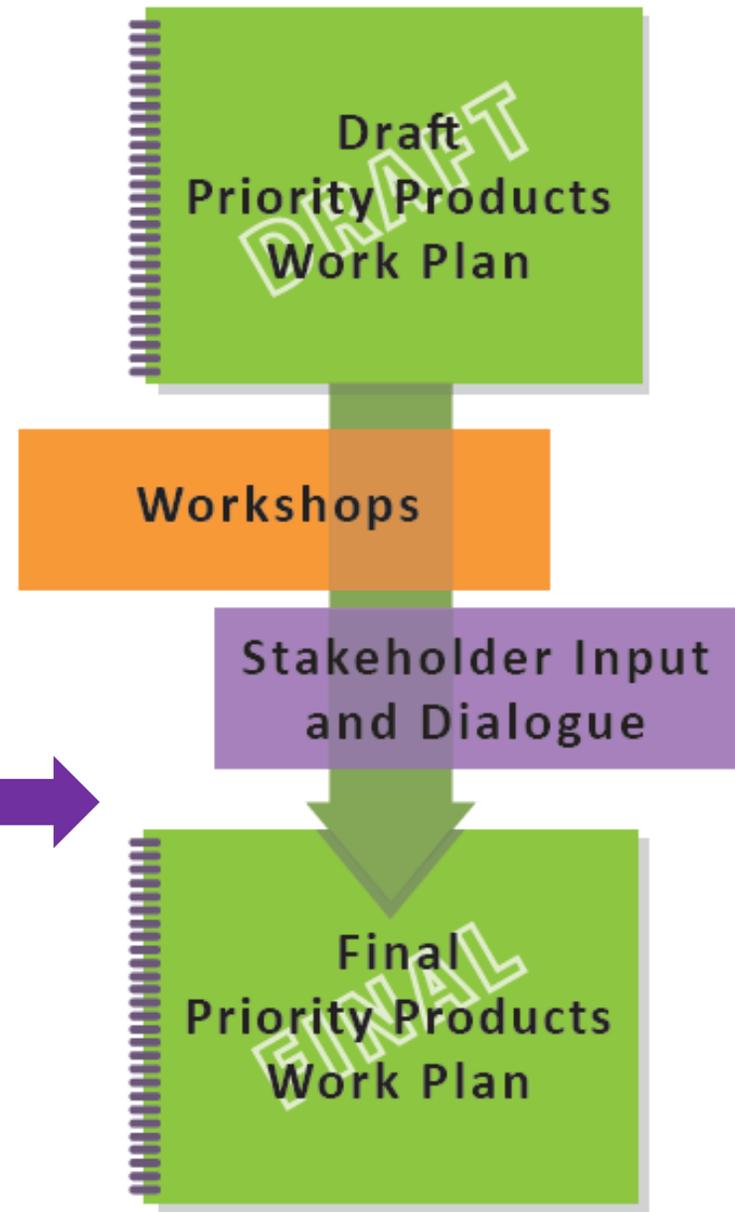
- Dermal, ingestion, inhalation exposure pathways
- Biomonitoring results
- Chemicals found in indoor air monitoring
- Sensitive subpopulations – **children, workers**
- Aquatic resource impacts
- Water quality monitoring evidence



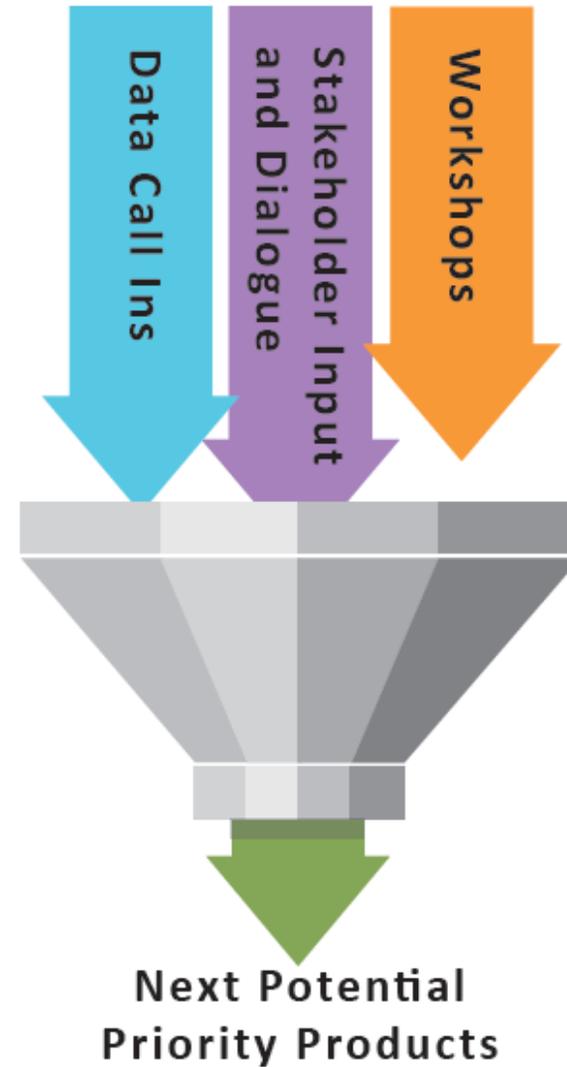
# 7 Product Categories

- Beauty, Personal Care and Hygiene Products
- Building Products –  
*Paints, Adhesives, Sealants, Flooring*
- Household/Office Furniture/Furnishings
- Cleaning Products
- Clothing
- Fishing and Angling Equipment
- Office Machinery Consumable Products

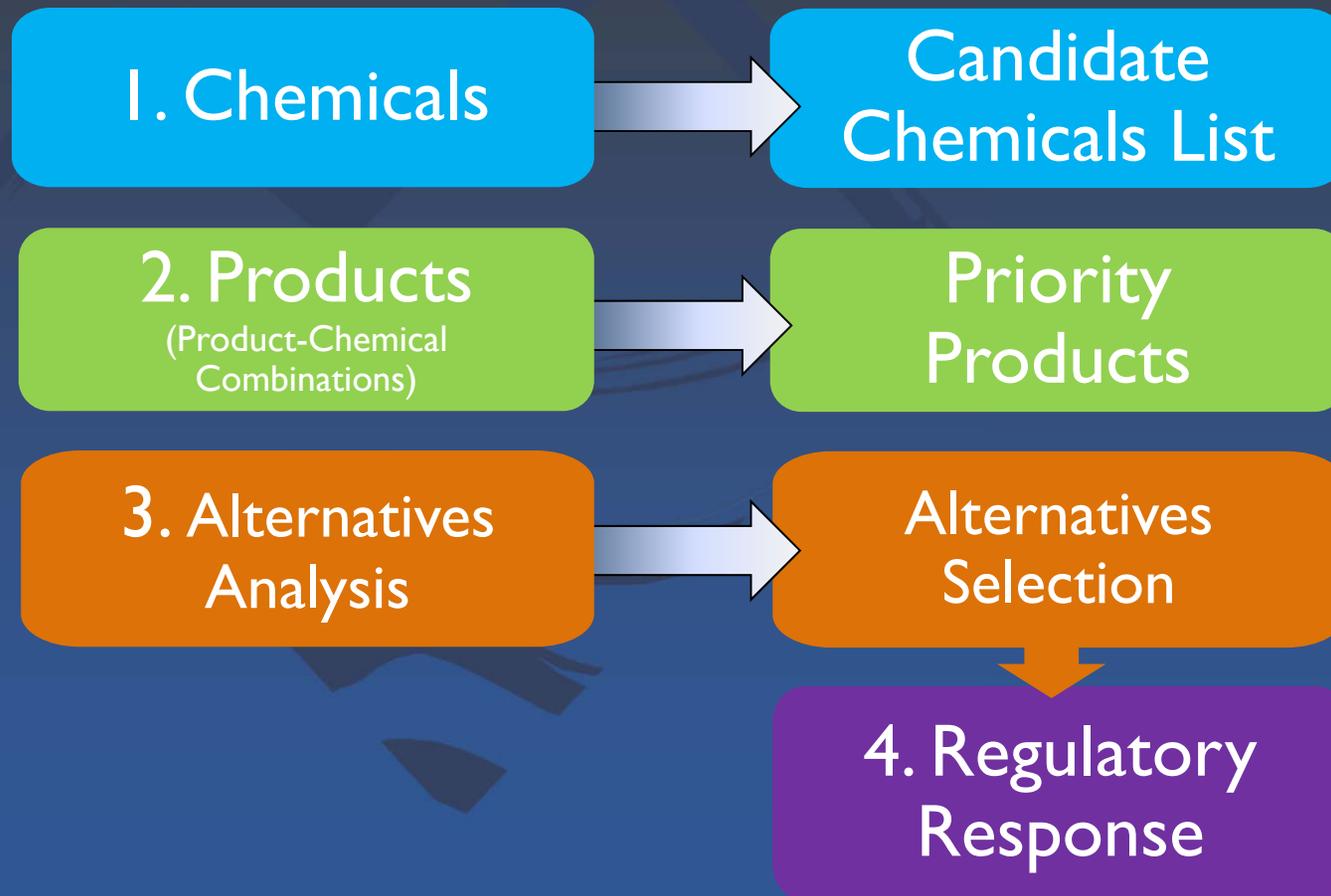
# Process of Priority Product Selection: Finalizing the Work Plan



# Process of Priority Product Selection: Executing the Work Plan



# How it Works: The SCP Regulations



# Alternatives Analysis

Answers key questions:

- Is it necessary?
- Is there a safer alternative?
- Have regrettable substitutes been avoided?

