SB 673
Technical Workshop #1
Supplemental Information

Department of Toxic Substances Control

Wednesday, September 8, 2021
9AM-12:30PM

Remote Participation Guidelines

Remote format: Remote workshops can be challenging and frustrating – please be patient and flexible.
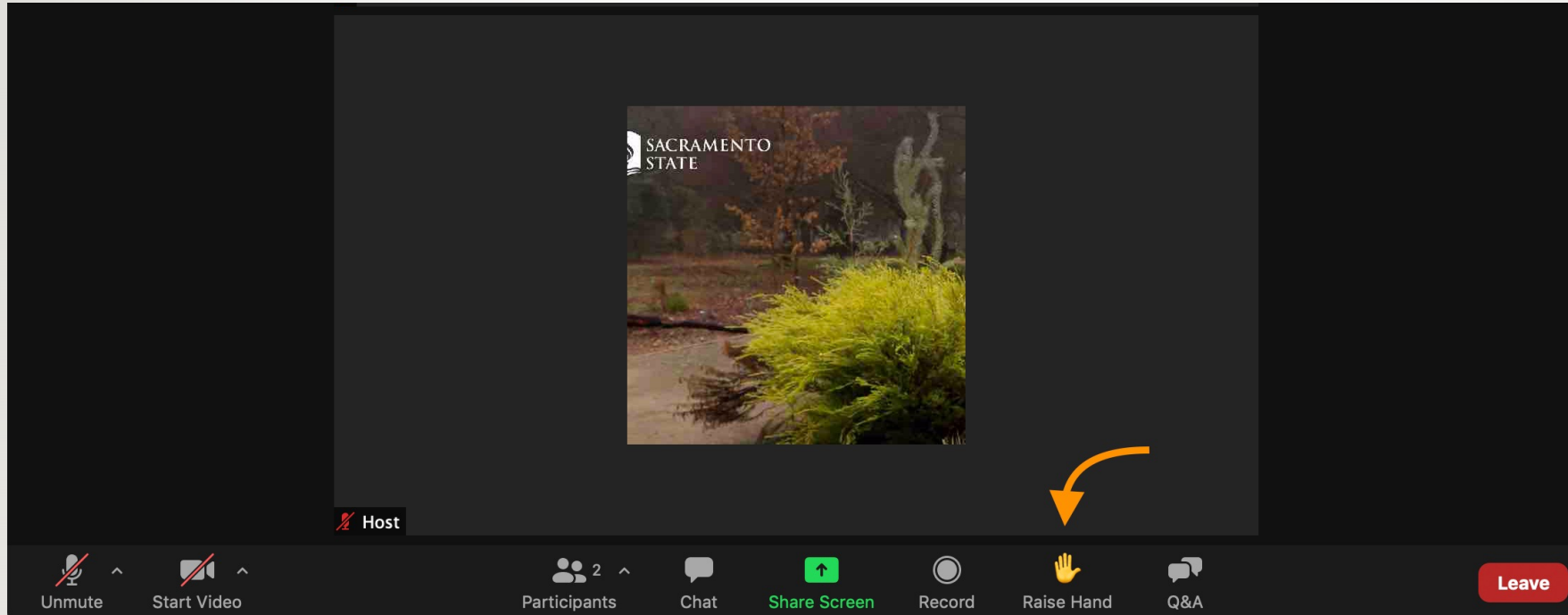
Audio/Video: As a curtesy to all participants, please only have your mic and video on while you're speaking and during breakout discussions.

Participation:

- ✓ Hand raise function
- ✓ Chat Panel
- ✓ JamBoard

Use the Handraise Function

Please be concise to ensure we have time to hear from other participants

Workshop Purpose

Engage Workgroup members in technical discussions on the incorporation of supplemental information into the DTSC permitting process as part of SB673 Permit Criteria Framework.

