Department of Toxic Substances Control

CalEPA California Environmental Protection Agency

SB 673 Track 2 Update

Information Sheet #3 – Setback Distance

JULY 15, 2025

Muzhda Ferouz, PE
Branch Chief, Hazardous Waste Management Program

Goals of Revised Framework

Goal 1: Provide earlier opportunities for public input

Goal 2: Consider community vulnerability in permit decisions and conditions

Goal 3: Develop science-based facility setback distance for community protection

Release of Information Sheets

Information Sheet #1

Community Engagement

Released August 5, 2024

Information Sheet #2

Community Vulnerability

Released October 28, 2024

Information Sheet #3

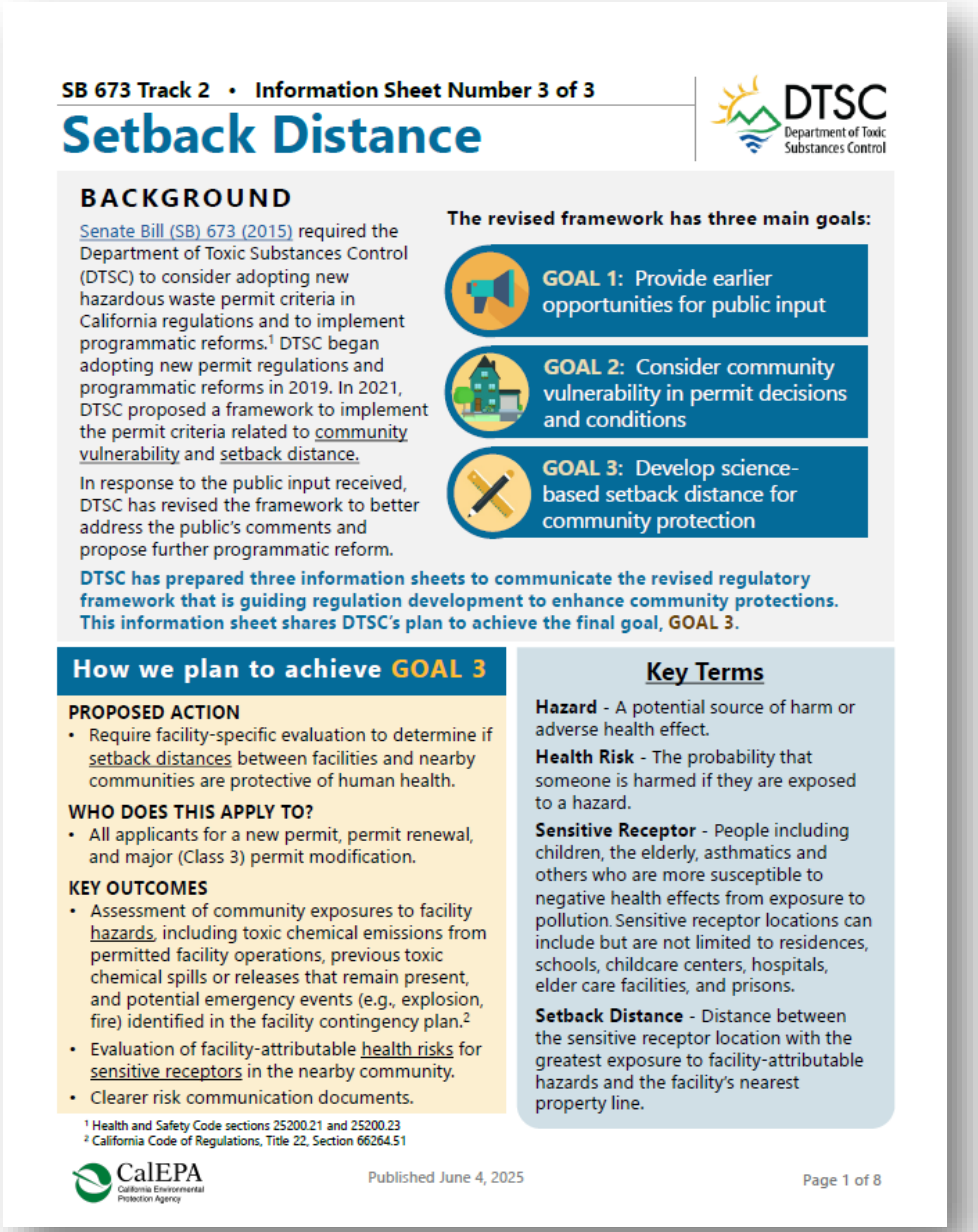
Setback Distance

Released June 4, 2025

Information Sheet #2 Outreach and Engagement

Public Outreach	Public Engagement
Project update eblast	Almost half of emails (out of over 2500 emails) were opened. No online surveys were submitted. One email comment was received
Industry input	Received feedback from CCEEB
Media outreach	Contacted 68 reporters
Social media outreach	Views on Twitter, Facebook, Instagram, and LinkedIn
Tribal outreach	Reached out to 183 individual tribal contacts representing tribes across California
Legislative outreach	Contacted 70 federal and state officials that have facilities in their districts
BES presentation	Received written comments from five BES members and staff

Information Sheet #3
Setback Distance



SB 673 Track 2 • Information Sheet Number 3 of 3

Setback Distance

DTSC Department of Toxic Substances Control

BACKGROUND

Senate Bill (SB) 673 (2015) required the Department of Toxic Substances Control (DTSC) to consider adopting new hazardous waste permit criteria in California regulations and to implement programmatic reforms.[1] DTSC began adopting new permit regulations and programmatic reforms in 2019. In 2021, DTSC proposed a framework to implement the permit criteria related to community vulnerability and setback distance.

In response to the public input received, DTSC has revised the framework to better address the public's comments and propose further programmatic reform.

The revised framework has three main goals:

- **GOAL 1:** Provide earlier opportunities for public input
