

Community Engagement



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.

DTSC is releasing 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 **GOAL 1. Future information sheets will address the remaining goals.**

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



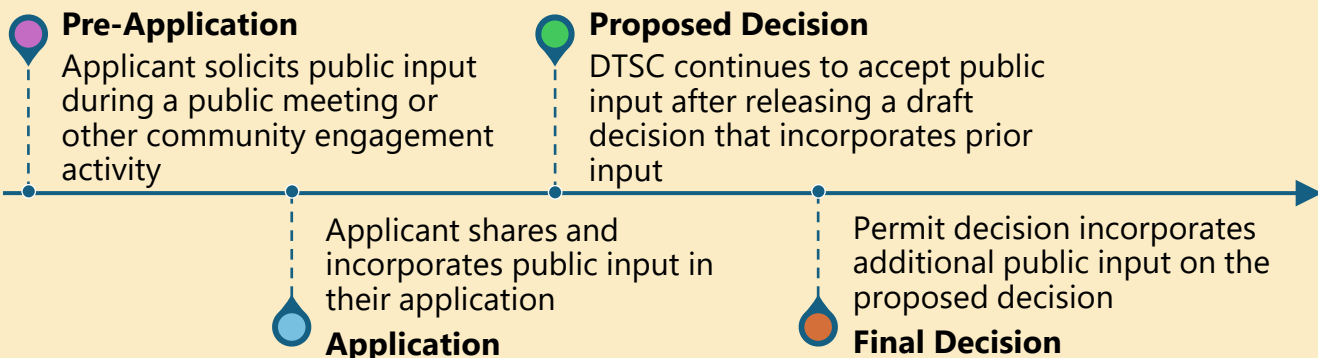
GOAL 3: Develop science-based setback distance for community protection

How we plan to achieve GOAL 1

Promote community engagement and transparency by:

1. Expanding upon current requirements so that permit applicants will need to complete a community engagement activity (e.g., open house, discussion with community-based organization, community survey, etc.) before submitting a new permit or permit renewal application; and
2. Creating mechanisms for the public to see how DTSC considered their input throughout the permitting process.

NEW PUBLIC INPUT PROCESS WITH PROPOSED CHANGES



¹ Health and Safety Code sections 25200.21 and 25200.23

DETAILS OF GOAL 1 PROPOSED FRAMEWORK

DTSC is proposing to expand on current requirements by requiring that permit applicants:

- Complete a DTSC-approved community engagement activity for new federal² and state³ hazardous waste permit applications and applications for permit renewals;
- Inform the public about proposed hazardous waste management activities and their potential environmental, health, and other impacts on nearby communities;
- Inform the public about how the applicant will manage potential risks to nearby communities in the pre-application meeting or other community engagement activity (see page 4); and
- Summarize and incorporate public input from the pre-application public meeting or other community engagement activity in the permit application.

**We
welcome
your
input!**

Applicants will need to address public input on community vulnerabilities in a Community Vulnerability Profile and Community Vulnerability Analysis, which will be presented in Information Sheet #2.

DTSC will use information gathered in pre-application public meetings and other community engagement activities to inform permit conditions and decisions.

BENEFITS OF GOAL 1

Community Members

- ✓ Promotes transparency to the public, as the applicant will need to incorporate public input in the permit application
- ✓ Enhances accountability, as the public has opportunities to provide feedback throughout the permitting process

Permit Applicants

- ✓ Provides opportunity for applicants to share information about their operations and impacts with the public early in the permit application process
- ✓ Allows applicants to identify and address concerns earlier in the permitting process, which may help reduce delays in the permit decision



