**Hazardous Waste Management Program**

**Permitting Division**

**Workload Analysis FY 2018-19**

Key Findings

**Background**

DTSC is mandated to implement the hazardous waste permitting program in California.[[1]](#footnote-2) The Permitting Division (Permitting) under DTSC’s Hazardous Waste Management Program makes permitting decisions and oversees operation, closure, and post-closure activities at approximately 100 facilities that treat, store, and dispose of hazardous waste in California.

In fulling its statutory mandates, in FY 2018-19 Permitting:

* Issued 18 permit decisions for renewals, Class 2, and Class 3 permit modifications, many of which are in environmental justice communities. These are communities most vulnerable and impacted by multiple sources of pollution.
* Performed permit maintenance activities, including review of groundwater monitoring reports, air monitoring studies, and closure cost estimates.
* Reviewed plans, oversaw field activities, and reviewed reports related to closure of 12 facilities.
* Performed and implemented four process improvement initiatives to make the permitting processes more efficient, protective, and transparent.

Permitting’s Financial Responsibility unit holds and maintains financial assurance mechanisms totaling $2.5 billion for over 450 facilities or sites. The unit also supports other DTSC programs, such as Statewide Enforcement and Site Mitigation and Restoration.

Permitting’s CEQA unit evaluates every decision regarding the operation of a hazardous waste facility in accordance with CEQA and performs CEQA analysis to support discretionary decisions of other DTSC programs. The unit also coordinates requests from California government entities to review CEQA documents for hazardous waste impacts related to their work. In FY 2018-19, the Permitting CEQA unit finalized 88 CEQA documents.

Additionally, Senate Bill (SB) 673 (Lara, Chapter 611, Statute of 2015) required Permitting to establish and implement new permitting criteria to improve enforceability, transparency, and equity in permit decisions. New Track 1 regulations were promulgated in 2017 that established five new permitting criteria. Track 2 regulations are under development for cumulative impacts and community vulnerability permit considerations.

**Analysis**

In FY 2018-19, Permitting operated with a budget of approximately $13 million and 67.5[[2]](#footnote-3) positions. Sixty-five percent of available employee hours were dedicated to technical work related to permitting projects, CEQA evaluations, financial responsibility, consultation and outreach, corrective action, support of the Site Mitigation and Restoration Program, and implementing the requirements of the Violations Scoring Procedure under SB 673. The remaining available work hours were spent dedicated to essential work such as training and program development, Lean-6-Sigma projects, and legislatively-mandated reforms.

Permitting is funded by the Hazardous Waste Control Account (HWCA), Fee-for-Service (FFS) revenues deposited in HWCA, US EPA Resource Conservation and Recovery Act (RCRA) Grant resources deposited in the Federal Trust Fund, and General Fund. SB 839 (Chapter 340, Statutes of 2016) was signed into law in 2016, requiring that all permit applications received after April 1, 2016 are subject to FFS. Permitting transitioned to recover costs of reviewing all permit applications, establishing new time coding to better track and report costs and Permitting continues to develop the time coding.

In FY 2013-14, 24 permit renewal applications had not been assigned to a permit writer and were not being actively worked on. This backlog of permits was a result of shortage of staff resources and a lack of management structure within Permitting. With additional positions coupled with organizational and process improvements, Permitting:

* Reduced the time to make permit decisions from 4.5 years to 2.5 years; and
* Increased the quality of reviews and opportunities for public participation; and,
* Increased the number of annual permit renewal decisions two in FY 2013-14 to 13 in FY 2018-19.

Permitting has created a climate of continuous improvement and instituted a process improvement working group. Permitting also developed key metrics of performance, data collection processes, and a dashboard displaying performance. Permitting is on track to:

* Send 100 percent of reminder letters at least 18 months before a permit expires;
* Hold 100 percent of pre-application meetings at least 15 months before a permit expires; and
* Complete 100 percent of initial administrative application reviews within 30 days.

Further, by FY 2024-25 Permitting is on track to accomplish the following after receiving an administratively complete application:

* Complete 90 percent of technical reviews within 13 months; and
* Make 90 percent of permit decisions within 24 months.

SB 673 strengthened protections for public health and the environment at hazardous waste facilities adding new permitting criteria, including the Violations Scoring Procedure (VSP). DTSC did not receive additional resources to fully implement this mandate. The analysis shows that the redirection of two positions for implementation of VSP may result in three fewer annual permit decisions. More demands will be placed on Permitting when the future SB 673 Track 2 regulations, not reflected in the workload analysis, are adopted and implemented.

The CEQA unit processes hundreds of requests from local and state agencies for DTSC input on their projects and related CEQA analyses. However, the CEQA unit is not fully resourced for this mandated task.[[3]](#footnote-4) Over the last four years, CEQA review requests have increased by 100 percent. Due to the increased workload, DTSC is unable to provide a minimally sufficient review of those CEQA documents, which requires 1.5 hours on average per document. This equates to an increased workload of two positions.

**Conclusion**

The Agency Secretary has established a high priority on enforcement throughout CalEPA. This includes coordination between Statewide Enforcement and Permitting for the development and implementation of new regulations to proactively address existing environmental justice issues. The findings, data, and analyses from this workload analysis demonstrate that the Permitting Division does not have adequate resources to fulfill its statutory mandates and achieve CalEPA’s goals.

The workload analysis identified VSP and CEQA as activities with resource gaps that have impacted essential services in Permitting. Four additional staff would enable Permitting to:

* Restore the resources redirected to implement VSP; and
* Review CEQA documents submitted by other agencies.
1. Health and Safety Code division 20, chapter 6.5, section 25200(a) [↑](#footnote-ref-2)
2. Of the 67.5 authorized positions, the workload analysis included 63.5 positions, as unfunded and executive office positions were not included in the analysis. The operating budget includes facility and indirect costs. [↑](#footnote-ref-3)
3. Public Resources Code division 13, sections 21080.3, 21081.6(c), 21092.6 and 21104 [↑](#footnote-ref-4)