

ADVISORY COMMITTEE

Name	Affiliation
▪ Cynthia Babich	Del Amo Action Committee
▪ Xonia Villanueva	The People's Senate
▪ Ingrid Brostrom	Center on Race, Poverty & the Environment
▪ Nick Lapis	Californians Against Waste
▪ Virginia St. Jean	San Francisco Dept. of Public Health
▪ Oladele Ogunseitan	UC Irvine, Program in Public Health
▪ Dawn Koepke	CA Council for Environmental and Economic Balance
▪ Chuck White	Solid Waste Association of North America & California Waste Association
▪ David Asti	Southern California Edison

In 2015, DTSC established the Community Protection and Hazardous Waste Reduction Initiative (the Hazardous Waste Reduction Initiative), a first step toward reducing waste disposed in landfills. As part of the Initiative, a stakeholder advisory committee was formed, which worked jointly with DTSC to engage members of impacted communities, as well as business and industry groups, in the selection of pilot-scale projects to reduce hazardous wastes.

The pilot projects will target wastes that pose substantial risks or hazards to human health or the environment, are generated in significant quantities, and are treated or disposed in communities disproportionately burdened by multiple sources of pollution. DTSC and the advisory committee have identified four priority waste streams the pilot projects will address: 1) lead-acid batteries; 2) petroleum refinery wastes; 3) organic solvents; and 4) contaminated soils. The advisory committee will continue to have a role in monitoring and assessing the pilot projects as they proceed.

At a July 20, 2016 advisory committee meeting, DTSC received input from committee members about the proposed pilot projects. DTSC has revised the pilot project proposals to incorporate many of the advisory committee's comments. The changes are identified by underlined and stricken text. Generally, the comments that are not reflected in the revised project proposals will be addressed later as part of the implementation of each project.

This document provides general responses to the comments and suggestions that were not directly incorporated into the documents. Each comment is summarized below, followed by DTSC's response.

General Comments

Terminology

Ms. Brostrom and Ms. Babich expressed the need to have clear definition of terms used in the pilot projects. References were made to terms such as "cost-effectiveness" and "feasibility". Mr. White agreed that everyone should understand the terminology but cautioned against becoming too restrictive.

DTSC Response:

DTSC agrees with the commenters that the terminology used to describe the projects needs to be clear. As DTSC implements the pilot projects, gathers information, and presents its findings, it will work closely with the Advisory Committee members to define all the terms.

Multi-media approaches

Ms. Brostrom and Mr. White requested that the Introduction section in the proposal go further than the 50% reduction goal in landfills by expanding to other media such as air, land, and water.

DTSC Response:

In implementing each project, DTSC plans to incorporate a multi-media approach, including coordinating with other regulatory agencies, and will ensure that the goal of reducing hazardous wastes sent to landfills is not achieved at the expense of increased impacts to another media.

Metrics

Ms. Brostrom suggested including discussion and metrics in the reporting and data gathering about community impacts, both from the generation side near the refinery and the disposal for all pilot projects.

DTSC Response:

DTSC agrees that in implementing the pilot projects, it will be important to quantify, to the extent possible, all impacts of hazardous waste management activities. This quantification will be central to assessing current environmental conditions, as well as changes or

improvements that can be achieved. DTSC will ensure that methods to measure the impacts of waste generation and disposal are incorporated into the implementation of each project.

Specific Comments

Lead Acid Battery project

Sources of Lead

Ms. St. Jean suggested including lead in aviation gas in the “impacts associated with lead exposure” in the second paragraph in the Background section of the Lead Acid Battery proposal. Mr. White agreed and suggested adding that gasoline-engine airplane emissions and petroleum refineries are larger sources of lead in the air than lead smelting, with the exception of Exide.

DTSC Response:

While there may be multiple sources of environmental lead contamination, the focus of this Initiative will continue to be on those impacts attributable to the management of lead acid batteries. When gathering data, DTSC will account for the possible impact of other sources of lead.

Life cycle analysis

Ms. Babich suggested looking at this project in a cradle-to-grave context. Since batteries are still being used, issues with their recycling will continue into the future. Ms. Babich suggested further discussion of the impacts of lead smelting and secondary smelting, from the mining of the lead to disposal in landfills.