² Resource Conservation and Recovery Act (RCRA) permit

³ Standardized permit

COMPARISON OF CURRENT AND PROPOSED PUBLIC INPUT REQUIREMENTS

	Current Requirements ⁴	Proposed Requirements
Early Engagement		
Who	RCRA permit applicants	<u>All</u> applicants (RCRA and standardized permit applicants)
When	Before an application is submitted to DTSC (i.e., pre-application phase) for an initial permit or major modification	Before an application is submitted to DTSC (i.e., pre-application phase) for an initial permit or permit renewal (and for major modifications to RCRA permits)
What	Applicants hold a public meeting	Applicants hold a public meeting or complete <u>community engagement activity</u> ⁵
How	Applicants must solicit questions from the community and inform the community about their operations	In addition to current requirements, applicants must share information about <u>potential risks and impacts to nearby communities</u> and how they will manage these potential risks and impacts
Consideration of Public Input in Permit Application		
Who	RCRA permit applicants	<u>All</u> applicants (RCRA and standardized permit applicants)
When	Application is submitted to DTSC for initial permit or major modification	Application is submitted to DTSC for an initial permit or permit renewal (and for major modifications to RCRA permits)
What	Applicants include public input in permit application	Applicants include public input in permit application
How	Applicants must include a summary of the pre-application public meeting, a list of attendees, and any materials submitted at the meeting	In addition to the current requirements, applicants will also be required to summarize and discuss public input related to <u>community vulnerabilities</u>

⁴ California Code of Regulations Title 22 sections 66271.31 and 66270.14

⁵ See page 4

COMMUNITY ENGAGEMENT ACTIVITIES

Current state and federal regulations for RCRA permits require permit applicants to hold a pre-application public meeting under the following circumstances:

1. An initial application for a RCRA permit; and
2. A major modification to an existing RCRA permit.

DTSC is proposing to expand upon these current regulations to require that applicants, i.e., hazardous waste facilities with federal RCRA and state standardized permits, will need to complete a DTSC-approved community engagement activity before submitting an application for a new permit or permit renewal.



Examples of community engagement activities include but are not limited to:

- Open houses
- Public meetings
- Discussions with community-based organizations (CBOs) or other advisory groups
- Fact sheets shared with nearby communities
- Community-focused webpages
- Online or paper community surveys

CONTACT US

Provide Input

Fill out our revised framework Information Sheet [online survey](#).



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[Sign up](#) to receive email notifications on updates and invitations to public events.



Questions?

Email us at permits_hwm@dtsc.ca.gov.



For additional information, please see our [SB 673 Permit Criteria – Community Protection](#) webpage.

Community Vulnerability

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 draft framework to better address the public's comments and propose further programmatic reform.

This information sheet shares DTSC's plan to achieve **GOAL 2 of the revised framework. Goals 1 & 3 are addressed in separate information sheets.**

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 facility setback distance for community protection

DTSC proposes to incorporate community vulnerability in permit decision-making by requiring the following:

1. Permit applicants complete a Community Vulnerability Profile to determine if they are in a disadvantaged community
2. Permit applicants for facilities in disadvantaged communities, or those otherwise directed to do so by DTSC, would complete a Community Vulnerability Assessment to:
 - Assess vulnerability issues and lived experiences in the community
 - Identify local and regional sources of pollution
 - Evaluate and discuss the relationship between the facility, local and regional sources of pollution, and community health
 - Propose strategies to address facility impacts

**How
we plan to
achieve
GOAL 2**

What is Community Vulnerability?

Community vulnerability describes how a population is at risk of negative impacts from factors that include but are not limited to:

- Public health
- Socioeconomics
- Environmental pollution burden

Click on each icon for additional information



¹ Health and Safety Code sections 25200.21 and 25200.23

COMMUNITY VULNERABILITY INDICATORS

DTSC is proposing that the Community Vulnerability Profile use [CalEnviroScreen](#) (CES) for the identification of disadvantaged communities.

What is CalEnviroScreen?

CES is a mapping tool developed by the California Environmental Protection Agency (CalEPA) Office of Environmental Health Hazard Assessment (OEHHHA). This publicly available tool analyzes and summarizes data on environmental, public health, and socioeconomic conditions across California. The current version of CES (Version 4.0) includes the following “indicators” of community vulnerability and cumulative community impact for each census tract in California:

