SB 673 Community Informational Webinar

Department of Toxic Substances Control

July 2021
Remote Participation Guidelines

Remote format: Remote webinars can be challenging and frustrating – please be patient and flexible.

Audio/Video: As a courtesy to all participants, please only have your mic and video on while you’re speaking.

Participation:

✓ Q&A Panel
✓ Hand raise function
✓ Comment period

Interpretation and Spanish version of the PowerPoint
Using the Q&A Panel

Open the Q&A panel

Add a question to the list
Use the Handraise Function

Please be concise to ensure we have time to hear from all participants
Access Live Interpretation

1. Open the Interpretation Panel
2. Choose “Spanish”
Webinar Purpose

Inform and orient stakeholders and community members about the recently released SB673 framework to address community impacts and community vulnerability as part of the permitting process.
Welcome and Opening Remarks

Francesca Negri
Chief Deputy Director

Rizgar Ghazi,
Hazardous Waste Management Program
Deputy Director
Webinar Agenda

• Welcome and Opening Remarks
• Toxics in California- Presentation and Q&A
• The DTSC Permitting Process – Presentation and Q&A
• Short Break
• SB673 Framework to address Community Vulnerability and Cumulative Impacts – Presentation and Q&A
• Next Steps and Wrap Up
• Adjourn
Community Introductions

Where are you joining from?

- Bay Area: 8
- Central Valley: 10
- Los Angeles: 26
- Statewide: 3
- Other: 10

What perspective do you represent?

- Community: 3
- Academia: 3
- Industry: 24
- Local Agency: 8
- Other: 19

– Thank you for joining us!
Toxics in California

Evelia Rodriguez
Senior Hazardous Substances Engineer
DTSC
There are 40 million residents in California
DTSC

• Committed to protecting California’s people, communities, and environment from toxic substances

• Our role as regulators
  • Enforce hazardous waste laws & regulations
  • Cleanups of hazardous waste & contaminated properties
  • Protect consumers against toxic ingredients in everyday products

• MAKE DECISIONS ON PERMIT APPLICATIONS (SB 673)
Californians Generate Hazardous Waste
What is Hazardous Waste?

- Waste with properties that make it potentially dangerous or harmful to human health or the environment
  - Can be liquids, solids, or contained gases
- Universe of waste is diverse & large
- Everyone generates hazardous waste
Fires, Cleanups, Amusement Parks
Treated Wood
Medicines, Mercury Products, & Solvents
Compressed Gas, Pesticides, Fireworks, Batteries
Audience Poll

How many pounds of hazardous waste does each California resident generate in one year?

- 29 lbs.
- 62 lbs.
- 88 lbs.
- 113 lbs.
Californians generate 4.5 billion pounds of hazardous waste per year.
Hazardous Waste Has to go Somewhere
Q&A – Toxics in California
Please use the Q&A Panel to post or use the hand raise to speak
The DTSC Permitting Process

Gary Hammond
Senior Hazardous Substances Engineer
DTSC
DTSC Authority

- Hazardous waste facility permit required for any person who stores, treats or disposes of hazardous waste
- DTSC Permitting Division responsible for administering the Hazardous Waste Facility Permitting Program
Please note post-closure facilities are excluded from the count of 75+ permitted facilities.
What is a Permit?

✓ Gives authorization to treat, store, handle or dispose of hazardous waste

✓ Permission for Hazardous Waste-related activity includes:
  • Allowance to treat, store, transfer, or dispose of hazardous waste
  • Comprehensive description of facility
  • Closure plans and financial assurance for closure

✓ Enforceable document for inspectors

✓ Renewed every 10 years
Permitting – Core Activities

• Review permit applications
  • New permits
  • Permit Renewals
  • Permit Modifications
  • Emergency Permits
• Prepare and Issue Approved Permits or Denials
• Assist:
  • Regulated industry on permitting
  • DTSC enforcement
Permitting Process Major Phases

- Pre-application
- Application Submittal
- Public Notice
- Technical Review
- CEQA Review
- Draft Permit Decision & Draft CEQA Document
- Final Permit & CEQA Document
- Issue Permit Decision
- Public Input
Starts with the Facility
Application Review
Correction of Deficiencies

- Design
- Operation
- Safety
- Compliance with regulations
- Missing information
Soliciting Input

<table>
<thead>
<tr>
<th>Public and Stakeholders</th>
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<tbody>
<tr>
<td>• Community Survey &amp; Community Assessment</td>
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<td>• Environmental Justice review for health and environmental impacts</td>
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<tr>
<th>Government to Government</th>
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<td>• Tribal consultation if applicable</td>
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Public Review

- 45-day public comment period
- Public hearing
- Response to comments
Final Decision

Issue
- Issue as Planned

Issue
- Issue with Modifications

Deny
- Deny for Good Cause
Permitting Process Major Phases

- Pre-application
- Application Submittal
- Public Notice
- Technical Review
- CEQA Review
- Draft Permit Decision & Draft CEQA Document
- Final Permit & CEQA Document
- Issue Permit Decision
- Public Input
Q&A – DTSC Permitting Process

Please use the Q&A Panel to post or use the hand raise to speak
Short Stretch Break
SB673 Framework to address Community Vulnerability and Cumulative Impacts

Diana Le
Senior Environmental Scientist
DTSC
In California, more than half of permitted hazardous waste facilities are located within one-half mile of areas that are considered disadvantaged.

-Senate Bill 535
 Senate Bill (SB) 673

- New criteria for the issuance of a new or modified permit or permit renewal
- Allows for DTSC to address the existing health risks to communities near facilities handling hazardous waste.
Existing Hazardous Waste Permitting

Local Permitting Agencies

SB 673 Adds Community Protections Beyond

CEQA

Tanner Act
DTSC has been strengthening the permitting process.