DTSC Response:

DTSC understands that life cycle assessment tools are available that could be used to assess and quantify costs and impacts of lead acid battery management activities. DTSC will ensure the project implementation identifies and integrates life cycle elements.

Coordination with the Safer Consumer Products Program

Ms. Brostrom stated the need to coordinate closely with the Safer Products and Workplaces Program to avoid conflict and to ensure meaningful data gathering for both the information gathering and the information use tracks.

DTSC Response:

Initiative staff will work closely with staff from DTSC’s Safer Consumer Products Program to ensure that information is communicated and efforts are coordinated.

Priority on moving waste away from communities

Ms. Villanueva stated that protecting human health and the environment is important, and moving waste away from people should be the first priority. She suggested that moving waste away from communities needs to occur even if that means increases in land disposal.

DTSC Response:

The commenter points out one of the significant underlying principles of the Hazardous Waste Reduction Initiative: the generation and disposal of hazardous wastes in California presents an equity issue for communities where hazardous wastes are generated and where hazardous waste landfills are operated. As it implements each project, DTSC hopes to gather advisory committee and stakeholder feedback to help address this equity challenge. DTSC will ensure that this feedback is incorporated into the design and implementation of the Lead Acid Battery project, as well as other projects.

Contaminated Soil project

Shipping waste to other communities

Ms. Babich commented about the need to have a larger discussion about shipping waste to other communities. She further stated that it is important to ensure that waste is directed to a location where it would do the least harm.

DTSC Response:

DTSC recognizes the need to assess all potential risks and impacts associated with contaminated soil management, including impacts at both the site where the contaminated soil is generated and any site where it might be managed or disposed. DTSC will ensure that these considerations are incorporated into the implementation of this project.

Focus on Destruction Technologies versus Best Management Practices

Ms. Brostrom suggested that the project should focus on technologies that could destroy hazardous waste, rather than on Best Management Practices.

DTSC Response:

DTSC agrees that technologies that can remove or destroy hazardous constituents should be a priority for this project. However, DTSC also recognizes that if technology is not available to achieve removal or destruction, it may be necessary to consider other strategies that can achieve improved public health and environmental safety, at least while exploring removal or treatment technologies in the interim. DTSC will ensure that the preference for removal or destruction of hazardous constituents is incorporated into the implementation of this project.

Community Involvement Strategies

Ms. Brostrom and Ms. St. Jean commented on the need for more community involvement in cleanup decisions. Ms. St. Jean suggested that there should be a discussion of community involvement strategies that would incorporate community preference for onsite treatment over offsite disposal.

DTSC Response:

DTSC acknowledges the importance of involving communities in its cleanup decisions. DTSC will include community involvement strategies and seek community input in the development and implementation of the project. DTSC will also identify and assess available methods that successfully incorporate communities in the regulatory decision-making process.

Refinery Project

Information Gathering

Ms. Brostrom suggested using DTSC's existing authority under SB 14 to review source reduction documents.

DTSC Response:

DTSC agrees that gathering any available information is important in implementing each project. The Hazardous Waste Source Reduction and Management Review Act of 1989 (SB 14) requires hazardous waste generators to prepare source reduction plans and reports, even though those plans and reports need not be submitted to DTSC. To take advantage of this information, DTSC has already requested source reduction documents from generators of petroleum refinery wastes, lead-acid batteries, and the organic solvents. This information will provide an important basis to compare DTSC's previous pollution prevention efforts for the petroleum refining industry and is currently in the process of evaluating the submitted information.

Using Supplemental Environmental Programs (SEP)

Ms. St. Jean, Ms. Brostrom and Mr. Asti suggested the possibility of using SEPs or other enforcement actions to identify potential partners for the project.

DTSC Response:

DTSC appreciates this suggestion. As pilot projects and partnerships are identified, Initiative staff will coordinate DTSC Enforcement staff to identify opportunities to pursue opportunities for SEPs, as well as other partnerships as the project progresses.

Solvent Waste Proposal

Need to focus the project more narrowly

Ms. St. Jean, and Dr. Ogunseitan commented on the need to better focus the work of the project and to narrow the solvents targeted.

DTSC Response:

DTSC recognizes the there are many different solvent waste streams, and will focus the project on five solvent wastes that are believed to have the greatest potential for re-use or recycling. DTSC will seek the advisory committee's feedback on its proposals as the project proceeds.