

Status of IRP Recommendations to Legislature and Governor As of September 11, 2017

Recommendation	Date of Request	Action/Resolution
Budget		
Support the Governor's 2016-2017 budget proposal for DTSC.	1/28/2016	Legislature approved all funding requests submitted by the Governor in support of DTSC in SB 826 (Leno), Chapter 23, Statutes of 2016.
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), Chapter 704, Statutes of 2016, expressed intent of the Legislature that funds be appropriated each year to the Site Remediation Account in an amount that is sufficient to pay for estimated costs for direct site remediation at both federal Superfund orphan sites and at state orphan sites, and that not less than \$10,750,000 be appropriated in the Annual Budget Act each year to the account for direct site remediation costs. The bill also required DTSC to include those estimated costs in a report submitted to the Legislature with the Governor's budget each year. ... DTSC received a \$3.7 million augmentation for direct site remediation at federal Superfund orphan sites and state orphan sites from the 2017 Budget Act for 2017-18.
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 Office of Environmental Justice and Tribal Affairs in SB 826 (Leno), Chapter 23, Statutes of 2016.
Permitting		

<p>As part of the Hazardous Waste Facility Permit process, require 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."</p>	<p>1/28/2016</p>	<p>Pending. The July 21, 2017 version of AB 245 (Quirk) of 2017 would have required DTSC, under specified circumstances, to request an owner or operator of a hazardous waste facility to submit for review and approval a written cost estimate to cover activities associated with a corrective action. The bill would have required the owner or operator, within 90 days of approval or the imposition of a corrective action cost estimate, to fund the estimate or enter into a schedule of compliance for assurances of financial responsibility for completing the corrective action. These provisions were removed from the bill on September 1, 2017.</p>
<p>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).</p>	<p>1/28/2016</p>	<p>Pending. SB 654 (De León) of 2015 was never amended to provide for the establishment of a Permit Appeals Board.</p>
<p>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.</p>	<p>1/28/2016</p>	<p>SB 839 (Committee on Budget & Fiscal Review), Chapter 340, Statutes of 2016, eliminated the flat fee option. It also required the reimbursement agreement to provide for the reimbursement of the costs incurred in reviewing and overseeing corrective action and required the applicant to pay these costs and to pay all costs incurred by DTSC to comply with CEQA.</p>

<p>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.</p>	<p>1/28/2016</p>	<p>Pending. AB 1400 (Santiago) of 2015 would have required DTSC to grant request from a member of the public for a technical assistance grant for getting assistance relating to, and information about, a pending hazardous waste facilities permit if DTSC received the request within 1 year of the submission of the hazardous waste facilities permit application. Bill received no further action in Senate Environmental Quality Committee.</p>
<p>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.</p>	<p>4/21/2016</p>	<p>Approved in SB 826 (Leno), Chapter 23, Statutes of 2016.</p>
<p>Require DTSC to review each permitted hazardous waste facility's financial assurances every 5 years.</p>	<p>4/21/2016</p>	<p>Pending. AB 1205 (Gomez) of 2015 would have required DTSC to review financial assurances once every 5 years. If the review found them to be inadequate, the bill would have required DTSC to notify the facility and would have required the latter to update and adopt adequate assurances within 90 days. Bill received no further action in Senate Environmental Quality Committee. ... The July 12, 2017 version of AB 245 (Quirk) of 2017 would have required DTSC to review, at least once every 5 years, the financial assurances required to operate a hazardous waste facility and the cost estimates used to establish the amount of the financial assurances required. If the department's review found the assurances to be inadequate, the bill would have required it to notify the owner or operator and would have required that person to update and adopt adequate financial assurances and, if applicable, appropriate cost estimates within 90 days. These provisions were removed from the bill on September 1, 2017.</p>

<p>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.</p>	<p>4/21/2016</p>	<p>Pending. SB 654 (De León) of 2015 would have required facilities to submit Part A & B applications 2 years before permit expiration. Additionally, it would have provided that, when a complete application had been submitted before the end of a permit's fixed term, the permit would be extended for a period not to exceed 36 months until the renewal application was approved or denied and the owner or operator had exhausted all rights of appeal. Bill was amended to an unrelated topic. ... AB 248 (Reyes) of 2017 would require, for a permit that expires on or before July 1, 2020, the submission of a Part A & B application for a renewal at least 6 months before expiration. The bill would require, for a permit that expires after that date, the submission at least 2 years before expiration. The bill would provide that if a Part A & Part B renewal application and any other requested information has been submitted within those timeframes, the permit is deemed extended until the application is approved or denied and the owner has exhausted appeal rights.</p>
<p>Amend HSC section 25200 to give DTSC specific authority to require fence line monitoring by permit holders in certain cases.</p>	<p>4/21/2016</p>	<p>Pending. AB 1400 (Santiago) of 2015 would have required DTSC to require facility operator, as a condition for a new hazardous waste facilities permit, to install monitoring devices or other equipment at the fence line to monitor for potential releases from the facility into the surrounding community. Bill received no further action in Senate Environmental Quality Committee. ... The July 12, 2017 version of AB 246 (Santiago) of 2017 would have required DTSC to assess hazardous waste facilities under its jurisdiction to determine if fence-line or other monitoring to measure and record emissions is necessary or appropriate. The bill would have required the department, based on its findings, to adopt regulations for fence-line monitoring. These provisions were removed from the bill on September 6, 2017.</p>