- **GOAL 2:** Consider community vulnerability in permit decisions and conditions
- **GOAL 3:** Develop science-based setback distance for community protection

DTSC has prepared three information sheets to communicate the revised regulatory framework that is guiding regulation development to enhance community protections. This information sheet shares DTSC's plan to achieve the final goal, GOAL 3.

How we plan to achieve GOAL 3

PROPOSED ACTION

- Require facility-specific evaluation to determine if setback distances between facilities and nearby communities are protective of human health.

WHO DOES THIS APPLY TO?

- All applicants for a new permit, permit renewal, and major (Class 3) permit modification.

KEY OUTCOMES

- Assessment of community exposures to facility hazards, including toxic chemical emissions from permitted facility operations, previous toxic chemical spills or releases that remain present, and potential emergency events (e.g., explosion, fire) identified in the facility contingency plan.[2]
- Evaluation of facility-attributable health risks for sensitive receptors in the nearby community.
- Clearer risk communication documents.

Key Terms

Hazard - A potential source of harm or adverse health effect.

Health Risk - The probability that someone is harmed if they are exposed to a hazard.

Sensitive Receptor - People including children, the elderly, asthmatics and others who are more susceptible to negative health effects from exposure to pollution. Sensitive receptor locations can include but are not limited to residences, schools, childcare centers, hospitals, elder care facilities, and prisons.

Setback Distance - Distance between the sensitive receptor location with the greatest exposure to facility-attributable hazards and the facility's nearest property line.

[1] Health and Safety Code sections 25200.21 and 25200.23
[2] California Code of Regulations, Title 22, Section 66264.51

CalEPA California Environmental Protection Agency

Published June 4, 2025

Page 1 of 8

What is a setback distance?

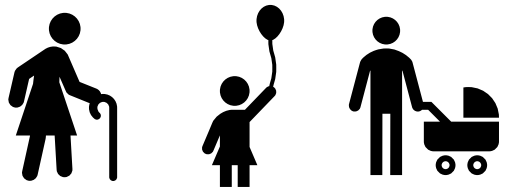
For the purposes of the proposed framework, setback distance is the distance between a sensitive receptor with the greatest exposure to facility-related hazards and the facility's nearest property line.