Welcome and Opening Remarks

Meredith Williams

Director

Rizgar Ghazi

Hazardous Waste Management
Program Deputy Director

Workshop Agenda

9:00   Welcome, Logistics, and Introductions

9:15   Element 2 – Supplemental Information with the Context of SB673 and the DTSC Permitting Process

9:45   Examples of Information Resources and Application of Supplemental Information

                 Presentations and Discussion

AB617 MATES • CalEnviroScreen • Traditional Ecological Knowledge (TEK)

10:45   Short Break

10:55   Supplemental Data and Information – Small Group Discussion
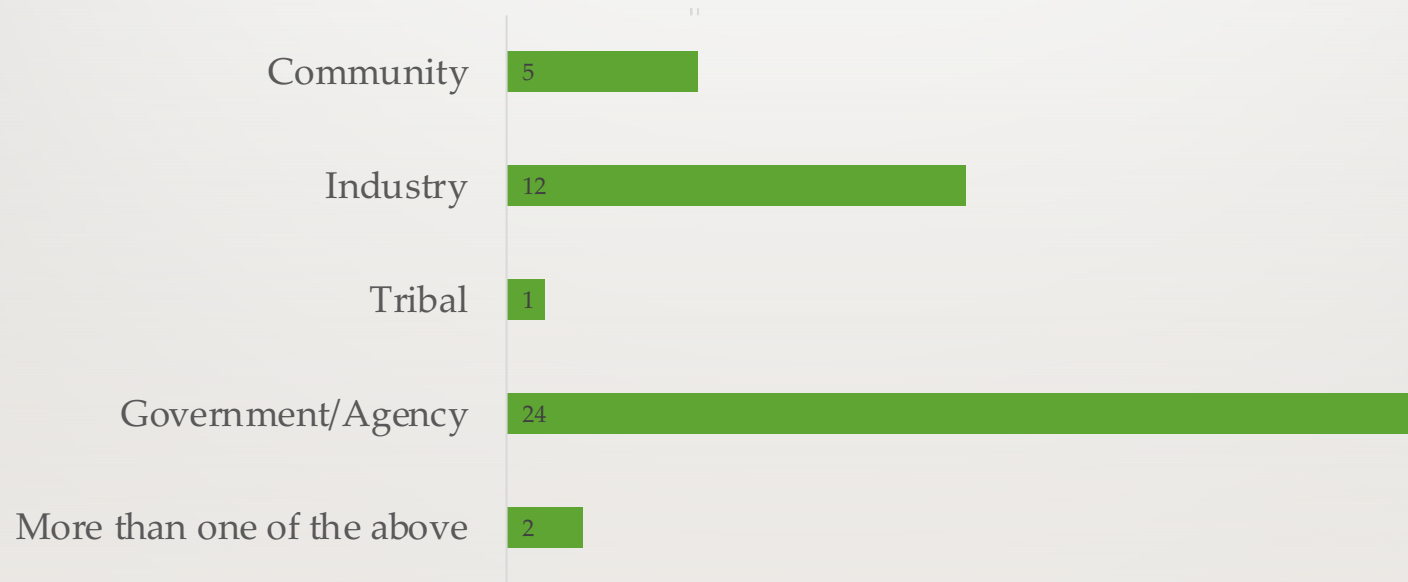
Appropriateness • Data Quality • Timeliness

11:45   Breakout Discussions Report Out

12:20   Closing and Next Steps

12:30   Adjourn

Which perspectives are represented at our workshop today?

Community 5
Industry 12
Tribal 1
Government/Agency 24
More than one of the above 2

– Thank you for joining us!