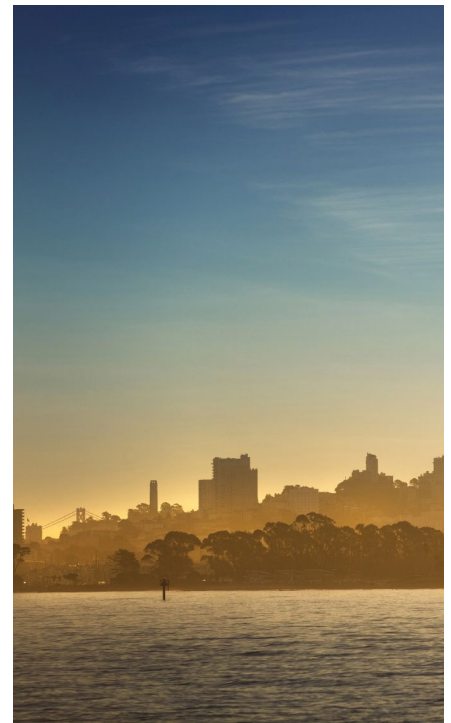
Population Indicators

- Asthma
- Cardiovascular Disease
- Low Birth Weight Infants
- Educational Attainment
- Housing-Burdened Low-Income Households
- Linguistic Isolation
- Poverty
- Unemployment



Pollution Burden Indicators

- Diesel Particulate Matter (PM)
- Air Quality: Ozone
- Air Quality: PM_{2.5}
- Drinking Water Contaminants
- Children's Lead Risk from Housing
- Pesticide Use
- Toxic Releases from Facilities
- Traffic Impacts
- Cleanup Sites
- Groundwater Threats
- Hazardous Waste Generators & Facilities
- Impaired Water Bodies
- Solid Waste Sites & Facilities



How is Disadvantaged Community Defined?

The [CalEPA 2022 Final Designation of Disadvantaged Communities document](#) defines a community as “disadvantaged” if it meets one or more of the following criteria:

- A census tract scoring in the 75th percentile of current overall CES scores;
- A census tract lacking a current overall CES score but receiving a score in the 95th percentile of current cumulative pollution burden scores in CES;
- A census tract identified as a disadvantaged community in the California EPA's 2017 Disadvantaged Community Designation, regardless of current CES scores; or
- An area under the control of federally recognized Tribes.

COMMUNITY VULNERABILITY PROFILE



What will the Community Vulnerability Profile include?

DTSC proposes that the Community Vulnerability Profile be included in permit applications as a worksheet, requiring the applicant to provide information on the following elements:

- CES community vulnerability indicator scores for the census tract in which the facility is located, and for each neighboring census tract.
- CalEPA disadvantaged community status
- Input from early community engagement activities
- Regional and local pollution sources
 - Regional air quality
 - Major transportation corridors
 - Local pollution sources, including:
 - Contaminated properties
 - Hazardous waste generators
 - Other industrial facilities

Who will complete the Community Vulnerability Profile?

DTSC is proposing that a Community Vulnerability Profile be completed by applicants for:

- New Resource Conservation and Recovery Act (RCRA) and standardized permits
- Renewals of RCRA and standardized permits (except post-closure care facilities)
- Major (Class 3) permit modification requests



DTSC's proposed framework does not apply to permits for facilities in post-closure care.

These are hazardous waste facilities that are no longer in operation. They are closed under DTSC oversight but continue to require a permit and regulatory oversight due to the presence of hazardous waste or contamination that could not be removed at closure. An example of such a facility is a closed landfill.

COMMUNITY VULNERABILITY ASSESSMENT



- The Community Vulnerability Assessment represents a new permit application component for facilities in disadvantaged communities.
- It is intended to serve as an essential document around which the permit applicant, community, and DTSC could focus discussion on community vulnerabilities, community lived experiences, and meaningful strategies to address community issues related to facility operations.

DTSC's review of the Community Vulnerability Assessment would serve to:

- Evaluate the permit applicant's communication and characterization of existing community vulnerabilities, lived experiences, and health risks for the population surrounding the facility.
- Determine the need for special permit conditions to address potential community vulnerability health issues that may be impacted by the facility. As examples, DTSC may incorporate permit conditions to include placing limits on facility operations during periods of high wind, requiring specific housekeeping measures to prevent the migration of toxic fugitive dust from the facility, or requiring language access and translation for facility communications to the public.
- Consider opportunities to collaborate and coordinate across state, federal, and local agencies to better leverage resources, knowledge bases, and public engagement activities pertaining to community health and vulnerability (e.g., AB 617 Community Air Protection Programs, AB 2588 Air Toxics "Hot Spots" data and analyses).



