

# Department of Toxic Substances Control

## Fiscal Year 2024-25 Priorities

### December 2024 Refresh

With the appointment of Katherine M. Butler, MPH, as the new Director of the Department of Toxic Substances Control (DTSC), DTSC is proposing revised Director's Priorities for Fiscal Year (FY) 2024-25 for the consideration by the Board of Environmental Safety (BES). This update showcases any deliverables that have been achieved in first half of FY 2024-25 and reflect some changes DTSC has had to make through the course of implementation.

- ✓ Checkmark represents a deliverable that was completed.
- ☐ Box indicates a deliverable that DTSC is working towards achieving.
- Bullet indicates a deliverable that DTSC is implementing on an ongoing basis.

## Priority 1 – Strengthen Enforcement

### Deliverable 1.1 Consistent, Timely, and Equitable Enforcement

Enforcement is foundational to all of our work at DTSC. DTSC will strengthen its use of enforcement tools across all programs in accordance with Secretary Garcia's direction in a timely, transparent, wholistic, and equity-centered manner. A newly formed cross-program Enforcement Governance Team will update enforcement procedures, publish a real-time, interactive enforcement map, and aid enforcement on high priority cases. Penalties generated by this effort will be used to fund Supplemental Environmental Projects that will benefit vulnerable communities. DTSC will maximize the use of its enforcement tools and agency partnerships to promote healthier communities with improved access to clean air, clean water and clean soil.

#### Sub-Deliverable 1.1.1 Mapping inspection sites

- ☐ Develop a map that identifies the inspections conducted by DTSC in the current Fiscal Year. The map will be searchable by county and by date.

#### Sub-Deliverable 1.1.2 Expand opportunities for Supplemental Environmental Projects

- ✓ Contract with a third-party independent administrator to expand opportunities for Supplemental Environmental Projects.

#### Sub-Deliverable 1.1.3 Process improvements for timely enforcement

- ☐ Implement process improvements to facilitate more timely enforcement using administrative and civil actions.

#### Sub-Deliverable 1.1.4 Enforcement Policy for the Site Mitigation and Restoration Program

- ☐ Create a cleanup program enforcement policy which will include, among other things, a program-wide policy to pursue all viable, identifiable potentially responsible parties to perform cleanups under enforceable orders prior to spending State funds on cleanup activities.

#### Sub-Deliverable 1.1.5 Build SCP's Compliance and Enforcement Capacity

- ☐ Refine existing procedures for conducting compliance and enforcement within SCP.

## Deliverable 1.2 Metal shredders

DTSC will continue to pursue steps to hold metal shredders – many of which are in our most vulnerable and underserved communities – accountable through enforcement activities and strengthening our regulatory oversight.

### Sub-Deliverable 1.2.1 Metal shredder inspections

- ❑ Conduct six inspections at metal shredders over the course of FY24-25.

### Sub-Deliverable 1.2.2 Workgroup collaboration

- The Rapid Response Taskforce that formed after the fire at Radius Recycling in 2023 has evolved and will become a standing collaboration. DTSC will formalize its participation in this collaborative workgroup with West Oakland Environmental Indicators Project, USEPA and partner agencies.

## Priority 2 – Institutionalize Community Engagement

### Deliverable 2.1 Exide community engagement

DTSC took major steps to transform community engagement in the Exide cleanup. Several key commitments have been 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-making 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 provides 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.

#### Sub-Deliverable 2.1.1 Exide Cleanup reporting for transparency

- ✓ Establish and continue to provide transparency using the Exide Cleanup Feedback Management System. Regularly provide updates to BES and Exide community on any trends observed in the reporting. Provide frequent updates on the Exide project website, as well as through community meetings regarding the progress of the Cleanup program. Track and report on the number of issues reported and resolved and on timeliness of resolution. Employ data from real time air monitoring, worker safety and other important community information and share reports of the results.

#### Sub-Deliverable 2.1.2 Revamp residential cleanup outreach

- ✓ Establish new efforts and continue existing efforts of community engagement that is responsive and authentic, including continued work with the Exide Working Group and the Exide Technical Advisory Group. In August 2024, DTSC established a pilot program for "office hours" called "Information Station." DTSC will report the number of program participants, the number of visitors to the office hours, and the types of concerns addresses and resolved.

#### Sub-Deliverable 2.1.3 Promote public health through community partnerships

- Continue to provide opportunities for community members to learn about the project as well as promote public health and care through Exide staff participating in community forums

hosted by other agencies and environmental justice organizations (such as the lead symposium, and LAEJN program), collaborate with public health departments for screening and public education.

### **Deliverable 2.2 Adopt best practices for community engagement**

As one of the larger more complicated projects for DTSC, the Exide Cleanup Program required the use of many different communications tools and engagement strategies. These included establishing working groups, electronic feedback system, office hours, and partnerships with local public health agencies. Success with these initiatives has motivated DTSC to implement similar strategies with projects, such as the Santa Susana Field Laboratory cleanup.