Review of Framework Element 2: Facility Tiered Pathway and Designation
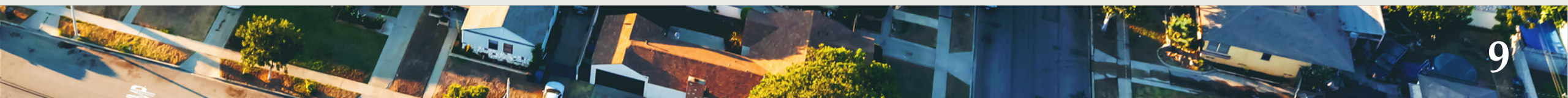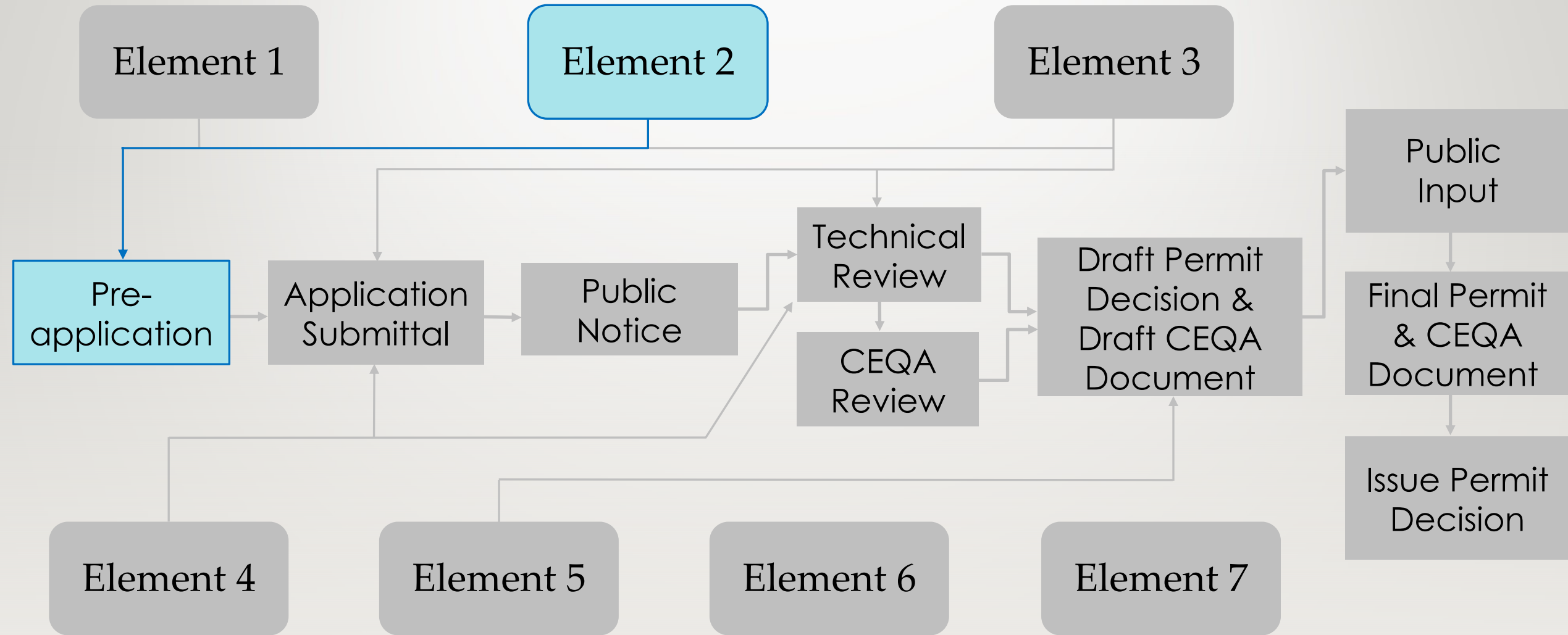
Diana Le

Senior Environmental Scientist

DTSC

Permitting Process with SB 673 Elements

Element 2: Facility Tiered Pathway

Determine whether a facility should be placed on one of the three facility tiered pathways

