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15-DAY PUBLIC NOTICE AND COMMENT PERIOD NOTICE OF PUBLIC AVAILABILITY OF POST-HEARING CHANGES AND AVAILABILITY OF DOCUMENTS ADDED TO THE RULEMAKING FILE

TOXICITY CRITERIA FOR HUMAN HEALTH RISK ASSESSMENTS, SCREENING LEVELS, AND REMEDIATION GOALS

Department of Toxic Substances Control Reference Number: R-2016-08
Office of Administrative Law Notice File Number: Z-2017-0725-08

Pursuant to Government Code section 11346.8, subdivision (c), and section 44 of Title 1 of the California Code of Regulations, notice is hereby given that the Department of Toxic Substances Control (DTSC) has revised the text of the proposed regulations to adopt California Code of Regulations (CCR), Title 22, Division 4.5, sections 68400.5, 69020, 69021, and 69022 to set a narrative cleanup performance standard, and adopt the listed toxicity criteria for all human health risk assessments calculating human health risk-based screening levels and remediation goals at hazardous substance release cleanup sites in California. A written comment period has been established and is scheduled to commence on April 6, 2018 and conclude at 11:59 PM PDT on April 21, 2018.

The proposed regulations will adopt specified California toxicity criteria for use in human health risk assessments to set human health risk-based screening levels and remediation goals for both corrective action under the Hazardous Waste Control Law (Chapter 6.5) and response actions under the Hazardous Substances Account Act (Chapter 6.8). Note also that because execution of the California Land Reuse and Revitalization Act (Chapter 6.82) specifically refers to Chapter 6.8 for risk assessments, screening levels, and remediation goals. Chapter 6.82 will also be governed by this rule.

The purpose of this notice is to provide interested parties with the opportunity to review and comment on 1) proposed changes to the originally-proposed text of these regulations and 2) additional documents that DTSC is adding to the rulemaking file. DTSC mailed the original text and made it available for public review and comment on *August 4, 2017*. A public hearing was held on *September 20, 2017*, during which written and oral testimony was accepted. In addition, written comments were accepted during a 45-day public comment period, which ended on *September 20, 2017*. As noted

above, DTSC has made post-hearing changes to the proposed text. DTSC considers these changes to be “sufficiently related,” as defined in the California Code of Regulations, Title 1, section 42. DTSC has also determined that these changes would have less than significant effect on the environment, including impacts from green house gases as previously described in the Notice of Exemption prepared by DTSC pursuant to the California Environmental Quality Act (CEQA).

A copy of the revised text is attached. Single underline represents original proposed text. The ~~single strikethrough~~ represents text deleted from the originally proposed text and the double underline text represents additions to the originally proposed text.

Pursuant to Government Code section 11347.1, subdivision (a), DTSC is also adding the following documents to the rulemaking file:

- *Revised Economic and Fiscal Impact Statement (Form STD 399)*
- *Revised Economic and Fiscal Impact Analysis (attachment to Form STD 399)*
- *Draft Responses to Comments on the Draft Proposed Regulations*
- *Index to the Draft Responses to Comments on the Draft Proposed Regulations*
- United States Environmental Protection Agency Office of Solid Waste and Emergency Response Directive 9285.7-53, *Human Health Toxicity Values in Superfund Risk Assessments*, December 2003
- Joint Environmental Council of States-Department of Defense White Paper, *Identification and Selection of Toxicity Values/Criteria for CERCLA and Hazardous Waste Site Risk Assessments in the Absence of IRIS Values*, April 2007
- United States Census Bureau, *The Asian Population: 2010*, 2010 Census Brief, March 2012

Copies of the revised text of the proposed regulations and documents added to the rulemaking file are posted to DTSC’s Internet site at:

<http://dtsc.ca.gov/LawsRegsPolicies/Regs/Toxicity-Criteria-for-Human-Health-Risk-Assessment.cfm>

or may be obtained from:

Mr. Kevin Depies
Engineering Geologist
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95812-0806

Notice is hereby given that any interested persons may submit comments regarding the aforementioned text revisions and documents added to the rulemaking file by e-mail to kevin.depies@dtsc.ca.gov, or by mail to:

Mr. Kevin Depies
Engineering Geologist
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95812-0806

All comments must be received by DTSC by 11:59 PM PDT on April 21, 2018.

The documents upon which DTSC has relied in developing these proposed regulations can be made available for public inspection between 8:00 a.m. and 5:00 p.m. at the DTSC regional Cal Center Office located at 8800 Cal Center Drive, Sacramento, California 95826. Requests for review as well as any inquiries concerning this matter may be directed to Mr. Kevin Depies, contact information listed above.

Inquiries regarding technical aspects of the proposed regulations should be directed to Mr. Kevin Depies, of the Office Legacy Landfills at (916) 255-6547 or, if unavailable, to Dr. Kimberly Gettmann of the Human and Ecological Risk Office at (916) 255-6685. Please note: such oral inquiries are not part of the official rulemaking record.