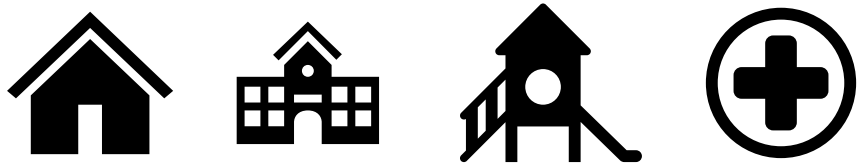
Hazardous waste facility

Sensitive receptor

What is a sensitive receptor?

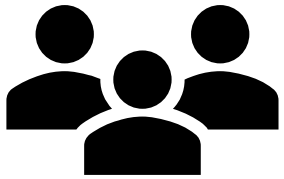
- People including children, the elderly, asthmatics and others who are more susceptible to negative health effects from exposure to pollution.
- Sensitive receptor locations can include but are not limited to residences, schools, childcare centers, hospitals, elder care facilities, and prisons.



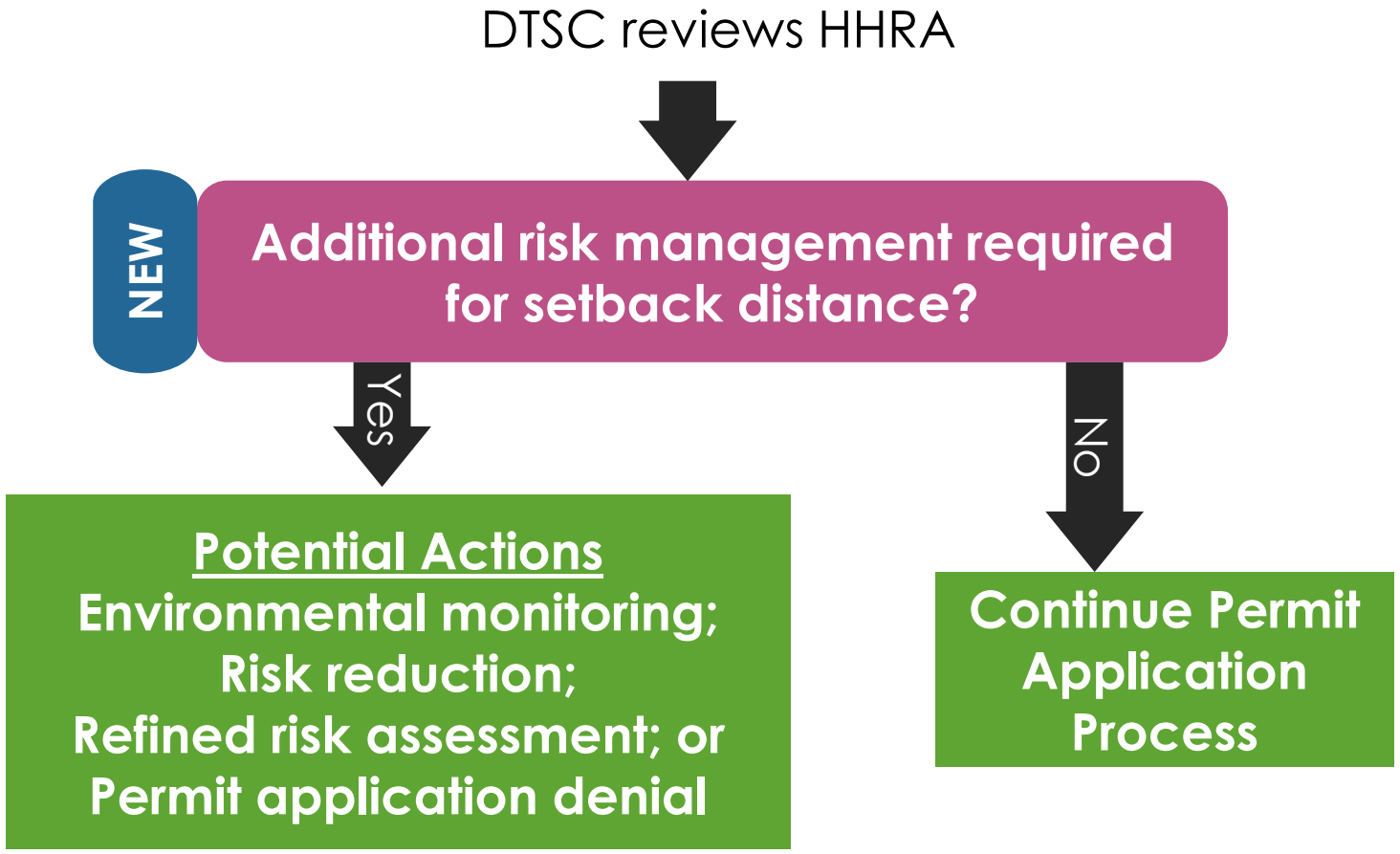


How will DTSC evaluate the setback distance?

- DTSC will review a human health risk assessment (HHRA) for each applicant to determine whether their setback distance is protective of nearby sensitive receptors
- A HHRA is a quantitative analysis that estimates human health risks from chemical exposures for a person or population



What is DTSC proposing?



Setback Distance Health Risk Management

Cancer Risk and/or Hazard Index	Risk Management Decision	Potential Actions
Cancer risk < 1 in a million and Non-cancer HI < 1	Low priority	• No required actions
Cancer risk ≥ 1 in a million and < 1 in 10,000 and Non-cancer HI < 1	Determine need for risk management or reduction action on site-specific basis	• Monitoring • Additional data collection and refined risk assessment • Risk reduction measures