Tiered pathways are scaled to require the highest level of actions from largest facilities with the greatest potential for adverse effects on vulnerable communities
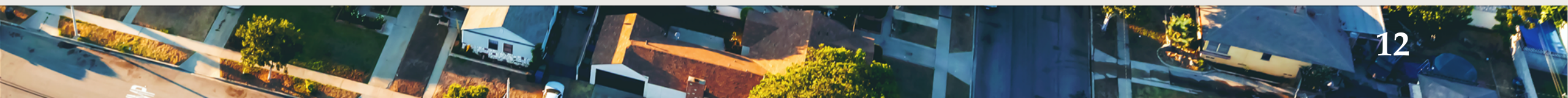
Include standards to determine facility tiered pathway

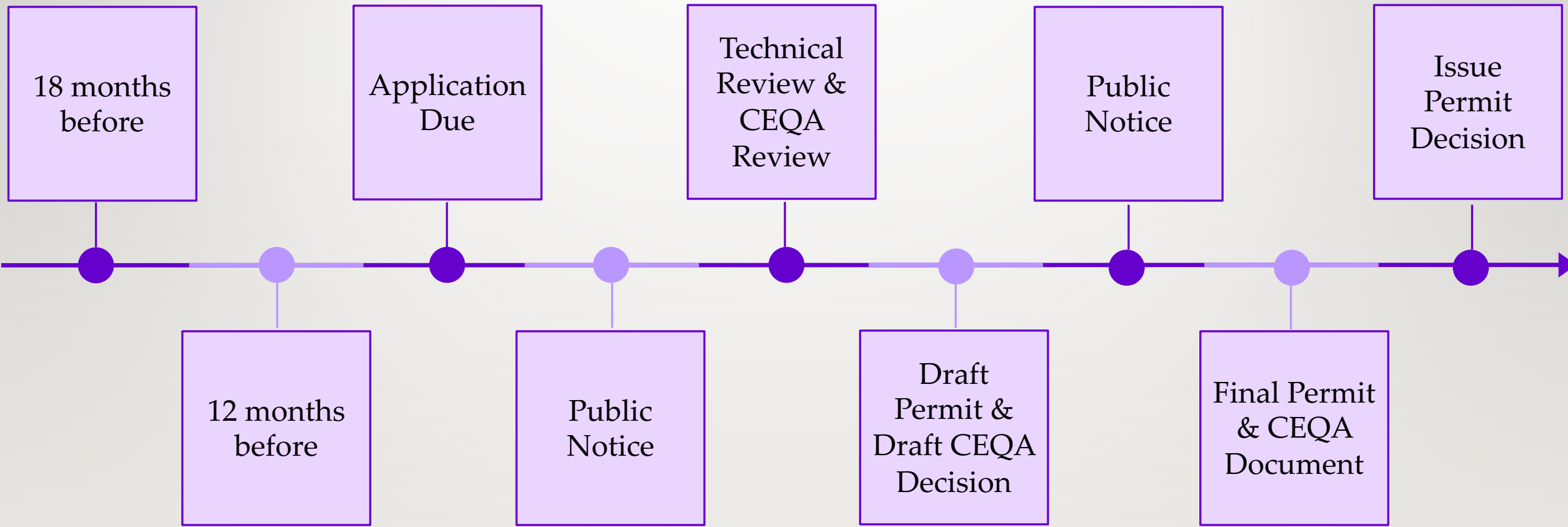Proposes to establish public engagement opportunity before the facility tiered pathway is finalized

Facility Pathway Designations

CalEnviroScreen %	Potential Facility Impacts	Tiered Pathway
90th percentile or higher	High	1
75th to 89th percentile	Elevated	2
60th to 74th percentile	Moderate	3
Below 60th percentile	Not Evaluated	Not Evaluated

