

Department of Toxic Substances Control

2024 Priorities

Objective 1 - Program Delivery

Department of Toxic Substances Control (DTSC) is entering the final year of its 2020-2024 Strategic Plan. Goal 3 of that plan is Delivering High-Performing Programs and Services effectively and on time. This means using our authorities and resources to protect public health and the environment. The first objective within our 2024 priorities highlights specific projects that are core to our mission and will be especially impactful to communities we serve, as well as to the department's health. These projects are already well underway, and some are nearing completion. Setting these as priorities will ensure that we maintain our momentum and continue to bring focus and resources to these key projects.

1.1. Continued Permits

DTSC must make decisions on its oldest hazardous waste facility permit applications. Over the past decade, DTSC's permitting program has been strengthened through the Permitting Enhancement Work Plan, SB 673 Track 1 (VSP, financial assurance, and health risk assessment requirements), and stronger enforcement practices. Outdated, continued permits do not take full advantage of these improvements and do not support the department's current best practices for inspections and enforcement. With each modernized permit DTSC puts in place, it raises the bar for compliance and for safe facility operations. Currently, four permits have been continued for more than five years and have not been public noticed – Kettleman, Buttonwillow, RhoChem, and Ecobat. Additionally, DTSC issued a draft decision for Phibrotech but reopened the public comment period to consider additional feedback. A final decision is pending. DTSC will public notice permit decisions for Kettleman and Ecobat in 2024 and issue a final permit determination for Phibrotech.

1.2. Community Vulnerability Regulations

DTSC is committed to advancing regulations that set criteria for community vulnerability in permit decisions, as required by SB 673. DTSC will continue to work with the United States Environmental Protection Agency (U.S. EPA) on assessing cumulative impacts in the North Richmond pilot project, will leverage existing state tools like CalEnviroScreen for the assessments for Kettleman City and Buttonwillow, and will apply lessons learned to the SB 673 regulations. DTSC plans to release the framework for revised regulations in 2024.

1.3. Generation and Handling Fee

Despite the changes to DTSC's fee structure in 2021, the department is still facing a significant Generation and Handling Fee revenue shortfall. Lower revenue compromises the department's ability to deliver on the promises of fiscal reform. DTSC will continue to evaluate the root causes of this shortfall. We will identify solutions and work with the Board of Environmental Safety, the regulated community, the Legislature, and other stakeholders to take measures to address the shortfall. Chief among these will be fee payer education and enforcement of fee requirements.

1.4. Metal shredders

This priority remains unchanged since 2023. DTSC will continue to pursue steps to hold metal shredders - many of which are in our most vulnerable and underserved communities – accountable through strengthening our regulatory oversight. When metal shredders are regulated in the same

manner as other industries that pose threats to human health and the environment, impacts to vulnerable communities will be reduced.

Objective 2 - Equity

Under this objective, DTSC will prioritize work that shapes how we deliver programs and services to drive equitable outcomes. DTSC has made significant strides toward embedding environmental justice in our programs. In 2023, we used new ways of engaging communities more actively in our decision-making processes. In the coming year, DTSC will solidify the progress we've made engaging with communities in new ways and will carry this work further. By viewing our decisions through an environmental justice lens and providing transparency into our decisions, we enable more equitable engagement and, more importantly, more equitable outcomes for vulnerable communities.

2.1. Environmental Justice Advisory Council

SB 158 called for the establishment of an Environmental Justice Advisory Council (EJAC). As stated on the Board of Environmental Safety (BES) website:

The EJAC will work to provide independent environmental justice advice, consultation, and recommendations to promote and protect those who are more negatively impacted by toxic exposure. EJAC members will work collaboratively with communities impacted by DTSC's work to develop solutions that will not only improve the health of those communities but will reduce toxic threats throughout the state and promote fair treatment and meaningful involvement of all people regardless of race, ethnicity, color, national origin, sexual orientation, or income.

DTSC will work with the BES to finalize the EJAC framework, EJAC member application, and process for selecting members. Once these are in place, DTSC can open a solicitation for EJAC members. We will also finalize the Scope of Work and create onboarding materials so that, once a Council has been seated, members can be onboarded smoothly in preparation for beginning work when the new fiscal year begins in July 2024.

2.2. Cleanup in Vulnerable Communities Initiative

The Cleanup in Vulnerable Communities Initiative (CVCI) continues to provide the resources for DTSC to directly address inequitable impacts of contaminated sites in vulnerable communities. DTSC will continue to implement the elements of the Initiative – Discovery and Enforcement of unremediated contaminated sites around the state, the Equitable Community Revitalization Grant, funding Technical Advisory Group resources for communities, and workforce development. DTSC will actively capture lessons learned from CVCI implementation with an eye toward how CVCI best practices can be applied to the rest of our work. The goal is to build on CVCI to protect the most vulnerable Californians more effectively in the long term.

2.3. Exide community engagement

DTSC took major steps to transform community engagement in the Exide cleanup. Several key commitments are well underway and will be incorporated in the implementation of the cleanup. DTSC will continue to engage with residents, workers, and local government in multiple forms and will solicit feedback on engagement approaches. The vision for this engagement is that the community voice is integrated into the decision process; those impacted by the cleanup have access to the information they seek; and the contractor and DTSC are responsive to inquiries and community needs. The addition of a third-party monitor will provide a means of validating whether DTSC's

engagement approaches are successful. DTSC is applying the successful community engagement models employed for this project as best practices for projects across the state.

