

## Summary of IRP Recommendations to DTSC

Recommendation	Date of Recommendation	Status as of September 2017
<b>Permitting</b>		
Publish draft SB 673 regulations.	1/28/2016	<p>Senate Bill 673 (Lara, Statutes of 2016) requires DTSC to propose amendments to its permitting criteria. In developing the regulation, DTSC is to consider seven criteria: compliance history, data for a community profile, financial responsibility, training for facility personnel, a health risk assessment for facility operations, community vulnerability and cumulative impacts, and setback distances from locations, such as schools, daycare centers and hospitals, in permitting decisions. DTSC carefully considered all criteria in the development of a draft permitting criteria regulation. A formal proposal under the Administrative Procedures Act will open public comment on the package in late summer, 2017.</p> <p>DTSC has also initiated a broad stakeholder process to develop frameworks and tools to consider vulnerable populations and cumulative impacts. This effort includes coordination with other CalEPA Boards, Departments, and Offices, as well as other federal, state and local agencies, non-governmental organizations, community advocates, and representatives of the business community. DTSC convened two symposia in 2017 and is planning workshops, focused group discussions, and other opportunities for input, problem definition and the development of solutions. Later forums will consider the intersection between hazardous waste permitting and land use issues.</p>

<p>Adopt SB 673 regulations.</p>	<p>1/28/2016</p>	<p>Senate Bill 673 (Lara, Statutes of 2016) requires DTSC to propose amendments to its permitting criteria. In developing the regulation, DTSC is to consider seven criteria: compliance history, data for a community profile, financial responsibility, training for facility personnel, a health risk assessment for facility operations, community vulnerability and cumulative impacts, and setback distances from locations, such as schools, daycare centers and hospitals, in permitting decisions. DTSC carefully considered all criteria in the development of a draft permitting criteria regulation. A formal proposal under the Administrative Procedures Act will open public comment on the package in late summer, 2017.</p> <p>DTSC has also initiated a broad stakeholder process to develop frameworks and tools to consider vulnerable populations and cumulative impacts. This effort includes coordination with other CalEPA Boards, Departments, and Offices, as well as other federal, state and local agencies, non-governmental organizations, community advocates, and representatives of the business community. DTSC convened two symposia in 2017 and is planning workshops, focused group discussions, and other opportunities for input, problem definition and the development of solutions. Later forums will consider the intersection between hazardous waste permitting and land use issues.</p>
<p>Adopt guidance or publish draft regulations on Violation Scoring Procedure (VSP).</p>	<p>1/28/2016</p>	<p>DTSC pursued efforts to clarify how a facility's compliance history would be used as a basis for determining when violations support denial of a permit application or revocation of a permit and to help make permit decisions in a consistent, transparent, and accountable way. The Violation Scoring Procedure is a process by which a facility's compliance history would be evaluated and scored for permitting decisions. The scoring process would help clarify the degree of non-compliance that could lead to permit revocation or denial. The Violation Scoring Procedures consider two primary criteria: Extent of Deviation and Potential for Harm.</p> <p>Input was received from the Kern Environmental Enforcement Network and LA Environmental Justice Network, Legislative Assembly and Senate Staff, California Council for Environmental and Economic Balance and California Chamber of Commerce. This stakeholder effort provided the platform for the development of a key component of the permitting criteria regulation required under SB 673.</p>