18 months before

12 months before

Application Due

Public Notice

Technical Review & CEQA Review

Draft Permit & Draft CEQA Decision

Public Notice

Final Permit & CEQA Document

Issue Permit Decision

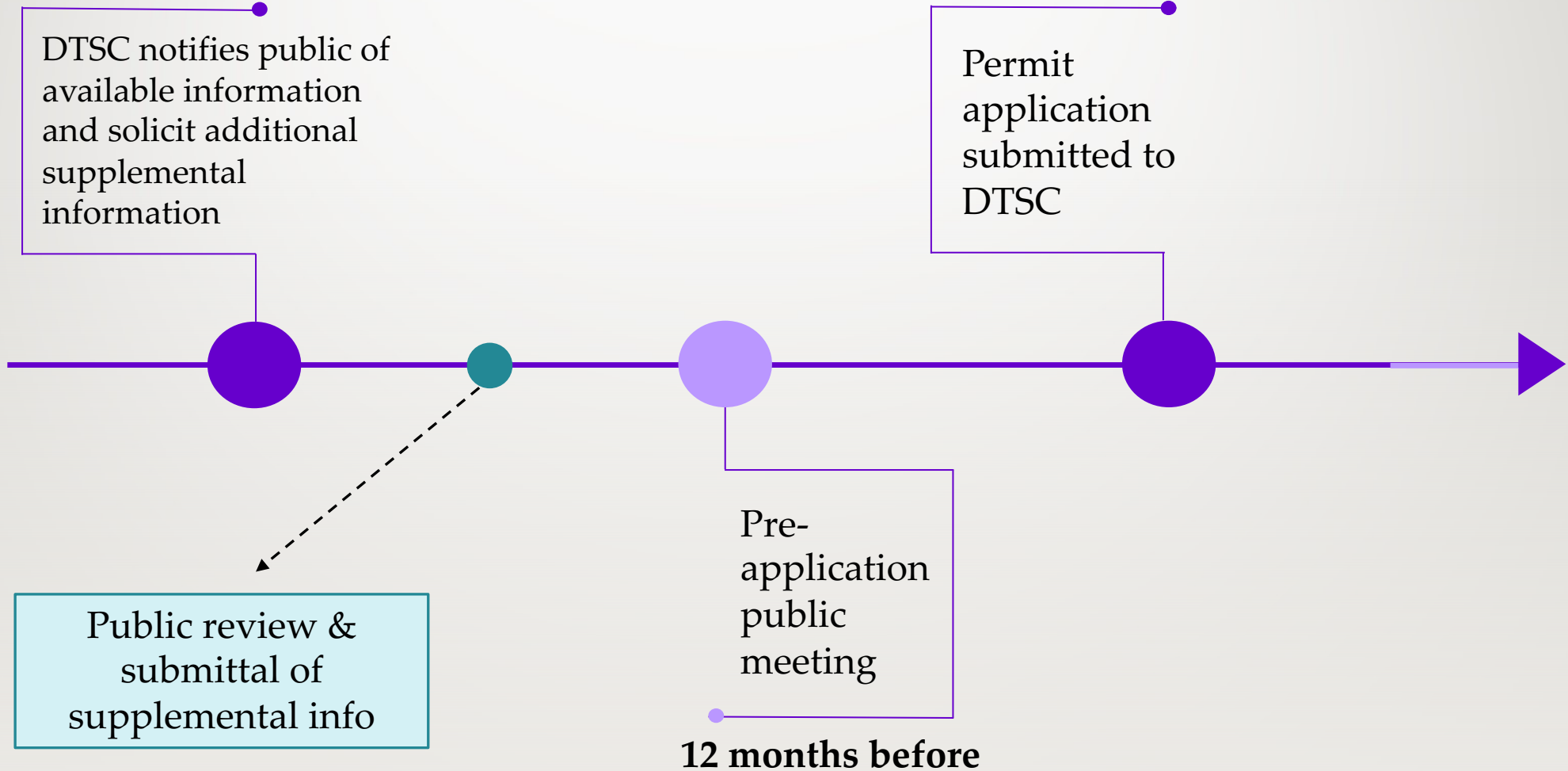**18 months before**

DTSC notifies public of available information and solicit additional supplemental information

Public review & submittal of supplemental info

Pre-application public meeting

12 months before

Application due

Permit application submitted to DTSC

13

Supplemental Information

NOTIFICATION = data, info, tools that DTSC is aware of or has already

- Site characteristics, CES score, monitoring data

PUBLIC REQUEST = data, info, or tools DTSC does <u>not</u> have or has <u>not</u> looked at

- Where are the **gaps**?

