

**SB 673 Draft Regulatory Framework Concepts –  
Matrix of Comments  
Los Angeles County Department of Public Health 4/29/19**

**ELEMENT 1: INITIAL SELECTION OF FACILITY ACTION PATHWAYS**

**Process for facility review**

1. Will you analyze how much more time it will take to go through the permitting process, and the added cost, for the measures that are proposed?
2. How will you ensure consistency across the state in terms of what is required in the permits?

**Cumulative Impacts**

1. The weight of the factors considered in the facility assessment is very important. It is important to give proximity to sensitive receptors and other community impact factors a high weight.
2. Consider other types of permits the facility has that potentially impact the community other than hazardous waste (e.g. air emissions, storm water, etc.) as factors of the total record of information.

**Ideas for methodology**

1. The Mitigation and Monitoring component of the Tier 1 and Tier 2 Action Pathways is not outlined as it is in Element 4. If the same options are to be considered (e.g., propose, as part of its permit application... to implement community mitigation projects from an approved list for pollution hazard reduction and cost) they also should be discussed in their respective tiers in Element 1.
2. For the Tier 2 Action Pathway, it is recommended that the two approaches be split into their respective categories, either "Mitigation" or "Monitoring".

**Pathway designations**

1. Consider other sources of pollution burden within the community when determining pathway designation.
2. Unclear how a facility with mixed-tier assessment (e.g. moderate level of potential impact combined with a highest CES ranking of 95th percentile) would be assigned a pathway. Suggest defaulting to the most health protective tier, e.g. moderate level of potential impact and CES of 95th percentile would result in Tier 1 pathway assignment.

3. The Tier 3 Action Pathway should be named “Community Engagement Only” to clearly differentiate the tiers.
4. Incorporate local health and government agencies data/tools as part of the total record of information used when making decisions on pathway designation

### **Addressing expired permits**

1. Facilities with expired permits should be prioritized for facility assessment, review of cumulative impacts and community vulnerability to be placed on one of three action pathways.

### **Permit denial**

1. The Department should establish clear criteria for places where no new permits would be granted based on the community characteristics.

### **Proximity to sensitive receptors**

1. The weight of the factors considered in the facility assessment is very important. It is important to give proximity to sensitive receptors and other community impact factors a high weight.

### **Area of Analysis and Setback Distance**

1. Suggest establishing a minimum setback from sensitive receptors, if possible.

### **Definition of Community Vulnerability**

1. Incorporate local health and government agencies data/tools as part of the total record of information used when determining Community Vulnerability.

## **ELEMENT 2. PUBLIC REVIEW AND DRAFT LIST OF FACILITY ACTION PATHWAYS**

### **Suggested Supplemental Data**

1. Consider other sources of pollution burden within the community.
2. Consider local health data as part of decision making.
3. Supplemental factors should be considered standard in each case.
4. Instead of the relying on the public to find and provide these data, the Department should seek out as much comprehensive information as possible in each case. This would reduce the burden on local communities to provide information and ensure equity amongst

communities. Communities both highly burdened and without environmental health focused community-based organizations may not receive the same consideration as a less-burdened and more organized community.

5. Need to be clear on what public comment will be able to achieve. Community expectations must be managed.
6. "Healthy Communities Index" should be "Healthy Places Index".
7. It is unclear on how the community will be engaged for public review and comment. The Department should list potential outreach methods and expected timelines for informing the public on the opportunity to participate in the public review process.

### **ELEMENT 3. PERMIT APPLICATION REVIEW (AT TIME OF APPLICATION FOR AN OPERATING PERMIT FOR A HAZARDOUS WASTE FACILITY)**

#### **See Element 1**

1. States that permit conditions incorporated to "address conditions in the community."
2. It is unclear what metrics (measurable; enforceable) will be used to address conditions. It seems that a clear goal related to either the facility's emissions (reduce; not increase; measure accurately) and/or the community nearby (improve health indicators; not worse health indicators) would be necessary.
3. Alternative pathway option must include a community/residential component and ensure the community organizations represent the community and there is a process to allow more community voices to be included.

### **ELEMENT 4. COMMUNITY ENGAGEMENT AND OUTREACH.**

#### **Considerations of Community Perspective**

1. Community Plans should consider including information for the community on emergency preparedness related to living in proximity to a hazardous waste facility.

#### **Community Representation**

1. Prepare for and allow multiple community voices/representatives to participate in the process.

2. The timeline is not specified for holding public meetings in the Tier 1 Action Pathway. It is implied that the meetings should be hosted annually.

### **Relationship Building**

1. One difference between the Tier 3 Action Pathway and the other two pathways is the lack of community meetings. It is recommended that in-person meetings still be included in the Tier 3 pathway given that this pathway is solely "Community Outreach."

## **ELEMENT 5. MITIGATION AND MONITORING.**

### **Big picture**

1. The Mitigation and Monitoring component of the Tier 1 and Tier 2 Action Pathways is not outlined as it is in Element 4. If the same options are to be considered (e.g., propose, as part of its permit application... to implement community mitigation projects from an approved list for pollution hazard reduction and cost) they also should be discussed in their respective tiers in Element 1.

### **Feasibility of mitigating impacts**

1. What if the mitigation is not effective? There needs to be performance measures related to the mitigation, and possibly monitoring.
2. Mitigation measures should be tied to specific impact of the facility and/or specific needs of the community. There are various assessment tools that can be used to accomplish this.

### **Metrics for success**

1. It is unclear what metrics (measurable; enforceable) will be used to determine success. It seems that a clear goal related to either the facility's emissions (reduce; not increase; measure accurately) and/or the community nearby (improve health indicators; not worse health indicators) would be necessary.
2. Progress on implementing monitoring and mitigation measures should include progress on reaching facility/community health goals and need to have clear, enforceable outcomes tied to not making progress on an agreed upon timeline.

### **Role of other regulatory bodies in mitigation**

1. The Department should partner with other regulatory agencies to require strict enforcement of existing permits at facilities that potentially impact the community beyond hazardous waste (e.g. air emissions, storm water, etc.).

### **Mitigation project ideas**

1. It is not clear how specific mitigation and monitoring strategies will be identified. Recommend strategies are developed by considering the following information:
  - a. The required environmental impact report and human health risk assessment that these facilities are required to complete.
  - b. A health impact assessment should be conducted to assess cumulative impacts and consider contribution of social and economic factors, community concerns and health issues.

## **ELEMENT 6. USE OF CALENVIROSCREEN 3.0 AND OTHER CUMULATIVE IMPACT TOOLS.**

### **Use of EJSM versus CalEnviroScreen**

1. Mitigation measures should be tied to specific impact of the facility and/or specific needs of the community. There are various assessment tools that can be used to accomplish this.

## **ELEMENT 7. COORDINATION WITH OTHER AGENCIES.**

### **Agencies for DTSC coordination**

1. The Department should partner with other regulatory agencies to require strict enforcement of existing permits at facilities that potentially impact the community beyond hazardous waste (e.g. air emissions, storm water, etc.).

Please note: Formatting has been altered to meet accessibility standards for State documents (Section 11546.7 of the California the Government Code). Content has not been modified.