

CALIFORNIA ENVIRONMENTAL QUALITY ACT  
NOTICE OF EXEMPTION

2017068528

To: Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044, 1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control  
Brownfields Environmental Restoration Program/  
Legacy Landfills Office  
8800 Cal Center Drive  
Sacramento, CA 95826-3200

Project Title: Toxicity Criteria for Risk Assessments, Screening Levels, and Remediation Goals (Regulation Reference Number R-2016-08)

Project Location: Statewide

County: Statewide

Project Description: The Department of Toxic Substances Control (DTSC), pursuant to Health and Safety Code Division 20, Chapter 6.5, section 25150, under Chapter 6.8, section 25251.5, and as implied under Chapter 6.82 by its duties as a cleanup oversight agency, has authority to adopt regulations as necessary for the California Hazardous Waste Control Law, the Hazardous Substances Account Act (AKA State Superfund Law), and the California Land Reuse and Revitalization Act of 2004, respectively. Specific relevant sections are 25187, 25351.5, 25356.1.5, 25395.92, and 25395.94. The proposed action will formally adopt the toxicity criteria to be used for human health risk assessments and establishing health-based screening levels and health-based remediation goals at hazardous waste and hazardous substance release sites under the three Chapters.

Background: Toxicity criteria/values are a numerical expression of a contaminant's dose-response relationship of potential carcinogenic and/or non-carcinogenic harmful health effects. Data from animal-based scientific studies, or if available, epidemiological studies, are used to derive the toxicity criteria which are then used in human health risk assessments to estimate the potential incremental excess cancer risk and non-cancer hazard effects from exposure to the harmful substance.

Toxicity criteria are developed by several agencies, each of which follows the respective agency's' recommended guidance documents. These guidance documents set forth principles and procedures for evaluating carcinogenic risk and may apply varying inputs and assumptions for deriving the toxicity criteria. The U.S. Environmental Protection Agency (EPA) Office of Research and Development (ORD) and the California Office of Environmental Health Hazard Assessment (OEHHA) are the two leading sources in the U.S. of peer-reviewed toxicity criteria for use in evaluating human health risks from exposure to hazardous substances. ORD toxicity criteria can be found in the Integrated Risk Information System (IRIS) database. ORD and OEHHA both use a similar, rigorous peer-review process to develop toxicity criteria. While ORD values set a national floor of protection with their criteria, OEHHA factors in California's genetically, ethnically, culturally, and economically diverse population by considering potential increased sensitivity to exposures early-in-life (during pregnancy), as well as, during infancy, childhood, and the elder years. OEHHA bases its toxicity criteria on assumptions and/or modeling parameters better suited to and more inclusive of California's diverse demographic. This approach is consistent with California's legislated mandates and overall environmental policy to apply a uniformly high level of protection to its citizens. Toxicity criteria derived by ORD and OEHHA differ for many contaminants. While this difference is frequently relatively small, there are several contaminants where that difference is significant enough to warrant use of the OEHHA value rather than the IRIS value when evaluating human health risk at hazardous waste and hazardous substance release sites. Consistently applying the adopted OEHHA toxicity criteria at cleanup sites across California ensures uniform protection for California's diverse population.

For cleanup sites in California, DTSC has worked with U.S. EPA's Region 9 office since 1994 to integrate California-specific risk assessment concerns into the risk assessment process. This includes the application of toxicity criteria from OEHHA that are more stringent than U.S. EPA's IRIS values. One example of the collaboration was the inclusion of 'Cal-modified' risk screening values (based on California-specific cancer toxicity values) into the U.S. EPA Region 9 Preliminary Remediation Goals (PRGs) list. For contaminants where the U.S. EPA screening level (PRG) value exceeded the California value by four-fold, U.S. EPA Region 9 included the 'Cal-modified' PRG in the PRG list and the 'Cal-modified' PRG applied to all California environmental sites.

Project Activities: DTSC is codifying use of OEHHA toxicity criteria for California environmental cleanup sites within its jurisdiction so that all such sites statewide are evaluated using California-specific considerations and to ensure future consistency with historical practice.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Department of Toxic Substances Control

Exemption Status: (check one)

- Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]
- Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec. 15269(a)]
- Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec. 15269(b)(c)]
- Categorical Exemption: [Class 8 – CCR, Sec. 15308]
- Statutory Exemptions: [State code section number]
- General Rule [CCR, Sec. 15061(b)(3)]

Exemption Title: With Certainty, No Possibility of a Significant Effect on the Environment; and Actions by Regulatory Agencies for Protection of the Environment.

Reasons Why Project is Exempt: The project will not result in a change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. Therefore, DTSC finds with certainty that there is not a possibility that the activities in question will result in a significant environmental effect.

Evidence to support the above conclusions is documented in the project file, available for inspection at:

Department of Toxic Substances Control  
File Room -- Sacramento Regional Office  
8800 Cal Center Drive, 1st floor  
Sacramento, CA 95826-3200

<u>Kevin Depies</u>	<u>Engineering Geologist</u>	<u>(916) 255-6547</u>
Project Manager Name	Project Manager Title	Phone #
		<u>6/28/2017</u>
Branch Chief Signature		Date

<u>Richard Hume</u>	<u>Chief, Cleanup Program Legacy Landfills</u>	<u>(916) 255-6540</u>
Branch Chief Name	Branch Chief Title	Phone #

**TO BE COMPLETED BY OPR ONLY**

Date Received For Filing and Posting at OPR:

**Governor's Office of Planning & Research**  
**JUN 28 2017**  
**STATE CLEARINGHOUSE**