Utility:

- Regulated entities' decisions
- DTSC's regulatory response

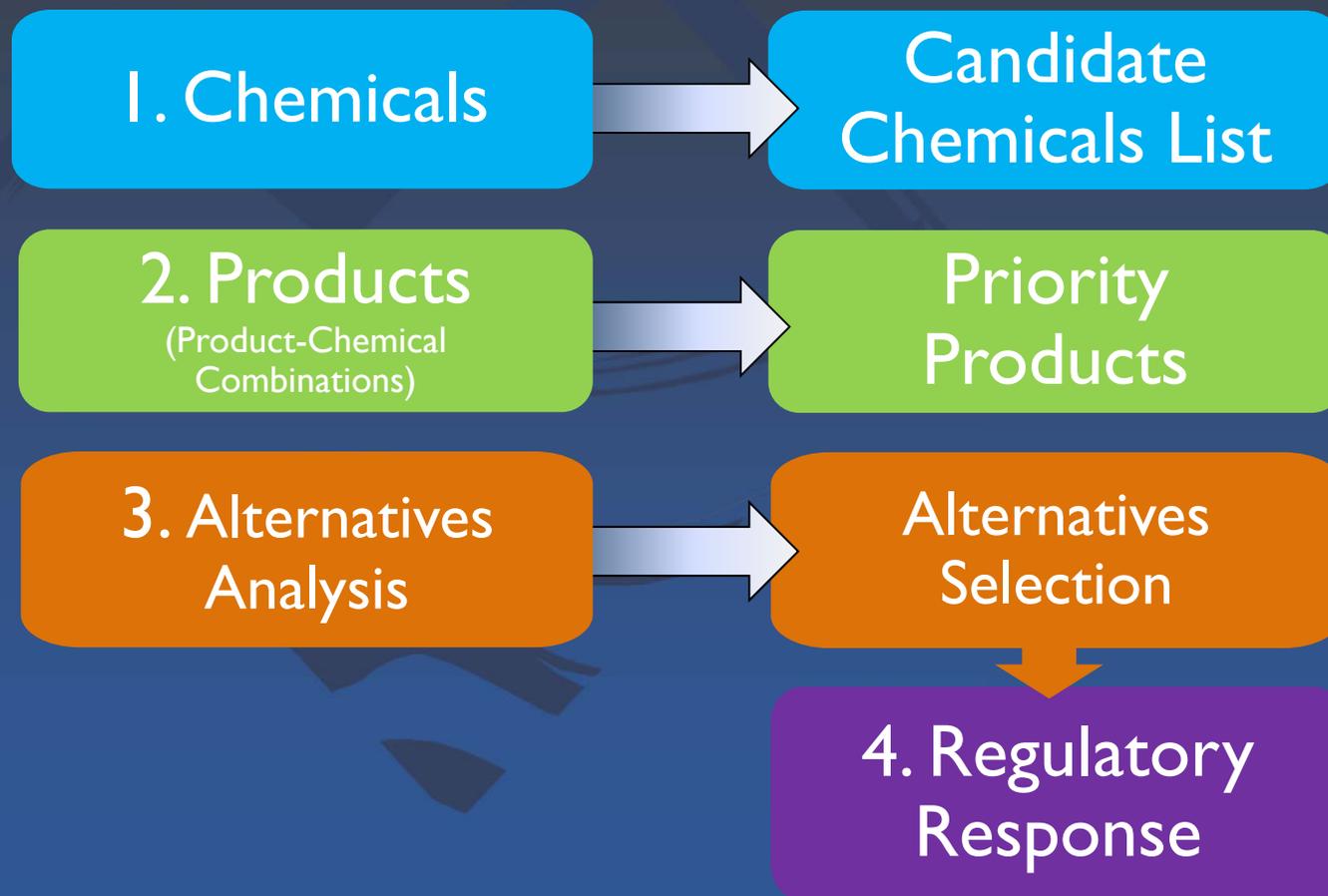
# Alternatives Analysis Guide

- Tool box approach
- Pilot AAs
- Tool use and training:
  - Green Screen
  - EPA tools
  - Exposure modeling
  - LCA tools

# Alternative Analysis Guiding Principles

- Options beyond chemical substitution
- Use life cycle thinking
- Capture the breadth of impacts
- Be transparent
  - Disclose all information that supports decisions
  - Address uncertainties
  - Document assumptions, data sources, and data reliability
- Iterate

# How it Works: The SCP Regulations



# Facilitating the dialogue: CaSAFER System

- Fast and convenient
- Allows comment entry and document upload
- Allows users to review comments submitted by other stakeholders

<https://cit.dtsc.ca.gov/scp/comments/commentslite/>

- 300+ comments on draft Priority Products Work Plan
- Facilitates timely response and decisions

# What to watch for – early 2015

- Rulemaking for initial Priority Products
- Final Priority Products Work Plan
- Alternative Analysis Guidance
- Active stakeholder engagement

# Thank you

[SaferConsumerProducts@dtsc.ca.gov](mailto:SaferConsumerProducts@dtsc.ca.gov)

<http://dtsc-scp-t/scp/feedback.aspx>

<http://www.dtsc.ca.gov/SCP>

# Questions

# DTSC Cost Recovery Process

**Terri Hardy**

Special Assistant for Program Review



Department of Toxic Substances Control



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# State Auditor's Report

August 7, 2014

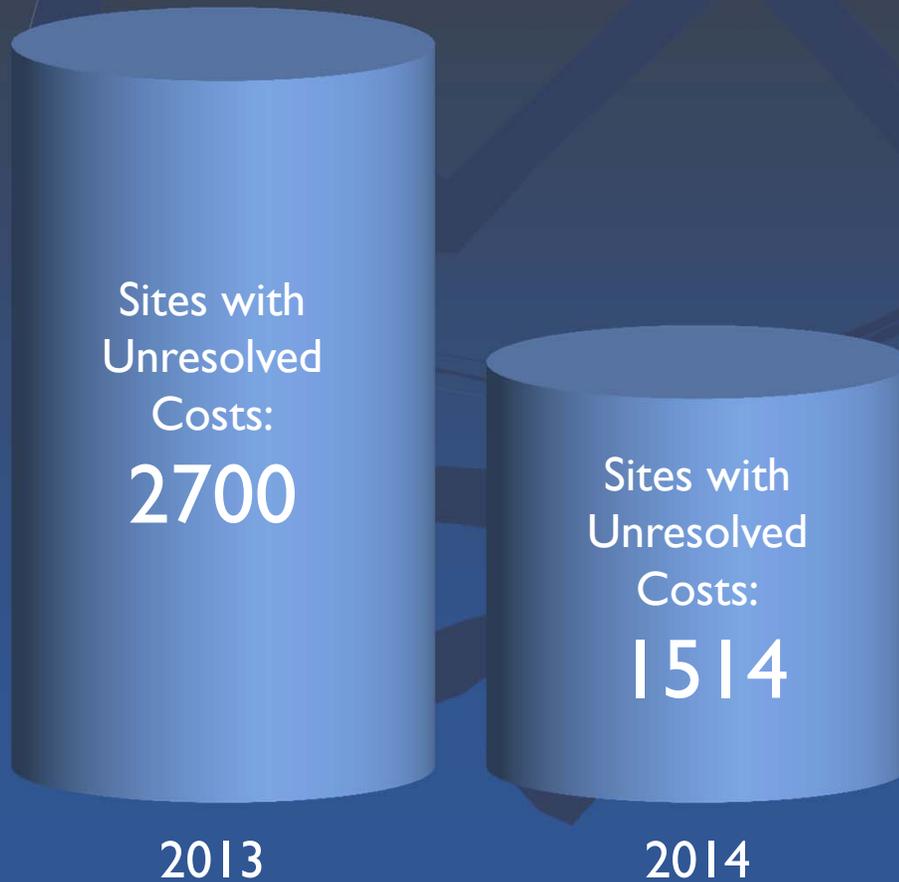
- \$194 million unresolved sites between 1987 and 2013.
- Eleven recommendations to improve cost recovery systems and reduce backlog



Audit sites -- \$194 million  
unresolved from costs incurred by  
DTSC between  
Jul. 1, 1987 and Dec. 31, 2013.