Cancer risk ≥ 1 in 10,000 or Non-cancer HI ≥ 1	Action required, including risk reduction actions or potential permit denial	• Risk reduction measures • Permit application denial

Why is DTSC not proposing a fixed number for the setback distance?

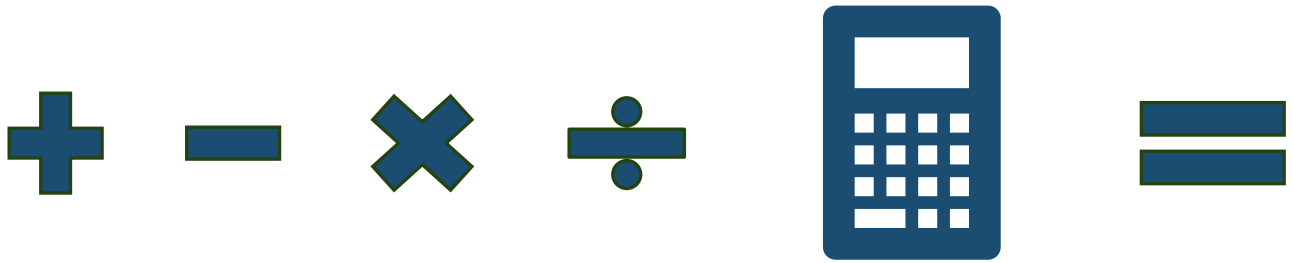
- Public input on 2021 proposed framework requesting strengthened community protections and a practical, science-based approach
- Fit-for-purpose approach proposed by EPA
- Diversity of regulated community
- Unique communities and sensitive receptors
- Adaptability to new scientific knowledge and new sensitive receptor locations

Elements of Setback Distance Framework

1. Quantitative Human Health Risk Assessments and Emergency Event Analyses
2. Incorporation of Cleanup Activities in Risk Assessment
3. Public Risk Communication
4. Mid-Permit Cycle Setback Distance Review

1. Quantitative Human Health Risk Assessments and Emergency Event Analyses

- All permit applicants will be required to complete a quantitative human health risk assessment (HHRA) and emergency event analysis
- Applicants may need to complete additional risk management actions based on DTSC's review of the HHRA



