

Status of IRP Recommendations to Legislature and Governor As of November 16, 2016

Recommendation	Date of Request	Action/Resolution
Budget		
Support the Governor's 2016-2017 budget proposal for DTSC.	1/28/2016	Legislature approved all budget proposals for DTSC.
Increase the DTSC's SRA funding to address the projected shortfall for orphan site cleanup and transition of federal sites to state operations and maintenance oversight.	1/28/2016	AB 2891 (Committee on Environmental Safety & Toxic Materials) addressed issue in part.
Provide position authority and funding to DTSC to maintain the 14.0 limited-term cost recovery staff positions through 2018 or make them permanent.	1/28/2016	Pending
Provide position authority and funding to strengthen the role of the Assistant Director for Environmental Justice and Tribal affairs, including more staffing and resources.	1/28/2016	Legislature approved funding for 6 positions to create proposed Office of EJ and Tribal Affairs.
Permitting		
Require that DTSC require as part of Hazardous Waste Facility Permits that adequate financial assurances be set aside for corrective action for existing hazardous waste releases at the site, not only for post-closure equipment decommissioning. Investigate whether current Health & Safety Code Sections 25200.10(b) and 25245 et seq. should be amended to ensure that adequate financial assurances be set aside during Hazardous Waste Facility Permit issuance to pay for corrective action for existing hazardous waste releases at the sites that DTSC is permitting. This is consistent with the April 2006 LAO Report: "Financial Assurances: Strengthening Public Safety of Waste Facilities and Surface Mines."	1/28/2016	Pending
Consider whether to create a Permit Appeals Board to hear, and decide on all Hazardous Waste Facility Permits that the DTSC does not timely process within 3 years of expiration. Consider whether establishing such a Permit Appeals Board would increase transparency and reduce backlogs. A possible legislative vehicle for this could be pending SB 654 (De León).	1/28/2016	Pending.

Require that DTSC obtain full cost recovery connected with its Hazardous Waste Facility Permit decisions. The DTSC reports that the DTSC's existing HSC section 25205.7(d) fee collection for permitting statute does not ensure that it achieves full cost recovery connected with its Hazardous Waste Facility Permit actions.	1/28/2016	SB 839 (Committee on Budget & Fiscal Review) eliminated the flat fee option.
Fund Technical Assistance Grants to allow public participation before a draft Hazardous Waste Facility Permit is prepared. This can assist in transparency of permitting decisions and allow community questions and concerns to be raised early in the process.	1/28/2016	Pending. AB 1400 (Santiago) would have required DTSC to grant request from member of public for grant for getting information about pending permit. Bill unsuccessful.
Augment the Hazardous Waste Control Account to fund necessary permanent positions to achieve the goal of DTSC making 16 permit decisions a year and processing 90 percent of permit decisions in a 2-year period or less.	4/21/2016	Approved in 2016-17 budget.
Require DTSC to review each permitted hazardous waste facility's financial assurances every 5 years.	4/21/2016	Pending. AB 1205 (Gomez) would have required DTSC to review financial assurances once every 5 years. Bill unsuccessful.
Require DTSC to respond within certain time periods to hazardous waste permit application submittals, require applicants to submit application information on a timely basis, and establish accountability mechanisms, such as deemed approval of the submitted information or the initiation of permit denial proceedings, if these event deadlines are not met by DTSC or the applicant.	4/21/2016	Pending. SB 654 (De León) would have required facilities to submit part A & B applications 2 years before permit expiration. Proposal unsuccessful.
Amend HSC section 25200 to give DTSC specific authority to require fence line monitoring by permit holders in certain cases.	4/21/2016	Pending. AB 1400 (Santiago) would have required DTSC to require facility operator to install monitoring devices at fence line as a condition for permit. Bill unsuccessful.
Give hazardous waste facility permit applicants a reasonable assurance of application costs and include some mechanism to hold DTSC accountable for those assurances, even in fee-for-service scenarios.	4/21/2016	Pending
Enforcement		

