

To: DTSC Board of Environmental Safety
From: Markus Niebanck, PG
Date: May 13, 2025
Subject: 2025 Draft Hazardous Waste Management Plan - Comments

Thank you for receiving these comments. Presented below are observations and recommendations for Goal 3 “Identify opportunities for reduction by analyzing current waste generation and utilizing the waste management hierarchy,” specifically its Recommendation 3.1/Appendix B.

Recommendation 3.1 Prioritize reduction of negative impacts to communities when evaluating options to remediate sites.

Relevant contextual excerpt from the Executive Summary (emphasis added):

Additional ways to ensure California has adequate capacity to safely manage hazardous waste is through hazardous waste reduction. The most direct method of waste reduction is to prevent waste from being generated in the first place through source reduction by the generator.

General comment: Soil is one of the largest, if not the largest, hazardous waste stream in California. Yet the draft plan appears to dismiss the importance of its minimization out of hand. With respect, the justification in Appendix B rings hollow. California regulatory agencies can and must evaluate soil management alternatives to landfill disposal of contaminated soil during remediation and redevelopment projects. DTSC has demonstrated its willingness to lead in other environmental technical spaces (Risk Assessment and Vapor Intrusion are but two examples of DTSC leadership) and certainly can coordinate with other agencies and lead here as well.

All that is required of the Hazardous Waste Management Plan presently is articulation of a commitment to do this (as a substitute for the current excuse for not doing it).

DRAFT Appendix B: Contaminated Soil Reduction

Comments to this DRAFT Appendix are presented in red-line to the excerpts below. The first and last paragraph of the appendix are copied and pasted, with comments following each. It is recommended that changes be made where appropriate elsewhere in the appendix such that the body is consistent with what is presented below.

Contaminated Soil Waste Reduction Discussion (first Appendix B paragraph)

This appendix serves to provide background and supplementary information for recommendation 3.1 in the 2025 Hazardous Waste Management Plan. This recommendation is to prioritize the reduction of negative impacts to communities when developing a remediation approach. ~~DTSC does not recommend targeting contaminated soil to be included as part of a waste reduction strategy because there are limited opportunities for reduction. This is both because DTSC has little direct authority over projects that generate contaminated soil and because other considerations such as technical limitations often render excavation the preferred method to clean up contaminated sites. DTSC understands that contaminated soil claims landfill space that could be utilized by non-soil waste streams with no immediately feasible means for quantity reduction. Given this, the contaminated soil waste stream should be reduced to the greatest extent practicable.~~ DTSC should not discourage excavation of contaminated soil when it is the most appropriate remediation option because it could result in fewer cleanups and greater community impacts.

Specific comment: California regulatory agencies can and must evaluate soil management alternatives to landfill disposal of contaminated soil during remediation and redevelopment projects. The assertion that DTSC can do nothing in this space because they have no control over the decision-making process at other agencies is inaccurate; DTSC has demonstrated its willingness to lead in other environmental technical spaces and certainly can coordinate other agencies and lead here as well.

Specific comment: Rather than attempting to justify (unsuccessfully) why this can't be accomplished, DTSC should marshal resources to develop a better understanding of how soil waste is generated (example – how much of the waste is remediation-related and how much is dirt that must be excavated for mass-grading or sub-grade feature excavation during site development) thereby making a knowledge platform upon which to develop understanding of waste-producing/reducing alternatives.

Recommendation 8.1 a) “Modify California Waste Codes 611 (Contaminated soil from site clean-ups) and 181 (Other inorganic solid waste) to be more descriptive” already articulates specific work that can support development of this understanding. No additional recommendation in this section is needed!

Impact Reduction (last Appendix B paragraph)

~~Instead of focusing on~~In addition to studying opportunities to ~~reducing-reduce~~ contaminated soil waste, DTSC should **also** work to reduce impacts to the surrounding community from ~~the-any~~ selected remedial approach ~~(remediation by excavation or any other technical approach)~~. Impacts can include things like truck traffic, noise, and dust from the cleanup. Regardless of the cleanup method chosen, the cleanup should be done in a way to minimize both the short-term and long-term impacts to the surrounding community. This is the goal of the Community Considerate Cleanups Initiative, which is being piloted by DTSC's Office of Brownfields.

~~Cleaning up as many sites as possible, especially in a way that reduces potential community impacts, is likely to have a more direct positive impact on human health and the environment instead of reducing the quantity of contaminated soil.~~

Specific comment: The last sentence/paragraph of the appendix (above) seems intended to justify the recommendation to invest no intellectual or policy energy in the evaluation of approaches to soil waste stream reduction. Given the importance of consideration to reductions of all waste streams, this last sentence/paragraph should be struck.

This concludes my Draft Hazardous Waste Management Plan comments. Thank you again for the opportunity to submit.

Markus B. Niebanck, PG
 Amicus – Strategic Environmental Consulting
markus@amicusenv.com
 510 693-1241