



DEPARTMENT OF THE NAVY
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IN REPLY REFER TO:

5090
Ser N40/423
April 29, 2019

Ms. Bonnie Holmes
Regulatory Division
Department of Toxic Substances Control
Sacramento, CA 95814

Dear Ms. Holmes:

**SUBJECT: DoD COMMENTS ON SB 673 Permit Protections for
Vulnerable Communities**

On behalf of military installations in California we offer these initial comments on the SB 673 Cumulative Impacts and Community Vulnerability Draft Regulatory Framework Concepts. The military operates 7 of the 81 designated Hazardous Waste facilities subject to this proposed Framework making the military one of the major stakeholders. With the understanding that this is early in the regulatory process we offer the following thoughts to identify our broadest concerns.

The first concern is one of timing. Promulgating these regulations would be more appropriate after Phase I has been rolled out and can inform the Phase II process. A delay in the Phase II process would benefit the Framework and ensure the significant and substantial new requirements under Phase I, such as community profiles and Health Risk Assessments, have been fully flushed out and any feedback or gaps can be used to determine what the Phase II regulations should seek to improve on.

In addition to the timing of the overall Framework, any trigger of these new requirements should coincide with the timing of the permit renewal. These facilities go through years of environmental analysis, permitting and public review in order to receive a 10-year permit, at a substantial cost. If the tiered approach were to be implemented, any additional requirements that would be taken on by the permittee should only be required at the time of permit renewal. This will ensure consistency, fairness and the ability for these facilities to financially plan for continuing operations and permit requirements.

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A full environmental analysis and determination of whether a facility falls under a specific tier should include a "no project" alternative. The draft Framework seems to make the assumption that any Hazardous Waste Facility (HWF) has an overall negative impact on the environment, which may not be the case on a military base. HWFs exist to provide support for core industrial and commercial needs in California. Whether a facility consolidates and processes used oil from California's registered 25.5 million cars and 5.7 million trucks, or the aircraft carriers homeported at Naval Base Coronado; HWFs reflect the reality that California generates wastes.

If local HWFs that treat, consolidate, or otherwise serve to make the movement of wastes more efficient were no longer available, there will be considerable more movement of wastes through fossil-fuel powered transportation on public roadways. In the case of our facility in Coronado, this increase could be substantial and represent a new environmental impact on nearby communities and a recently created AB 617 Environmental Justice neighborhood. In short, a no project alternative to an HWF may identify a net positive environmental impact to the community.

In this context, we believe that any initial consideration of a HWF should also analyze its role in California's overall waste network, and whether the closure of that facility would adversely impact that community or conflict with other California goals such as Green House Gas reduction. We believe this knowledge is extremely important in any work done with the community so as to provide a full, accurate cradle to grave accounting of environmental impacts in all medias.

Thank you for your consideration of these issues. My point of contact for this is Kathryn Ostapuk and she can be reached at 619-532-2285 or Kathryn.ostapuk@navy.mil.

Sincerely,



C.L. Stathos
Deputy Regional Environmental
Coordinator
By Direction
of the Commander