Include inspection frequencies for permitted hazardous waste treatment, storage, and disposal facilities and hazardous waste generators in statute. The frequencies should be based on facility compliance history, quantity of waste, toxicity risk, and proximity to sensitive habitats and populations at risk, including disadvantaged communities.	7/26/2016	Pending. AB 1102 (Santiago) would have required specific frequencies. Bill unsuccessful.
Support AB 1858 (Santiago), which requires the DMV to establish an Unlicensed Automobile Dismantling Task Force to investigate the occurrences of unlicensed vehicle dismantling.	7/26/2016	AB 1858 addressed issue in part.
Increase the maximum penalties for violations of HSC section 25189 to make them equivalent to the federal maximum penalties for similar violations, with an inflation allowance.	7/26/2016	Pending
Public Outreach		
Create an oversight board or consider other structural changes at DTSC to improve accountability and transparency.	10/24/2016	Pending
Provide additional funding to the newly established Office of Public Participation for sufficient staffing necessary to adequately address all necessary public outreach needs of DTSC.	10/24/2016	Pending
Consider amendments to HSC section 25358.7 et seq. to address CAG transparency, conflicts of interest, funding, funding disclosure, membership, and technical expertise.	10/24/2016	Pending
Create a statewide lead taskforce to make recommendations on the sharing of information, leveraging of resources, and establishing of a comprehensive surveillance program on lead toxicity. The taskforce should include representatives from: DTSC, Department of Public Health (DPH), Office of Environmental Health Hazard Assessment, Cal/OSHA, air quality management districts, regional water quality control boards, county environmental health departments, worker safety advocates, labor organizations, healthy housing organizations, and impacted communities.	10/24/2016	Pending
Fiscal Management		
Site Mitigation		

Support Gov. Brown's proposed \$176.6 million appropriation to fund expedited and expanded testing and cleanup of residential properties, schools, daycare centers, and parks impacted by the former Exide Technologies facility in Vernon.	4/21/2016	Gov. Brown approved SB 93 (De León) and AB 118 (Santiago) on April 20, which transfer the \$176.6 million as a loan from the General Fund to the Toxic Substances Control Account for DTSC to use for this purpose.
Require the DTSC to prioritize the Exide Technologies residential cleanup based on mapping data on metal levels in blood and soil.	4/21/2016	Pending
Require collaboration between national, state, and local agencies to better make available and use data, including blood data, to address lead contamination in California communities.	4/21/2016	Pending
Source Reduction Program		
Consumer Products Program		

Status of Independent Review Panel Recommendations to DTSC As of November 16, 2016

Recommendation	Date of Request	Due Date	Date Fulfilled
Permitting			
Publish draft SB 673 regulations.	1/28/2016	1/1/2017	Pending
Adopt SB 673 regulations.	1/28/2016	1/1/2018	Pending
Adopt guidance or publish draft regulations on Violation Scoring Procedure (VSP).	1/28/2016	1/1/2017	Pending
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	1/1/2017	Pending
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	1/1/2017	Pending
Post all formal responses and permit processing documentation in EnviroStor to improve transparency and community understanding of permit application status.	4/21/2016	1/1/2017	Pending
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	1/1/2017	Pending
Enforcement			
Adopt an AB 1071-compliant Supplemental Environmental Projects Policy.	1/28/2016	5/1/2016	5/5/2016
Adopt "Improving Enforcement Performance Initiative" Workplan.	1/28/2016	1/1/2017	Pending
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	N/A	Pending
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.	7/26/2016	N/A	Pending
Evaluate whether to include environmental, occupational, and other violations in the VSP.	7/26/2016	N/A	Pending
Upload all public inspection reports, settlements, and summaries of violation into EnviroStor on a timely basis and evaluate additional technologies to enhance public accessibility.	7/26/2016	N/A	Pending