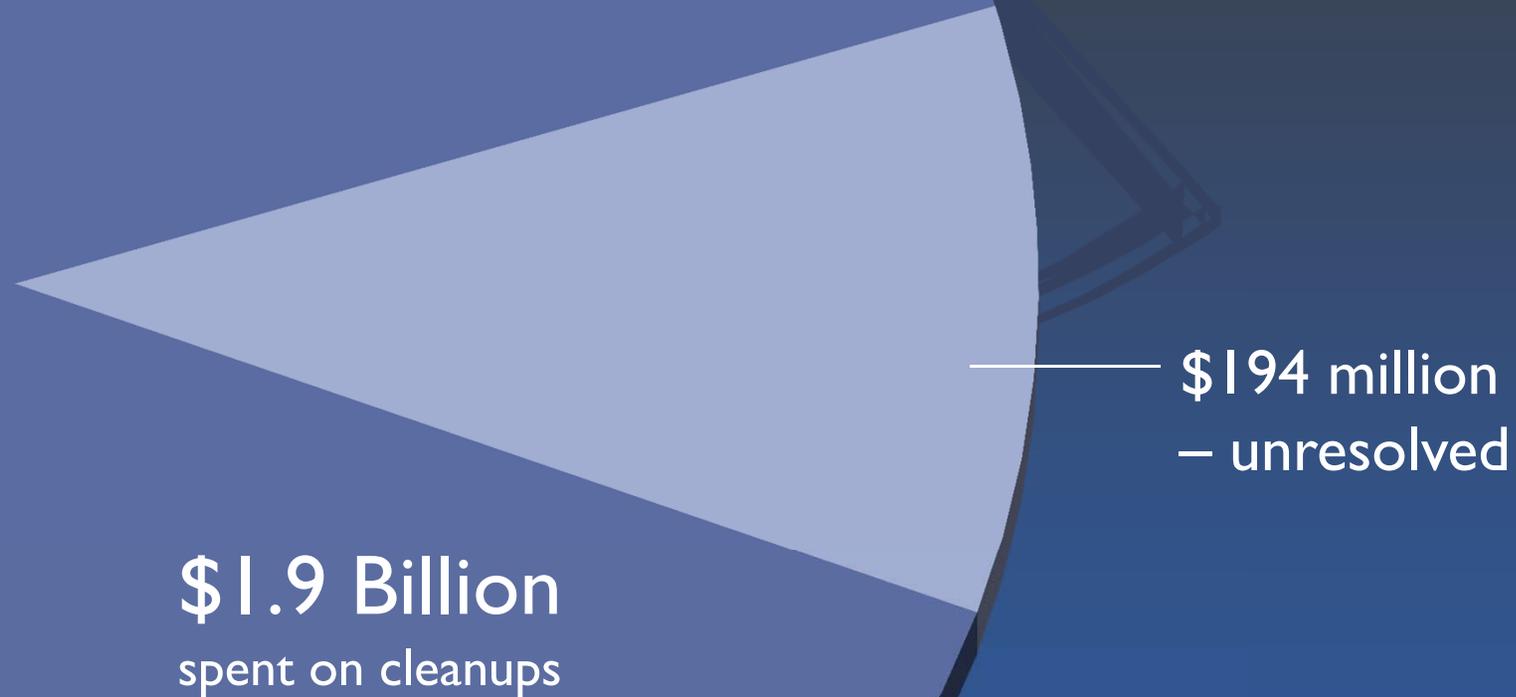
- Dollars reduced 22%

# Sites Reduced

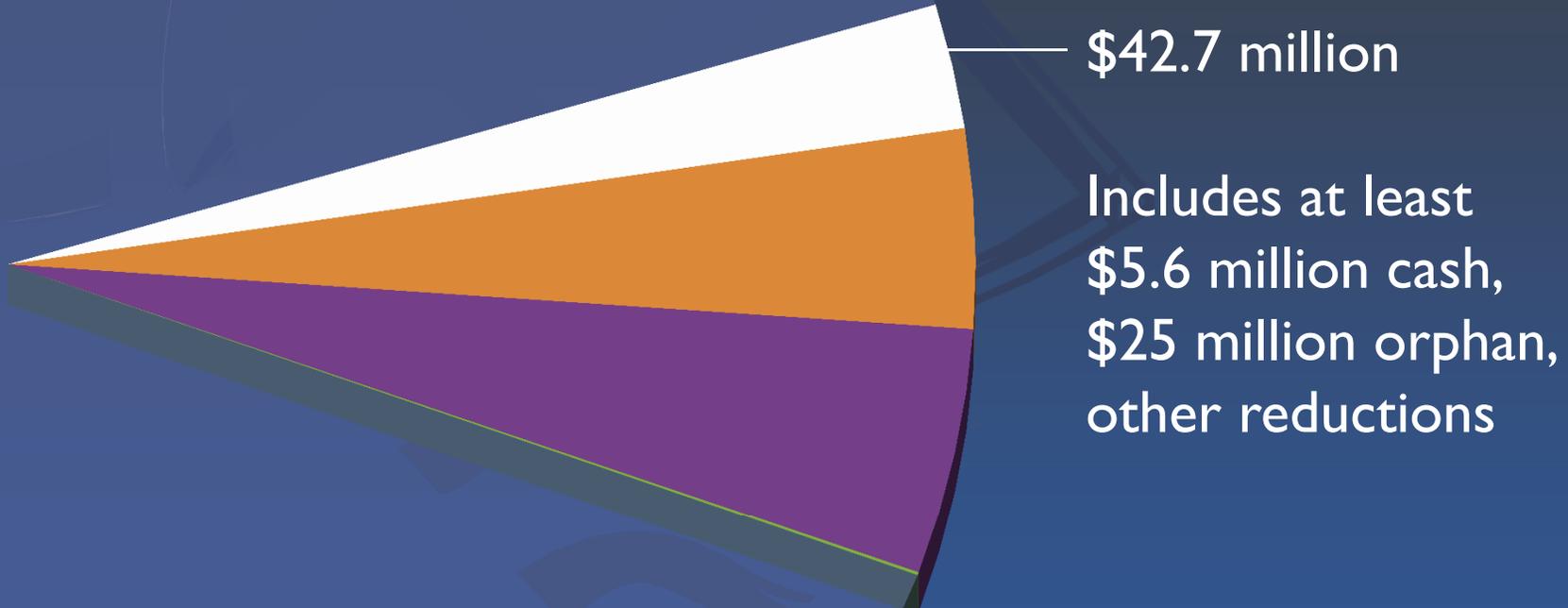


**44%**  
**REDUCTION**

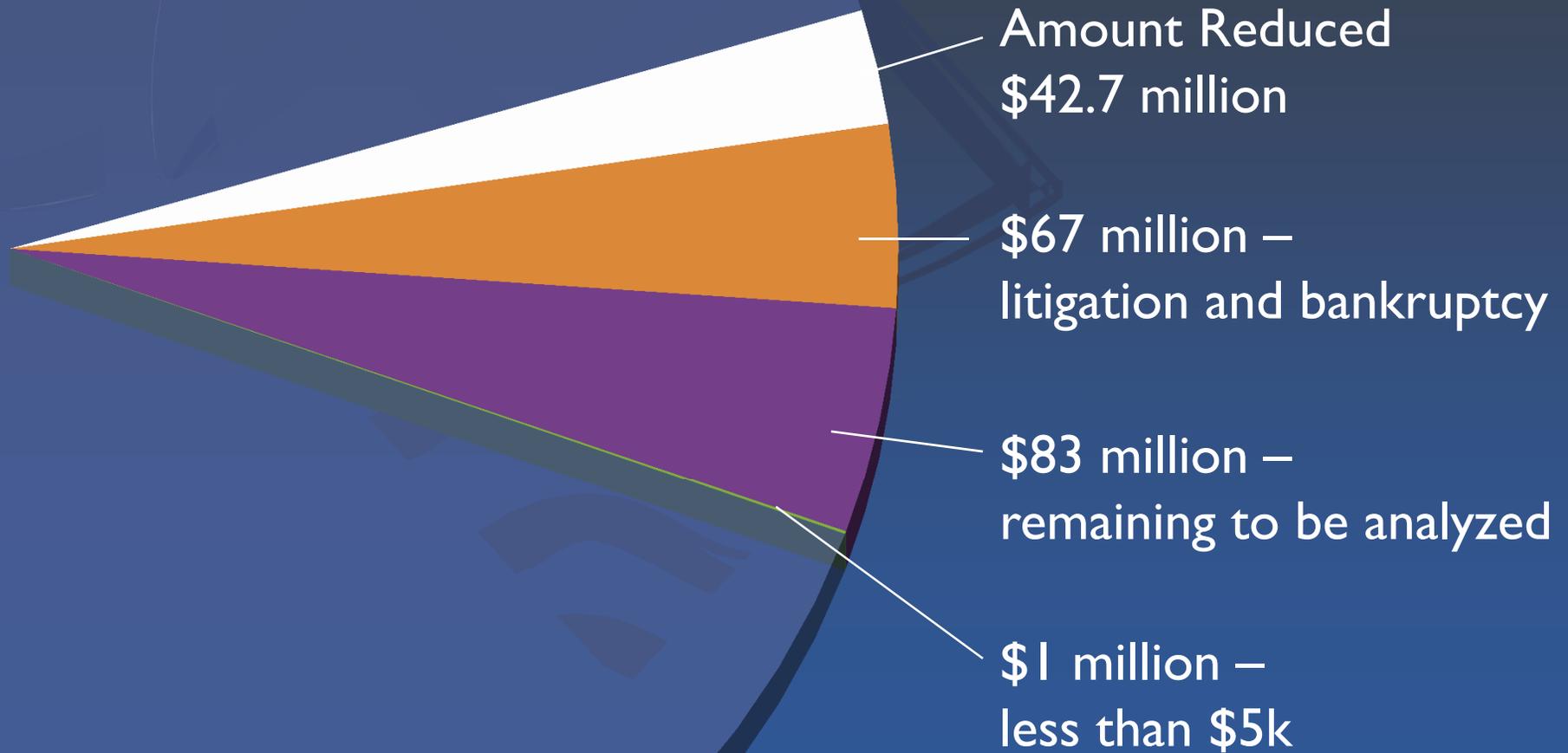
# Spent vs. Unresolved: 1987-2013



# Issues Resolved – Amount Reduced



# Issues Resolved – Pending Reductions



# Priorities

Identified 52 top priority cases based on:

- Balances of more than \$1 million
- Pending statute of limitations

# Audit Recommendations – Fully Implemented

- Established “Responsible Party Search” monitoring/verification process
- Provided training to staff on PRP search and verification process

# Audit Recommendations – Fully Implemented

- Improved collection letters process
- Created new desk procedures

# Audit Recommendations – Partially Implemented

- Developing policies and procedures for liens
- Liens are not a final solution
- The dilemma:  
74 liens worth \$71 million on property valued at only \$31.8 million

# Audit Recommendations – Progress Made

- Tracks and monitors pending SOL dates
- Statute of Limitations Reporting Function by January 2015

# Improving Systems and Recovering Costs

- Innovative
- Proactive
- Persistent

# Questions

# Permitting Enhancement Work Plan and Public Participation Modernization

**Nikita Koraddi**

Permitting Work Plan Team

**Jim Marxen**

Office of Communications



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# Permitting Enhancement Work Plan

- Major provisions
  - Reduced permit processing time
  - Clear performance metrics
  - Standardized review process
  - Updated and protective permitting standards
  - Enhanced enforcement
  - Improved public participation
  - Increased environmental justice considerations

# Public Participation and Environmental Justice Recommendations

Quarterly summaries of activity at each facility on EnviroStor



DEPARTMENT OF TOXIC SUBSTANCES CONTROL

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## PERMITTED HAZARDOUS WASTE FACILITIES IN CALIFORNIA

118 FACILITIES FOUND

[EXPORT TO EXCEL](#)

PAGE 1 OF 2

OP = Operating Permit ; PC = Post Closure Permit  
 Permit Type: RCRA is the federally equivalent permit per the Resource Conservation and Recovery Act of 1976. This is the highest level of permit. All other hazardous waste permits in California are either a State or Standardized Permit.  
 \*\*\* Indicates that this is a single Operating Permit (counts as 1 permit) with post closure components. Please see actual permit document for details.

EPA ID	PROJECT NAME	FACILITY STATUS	ADDRESS	CITY	COUNTY	Go	Reset