Using CalEnviroScreen, post clear and concise data on socioeconomic indicators of communities in proximity to permitted hazardous waste facilities on the DTSC website.	4/21/2016	<p>OEHHA released CalEnviroScreen 3.0 in January 2017. DTSC has incorporated the new CalEnviroScreen 3.0 dataset into our internal EnviroStor systems. The new dataset will be incorporated into the EnviroStor Public Website as part of the EnviroStor Public Website update that is currently in progress.</p> <p>Office of Communications would need to work with OEHHA &amp; DTSC Permitting to get this done. DTSC is researching a path forward and hopes to get a map to version 3.0 done soon.</p>
Post clear and concise information on DTSC website that lists all DTSC-permitted sites with contamination, status of cleanup, and amount of financial assurances for cleanup.	4/21/2016	<p>DTSC continues to evaluate and prioritize a range of improvements to the website and will implement them based on available resources. A webmaster was hired and started June 1, 2017, and an assessment of the website is currently in process by an outside vendor.</p> <p>Currently, there are no plans in place to develop the interactive system.</p>
Post all formal responses and permit processing documentation in EnviroStor to improve transparency and community understanding of permit application status.	4/21/2016	Historically the DTSC Notices of Deficiency were posted to the public EnviroStor website, however facility responses were not consistently posted. In 2016, the Permitting Program clarified internally that the formal facility responses should be posted to the DTSC public EnviroStor site. The public EnviroStor site now includes those responses from facilities for all permit applications under review.
Create a guidance document on the relationship between the VSP, AB 1075, the California hazardous waste violation classification system, and the federal hazardous waste violation classification system.	4/21/2016	DTSC will develop guidance as needed following promulgation of regulatory language implementing VSP.
<b>Enforcement</b>		
Adopt an AB 1071-compliant Supplemental Environmental Projects Policy.	1/28/2016	Implemented.
Adopt "Improving Enforcement Performance Initiative" Workplan.	1/28/2016	Implemented. This work plan is an internal document that guides the the Enforcement Performance Management Unit.
Evaluate the number of positions and vacancy levels in OCI and EERD to determine if they are sufficient to meet all inspection and enforcement goals	7/26/2016	EERD has completed an initial workload study to determine available staff resources and the inspection/enforcement universe. A more comprehensive workload study will be completed by the end of this calendar year. While the results of the more comprehensive workload analysis may show that additional staff resources are necessary, DTSC will need significant fee reform to adjust the primary funding source (HWCA) for inspection and enforcement activities to allow for any increases.

<p>Evaluate participation in state and local task forces that investigate environmental crimes to determine if DTSC is collaborating with the groups, when necessary, as well as the perceptions and opinions of other environmental enforcement partners about collaboration with the department.</p>	<p>7/26/2016</p>	<p>DTSC participates in these task forces often and to the extent that resources allow. DTSC currently participates in:</p> <p>From 07/01/2016 to 06/30/2017:          -Of 76 known local task force meetings, 55 were attended by OCI staff          -OCI provided assistance or led investigations stemming from 15 meetings</p> <p>In addition to the Task Forces listed in the attached document, OCI also attended meetings for: Placer/Nevada County and Gold Country (Mariposa, Tuolumne, Calaveras)</p>
<p>Evaluate whether to include environmental, occupational, and other violations in the VSP.</p>	<p>7/26/2016</p>	<p>DTSC pursued efforts to clarify how a facility's compliance history would be used as a basis for determining when violations support denial of a permit application or revocation of a permit and to help make permit decisions in a consistent, transparent, and accountable way. The Violation Scoring Procedure is a process by which a facility's compliance history would be evaluated and scored for permitting decisions. The scoring process would help clarify the degree of non-compliance that could lead to permit revocation or denial. The Violation Scoring Procedures consider two primary criteria: Extent of Deviation and Potential for Harm.</p> <p>Input was received from the Kern Environmental Enforcement Network and LA Environmental Justice Network, Legislative Assembly and Senate Staff, California Council for Environmental and Economic Balance and California Chamber of Commerce. This stakeholder effort provided the platform for the development of a key component of the permitting criteria regulation required under SB 673.</p>
<p>Upload all public inspection reports, settlements, and summaries of violation into EnviroStor on a timely basis and evaluate additional technologies to enhance public accessibility.</p>	<p>7/26/2016</p>	<p>All current inspection reports are posted to the public version of EnviroStor approximately 30 days after the inspection report is mailed to the facility. The reason for the delay is to allow the facility to make any "confidential business information" (CBI) claims. Generally, facilities do not make CBI claims and the majority of inspection reports become available according to the 30 day schedule. DTSC usually mails inspection reports to the facility within 65 days from the date of the inspection. By policy, DTSC is shortening this time period for the majority of inspections to 50 days or less.</p>
<p>Prior to inspection of a permitted hazardous waste facility, the inspection team should communicate with site mitigation staff members to verify that the facility operator has provided any required financial assurances for corrective action.</p>	<p>7/26/2016</p>	<p>The Financial Responsibility Unit is part of HWMP. ERRD requests a financial assurance review as part of an inspection. That financial record review determines whether a financial assurance mechanism has been provided and whether it provides adequate coverage. By policy, inspectors will contact site mitigation staff to determine whether financial assurances are required for corrective action.</p>