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.	7/26/2016	N/A	Pending
Public Outreach			
Start to implement the UC Davis public participation work plan.	1/28/2016	1/1/2017	Pending
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	N/A	Pending
Publish all CEQA notices on one tab on the DTSC website.	1/28/2016	N/A	Pending
Publish all Hazardous Waste Facility Permits on one tab on the DTSC website.	1/28/2016	N/A	Pending
Publish all public enforcement actions (orders, settlements) in one tab on the DTSC website.	1/28/2016	N/A	Pending
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	6/1/2016	DTSC Review in Progress (Overdue)
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	N/A	Pending
Finalize the Public Engagement Workplan and the Public Participation Manual update by December 31, 2017.	10/24/2016	12/31/2017	Pending
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	N/A	Pending
Offer DTSC's risk communication workshops to employees of other CalEPA entities to improve collaboration, training, communication, and consistency.	10/24/2016	N/A	Pending
Establish a permanent, crisis management team within the Public Participation Program for emergencies involving toxic materials.	10/24/2016	N/A	Pending
Fiscal Management			
DTSC should provide timely Health & Safety Code Section 57007 Biennial Report and tie report to DTSC "Fixing the Foundation," including documenting compliance with <u>all</u> goals and objectives therein.	1/28/2016	1/1/2017	N/A

Site Mitigation			
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	7/1/2017	Pending
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.	4/21/2016	N/A	Pending
Provide Level 4 data packages for site mitigation analyses and decisions to the public upon request.	4/21/2016	N/A	Pending
Source Reduction Program			
Consumer Products Program			

Status of IRP Recommended Performance Metrics for DTSC As of November 16, 2016

Recommendation	Date of Request	Due Date	Date Fulfilled
Permitting			
Make an annual average of 16 hazardous waste facility permit decisions over a 10-year permitting cycle.	4/21/16	Report by 6/30/17	Pending
Send out reminder letter at least 18 months in advance of hazardous waste facility permit expiration date 100 percent of the time each fiscal year.	4/21/16	Report by 6/30/17	Pending
Conduct a pre-application meeting with the hazardous waste facility permit applicant within three months after issuance of the reminder letter 100 percent of the time each fiscal year.	4/21/16	Report by 6/30/17	Pending
Review hazardous waste facility permit application for administrative completeness within 30 days of receipt of the permit application and notify the applicant, in writing, whether the application is complete 100 percent of the time each fiscal year.	4/21/16	Report by 6/30/17	Pending
Complete technical review for an average of 80 percent of permit applications within 13 months after the application is determined to be administratively complete for the next 10 years.	4/21/16	Report by 6/30/17	Pending
Establish average processing time of 2 years or less for 90 percent of hazardous waste facility permits completed for the next 10 years.	4/21/16	Report by 6/30/17	Pending
Review, on average, 24 hazardous waste facility permit closure and post-closure plans and associated engineer's cost estimates each fiscal year.	4/21/16	Report by 6/30/17	Pending
Experience less than 10-percent staff turnover with permitting staff during FY 2016-17.	4/21/16	Report by 6/30/17	Pending
Enforcement			
Measure the percentage of inspection reports sent to hazardous waste facility operators within the statutory time periods, with a goal of complying 100 percent of the time each fiscal year.	7/26/16	N/A	Pending
Meet or exceed RCRA Grant commitments for inspection of hazardous waste treatment, storage, and disposal facilities.	7/26/16	N/A	Pending
Set a "stretch" target for the percentage of permitted hazardous waste treatment, storage, and disposal facilities inspected each fiscal year.	7/26/16	N/A	Pending

Measure and evaluate the referral time for OCI cases with a goal of referring 95 percent of the cases within 180 days from the date the violation was determined.	7/26/16	N/A	Pending
Complete 90 percent of EERD administrative enforcement actions within 180 days from the date the violation was determined when the calculated penalties are less than \$75,000.	7/26/16	N/A	Pending
Public Outreach			
Using surveys and other methods, measure community satisfaction of public outreach on an annual basis.	10/24/16	N/A	Pending
Compare results of a planned IRP 2017 survey of Panel contacts with results of the 2016 IRP survey.	10/24/16	N/A	Pending
Fiscal Management			
Site Mitigation			
Source Reduction Program			
Consumer Products Program			