<a href="#">REPORT</a> <a href="#">MAP</a> CAT080025711	ADVANCED ENVIRONMENTAL INC	05/11/2009 (OP)	10/23/2017 (OP)	STANDARDIZED	13579 WHITTRAM AVE	FONTANA	923360000
<a href="#">REPORT</a> <a href="#">MAP</a> CAD982411993	AERC COM INC	02/12/2010 (OP)	02/11/2020 (OP)	STANDARDIZED	30677 HUNTWOOD AVE	HAYWARD	945447021
<a href="#">REPORT</a> <a href="#">MAP</a> CAD000030494	AEROJET ROCKETDYNE, INC.	04/13/2009 (PC), 03/28/2009 (OP)	04/13/2019 (PC), 03/28/2019 (OP)	RCRA	US HWY 50 & AEROJET RD	RANCHO CORDOVA	958136000
<a href="#">REPORT</a> <a href="#">MAP</a> CAD981427669	AMERICAN OIL COMPANY	01/17/2007 (OP)	01/16/2017 (OP)	STANDARDIZED	13740 SATICOY ST	VAN NUYS	914020000
<a href="#">REPORT</a> <a href="#">MAP</a> CAL000827844	ASBURY ENVIRONMENTAL SERVICES	04/20/2009 (OP)	04/19/2019 (OP)	STANDARDIZED	2549 SCOTT AVE	CHICO	959287188
<a href="#">REPORT</a> <a href="#">MAP</a> CAD980694103	ASBURY ENVIRONMENTAL SERVICES-CHICO II LLC	03/03/2010 (OP)	03/02/2020 (OP)	STANDARDIZED	1618 W 5TH ST	CHICO	959284716
<a href="#">REPORT</a> <a href="#">MAP</a> CAL930256136	ASBURY ENVIRONMENTAL SERVICES-FORTUNA	10/16/2009 (OP)	10/15/2019 (OP)	STANDARDIZED	200 DINSMORE DR	FORTUNA	955400000
<a href="#">REPORT</a> <a href="#">MAP</a> CAL000098454	ATLAS PRECIOUS METALS INC	05/23/2006 (OP)	05/22/2016 (OP)	STANDARDIZED	640 S HILL ST	LOS ANGELES	900140000
<a href="#">REPORT</a> <a href="#">MAP</a> CAL000282598	BAKERSFIELD TRANSFER INC	10/22/2008 (OP)	04/06/2018 (OP)	STATE ONLY	1620 E BRUNDAGE LN	BAKERSFIELD	93307
<a href="#">REPORT</a> <a href="#">MAP</a> CAD088838222	BAYSIDE OIL II INC	12/22/1997 (OP)	12/20/2007 (OP)	STANDARDIZED	210 ENCINAL ST	SANTA CRUZ	950800000
<a href="#">REPORT</a> <a href="#">MAP</a> CAD000633289	BENSON RIDGE FACILITY	06/10/2008 (PC)	06/09/2018 (PC)	RCRA	7260 SO HWY 29	KELSEYVILLE	954510000
<a href="#">REPORT</a> <a href="#">MAP</a> CAD981426539	BEST ENVIRONMENTAL LLC	12/29/1997 (OP)	12/29/1997 (OP)	STANDARDIZED	3301 AVENUE I EAST	LANCASTER	935362418
<a href="#">REPORT</a> <a href="#">MAP</a> CAT080010606	BIG BLUE HILLS PESTICIDE CONT DISPOSAL	09/07/2007 (PC)	09/07/2017 (PC)	RCRA	10 MILES NORTH OF COALINGA	COALINGA	932100000
<a href="#">REPORT</a> <a href="#">MAP</a> CAD067786749	BKK SANITARY LANDFILL	06/24/1987 (OP)	06/24/1992 (OP)	RCRA	2210 S AZUSA AVE	WEST COVINA	917920000
<a href="#">REPORT</a> <a href="#">MAP</a> CAT000646117	CHEMICAL WASTE MANAGEMENT INC KETTLEMAN	06/16/2003 (OP)	06/13/2013 (OP)	RCRA	KETTLEMAN HILLS LDFL HIGHWAY 41	KETTLEMAN CITY	932100000
<a href="#">REPORT</a> <a href="#">MAP</a> CAD009142290	CHEMTRADE WEST US LLC	06/30/2006 (OP)	06/29/2016 (OP)	RCRA	501 NICHOLS RD	BAY POINT	945651002