TOTALITY OF SITE-SPECIFIC DATA = informs whether a facility should be subject to SB 673 requirements and whether to adjust a facility tiered pathway

Why Use Supplemental Information?

- Provides an opportunity for others to help fill in gaps of knowledge about community conditions
  - Very site specific, will vary between communities/facilities

- Helps to better evaluate CV to determine facility tiered pathways and prioritizing facility actions

- In some cases, supplemental information can serve as a basis for adjustments for facility pathway designations
  - Example: when CES scores are close to threshold

Incorporating Supplemental Information into the Permitting Process

- DTSC would request submission of any **readily available** data, info, or tools during pre-application process
  - ✓ Can include data or info generated by researchers, submitted by Tribes, local agencies, and the public
  - ✓ Other guidelines for readily available
- Helps inform DTSC's facility tiered pathway decision or highlight issues that needs to be address in facility actions

Supplemental Information and the Permitting Process

- DTSC decides what data or information is used for decision making

- Must meet certain standards or criteria before being incorporated into permitting process
  - Data validation would come directly from QA/QC criteria

Proposed Criteria for Supplemental Information

- Published in a scientifically peer reviewed report or literature

- Published in a report of the United States National Academy of Sciences

- Published in a report by international, federal, state, or local agency that implements environmental laws

- Conducted, developed, submitted, prepared for or reviewed and accepted by international, federal, state, or local health or regulatory agency

Considerations for Supplemental Information Criteria

- Certain types of data may not meet DTSC's current proposed criteria
  - Citizen or community science
  - Traditional Ecological Knowledge (TEK)
- Criteria must be flexible enough to include wide range of data or information
- What other standards should DTSC consider for accepting supplemental information or data?
  - To ensure submitted data can be validated

Examples of Supplemental Information and Data

Site Specific Data & Information

UC research team indicators

Blood monitoring data

Emerging health assessment or toxicological evaluation methodologies

Medical health data not available on a statewide basis

Regional environmental or fence line monitoring data

Examples of Site-Specific Data

UC BERKELEY INDICATORS

- Racial
- Voter registration
- Gas wells
- Drinking wells
- Sensitive land use

BLOOD MONITORING

- Center for Disease Control (CDC) Childhood Blood Lead Surveillance Data
- DTSC ECL's work on Flame Retardants

MEDICAL

- CDC databases
- NATA air toxics cancer risk
- NATA respiratory hazard index
- Dept of Public Health (California Birth Defects Monitoring Program)

REGIONAL MONITORING

- SCAQMD Multiple Air Toxics Exposure Study V (MATES V)
- AB 617 data, regional water board monitoring data
- DTSC's Spatial Prioritization Geographic Information Tool (SPGIT)

NATA = National Air Toxics Assessment
SCAQMD = South Coast Air Quality Management District

Additional Sources to Explore

Traditional Ecological Knowledge (TEK)