- Adopted Regulations (effective 01/01/19)
  - Ensures Community impacts and vulnerabilities considered
  - More transparency and certainty

- Developing Regulations
Permit Protections for Vulnerable Communities

- Community Involvement
- Training of Facility Personnel
- Health Risk Assessment
- Financial Assurance
- Permit Violation History
- Cumulative Impacts
  - Community Vulnerability
- Minimum Setback Distances – Sensitive Sites

SB 673 - Protect People & Environment
Overview of Hazardous Waste Activities in California

**Generators**
(50,000 - 100,000)
Includes large and small businesses such as gas stations, dry cleaners, metal finishers, and auto body shops
CUPA regulated

**Transporters** (1,000+)
DTSC regulated

**Permitted Facilities** (75+)
- Storage & Transfer
- Treatment & Recycling
- Disposal
DTSC regulated

Please note post-closure facilities are excluded from the count of 75+ permitted facilities.
SB 673 Public Outreach
Incorporating Public Input

Revised Draft Framework Proposal
Comments Addressed

- Improving public participation & involvement
  - Section IV, page 22

- Hazardous waste facility pathway tiers
  - Section IV, page 32

- Permit denial
  - Section IV, page 46

- Cumulative impacts (Site specific)
  - Sections III & IV
What does this mean?

Community vulnerability

Cumulative impacts

Minimum setback distances
Community Vulnerability

Combined effects of factors in a community that increase the potential for residents to experience impacts from pollution sources.

- Asthma
- Cardiovascular Disease
- Low Birth Weight
- Housing Burden
- Educational Attainment
- Linguistic Isolation
Cumulative Impacts

Combined impacts of environmental pollution in a community
Setback distance for new and expanded facilities
CalEnviroScreen (CES) Analysis of Cumulative Impacts

- Pollution Burden: Average of Exposures and Environmental Effects
- Population Characteristics: Average of Sensitive Populations and Socioeconomic Factors

CalEnviroScreen (CES) Score
<table>
<thead>
<tr>
<th>Exposures</th>
<th>Environmental Effects</th>
<th>Sensitive Populations</th>
<th>Socioeconomic Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ozone</td>
<td>Solid Waste Sites and Facilities</td>
<td>Asthma</td>
<td>Educational Attainment</td>
</tr>
<tr>
<td>Diesel Particulate Matter</td>
<td>PM2.5</td>
<td></td>
<td>Housing Burden</td>
</tr>
<tr>
<td>Drinking Water Contaminants</td>
<td>Toxic Releases from Facilities</td>
<td>Cardiovascular Disease</td>
<td>Linguistic Isolation</td>
</tr>
<tr>
<td>Traffic</td>
<td>Hazardous Waste Generators and Facilities</td>
<td>Low Birth</td>
<td>Poverty</td>
</tr>
<tr>
<td>Pesticide Use</td>
<td>Groundwater Threats</td>
<td>Weight Infants</td>
<td>Unemployment</td>
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CalEnviroScreen Scores

• Higher scores = greater pollution burdens and population vulnerability.
• The percentile represents a relative score for all 20 indicators
  • For example, a 75th percentile means that census tract is higher than 75% of other census tracts in California.
SB 673 Effects on Permit Process

- Elevates consideration of local community vulnerability and health risks
- Makes community evaluation part of the total record of information considered by the department
- Community evaluation informs decisions on permit applications
Permitting Process Major Phases

1. **Pre-application**
2. **Application Submittal**
3. **Public Notice**
4. **Technical Review**
5. **CEQA Review**
6. **Draft Permit Decision & Draft CEQA Document**
7. **Public Input**
8. **Final Permit & CEQA Document**
9. **Issue Permit Decision**
Overview of SB 673 Elements

Element 1
Community & Facility Screening

Element 2
Facility Tiered Pathway

Element 3
Facility Action

Element 4
Facility Action Workplan

Element 5
Decision to Revoke or Deny

Element 6
Inspection Score Adjustment VSP

Element 7
Updates to Data & Tools
Permitting Process with SB 673 Elements

Element 1
- Pre-application

Element 2
- Application Submittal
- Public Notice

Element 3
- Technical Review
- CEQA Review
- Draft Permit Decision & Draft CEQA Document

Element 4

Element 5

Element 6

Element 7

Public Input
- Final Permit & CEQA Document
- Issue Permit Decision
Consideration of Supplemental Data

• Gather more site-specific info about a particular area or community
• Helps to fill in knowledge gaps about community conditions & better evaluate community vulnerability
• Can be provided by Academia, Tribes, public, or local agencies
Next Steps for Draft Proposal

- Following release of Draft Regulatory Framework:
  - Informational Sessions
  - Joint Summit
  - Public Comment Period
- Develop the draft formal regulatory language
  - Subject to change based on feedback received
Next Steps – Tentative Dates

Informal
Public Review Process (Fall 2021)

Informal
Revised Regulatory Language (Spring & Summer 2022)

Formal
Initiate formal rulemaking process (2023)
Senate Bill 673

The most significant changes to DTSC’s permitting of hazardous waste facilities in the last 20 years.

All comments, questions, and concerns are welcomed

Thank you for joining us today!
SB 673 DTSC Contacts

- Evelia Rodriguez, Senior Hazardous Substances Engineer
- Diana Le, Senior Environmental Scientist

Email: permits_hwm@dtsc.ca.gov

We welcome your input. Comments on the Framework should be sent to DTSC contacts by September 20, 2021
Thank you for joining us to learn about DTSC and SB673 Framework.