#### **Sub-Deliverable 2.2.1 Evaluate performance of public engagement tools**

- Evaluate the performance of each public engagement tool and determine which tools are appropriate for each type of project.

#### **Sub-Deliverable 2.2.2 Public Participation Manual**

- Start the overhaul of DTSC's Public Participation Manual. The Public Participation Manual was developed in the early 2000s and has not been revised since. With the recent strides DTSC has made in this area, DTSC will perform necessary revisions to the manual which incorporate the best practices for community engagement.

#### **Sub-Deliverable 2.2.3 Trainings for Staff**

- Develop trainings for technical staff to become proficient in conducting public engagement.

## **Priority 3 – Promote 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 its programs. In 2024, 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 to carry this work further. By viewing our decisions through equity and environmental justice perspectives and providing greater transparency, we enable more authentic and responsive engagement and, more importantly, more equitable outcomes for vulnerable communities.

### **Deliverable 3.1 Environmental Justice Advisory Council**

SB 158 called for the establishment of an Environmental Justice Advisory Council (EJAC). As stated on the 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.*

### Sub-Deliverable 3.1.1 EJAC structure and documents

- ✓ Finalize the EJAC Framework, Scope of Work, EJAC member application, and process for selecting members - August 2024.

### Sub-Deliverable 3.1.2 EJAC member recruitment

- ✓ Promote and publicize the EJAC opportunity.
- ✓ Open a 30-calendar day solicitation for EJAC members applications starting in late August.

### Sub-Deliverable 3.1.3 EJAC member selection

- ❑ Name council members by the end of 2024.

## Deliverable 3.2 Community Vulnerability Regulations

DTSC is committed to advancing processes and regulations that address community vulnerability in permit decisions, as required by SB 673. DTSC will continue to work with 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.

### Sub-Deliverable 3.2.1 Informational sheets

- ✓ Publish informational sheet on Goal 1: Provide earlier opportunities for public input.
- ✓ Publish Informational sheet on Goal 2: Consider community vulnerability in permit decisions and conditions.
- ❑ Publish informational sheet on Goal 3: Develop science-based facility setback distance for community protection.

### Sub-Deliverable 3.2.2 Solicit feedback

- ✓ Develop an online survey to receive public feedback.
- Present the content of the informational sheets at BES public meetings.

### Sub-Deliverable 3.2.3 Initiate rulemaking

- ❑ Submit the regulations to Office of Administrative Law (OAL) by the end of FY 2024-25.

## Deliverable 3.3 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 Round 1 and 2, 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.

### Sub-Deliverable 3.3.1 ECRG outcomes report

- ❑ Develop a report to show how grants were implemented and benefited communities. This report will provide information on how grants were executed, as well as any outcomes for those projects that are completed or nearing completion. Findings will be used to make recommendations for future programs.

### Deliverable 3.4 Exide cleanup

DTSC is in the final year of cleanup under the current appropriation and must meet its commitments for the remaining funds while preparing for a potential next phase of cleanup. DTSC is supporting US EPA's consideration of the site for possible Superfund listing. Additionally, cleanup of the parkways has begun.

#### Sub-Deliverable 3.4.1 Residential Cleanup

- ❑ Complete cleanup of 5,940 residential properties above 200 parts per million by June 2025.

#### Sub-Deliverable 3.4.2 Complete facility decision documents

- ❑ Finalize the Remedial Investigation by the end of July 2025.
- ❑ Complete a draft Feasibility Study/Remedial Action Plan by July 2025.

#### Sub-Deliverable 3.4.3 NPL Listing

- ❑ Coordinate with US EPA on National Priorities List listing process. DTSC will report on coordination efforts throughout the year.

#### Sub-Deliverable 3.4.4 Parkway

- ❑ Begin parkways cleanup by early 2025.

## Priority 4 – Drive Sustainability and Climate Resilience

DTSC is turning its attention to innovative, forward-thinking solutions that foster a more sustainable and circular economy that will ultimately result in safer, healthier communities. For example, 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 the roadmap for California to envision more sustainable ways to reduce, treat, and mitigate the impacts of hazardous waste. DTSC is promoting sustainable practices in a variety of ways. The purpose of this priority is to ensure that our staff and partners are consistently maximizing opportunities to make progress on this front.

### Deliverable 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, comments received on the guidance, and new science presented by the Ocean Protection Council and will revise the guidance. SMRP will also consider contaminated lands that are the result of other climate-driven changes such as wildfire.

#### Sub-Deliverable 4.1.1 Sea Level Rise Web Page

- ✓ Enhance functionality of DTSC's publicly available mapping tool, which is embedded in the [Sea Level Rise \(SLR\) web page](#).

#### Sub-Deliverable 4.1.2 SLR Dashboard

- ❑ Publish a dashboard tool for use by the regulatory agencies and the public. The dashboard tool will be a publicly facing dashboard that includes a compendium of sites from both

Waterboard and DTSC. The dashboard will include a prioritization algorithm to rank sites based on several factors to be developed.