Public Outreach		
Start to implement the UC Davis public participation work plan.	1/28/2016	<p>The UCD recommendations that are being considered for implementation will be reflected in the Office of Public Participation (OPP) Work plan, which is on track for completion Dec 2017. Feasibility and practicality of the recommendations is contingent on available staff resources, statutory authority and reconciliation with state civil service laws/rules/regs.</p> <p>Some UCD recommendations would require additional statutory authority and funding to implement. DTSC is evaluating as part of the Public Engagement Work Plan which recommendations can be pursued in the short and long-term timeframes.</p> <p>UCD Report and DTSC Cover Letter shared with the IRP in Feb 2017:  <a href="https://dtsc.ca.gov/GetInvolved/ReviewPanel/upload/UC-Davis-Extension-Collaboration-Center-Public-Outreach-Engagement-Strategies-for-DTSC-January-31-2017.pdf">https://dtsc.ca.gov/GetInvolved/ReviewPanel/upload/UC-Davis-Extension-Collaboration-Center-Public-Outreach-Engagement-Strategies-for-DTSC-January-31-2017.pdf</a></p>
Continue practice of bi-monthly environmental justice accountability calls or an equivalent mechanism designed to increase the communication between the DTSC and the community.	1/28/2016	DTSC held bi-monthly calls, but stakeholder input suggested the calls had limited utility. The Office of Environmental Justice and Tribal Affairs is actively pursuing alternative forums to increase communication between DTSC and the community.
Publish all CEQA notices on one tab on the DTSC website.	1/28/2016	<p>DTSC is researching the ability to have all CEQA Notices on one page via EnviroStor. The Exide final EIR documents have been added to the Residential Cleanup web page (<a href="http://www.dtsc.ca.gov/HazardousWaste/Projects/Residential-Cleanup.cfm">http://www.dtsc.ca.gov/HazardousWaste/Projects/Residential-Cleanup.cfm</a>). A link to this page is also available from the Exide Home page.</p> <p>DTSC is still in the process of evaluating and prioritizing improvements to the website and will implement them based on available resources. A webmaster was hired and started June 1, 2017, and an assessment of the website is currently in process by an outside vendor.</p>
Publish all Hazardous Waste Facility Permits on one tab on the DTSC website.	1/28/2016	DTSC is still in the process of evaluating and prioritizing improvements to the website and will implement the proposed improvements based on available resources. A webmaster was hired and started June 1, 2017, and an assessment of the website is currently in process by an outside vendor.
Publish all public enforcement actions (orders, settlements) in one tab on the DTSC website.	1/28/2016	DTSC is still in the process of evaluating and prioritizing improvements to the website and will implement them based on available resources. A webmaster was hired and started June 1, 2017, and an assessment of the website is currently in process by an outside vendor.

Assign staff, immediately, charged with independent review, to revisit all cases in past five years of "No Further Action" that involve William Bosan or Theo Johnson, and report to the public on the findings.	1/28/2016	DTSC has conducted reviews of many of the cases and has referred to external partners additional cases for independent review.
Improve EnviroStor's user-friendliness, accuracy, completeness, and regular updating of material. Provide technical support/assistance to public stakeholders on how to navigate the website.	10/24/2016	<p>Based on feedback from the December 2016 EnviroStor Improvements webinar, DTSC is in the process of enhancing the EnviroStor Public Website. The enhancements include incorporating CalEnviroScreen 3.0 data, improving search tools and layout for ease of access and enhanced navigation for external stakeholders to find reports. In addition to system enhancements, DTSC has also updated the policies regarding uploading of documents to assist internal users with the enhanced ease of uploading documents. Additionally, DTSC will be forming a governance team to review the EnviroStor enhancements that impact the public website to ensure consistency moving forward.</p> <p>The enhancements are scheduled to be released at the end of September 2017.</p>
Finalize the Public Engagement Workplan and the Public Participation Manual update by December 31, 2017.	10/24/2016	The drafts continue to be developed and refined to include, for example, enhanced community assessment models for Permitting and Site Mitigation), performance metrics (EnviroStor generated), as well as several other departmental initiatives.
Building on what is learned from the Exide cleanup, establish long-term relationships between public outreach staff members and communities surrounding hazardous waste facilities as well as brownfields and environmental restoration sites. Encourage the hiring of bilingual public outreach staff members who are from those communities or live in or near them.	10/24/2016	The new Office of Public Participation (OPP) has established an ongoing practice of hiring bilingual public outreach staff members who are from, or live near, the impacted communities they serve. This is an ongoing hiring commitment. This practice also extends to the Exide project team, as well as the OEJTA team. Twelve of 28 Public Participation team members are bilingual. The OPP and OEJTA are two of the most diverse teams within the Department.