Monitoring data generated by community networks

Emission data from diesel truck trips generated to/from facility

Community or citizen science

Department of
Toxic Substances
Control
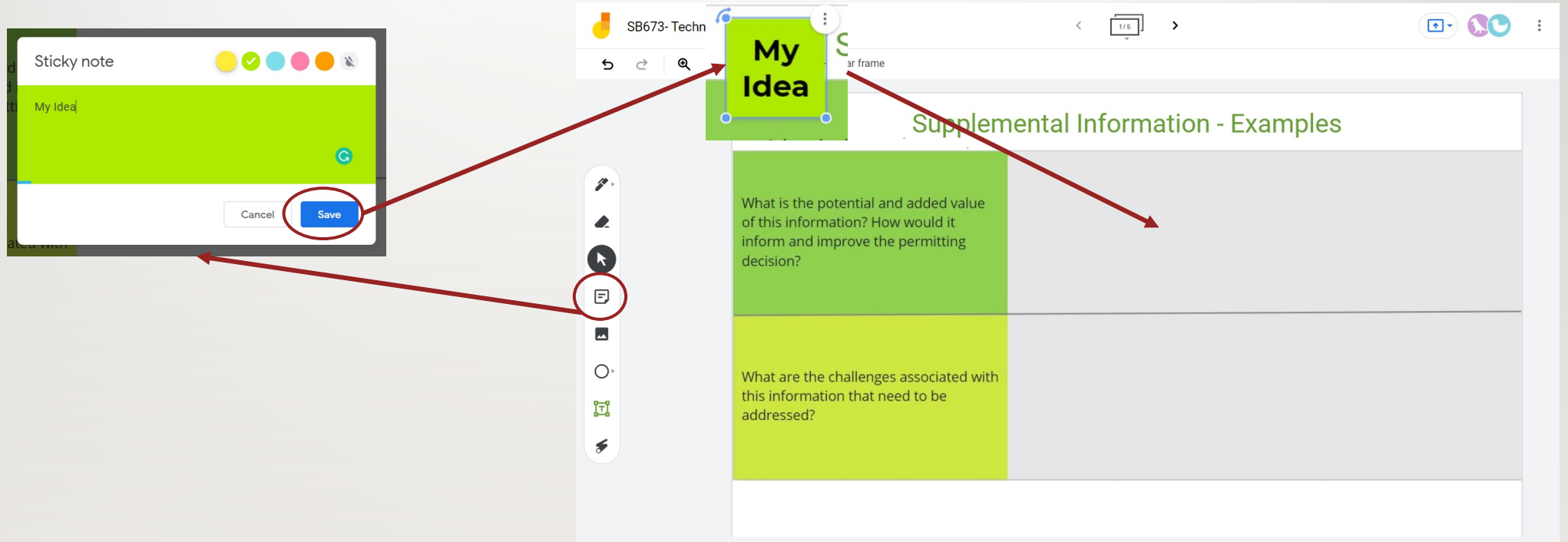
Questions/Comments about Element 2

Examples of Supplemental Information

- Describe the sources and type of data and information
- How is the information collected and validated?
- How is it used?

Please use the JamBoard throughout the presentations to provide your thoughts on:

- The value of supplemental information
- The challenges that need to be addressed

Providing Input on JamBoard

AB 617 facility-focused monitoring data and Multiple Air Toxics Exposure Study (MATES) data and the appropriate uses for assessing community-level exposures

Scott Epstein, Program Supervisor Air Quality Assessment Planning, Rule Development, and Air Resources

South Coast Air Quality Management District

The development of CalEnviroScreen, potential use of the underlying data sets, and how double counting is addressed

John Faust, Branch Chief of Community and Environmental Epidemiology Research Branch

CalEPA - Office of Environmental Health Hazard Assessment

Integrating Traditional Ecological Knowledge (TEK) with western science for environmental decision-making

Patricia Moran, Tribal Affairs Coordinator
DTSC

Shasta Gaughen, Tribal Historic Preservation Officer and Environmental Director
Pala Band of Mission Indians

For Discussion:

- What is the potential for added value of supplemental information in informing and improving the DTSC permitting process?

- What are challenges to consider and address when incorporating supplemental information?