Objective 3 – Data and Technology

Effective use of data and analytics can provide insights to support DTSC decisions and improve the efficiency of the organization. Through digital access to DTSC's data and information, stakeholders will be able to view our progress in real time. This increased transparency will allow stakeholders to assess our performance and provide immediate feedback on our work. This will lead to more meaningful outcomes for all and support more efficient delivery of services. The priorities listed here reflect these benefits.

3.1. Generation and Handling Fee data improvements

DTSC is experiencing a revenue shortfall in its Generation and Handling Fee. The fee was revised as part of the 2021 fiscal reforms. DTSC's preliminary analysis has been hampered by limitations in the data collected by both DTSC and California Department of Tax and Fee Administration (CDTFA). The data systems DTSC uses to track the waste generated – the Hazardous Waste Tracking System and Electronic Verification Questionnaire – do not interface with the system used by CDTFA for collections and returns. Additionally, the data collected in each system do not use common identifiers for generators and fee payers, making it challenging to reconcile the returns filed against the waste generated. For example, fee payers file returns by business account, but waste is generated and manifested by site. This limits both departments' ability to effectively administer the collection of hazardous waste fees and results in a reconciliation process that must be completed manually. For reference, approximately 525,000 hazardous waste manifests are generated each year.

DTSC will take steps to improve the accuracy and completeness of information provided by generators and will partner with CDTFA to improve data collection. DTSC will develop resources to help fee payers better understand the fee process. Improvements will benefit fee payers by providing clarity on fee processes and fee calculation, as well as better predictability of fees.

3.2. Exide Issues tracker

DTSC will launch an Exide Issue Tracking system early in 2024. The tracker will be an online tool for community members and workers to submit inquiries or complaints about the cleanup. Submitted items will be viewable so the inquirer, the third-party monitor, and the public can get status updates and ensure follow-up. DTSC will work with community members, Exide Technologies Advisory Group (ETAG) representatives, workers, and the third-party monitor to facilitate adoption of the tracking system and to gather user experience information for iterating and improving the tool as necessary. After the tool has been operational for six months, DTSC will assess its efficacy and make necessary improvements. The department will also consider whether the tool is scalable and whether similar tools may be beneficial to other projects.

3.3. Improved SMRP metrics

SMRP has taken steps to strengthen its project management and is using more visual project tracking tools and data review. The Program will use this capacity to develop, implement, and track new metrics. Metrics must be readily supportable with available data, be repeatable, and meaningfully indicate the outcomes rather than just the outputs of the Program. This work may result in revisions to the metrics reported on the DTSC Strategic Plan Dashboard.

3.4. IT Project Roadmap implementation

The technology roadmap of our Office of Environmental Information Management (OEIM) touches nearly all programs across the department. Technology is key to effective workflow management in our Environmental Chemistry Lab, to data governance dashboards, to streamlining procurement, and to analyzing revenue through data mining. OEIM is automating our collection and reporting of data to increase efficiency across the department. Implementation of the IT Project Roadmap will continue throughout 2024.

Objective 4 - Climate Change, Sustainability, and the Circular Economy

Climate change is often the first thing people think of when it comes to environmental protection. But few make the connection between DTSC's mandate and mitigating and adapting to climate change. DTSC is uniquely positioned to address not only climate issues, but also broader sustainability and circular economy challenges. The Safer Consumer Products (SCP) Program's authority to look at the full lifecycle impacts of products presents a unique opportunity to reduce toxics in products, making them more suitable for recycling and supportive of the circular economy. The Hazardous Waste Management Plan is a vehicle for California to envision more sustainable ways to reduce, treat, and mitigate the impacts of hazardous waste. We want to give more visibility to this important work through this objective.

4.1. Site mitigation climate change resilience

As climate change accelerates, our Site Mitigation and Restoration Program (SMRP) must ensure that contaminated sites are managed such that remedies build resilience to climate impacts. SMRP will consider how climate adaptation and mitigation strategies can be integrated into cleanup solutions - by starting with orphan sites managed by DTSC. The Program will evaluate potential improvements to its Sea Level Rise Guidance based on its use throughout 2023 and on comments received on the guidance. It will also consider contaminated lands that are the result of other climate-driven changes such as wildfire.

4.2. Hazardous Waste Facilities characterization

We will assess permitted facilities (and possibly generators) that are vulnerable to impacts of climate change, including sea level rise, wildfires, floods, and other extreme weather events. These impacts threaten the resilience of safeguards at hazardous waste treatment, storage, and disposal facilities. DTSC will coordinate with U.S. EPA to explore available climate adaptation tools and assessment methodologies and will consider how they apply to permitted facilities across the state.

4.3. Hazardous Waste Plan circular economy

In partnership with stakeholders, we will develop the state's first Hazardous Waste Management Plan to serve as a guide for the department. The Plan will explore innovative ways to incentivize hazardous waste reduction; support a more circular economy; assess whether current hazardous waste criteria should be updated to reflect advances in science, technology, or analytical methods; and evaluate emerging contaminants. The Plan will be forward-thinking while also relying on proven and scientific practices. The level of stakeholder interest and engagement during the reporting phase has been energizing and DTSC looks forward to continued engagement.

4.4. Safer Consumer Products water quality protections

Generation of recycled water is a key component of California's larger water management strategy. For recycled water to meet California's expansive water needs, wastewater that is used to generate recycled water must be free of the persistent, mobile, and toxic compounds that prove problematic

in creating water that is safe for widespread use. True source control leads to prevention rather than mitigation. SCP will use its unique framework to prioritize Priority Products for regulation to mitigate the release of chemicals from consumer products that may adversely impact the potential to generate recycled water. In 2024, SCP will release a technical document justifying our action on 1,4-dioxane in personal care and cleaning products and submit that technical document for External Scientific Peer Review.