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) of 2015 would have required DTSC to inspect a hazardous waste land disposal facility no fewer than once per month, a permitted and operating hazardous waste facility no fewer than 4 times per year, and a permitted hazardous waste facility no fewer than 2 times per year. Bill received no further action in Senate Environmental Quality Committee. ... AB 1179 (Kalra) of 2017 would require DTSC to adopt regulations establishing inspection frequencies for permitted hazardous waste treatment, storage, and disposal facilities, hazardous waste generators, and hazardous waste transporters. It would require the inspection frequency for a hazardous waste land disposal facility to be no less than 2 times per calendar year and, for any other permitted hazardous waste treatment, storage, or disposal facility, no less than once per calendar year.
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 (Santiago), Chapter 449, Statutes of 2016, required DMV to collaborate with other state agencies and to review and coordinate enforcement and compliance activity related to unlicensed and unregulated automobile dismantling. It did not establish a formal task force.
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. AB 245 (Quirk) of 2017 would increase administrative and civil penalties for violations of hazardous waste control law to \$70,000.
Public Outreach		

Create an oversight board or consider other structural changes at DTSC to improve accountability and transparency.	10/24/2016	Pending. SB 774 (Leyva) of 2017 would establish the California Toxic Substances Board in the DTSC.
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. AB 247 (C. Garcia) of 2017 would require OEHHA, by April 1, 2018, to convene a Lead Advisory Taskforce to review and advise regarding policies and procedures to reduce childhood lead poisoning in the state. The bill would give the task force authorization to make various recommendations to ensure that regulatory standards are protective of health. ... AB 1316 (Quick) of 2017 would change the definition of lead poisoning, require that the regulations establishing a standard of care include the determination of risk factors for whether a child is at risk for lead poisoning, and would require DPH, when determining those risk factors, to consider the most significant environmental risk factors. The bill would further require DPH to prepare and post on its Internet Web site information that evaluates its progress in identifying children with high blood levels and reducing the incidence of excessive childhood exposure in the state.

Fiscal Management

Consider whether to amend Health and Safety Code section 25269.5 to establish deadlines for the meet and confer process, including the preparation of cost estimates for the next phase of the site remediation activity and a procedure for the resolution of cost estimate disputes.	1/20/2017	Pending
Fund the five redirected administrative project manager positions and the redirected staff services manager position that are currently devoted to performing the administrative duties that were tasked to the technical project managers prior to FY 2014-15.	1/20/2017	Pending
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	SB 93 (De León), Chapter 9, Statutes of 2016 and AB 118 (Santiago), Chapter 10, Statutes of 2016, transferred the \$176.6 million as a loan from the General Fund to the Toxic Substances Control Account for DTSC to use for this purpose. The funds are available until June 30, 2018. Funds recovered from responsible parties are to be used to repay the loan.
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. On January 12, 2017, DTSC announced its new Time Critical Removal Action Guidance for expedited actions, including cleanups, to prevent exposure to lead in soil at properties around the facility prior to the certification of the Residential Remedial Action Plan and Environmental Impact Report (EIR), which are expected in June 2017. Under the guidance, the time-critical removal actions are determined on a case-by-case basis and give priority to properties with high levels of lead in the soil and the greatest exposures to sensitive populations. DTSC initiated time-critical cleanups under that guidance in March 2017.

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. AB 247 (C. Garcia) of 2017 would require OEHHA, by April 1, 2018, to convene a Lead Advisory Taskforce to review and advise regarding policies and procedures to reduce childhood lead poisoning in the state. The bill would give the task force authorization to make various recommendations to ensure that regulatory standards are protective of health.
Increase the number of staff members in the Office of Public Participation and Office of Communications to better engage stakeholders throughout all phases of contentious site mitigation projects, especially the early phases.	4/21/2017	4/21/2017
Place in statute a requirement for DTSC to conduct five-year reviews of all long-term cleanup remedies for as long as the hazardous substances remain at the site above levels that allow for unlimited use and unrestricted exposure.	4/21/2017	4/21/2017
Direct the California Law Revision Commission to review provisions pertaining to the response authority for releases of hazardous substances in Chapter 6.5 and Chapter 6.8 of Division 20 of the Health and Safety Code and related statutory law and provide necessary revisions to improve their organization, clarify their meaning, resolve inconsistencies, eliminate unnecessary or obsolete provisions, standardize terminology, clarify program authority and funding sources, and make other minor improvements, without making any significant changes to the effect of the law.	4/21/2017	4/21/2017
Select and appoint a DTSC Assistant Deputy Director responsible for Exide by June 1, 2017.	4/21/2017	4/21/2017
Safer Consumer Products Program		