# Public Participation and Environmental Justice Recommendations

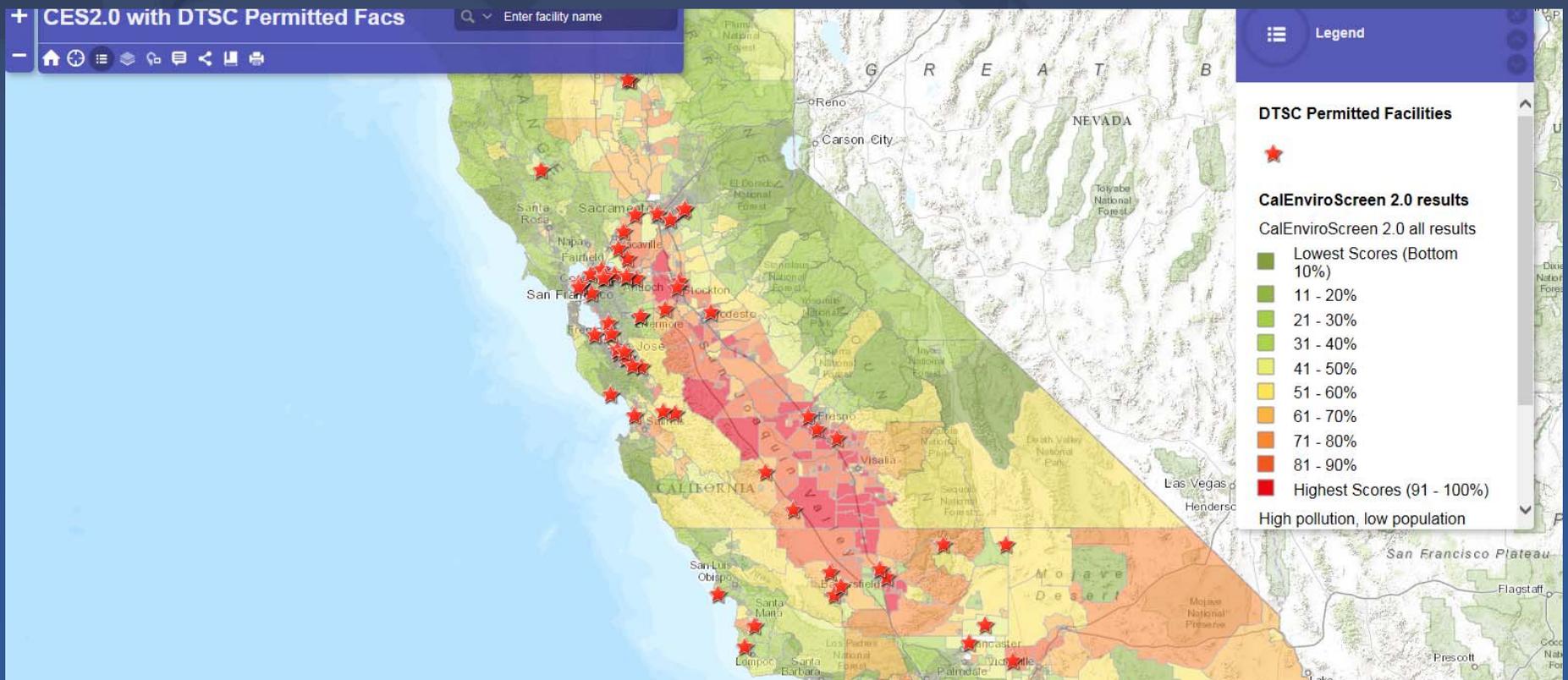
Permitting 101

**What is RCRA?**  
**What is Hazardous Waste?**

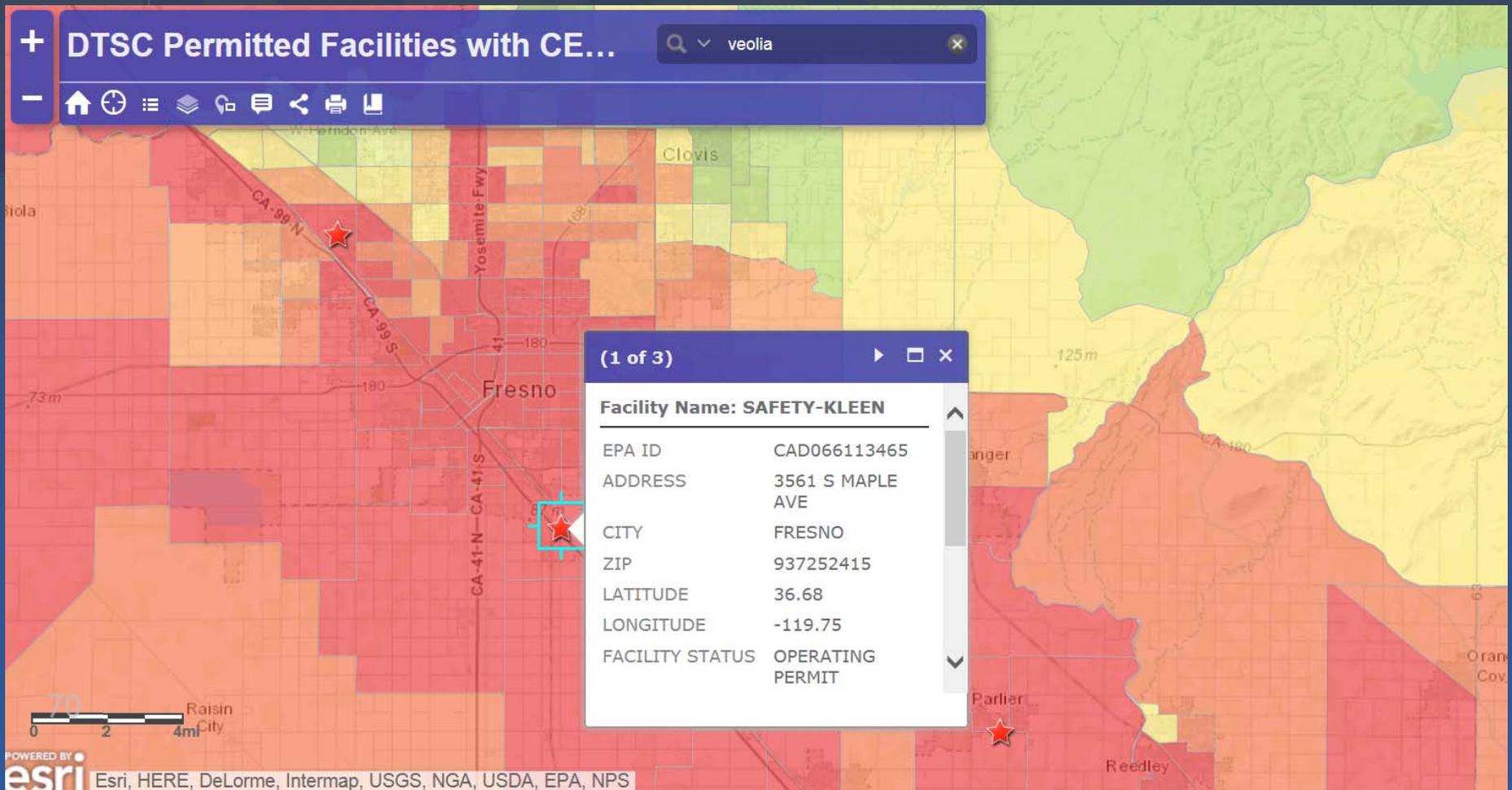


# Public Participation and Environmental Justice Recommendations

## CalEnviroScreen data and web application



# CalEnviroScreen Data and Web Application



**Census Tract: 6019001500**

**CalEnviroScreen Score: 96-100%**  
(highest scores)  
**Population: 2,206**

*The following numbers represent the percentile score for that component or indicator. A higher percentile indicates a higher relative burden. Scroll to the bottom for a pie chart of race/ethnicity.*

**Pollution Burden: 100**

**Pollution Burden: 100**  
**Population Characteristics: 98**

<b><u>Ozone:</u></b>	78
<b><u>PM2.5:</u></b>	98
<b><u>Diesel:</u></b>	55
<b><u>Drinking Water:</u></b>	98
<b><u>Pesticides:</u></b>	94
<b><u>Toxic Releases:</u></b>	88
<b><u>Traffic Density:</u></b>	45
<b><u>Cleanup Sites:</u></b>	96
<b><u>Groundwater Threats:</u></b>	94
<b><u>Hazardous Waste:</u></b>	99
<b><u>Impaired Water:</u></b>	0
<b><u>Solid Waste:</u></b>	99