Short Stretch Break

Breakout Instructions

- Participants are invited to join DTSC hosts in four breakouts

Community • Industry • Local Agency • Tribal

- Each breakout group is asked to provide input on the following questions:

1. *What can DTSC do to ensure **effectiveness/appropriateness** when incorporating supplemental information?*

2. *What additional guidelines/standards are needed to ensure **quality of data**?*

3. *How can DTSC ensure that incorporating supplemental data consideration to the process would not keep the permitting process from moving forward in a **timely manner**?*

Breakout Discussion (40 minutes)

- [5 min] **Quick introductions** in the breakout – your name and affiliation – please suggest one person to report on behalf of the group

  - Together, **review the questions** on the JamBoard and add your name

- [30 min] Discuss your **responses to the questions** and then add information to the JamBoard to capture key themes and ideas.

- [5 min] **Identify a couple of important ideas** that you want to report out on - What are your key takeaways? Each group will have 5 minutes to report.
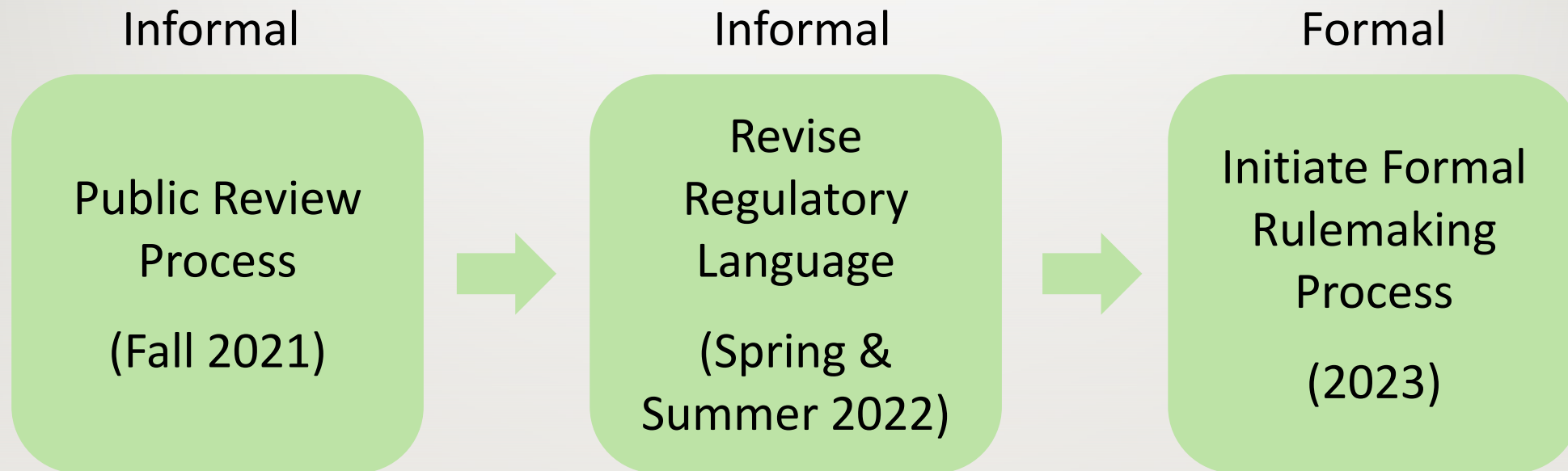
33

Report Out from The Breakout Discussions

Each group is invited to share (5 minutes) its takeaways from the discussion

Next Steps

Evelia Rodriguez, Senior Hazardous Substances Engineer
DTSC

Next Steps –Tentative Dates

Informal

Public Review Process

(Fall 2021)

Informal

Revise Regulatory Language

(Spring & Summer 2022)

Formal

Initiate Formal Rulemaking Process

(2023)

Public Input

We welcome your input:

- ✓ **Next workshop** – Tuesday, September 28, 2021 1PM-4PM
- ✓ **Comments** on the Framework should be sent to DTSC contacts by October 8, 202

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

Email: permits_hwm@dtsc.ca.gov

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!