#### **Sub-Deliverable 4.1.3 Evaluation form and training**

- ✓ Develop an evaluation form and training for project managers. The evaluation form will collect site specific information such as the maximum depth of contamination and planned property reuse scenario.

#### **Sub-Deliverable 4.1.4 Establish the new Climate Change Unit**

- SMRP will build up the new Climate Change Unit, which will provide technical and programmatic assistance on the impacts of climate change on former, current, and future cleanup sites. The unit will develop, update, and maintain guidance materials, assist in conducting vulnerability assessments, and will help DTSC prioritize sites that are most impacted by climate change. SMRP is in the stages of recruiting and training new staff.

#### **Sub-Deliverable 4.1.5 Sea Level Rise Guidance**

- ✓ Revise and release Sea Level Rise Guidance in accordance with the new OPC criteria by October 2024.

### **Deliverable 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. These facilities are disproportionately found in vulnerabilities communities which are already often particularly susceptible to climate impacts. 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.

#### **Sub-Deliverable 4.2.1 Continue coordination with U.S. EPA**

- DTSC's Permitting staff meet with U.S. EPA regularly and continue to discuss climate impacts as they relate to hazardous waste facilities.
- ✓ DTSC assisted U.S. EPA Region IX's study on stormwater and erosion control at 2 California hazardous waste landfills.

### **Deliverable 4.3 Support circularity through the Hazardous Waste Management Plan**

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 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.

#### **Sub-Deliverable 4.3.1 Public Engagement**

- Conduct robust public engagement through a series of public workshops.
- Present regular updates at each BES meeting.
- Conduct regular meetings with interested parties, such as regulated entities.

### Sub-Deliverable 4.3.2. Plan Submission

- ❑ Submit plan to the BES by March 2025.

## Deliverable 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 are problematic in creating water that is safe for widespread use and are often prohibitively expensive to remove. True source control leads to prevention rather than mitigation. DTSC has successfully listed carpets and rugs containing per- and polyfluoroalkyl substances (PFASs) and treatments containing PFASs for use on converted textiles and leathers as Priority Products, thus helping prevent up to 100 metric tons of PFASs from reaching California homes and workplaces each year. DTSC continues to assess compliance with its regulations limiting PFASs in certain products, which can release highly persistent, mobile, and toxic water contaminants. DTSC will continue to use its unique framework to prioritize regulating Priority Products that prevent or reduce the release of chemicals that may adversely impact the potential to generate recycled water.

### Sub-deliverable 4.4.1 Laundry detergents containing nonylphenol ethoxylates

- ✓ Promulgate regulations to list laundry detergents containing nonylphenol ethoxylates as a Priority Product. This will require to either submit removal or replacement notifications or preliminary Alternatives Analysis reports by February 2025.

### Sub-deliverable 4.4.2 Address problematic uses of PFAS in consumer products to turn off the tap on the PFAS contamination of our bodies and environment

- Finalize a product-chemical profile to support regulating PFAS-containing artificial turf in the second half of FY 2024-25, and will investigate floor polishes and waxes for potential regulation.

### Sub-deliverable 4.4.3 Zinc in tires

- ❑ Initiate rulemaking to add motor vehicles containing zinc to the Priority Product list during the second half of FY 2024/2025.

### Sub-deliverable 4.4.4 Release product-chemical profile for products with quaternary ammonium compounds

- ❑ Finalize a technical document to support regulating one or more consumer products containing quaternary ammonium compounds (QACs). QACs are a class of chemicals that are widely used in personal care and cleaning products that can be toxic to aquatic organisms.

## Priority 5 – Attain Fiscal Stability

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 implement a series of changes authorized in the 2024-25 budget that are designed to improve fee administration and oversight, address the root causes of the shortfall, improve revenue forecasting in support of the Board's fee-setting

responsibilities, and increase revenue. In combination, the improvements authorized in the budget are projected to result in total Generation and Handling Fee revenues of \$67 million in FY 2024-25.

Utilizing the emergency regulatory authority provided in the budget, DTSC aims to implement the following priority deliverables by the end of CYQ1 2025:

#### **Deliverable 5.1 Exemption process**

- ❑ Establish an exemption review process, which will better enable DTSC to ensure that statutory exemptions are applied consistently and appropriately in the future.

#### **Deliverable 5.2 Electronic Verification Questionnaire (eVQ) improvements**

- ✓ Implement additional improvements to the eVQ to provide DTSC with additional data that will facilitate fee oversight and ensure fee payer compliance.

#### **Deliverable 5.3 Improve generator reporting accuracy**

- ✓ Conduct outreach to generators that will clarify reporting requirements and fee obligations.
- ❑ Establish a penalty assessment process for when generators fail to report required waste information to DTSC. This process will incentivize generators to provide complete and accurate hazardous waste information to DTSC, which will support improved fee oversight.