



Department of
Toxic Substances
Control

SB 673 Technical Workshop #2 Facility Pathway Designation

Tuesday, September 28, 2021
1PM-4PM



Remote Participation Guidelines

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

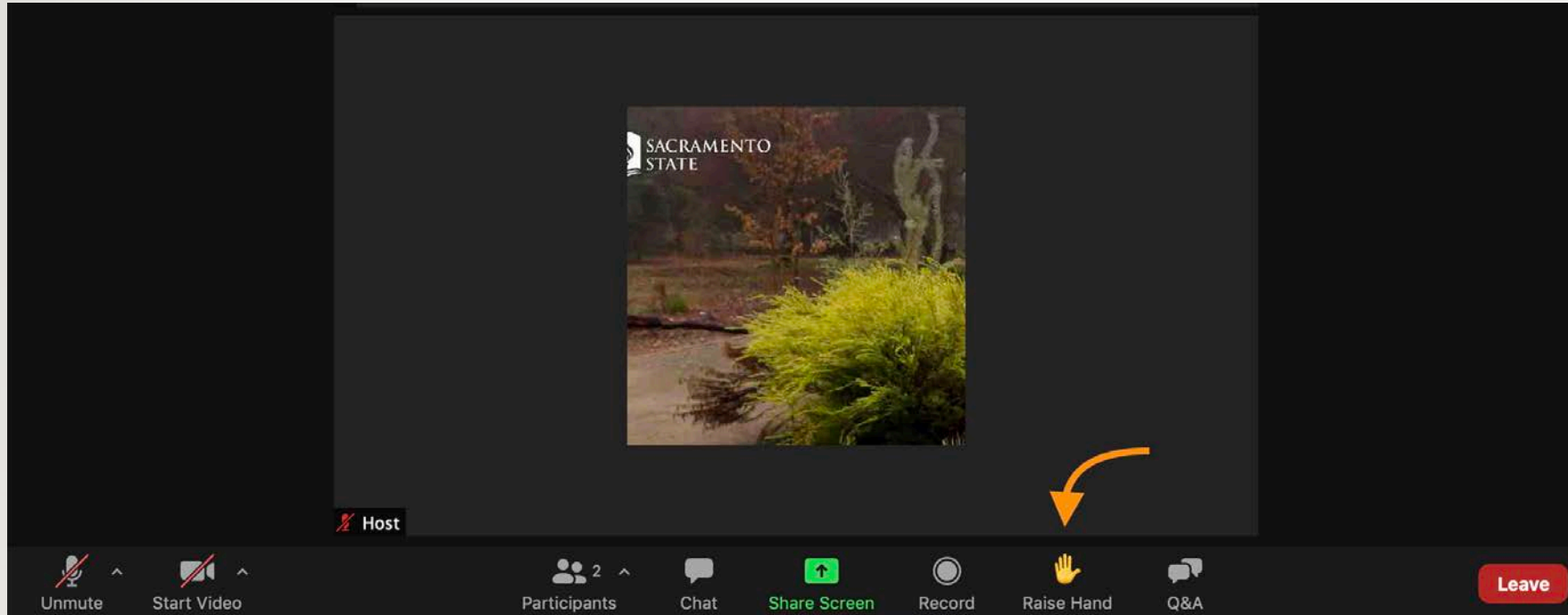
Audio/Video: As a courtesy to all participants, please only have your mic and video on while you're speaking and during breakout discussions.

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

Solicit input from a diverse set of engaged stakeholders to inform further refinement of the SB 673 regulatory framework.

Provide an opportunity for in-depth conversation on specific topics that were previously identified as important by stakeholders



Welcome and Opening Remarks



Rizgar Ghazi
Hazardous Waste Management
Program Deputy Director



Poll Question: Which perspective do you represent at our workshop today?

- ✓ Community
- ✓ Industry
- ✓ Local Agency
- ✓ Other State Agencies
- ✓ DTSC (listeners/facilitators/presenters)

– Thank you for joining us!



Workshop Agenda

- 1:00 Welcome, Logistics, and Introductions
- 1:20 Facility Tiered Pathway and Designation – Presentation and Discussion
- 1:45 Using Available Information to designate Initial Facilities Pathways – Presentation and Q&A
- 2:10 Short Break
- 2:15 Refining the Pathway Designation Process – Small Group Discussion
- 3:15 Short Break
- 3:20 Report Out and Discussion
- 3:50 Closing and Next Steps
- 4:00 Adjourn



Review of Technical Workshop #1: Thoughts about Supplemental Information

- Build in certainty and clarity
- Balance the need for additional information with timeliness
- Consider the value of supplemental information as part of the permitting process
 - Knowledge gap → supplemental information ← criteria for utilization**
- Identify where funding and resources for collecting and developing supplemental information will come from
 - These may become part of the facility's actions**

Review of Technical Workshop #1: Overarching Issues

- Facilities are critical to the management of hazardous waste in California and cannot be eliminated.
- We have great imbalance in terms of impacts on EJ communities
 - Drastic measures are needed to stop and mitigate these burdens
 - Society needs to reduce the amount of hazardous waste that is being generated
 - We need to invest in research and implementation of alternative technologies that can safely and completely eliminate contaminants.
- The role of local land use and zoning decisions
- This is an important process: This process may be a precedent for other types of decisions.