2. Incorporation of Cleanup Activities and Emergency Events in Risk Assessment

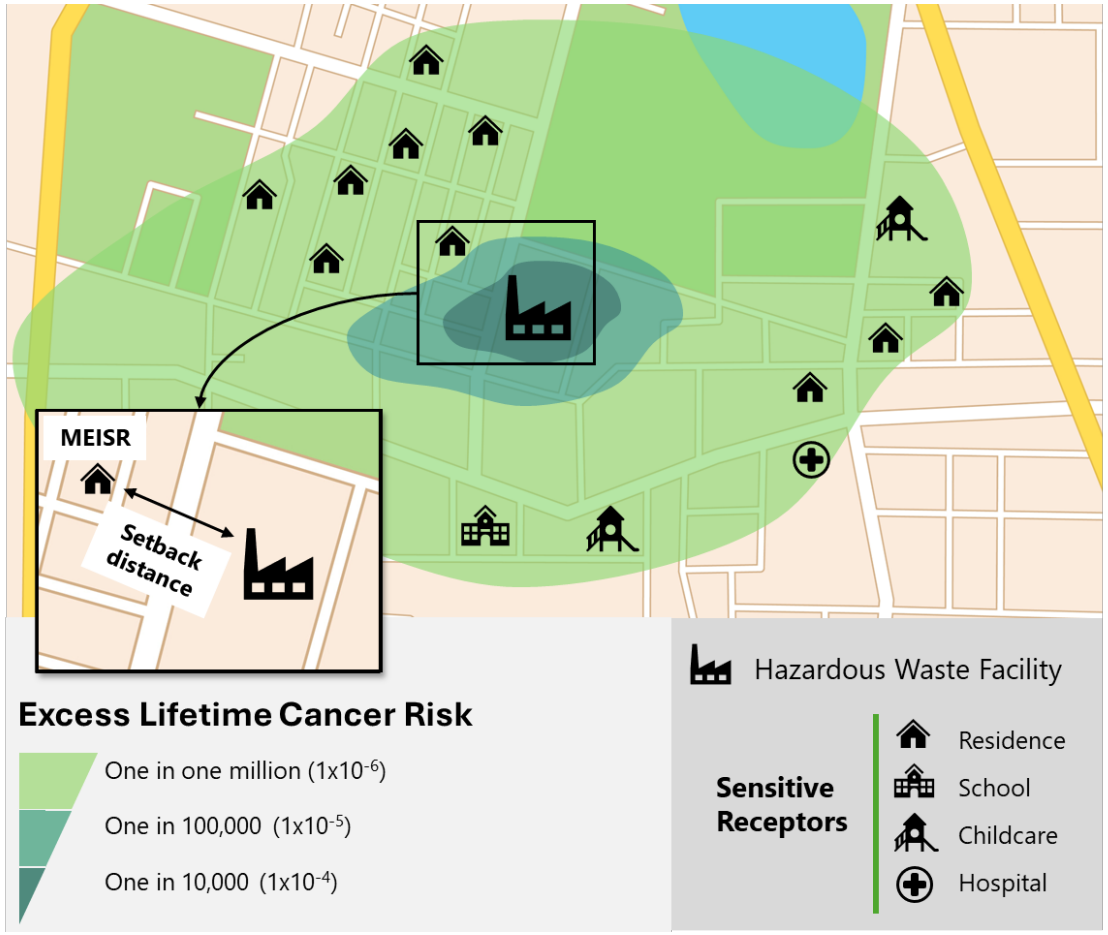
Permit applicants currently undergoing cleanup activities will need to include cleanup activities in their HHRA

3. Public Risk Communication

All permit applicants will be required to submit a public-facing human health risk assessment summary that will be used to convey facility-attributable health risks to the public, such as:

- Facility information
- Sensitive receptor information
- Excess cancer and non-cancer risks

Example of Human Health Risk Assessment Map



4. Mid-Permit Cycle Setback Distance Review

Operating facilities will be required to complete a mid-permit cycle (5-yr) review of the setback distance to ensure it is still protective to nearby sensitive receptors