<b><u>Age:</u></b>	79
<b><u>Asthma:</u></b>	87
<b><u>Low Birth Weight:</u></b>	69
<b><u>Low Education:</u></b>	90
<b><u>Linguistic Isolation:</u></b>	81
<b><u>Poverty:</u></b>	88
<b><u>Unemployment:</u></b>	90

**Race/Ethnicity Pie Chart**

*Hover your mouse over the pie chart to see the race/ethnicity characteristics of this census tract.*

# Public Participation and Environmental Justice Recommendations

## New public engagement strategy

- Early involvement in impacted communities
- New tools for gathering information
- Earlier coordination with government entities
- Better reflect public input in final decisions



# Public Participation and Environmental Justice Recommendations

Enhanced environmental review procedure  
for facilities in impacted communities

- List of potential environmental health concerns relevant to communities
- List of potential mitigation measures
- Documentation of mitigation measures

# Public Participation Modernization

## Goal:

Create a flexible process that ensures:

- Opportunities for full participation
- Easy access to information
- Early involvement
- Adaptable communication tools
- DTSC accountability
- Trust and strong relationships

# Statewide Outreach Effort

## Goal:

Collect meaningful input on:

- Strengths and areas for improvement
- Prioritization for changes
- Needed statutory or regulatory changes



# Process

- Initial contacts
  - Better define process and goals
- Broad, statewide contacts
  - Develop recommendations and priorities
- Final set of proposed changes and schedule
- Additional public input

# Potential Issues for Discussion

- Current state of efforts
- Community assessment
- Communication tools
- Diverse language needs
- Community capacity
- Use of CalEnviroScreen
- Response to comments

# What's Been Done

- Initial contacts
- Request for Proposal

# Next Steps

- Complete initial outreach
- Hire contractor
- Build process
- Notification
- Statewide outreach
- Draft recommendations
- Implement process improvements
- Train staff and institutionalize changes