Offer DTSC's risk communication workshops to employees of other CalEPA entities to improve collaboration, training, communication, and consistency.	10/24/2016	<p>Risk Communications workshops were offered and attended by the State Water Board; Air Resources Board, and the Office of Environmental Health Hazard Assessment (OEHHA). The Department of Pesticide Regulation and Cal Recycle were unable to attend. Six Risk Communication Workshops have been conducted in collaboration with and for the Water Board. An additional workshop was hosted on February 24, 2017, in partnership with the Water Board in Sacramento. The Water Board continues to work with DTSC and is developing their own workshops. DTSC is available to assist the BDOs in the development of their own workshops when warranted. DTSC will continue to invite the sister BDOs and will encourage their participation to join the DTSC workshops when conducted.</p> <p>Training for new DTSC Public Participation and EJTA team members was conducted January 25, 2017. The OPP team will continue to conduct a minimum of two risk communications workshops annually (one in Northern CA and one Southern CA). Additional Risk Communications workshops will be conducted as needed and/or upon request.</p>
Establish a permanent, crisis management team within the Public Participation Program for emergencies involving toxic materials.	10/24/2016	Discussion was held between DTSC and the IRP on the intent of this recommendation on February 8, 2017. DTSC already has an Emergency Response Program in place, where an important role for DTSC public participation staff in support of the response plan has been established.
<b>Fiscal Management</b>		
DTSC should provide timely Health & Safety Code (HS&C) Section 57007 Biennial Report and tie report to DTSC "Fixing the Foundation," including documenting compliance with all goals and objectives therein.	1/28/2016	DTSC has provided the IRP nearly 4,000 pages of information and presentations about DTSC's ongoing process improvement efforts. DTSC has compiled a summary of the process improvement efforts undertaken by staff and management between 2014 and 2017. DTSC will provide the summary to the IRP.
<b>Site Mitigation</b>		
Publish a strategy on how, in appropriate cases, DTSC will work with CalEPA and its boards, departments, and offices, as well as with local air districts, to require fence line/aerial deposition monitoring during site mitigation in situations where there are adjacent sensitive receptors.	4/21/2016	The DTSC Community Air Monitoring Plan Guidance (CAMP Guide) is currently under review by the Health & Safety Program. HSP delayed the completion of its review pending the adoption of the South Coast Air Quality Management District's (SCAQMD's) Rule 1466 for the Control of Particulate Emissions from Soils with Toxic Air Contaminants. Because this rule will directly impact the scope and application of the CAMP Guide, DTSC is working with SCAQMD rules staff to obtain an equivalency for Rule 1466 for TCRA projects. Based upon their response, HSP will determine the best course of action for the larger cleanup process and will then release to the Brownfields and Environmental Restoration Program. The draft plan will first undergo final management review before release.

<p>Publish on DTSC's website an easy-to-read matrix of cleanup standards, cleanup schedules, and sampling levels to enhance transparency of mitigation at particular sites that are subject to public concern and inquiry.</p>	<p>4/21/2016</p>	<p>DTSC continues to evaluate and prioritize improvements to the website and will implement them based on available resources. A webmaster was hired and started June 1, 2017, and an assessment of the website is currently in process by an outside vendor. The Brownfields and Environmental Restoration Program is developing a program specific strategic plan that includes this objective.</p>
<p>Provide Level 4 data packages for site mitigation analyses and decisions to the public upon request.</p>	<p>4/21/2016</p>	<p>Regarding Exide data, DTSC provides data packages and sampling reports to the public in response to California Public Records Act (PRA) requests. These productions occur on a rolling basis as the data is received from the contractors, reviewed for quality assurance and quality control by DTSC staff, and after review and redaction for any applicable exemption or privileges. DTSC has redacted the records produced to withhold information based on the following exemptions under the PRA: personal or private information (Gov. Code Sections 6254, subds. (c) and (k), and 6254.3; Civ. Code Section 1798 et seq.); and records covered by the balancing test (Gov. Code Sections 6254, subd. (k) and 6255). Specifically DTSC has redacted references to the street addresses of residential properties sampled and references to the latitude/longitude geospatial coordinates depicting the sampling location. For street addresses only the street numbers have been redacted, without redaction of street names or any other address information. For geospatial coordinates in decimal format, digits have been redacted for those beyond the third digit to the right of the decimal point. This redaction methodology balances the interest in providing meaningful information regarding the soil sampling being performed with the public interest in robust participation with residents in the Preliminary Investigation Area.</p>
<p><b>Source Reduction Program</b></p>		
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<p><b>Consumer Products Program</b></p>		
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