Community Benefits of Proposed Framework

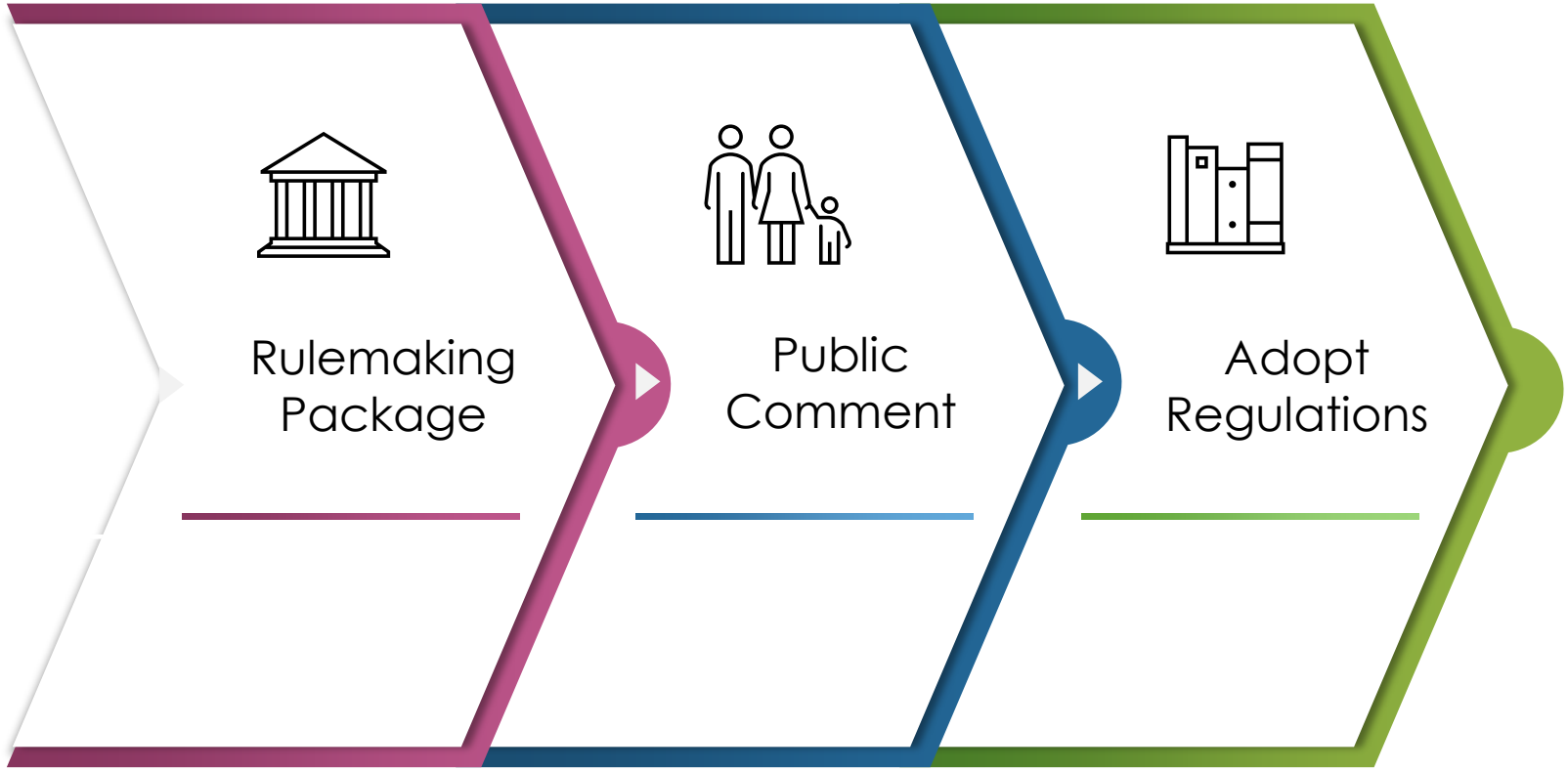
- Promotes health-protective permits, ensuring that health risks to sensitive receptors are comprehensively evaluated and communicated to the public
- New mechanisms ensure HHRA's capture changes to the facility and the community over time

Permit Applicant Benefits of Proposed Framework

Clarifies the nexus between facility impact and permit decisions and permit conditions that are based on human health risk

Facility-specific assessments allow for the permit applicant to work with DTSC to determine how to achieve operating requirements that protect the community

Next Steps



We welcome your feedback!

- Please fill out our online survey (open until July 31, 2025) at: https://dtsc.ca.gov/sb-673-track-2-revised-framework-survey/
- Email us at: permits_hwm@dtsc.ca.gov