Facility Pathway Designations & Facility Actions

Diana Le

Senior Environmental Scientist

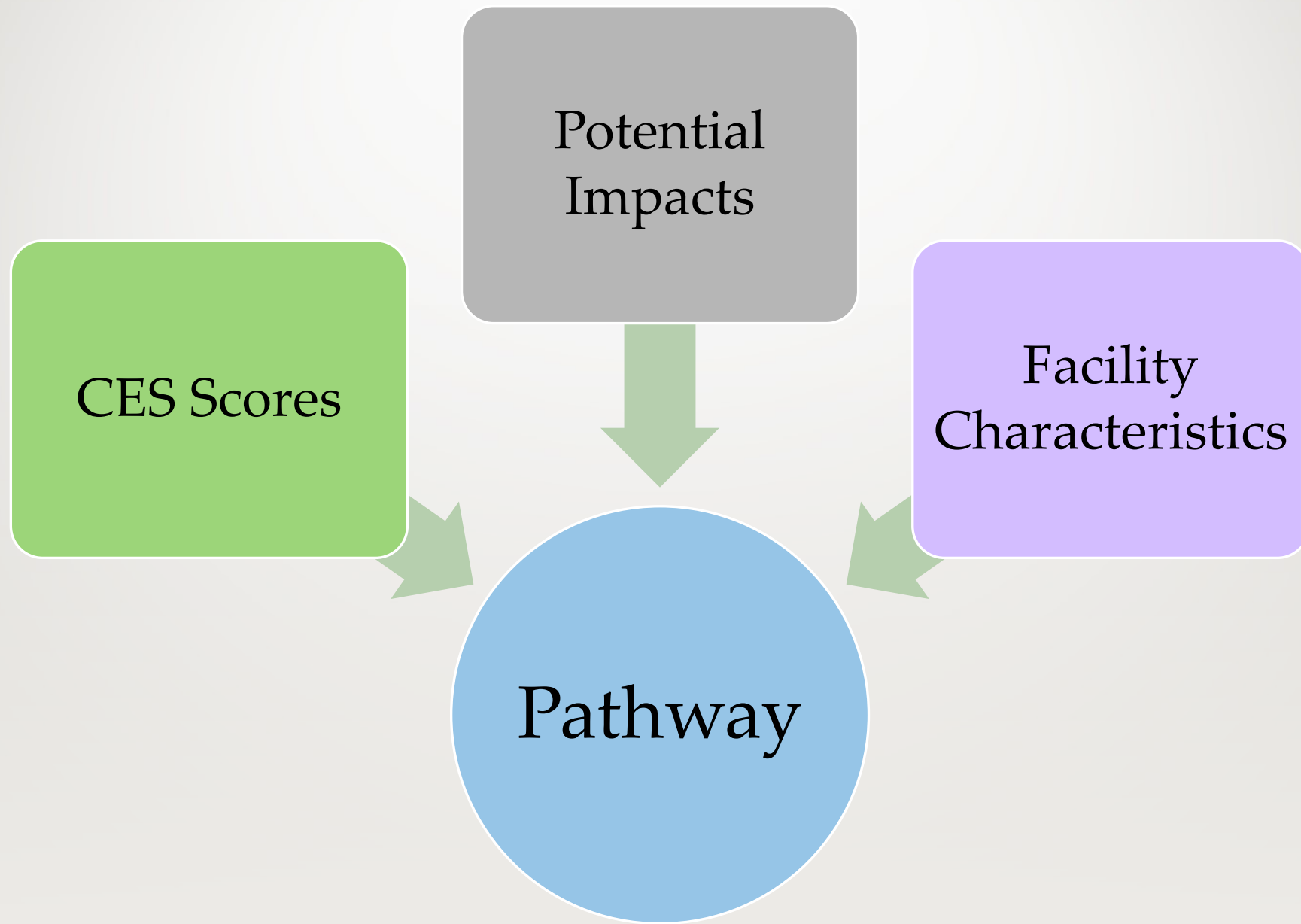
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Facility Tiered Pathway

- Determine whether a facility should be placed on one of the three facility tiered pathways
 - Include standards to determine facility tiered pathway
- Request & submission of supplemental information
- What goes into determining a facility tiered pathway?