# Questions

# Regional Approach to Prioritizing Cleanup Sites

Improved Methodology for Evaluating  
Groundwater Contamination in California

**Barbara Cook**

Division Chief, Cleanup Program



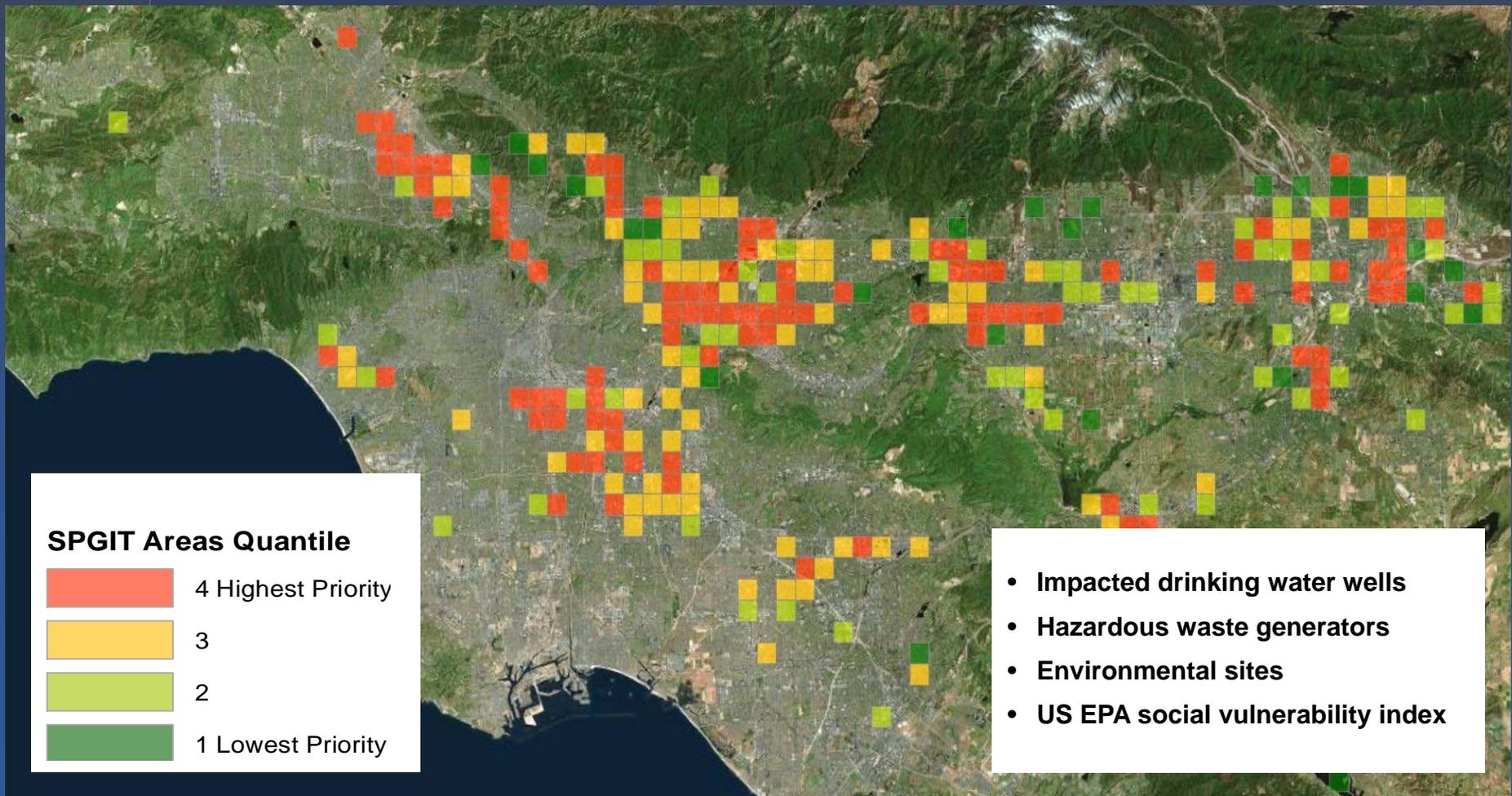
Department of Toxic Substances Control



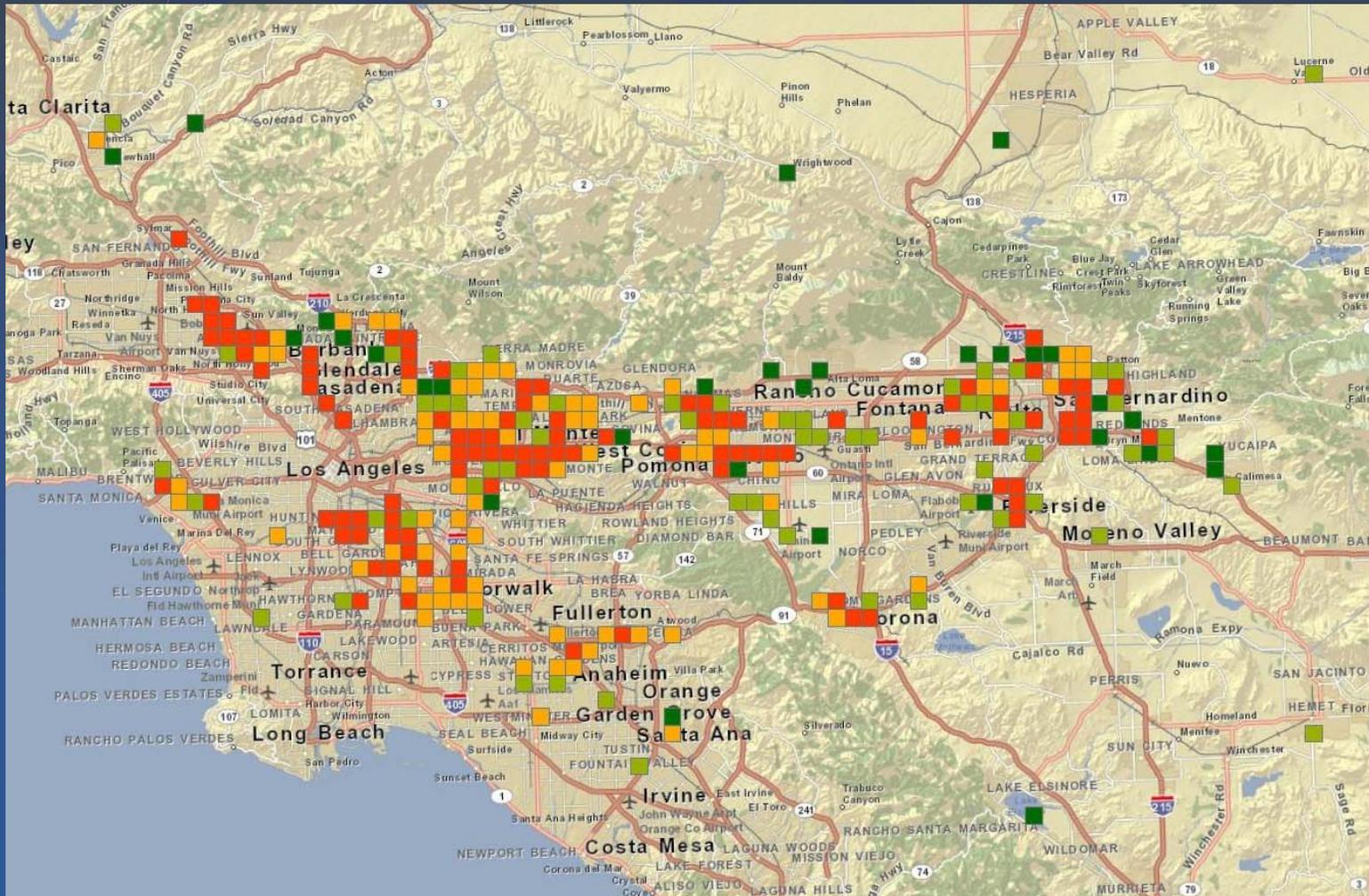
Cal/EPA

# Spatial Prioritization Geographic Information Tool

## LOS ANGELES REGION



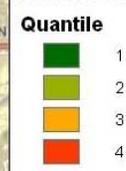
# Los Angeles SPGIT Areas Of Interest



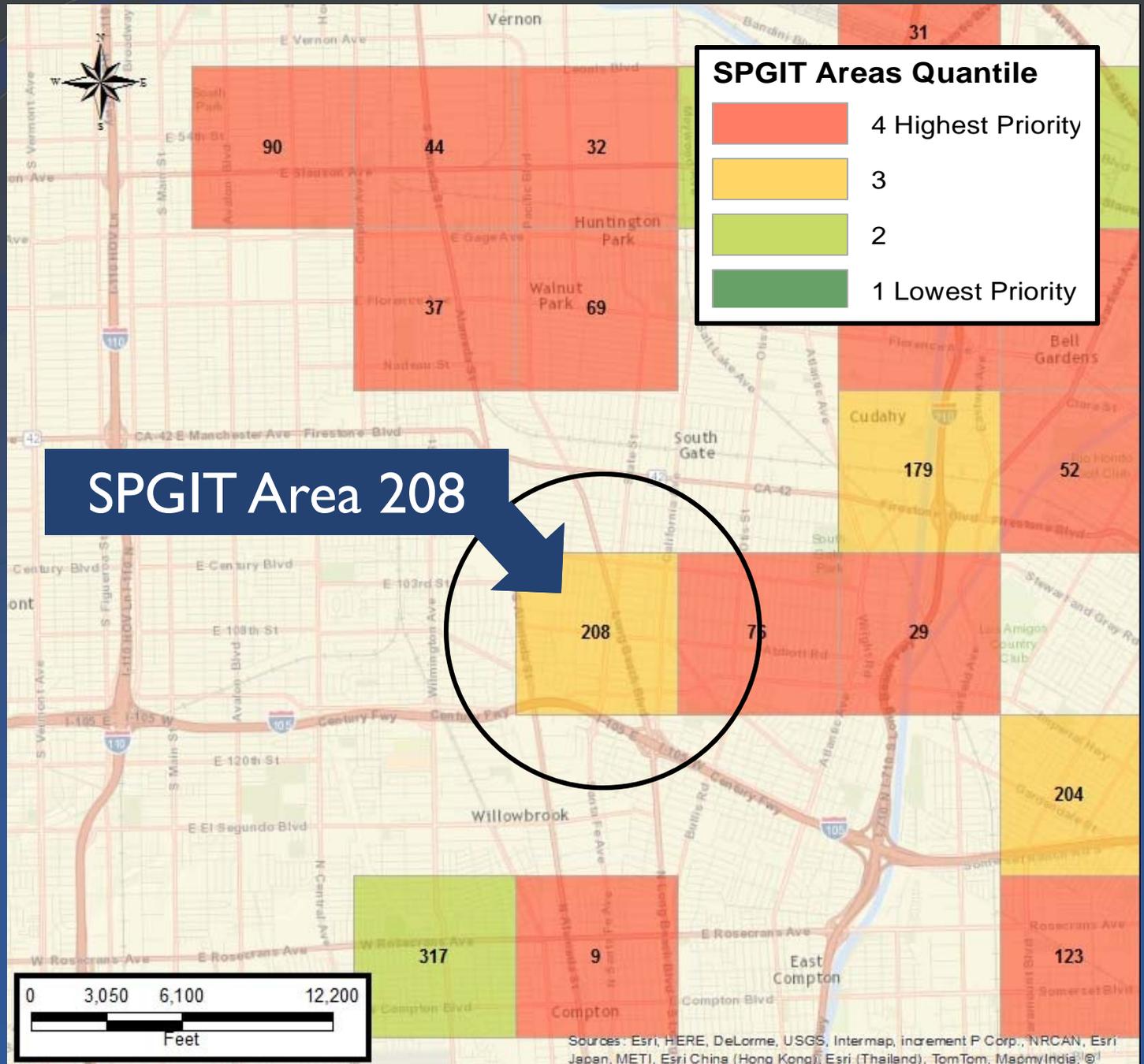
**PRIORITIZED  
AREAS OF INTEREST**

**APPROXIMATELY  
ONE SQUARE MILE**

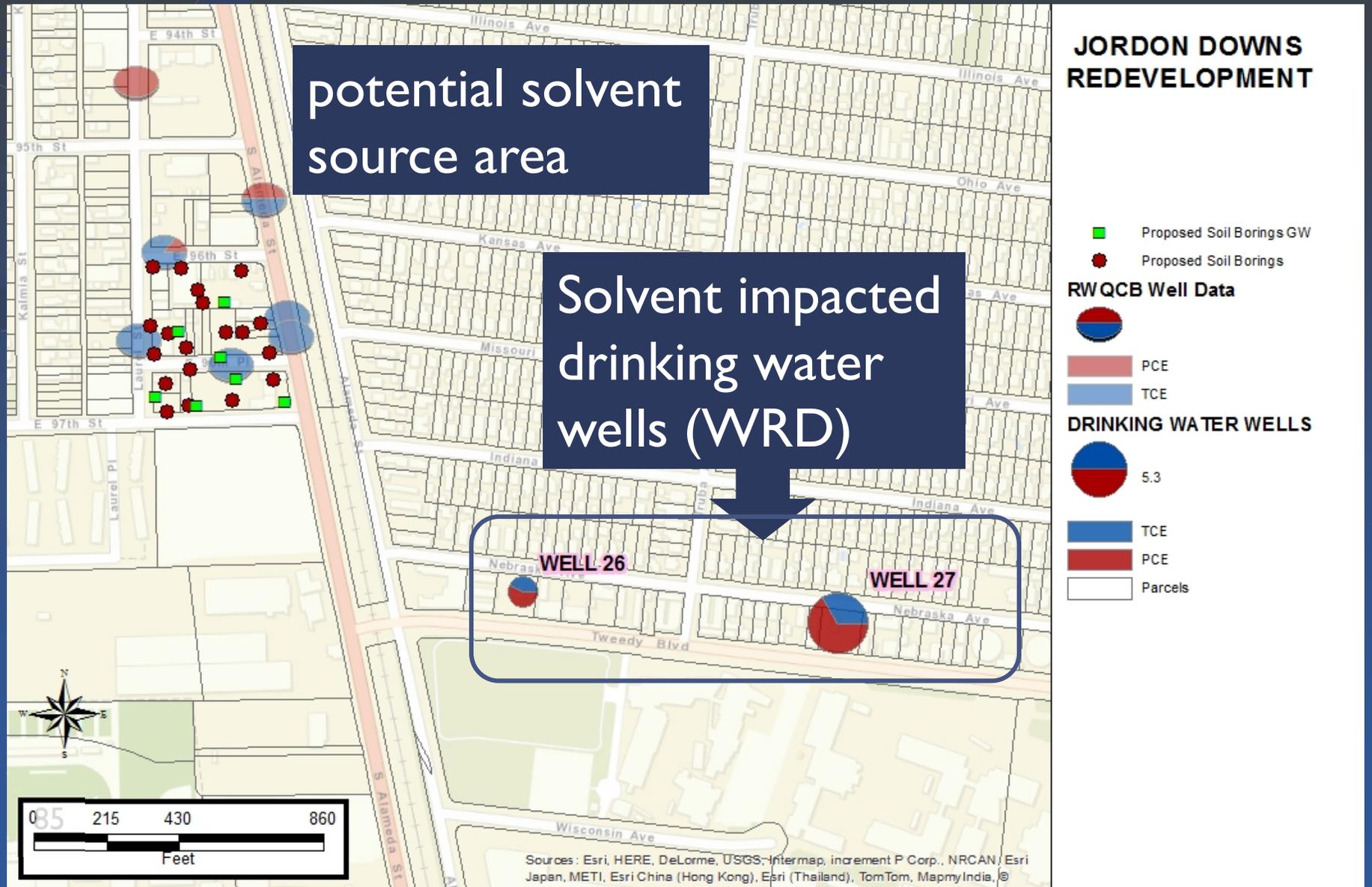
### AREAS OF INTEREST



# DTSC SPGIT Output for Jordan Downs Redevelopment



# Finding the Link



# DTSC's Implementation of AB 1329

**Paul Kewin**

Division Chief, Enforcement Program



Department of Toxic Substances Control



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# DTSC's Implementation of AB 1329

