

Fact Sheet

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

Hazardous Waste Facility Permitting Criteria Regulations Effective January 1, 2019

The Department of Toxic Substances Control (DTSC) has adopted regulations that will strengthen protections for public health and the environment at hazardous waste facilities and increase DTSC's transparency and accountability.

The new regulations will: (1) provide a consistent and transparent process for considering a hazardous waste facility's past violations in DTSC's hazardous waste facility permitting decisions; (2) Expand worker training to enhance safety; (3) impose stronger financial assurance requirements to ensure adequate and timely cleanup of contaminated facilities and conserve taxpayer funds; (4) provide better information to promote community involvement; and (5) require assessments to identify health risks from facility operations, including in vulnerable communities.

Scope of the New Regulations

New Violations Scoring Procedure

The new Violations Scoring Procedure, or VSP, enhances transparency and accountability in DTSC's permitting decisions. This procedure establishes a process for evaluating and scoring a facility's significant violations (Class I) over 10 years to assign a facility to one of three compliance tiers for purposes of DTSC's permitting decision.

- DTSC will publish facilities' VSP scores and compliance tiers annually.
- Unless a facility's compliance tier is "acceptable," the facility will be required to meet enhanced permit conditions or other requirements.
- A facility assigned as "conditionally acceptable" will be required to undertake a third-party audit and to correct compliance problems.
- For a facility assigned as "unacceptable," DTSC will initiate a process to deny, suspend, or revoke its hazardous waste facility permit pending a more detailed compliance history review, and may impose additional requirements to restrict permitted activities.
- Facilities can dispute VSP scores and challenge an "unacceptable" compliance tier assignment.

Top Four Things to Know

1. The regulations take effect on January 1, 2019 and primarily affect hazardous waste facilities.
2. Post-closure facilities are exempt from the Violation Scoring Procedure and the health risk assessment requirements.
3. Financial assurance requirements may impact any hazardous waste facility, facilities undergoing site cleanup, electronic/universal waste handlers which treat hazardous waste, and generators conducting on-site hazardous waste treatment.
4. Facilities submitting hazardous waste facility permit applications after January 1, 2019 will need to meet the new requirements on the health risk assessment and the community involvement profile.



New Health Risk Assessment

After January 1, 2019, a hazardous waste facility must submit a health risk assessment (HRA) with its permit application. This assessment determines whether and to what extent the facility's on-site and off-site operations pose a risk to people in the surrounding community.

The HRA requirement may lead to three steps.

- A facility will gather data in a questionnaire. DTSC will review the questionnaire and decide whether the facility conducts a screening-level assessment or a full health risk assessment. DTSC may also decide that there is no need for any additional assessment.
- A Screening Level HRA will require the use of site-specific contaminant levels to compare to regulatory health risk screening levels.
- A full risk assessment—called a Baseline HRA—will use site-specific contaminant levels to calculate a cumulative risk assessment for cancer and noncancer health impacts.

Applicants for post-closure and Class 1 or Class 2 permit modifications are exempt from this HRA requirement.

Amended Financial Assurance Requirements

For the use of financial test and corporate guarantee as a financial assurance mechanism:

- The net worth to qualify has increased.
- There is a minimum corporate credit rating requirement.
- Assets can only be relied on once to meet this requirement and cannot be relied on again to meet any other financial assurance requirement imposed by DTSC or another governmental agency.

For the use of insurance as a financial assurance mechanism:

- Only an insurance company licensed to transact the business of insurance in California can provide an insurance policy that satisfies the financial assurance requirements.

The requirements clarify the point in time at which financial assurance for corrective action is required.

Amended Training Requirements

The new training requirements clarify facility employee training standards and strengthen emergency prevention.

- Training must now include handling and storage standards for incompatible wastes, and facility personnel must be trained in self-protection and accident prevention methods.
- Facilities must ensure that job-specific training is given to all those who are engaged in handling of hazardous waste and general awareness training for all other personnel.
- Facilities must submit annual certifications to DTSC that employees have received required training.

New Community Involvement Profile

After January 1, 2019, a facility must submit a community involvement profile with its permit application. The community involvement profile must include community demographics, community interest, and the locations of sensitive receptors, nearby tribal lands, and other off-site sources of potential exposures to hazardous waste, hazardous materials, or contaminated sites in the community, including transportation-related impacts.

- Facilities may use CalEnviroScreen 3.0, census and other data to complete this profile.

Benefits of the New Regulations

- Enhancing facility compliance by providing a permitting decision metric to incentivize facilities to reduce the number of violations, which will result in better protection of public health and environmental protection over time.
- Characterizing the health risks of facility operations to ensure greater protection of a facility’s workers and the surrounding communities.
- Enhancing financial assurance requirements to protect against changing economic conditions and inflation, thus helping ensure adequate and timely cleanup of contaminated facilities and conserve taxpayer funds.
- Collecting data regarding population characteristics to identify vulnerable populations around or adjacent to hazardous waste facilities to address potential environmental justice issues and increase public participation opportunities.
- Training facility personnel to improve safety and compliance with the California Hazardous Waste Control Law and the implementing regulations.

Links and Contact Information

If you have questions about the regulations or the applicability of the various requirements, please contact Evelia Rodriguez at (916) 327-6104 or permits_hwm@dtsc.ca.gov.

DTSC's hazardous waste regulations are located in the official version of the [California Code of Regulations at Title 22 Social Security, Division 4.5, Environmental Health Standards for the Management of Hazardous Waste](#).

(These links go to the Westlaw website and will open in a new tab/window.)

Quick Reference Guide: Amended Regulations in Division 4.5 of Title 22 of California Code of Regulations	
<p>Procedures for Hazardous Waste Permit Decisions or the Violation Scoring Procedure Chapter 21 Sections 66271.50 through 66271.57</p>	<p>Financial Assurance and Liability Requirement Chapter 10</p> <ul style="list-style-type: none"> • Section 66260.10 <p>Chapters 14 and 15</p> <ul style="list-style-type: none"> • Section 66264.101 • Sections 66264.143 & 66265.143 • Sections 66264.144 & 66265.144 • Sections 66264.145 & 66265.145 • Sections 66264.146 & 66265.146 • Sections 66264.147 & 66265.147 • Sections 66264.151 <p>Chapter 20 Section 66270.14(b)(22)</p>
<p>Hazardous Waste Facility Permit Health Risk Assessment Chapter 10 – Section 66260.10 Chapter 20 – Section 66270.14(e)</p>	
<p>Training Chapter 14 – Section 66264.16 Chapter 15 – Section 66265.16</p>	
	<p>Community Involvement Profile Chapter 20 – Section 66270.14(b)(23)</p>

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	Hazardous Waste Facility Permit Health Risk Assessment Chapter 10 – Section 66260.10 Chapter 20 – Section 66270.14(e)
	Training Chapter 14 – Section 66264.16 Chapter 15 – Section 66265.16
	Community Involvement Profile Chapter 20 – Section 66270.14(b)(23)

Starting January 1, 2019, DTSC plans to issue provisional inspection violation scores to facilities on a rolling basis, and post on DTSC’s website the Facility VSP Score, the revised Facility VSP Score, and the assigned compliance tier for each facility subject to the new regulations.

Disclaimer: *This fact sheet addresses select provisions of the amended regulations using plain language. Nothing in this fact sheet is meant to replace or revise any regulatory provisions or any other part of the California Code of Regulations or the California Health and Safety Code.*