Intent of Pathway Designation Approach

- Provide clarity on what is expected of facilities
- Give early notice to facilities regarding projected expectations
- Minimize the burden on communities to identify and provide supplemental information
- Provide flexibility to address community-specific needs



Current Proposed Tiered Pathways

PATHWAY 1: requires highest level of facility upgrades, monitoring, environmental improvements, & community outreach

PATHWAY 2: requires some facility upgrades, monitoring or environmental improvements, & community outreach

PATHWAY 3: only require public engagement or outreach to address community impacts & burdens



Current Proposed Tiered Pathways

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



Pathway Designation & Permitting Process

- Further considerations for DTSC:
 - Finalizing pathway designation prior to application submittal
 - Establishing QA/QC standards before accepting supplemental information
 - Providing supplemental information to facilities in a timely manner
 - Building certainty into the process



Pathway Designations & Facility Actions

- Pathway designation does not solely drive facility actions
- Tiered pathway speaks to the level of response expected from facilities
- Facility actions should address community vulnerability and potential impacts caused by facility



Facility Actions

- Facility actions are driven by facility characteristics, operations, and potential health risks to the community
 - Specific to what the facility is doing and what is happening within the community
 - Tied directly to impacts caused by a facility to its nearby communities
- DTSC may only impose actions on a facility based on its potential offsite consequences



Things to Consider

- Please keep these in mind during our next presentation:
 - Evelia's presentation = demonstrates how specific baseline information affect facility designation
 - Input and discussion to the principles that guide the development of pathway designations & facility actions



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Questions/Comments



Spreadsheet with Potential Facility Pathway Designations

Evelia Rodriguez

Senior Hazardous Substances Engineer

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Current Proposed Tiered Pathways

PATHWAY 1: requires highest level of facility actions: upgrades, monitoring, environmental improvements, & community outreach

PATHWAY 2: requires some facility actions: upgrades, monitoring or environmental improvements, & community outreach

PATHWAY 3: only require public engagement or outreach to address community impacts & burdens



Current Proposed Tiered Pathways

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Updated Pathway Designation: CES and Facilities Potential Impact

TABLE 2. Pathway Designations

Maximum CalEnviroScreen Score for Community Near a Facility	High Potential Facility Impacts	Medium Potential Facility Impacts	Low Potential Facility Impacts
High Community Vulnerability: 90 th percentile or higher	1	1	2
Elevated Community Vulnerability: 75 th to 89 th percentile	1	2	2
Moderate Community Vulnerability: 60 th to 74 th percentile	2	2	3
Pathway Designations Not Applicable: Below the 60 th Percentile	Not Evaluated	Not Evaluated	Not Evaluated

Facility Characteristics: High, Medium or Low

Facility Type

- Facility size
- Permit Type
- Proximity to Populated Census Block

Facility Activities

- Hazardous waste traffic
- Corrective Action
- Other environmental requirements (air and water permits or plans)
- Compliance history



Spreadsheet for Discussion – Pathway Designation

Facility Potential Impact Score

SPREADSHEET WAS COMPILED FOR PURPOSES OF ADVANCING THE DISCUSSION ON SB 673 TRACK 2 SCREENING FOR FACILITIES PATHWAY DESIGNATIONS

CES

FACILITY INFORMATION		FACILITY TYPE	AoA	CALENVIRO SCREEN DATA		Facility Scores Type (Blue)			Facility Scores Activity (Green)					Total Facility Score - ACTIVITY (Green)	Facility Combined Score	Pathway		
#	FACILITY NAME	OFF SITE	FACILITY SIZE	AoA (in miles)	CES3 Track Pop 2010	AoA Max Pop Pct (Facility)	Facility Activity	Permit Type	Proximity To Pop Census Block	Total Facility Score - TYPE (Blue)	HW Traffic Daily Trucks	HW Traffic Rail or Ships	Corr Action				Other Environmental Req.	Compliance History
							10 = LF 7=OFF TR 4=OFF ST 4=ON ST 2=ON	2=RCR A 1=STAT	4=<1/2 mi 2=<1 mi		8= >200 6= >10 4=>50	2=Rail 2=SL	GPRA Goals Health GW Reme	Title V NPDES RMP	YSP Score			
1	ABC	OFF	Large Treatment	3.0	4000	100	7	2	4	13	4	2	4	0	4	18	31	1
2	CDE	OFF	Large Treatment	3.0	5000	100	7	2	4	13	6		6	2	2	18	31	1
3	EFG	OFF	Large Treatment	3.0	100	100	7	2	0	9	6		6	6	2	22	31	1
4	DEF	OFF	Large Treatment & ST	3.0	4000	100	7	2	4	13	6	2	2	0	0	16	29	1
7	FGH	OFF	Land Disposal	6.0	9000	100	10	2	0	12	4		6	2	2	16	28	1
8	BCD		Large Storage	2.0	50	100	2	2	4	8	0		6	8	4	20	28	1
19	GHI		Large Treatment & ST	3.0	3000	100	4	2	4	10	2		8	2	12	22	1	
20	HIJ		Small Treatment	6.0	3000	100	4	2	2	8	0		2	6	0	14	22	1
14	IJK		Large Storage & Small	2.0	2000	100	4	2	4	10	2		2	2	2	14	24	1
17	KLM	OFF	Large Treatment & ST	3.0	5000	100	7	2	4	13	2		2	0	0	10	23	1