Two main provisions:

1. Prioritizing enforcement actions in impacted environmental justice communities. (HSC section 25180.2)
2. Prohibiting transportation of hazardous wastes to certain types of facilities. (HSC section 25162)

# Historical DTSC EJ Activities

For 2008 – 2012:

- Over 40% of Inspection and Enforcement activity in the top 10% of impacted communities
- Over 40 % of Permitting activity in the top 10% of impacted communities
- About 35% of cleanup sites in the top 10% of impacted communities

# Historical DTSC EJ Activities

- Community EJ Task Force participation
- Support of IVAN Community Reporting Networks
  - Imperial Valley IVAN – Funded startup through a SEP
  - LACEEN IVAN – Helped fund and sponsor launch
- DTSC's EJ Grant (US EPA Grant funds) – Funded 12 Community Partnership projects
- CalEPA EJ Enforcement Workgroup participation

## Prioritizing Enforcement and Other Actions

- Use of new tools to help prioritize DTSC work
- Increased transparency & public involvement
- Established new Assistant Director for Environmental Justice to direct/implement DTSC EJ activities
- Continued involvement with community EJ task forces and organizations
- Continued participation in CalEPA Environmental Justice Enforcement Workgroup

# New Tools To Prioritize Work

- CalEnviroScreen – Enforcement Use
  - Now using to inform selection of non-mandated inspection targeting
  - Now using as part of complaint response prioritization

# New Tools To Prioritize Work

- Cleanup Program – CalEnviroScreen
  - Discussed earlier today
- Cleanup Program – SPGIT
  - Discussed earlier today
- Permitting Program – CalEnviroScreen
  - Discussed earlier today

# Transparency & Public Involvement

- Inspection and Enforcement data and documents available online through EnviroStor
- Increased opportunities for Public Participation in DTSC Permitting Process
- Proposed Pilot Project to Solicit Public Comment on Negotiated Enforcement Settlements
- Developing policy to expand use of Supplemental Environmental Projects to benefit communities

# Continued Involvement in EJ Task Forces and Community Organizations

- Continuing participation in community environmental justice task forces
- Continued support of IVAN platforms for community reporting of problems
- Discussions with community representatives on other steps DTSC is taking to increase community involvement

# CalEPA EJ Enforcement Workgroup

- DTSC participates in the CalEPA EJ Enforcement workgroup with all CalEPA Boards, Depts. & Offices
- Fiscal Year 2013/14 – Multi-Agency, Multi-Media inspections at a variety of businesses in disproportionately burdened areas of Fresno, featuring:
  - Community consultation to determine community concerns;
  - Compliance assistance for regulated industries and businesses;
  - Coordinated, multi-agency compliance inspections and enforcement activities designed to concurrently address environmental issues within the community.
- New initiative being planned for Fiscal Year 2014/15

# Prohibited Transport

- Addresses concerns arising from hazardous waste management activities at Western Environmental Incorporated, in Mecca
- Prohibits transportation of hazardous waste to a facility on tribal lands, unless certain conditions are met
- DTSC Actions:
  - Position established to monitor all hazardous waste manifest data for shipments to unauthorized facilities
  - No shipments to new, unauthorized facilities have been found
  - DTSC is updating its manifest data system (HWTS) to improve ability to monitor and identify illegal activity and implement other improvements

# Questions

# Pilot Project: Soliciting Public Comment for Negotiated Enforcement Settlements

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Department of Toxic Substances Control



Cal/EPA

# Purpose

- Seeking comments to ensure proposed settlements take into account all relevant facts and considerations
- Response to interest in DTSC enforcement actions from various interest groups and the public
- Increase opportunity for public involvement in enforcement processes
- Increase transparency

# History

- Historically the Department's settlement process did not include public input
- In 2010, efforts to solicit public comment were made by the Department, but no comments were received
- This pilot project revisits previous attempts at soliciting comments with increased outreach

# About the Pilot Project

- Statewide Pilot Project for the Enforcement and Emergency Response Division
- Begins January 1, 2015
- Seeking comments to ensure proposed settlements take into account all relevant facts and considerations.
- DTSC will only consider changes to a settlement if comments provide facts or considerations showing that this settlement is inappropriate, improper or inadequate.

# Project Parameters

- Limited to non-criminal cases
- All cases for facilities within top 50% most burdened communities utilizing CalEnviroScreen will be considered for the pilot project
- Public comment will be solicited for a target of 10 enforcement cases during pilot

# Project Parameters (cont.)

- Case Penalty Targets
  - Target 5 enforcement cases with penalties greater than or equal to \$30,000
  - Target 5 enforcement cases with penalties less than \$30,000
- Duration of the project is 6 months

# Stakeholder Involvement

- DTSC sought initial feedback on how to best communicate with affected communities (July - October 2014)
- Environmental Justice and community groups from the following areas provided input:
  - Los Angeles Environmental Justice Network
  - Center for Community Action and Environmental Justice (San Bernardino/ Riverside)
  - Comite Civico del Valle and Imperial Visions Action Network (Imperial- Coachella)
  - Kern Environmental Justice Enforcement Network and Central California Environmental Justice Network (Kern/Fresno Counties)
  - Center for Health and Environmental Justice and California Environmental Justice Coalition (SF - Bay Area)

# Stakeholder Input Process

Based on input received, DTSC will announce enforcement cases subject to the pilot project through the following:

- Post proposed settlement on DTSC's webpage
- Use DTSC's mailing list and facility mailing lists
- Forward announcements to chairs of Environmental Justice and community groups
- ListServ dedicated to this pilot project

# How to Get Involved

- Opportunity to join the ListServ dedicated to the pilot project and view proposed settlements will soon be posted on DTSC's website:

[http://www.dtsc.ca.gov/HazardousWaste/Compliance\\_and\\_Enforcement.cfm](http://www.dtsc.ca.gov/HazardousWaste/Compliance_and_Enforcement.cfm)

# Public Comment Process

- DTSC will announce the negotiated settlement
- 30 days to submit comments and information
- If no comments are received or comments do not justify reopening the case, the settlement remains as negotiated and 2<sup>nd</sup> notice will be sent to stakeholders
- A summary of comments will be included in 2<sup>nd</sup> notice
- If DTSC re-opens the settlement, a 2<sup>nd</sup> notice will note this. We will not seek comments on the subsequent settlement

# Evaluation

- DTSC will conduct an evaluation after the conclusion of the pilot project to determine:
  - Effectiveness of outreach
  - Process effectiveness for receiving comments
  - Areas for improvement
  - Full integration into the Department's enforcement procedures through incorporation in DTSC's Enforcement Response Policy

# Questions

# Supplemental Environmental Projects Policy

**Paul Kewin**

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Department of Toxic Substances Control



Cal/EPA

# Supplemental Environmental Projects Policy

Supplemental Environmental Projects (SEPs) are defined by the California Environmental Protection Agency and DTSC as:

“environmentally beneficial projects that a defendant/respondent agrees to undertake in settlement of an enforcement action, but which the defendant/respondent is not otherwise legally required to perform.”

# Benefit of SEPs Policy

- Response to public requests for enforcement dollars stay in communities where violations occur
- SEPs are projects undertaken in a community to mitigate environmental harm

# How DTSC is Crafting its Policy

- DTSC is drafting a new Supplemental Environmental Projects Policy
- Consistent with CalEPA Policy – with more flexibility to focus on:
  - Prioritizing the use of SEPs in communities facing higher pollution burdens and vulnerabilities.
  - Prioritizing community involvement and transparency.
  - Collaborating with third party organizations to help identify appropriate SEPs, oversee project implementation, and provide reporting

## Next Steps in Developing the Policy

- DTSC will publish draft of new policy for public comment by January 2015
- DTSC will hold public meetings (Sacramento and southern California) to gather public comment before finalizing

# Questions

# General Public Comments

**THANK YOU** for participating in this  
Department of Toxic Substances Control  
**Quarterly Public Meeting**



Department of Toxic Substances Control



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