

BES Operating Plan version 4.0

The purpose of this document is to state the mission and define the key objectives of the Board of Environmental Safety (“Board”).

OUR PURPOSE

The Board will use the Precautionary Principle as a guide to serve its core mission. The purpose of the Board is to oversee DTSC’s reform as described in SB 158 (2021) by the Legislature, the Governor and his Administration. The Board Members shall represent the general public interest and act to protect public health and reduce risks of toxic exposure with a particular focus on disproportionately burdened and vulnerable communities.ⁱ

OUR APPROACH

The Board will serve its core mission by:

- Building a culture of **transparency** that focuses on soliciting community input throughout the execution of our deliverables.
- Driving **accountability** through shaping DTSC’s performance metrics and impacts on the lived experience of our community members, especially those that are disproportionately burdened.
- Rebuilding **trust** by deeply engaging with all of our constituents, businesses, community groups, throughout the reform process.

OUR STRATEGIC OBJECTIVES

O-1 Fee Structure

To ensure adequate levels of funding that will enable DTSC and the Board to carry out their duties and responsibilities,ⁱⁱ including the department’s performance metrics approved by the Board pursuant to this plan, the Board will:

- Establish a fee structure by regulation for: generation and handling fees, facility fees and environmental fee.ⁱⁱⁱ
- Conduct an analysis of the fee structure to consider adjustments that ensure: 1) reasonable distribution of fees among the businesses that contribute to the need for management of hazardous waste in the state, 2) elimination of gaps in resourcing for BES and DTSC to carry out their annual priorities and achieve performance goals, as illustrated by performance metrics.^{iv}

O-2 Accountability and Partnership

To safeguard public funds, drive accountability and to build a culture of partnership with governmental entities, the Board will:

- Review and consider for approval the director's annual priorities for each program under the department and, after consulting with the director, adopt clear performance metrics for the department and each of the department's programs, in public hearings.^v
- Conduct an analysis of each of DTSC's programs, the relationship between those programs and related programs in other regulatory agencies, including, but not limited to, the State Water Resources Board, the California Regional Water Quality Control Boards, the Dept. of Resources Recycling and Recovery, and to the extent necessary, develop recommendations to improve coordination between programs to reduce or eliminate overlap.^{vi}
- Liaise with the United States Department of Defense on matters related to the permitting and cleanup of federal facilities.^{vii}
- Conduct an analysis of the expenditure of the general fund moneys appropriated for the Cleanups in Vulnerable Communities Initiative (or CVCI).^{viii}

O-3 Environmental Justice

To actively engage impacted communities and tribal governments facing disproportionate burden of hazardous materials or waste related pollution, the Board will:

- Form an advisory subcommittee to seek information and feedback from environmental justice communities and provide recommendations to the full board.^{ix}
- *Partner with DTSC in the development of... an effective Environmental Justice Advisory Committee (EJAC) as a forum that represents communities across California impacted by DTSC's programs.*^x
- *Collaborate with and amplify State environmental justice efforts that are already underway, including, but not limited to those of the California Air Resources Board, Water Boards, DTSC, etc.*

O-4 Public Engagement

To drive radical transparency on matters related to DTSC and the Board's mission and build a culture of considering weight of evidence provided by community stakeholders, the Board will:

- Actively solicit inquiries and suggestions from the public, evaluate complaints, report findings and render assistance to the public when appropriate, via the Ombudsperson.^{xi}
- Solicit and respond to public input from various parts of the State on the State's draft hazardous waste management plan and collaborate with the department to finalize the state hazardous waste management considering public comments as appropriate.^{xii}
- Adopt procedures to efficiently hear and decide appeals of hazardous waste facility permit decisions in a fair and transparent process.^{xiii}
- Develop parameters for the Board to conduct public hearings on individual permitted or remediation sites to expand opportunities for public engagement, resolve disputed issues, and improve outcomes.^{xiv}
- *Conduct effective and appropriate outreach and assistance to all jurisdictions and State agencies, focusing resources on communities most impacted by hazardous substances or waste. This includes identifying problem program areas and designing focused outreach opportunities, such as holding Board meetings within communities, conducting listening tours with the community, etc.*

O-5 Permitting

To manage and mitigate the impacts of hazardous substances and waste on public health and safety and the environment, and assist businesses in California, the Board will support DTSC in driving compliance with regulations, specifically:

- Work with DTSC's leadership team to improve the timing and efficiency of the hazardous waste facility permit process.^{xv}
- If/when a permit decision is overdue, accept or modify the hazardous waste facilities permit decision schedule proposed by the department in its report (see Health and Safety Code Section 25200.25).^{xvi}
- Analyze and drive decisions on permit appeals, including conducting administrative adjudications.^{xvii}

O-6 Performance Measurement and Reporting

To identify metrics that matter based on public's desired outcomes, the Board will:

- Shape and evaluate DTSC's performance metrics for each of the department's programs.^{xviii}
- Prepare and transmit to the Secretary for Environmental Protection an annual review of the department's performance as compared to its objectives, including, but not limited to, the performance of the director.^{xix}

End Notes

ⁱ Health and Safety Code (HSC) § [25125](#), subd. (d). See also HSC § [25125.2](#), subd. (b) (establishing Board duties).

ⁱⁱ HSC § [25125.2](#)(b)(5).

ⁱⁱⁱ HSC § 25205.2.1, § 25205.5.01, and § 25205.6.1. These code sections refer to the existing fee structure and may not include the fee structure that the Board recommends as part of its analysis of DTSC's fee structure. (HSC § [25125.2](#), subd. (b)(5).)

^{iv} HSC § [25125.2](#), subd. (b)(5).

^v HSC § [25125.2](#), subd. (b)(4).

^{vi} HSC § [25125.2](#), subd. (b)(6).

^{vii} HSC § [25125](#), subd. (o).

viii [SB 158](#) (2021) at Section 106, subdivision (e); see also subdivision (a), paragraph (1), subparagraph (B), paragraph (2), subparagraph (B), and paragraph (3), subparagraph (B).

ix HSC § [25125.3](#).

x The Environmental Justice Advisory Committee was formed within the Office of Environmental Equity within DTSC and is funded by the general fund moneys appropriated to the CVCI. (See subdivision (a)(1)(B)(v) of Section 106 of [SB 158](#) (2021).)

xi HSC § [25125.8](#).

xii HSC § [25135](#), subd. (e).

xiii HSC § [25125.2](#), subd. (b)(2).

xiv HSC § [25125.2](#), subd. (b)(3).

xv HSC § [25125.2](#), subd. (b)(7)(A).

xvi HSC § [25200.27](#).

xvii HSC § [25125](#), subd. (k).

xviii HSC § [25125.2](#), subd. (b)(4).

xix HSC § [25125.7](#).