Site-Specific Supplemental Information Will Determine Facility Actions

- DTSC provides initial existing supplemental data and DTSC to request additional supplemental information
- Public can submit additional supplemental information that may be missing
- The facility may have to develop new information as a facility action





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Questions and Comments



Short Stretch Break



Refining the Pathway Designation Process Small Groups Discussion



Breakout Discussion (55 minutes)

Community

Industry

Local/State Agencies

Note: Please use the Excel Spreadsheet as a reference tool to support and inform your discussion

[5 MIN] QUICK INTRODUCTIONS – your name and affiliation – please identify one person to report on behalf of the group

[50 mi] PATHWAY APPROACH DISCUSSION

- *What should it mean to be in a designated pathway? Are the current pathway designations appropriate?*
- *How should we use the pathway designation approach to appropriately inform the permitting process?*
- *What additional categories of facility actions should be added to improve the community's quality of life? (current language includes facility upgrades, monitoring, environmental improvements, and community engagement and outreach)*



Engaging in Discussion Across Differences

- Acknowledge and respect other experiences and perspectives
- Listen with curiosity and interest in learning
- Encourage ideas that expand how we view both the challenges and potential solutions
- Be concise and share airtime to ensure that others have sufficient time to share their views



Report Out from The Breakout Discussions

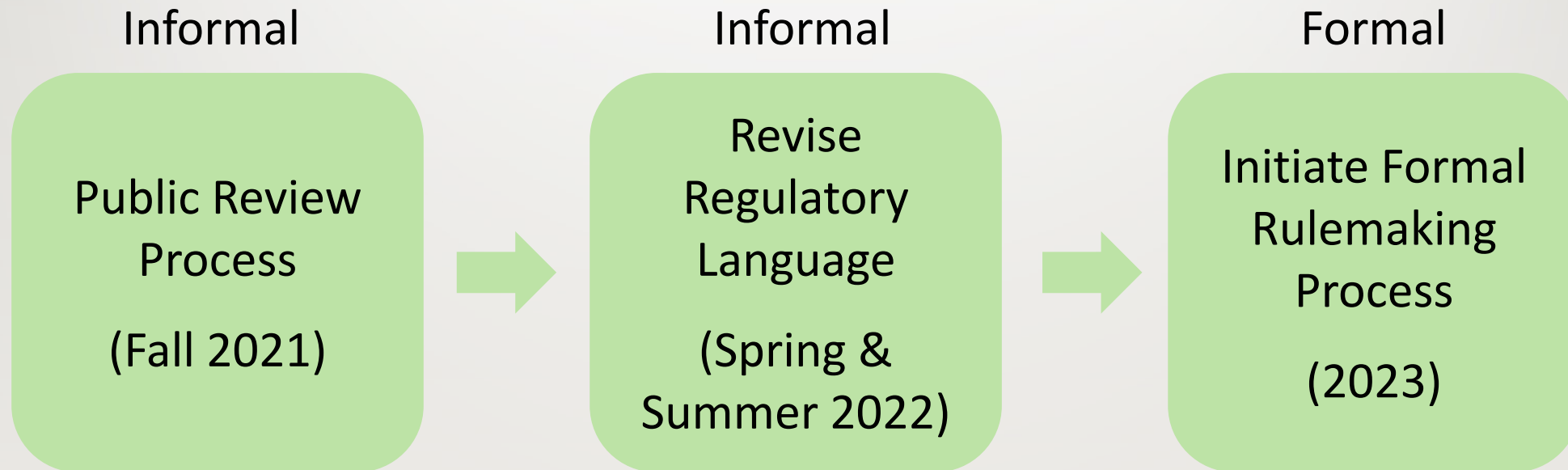
Each group is invited to share (5 minutes) its takeaways from the discussion



Next Steps

Evelia Rodriguez, Senior Hazardous Substances Engineer
DTSC

Next Steps – Tentative Dates



Public Input

We welcome your input: **Comments** on the Framework should be sent to DTSC contacts by October 8, 2021

- **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!

Poll Question: Your feedback about the workshop

- ✓ Were you able to fully share your perspective?
- ✓ Did you come away with new understanding about other perspectives?

– Thank you for joining us!