COMMUNITY VULNERABILITY ASSESSMENT CONTENT

The RCRA and standardized permit applications are compilations of dense technical information. Currently, they include detail that is relevant to community vulnerability. However, this information is not easily accessible to the public. The Community Vulnerability Assessment would be drafted for a public audience, to present both new community vulnerability information and pertinent information from elsewhere in the permit application (e.g., health risk assessment, environmental monitoring plans). The anticipated core elements of a Community Vulnerability Assessment are described below.

CATEGORY	DESCRIPTION
CalEPA Disadvantaged Community Status	Describe why the community is considered disadvantaged under the 2022 CalEPA decision criteria.
CES Community Vulnerability Indicator Scores	Discuss each CES indicator (e.g., unemployment, ozone, etc.) that has a score in the 75 th percentile or higher for statewide scores and how those indicators impact community health and wellbeing.
Regional and Local Pollution Sources	Identify if the facility is in a nonattainment area for Federal or State Ambient Air Quality Standards. If so, discuss which pollutants trigger the designation and which activities at the facility may contribute to this pollution burden. Additionally, summarize other potential sources of pollution in the community, such as contaminated properties, hazardous waste generators, and industrial facilities.
Applicable Regulations and Local Ordinances for Nuisance Issues	Summarize any regulations and ordinances that may apply to nuisance issues such as noise, odor, and vibration that could impact the community surrounding the facility.
Health Impacts	Discuss any facility-derived impacts for the surrounding community that are identified in the permit application health risk assessment.
Facility Environmental Monitoring	Summarize environmental monitoring requirements and programs for groundwater, stormwater, soil, soil gas, and air. Discuss how they can protect and inform nearby communities. This should include existing DTSC requirements, as well as requirements from other regulatory agencies (e.g., US EPA, local air districts).
Historical Hazardous Waste Releases	Describe any historical releases of hazardous waste from the facility and completed or ongoing corrective actions to address a release.
Community Benefits	Communicate potential community benefits (e.g., employment, community programs, etc.) that the facility has had or may have.
Community Input and Comments	Summarize community input gathered during the pre-application community engagement event (see Information Sheet #1).
Community Vulnerability Assessment Conclusions	Discuss the facility's potential to influence existing community vulnerabilities or create new vulnerability issues. This section should propose measures to address vulnerabilities influenced by the facility.

COMMUNITY VULNERABILITY & PERMIT DECISIONS

The community vulnerability framework would be one component of the regulations implemented under SB 673. Previous elements have included requirements for stronger financial assurance and training of hazardous waste facility personnel, enhanced human health risk assessment criteria, and a Violation Scoring Procedure (VSP) that took effect in January 2019. VSP uses a facility's history of violations to help inform DTSC's decisions to deny, suspend, or revoke a permit.

SB 673 has multiple elements that work together to strengthen the permitting process.

The information provided by the Community Vulnerability Assessment would improve DTSC's understanding of the community surrounding a given facility and the facility's potential impact on that community, thereby enabling DTSC to apply its existing authority (including its authority to condition or deny permits) in a more informed manner.



DTSC would condition permits to address community-specific health-risk issues.

Rather than creating new, one-size-fits-all permit conditions or bases for denial, the proposed framework would help to ensure that specific potential impacts on public and environmental health are better identified and addressed in individual permit decisions and facility-specific permit conditions.



Permit conditions based on the assessment of community vulnerability would be enforceable.

Violation of those conditions would impact the subject facility's VSP score during the permit cycle.

- **The Community Vulnerability Profile and Assessment would be considered equally important as the other required permit application materials** (e.g., health risk assessment, closure plan, VSP score).



- **These documents would be subject to DTSC's full technical review.** It would be necessary for applicants to address DTSC's technical comments and concerns in a timely fashion during the application review process.

DTSC's existing authority allows for the suspension of permit or denial of a permit application under the following conditions:

- Introducing a risk or hazard to human health or the environment that cannot be regulated to an acceptable level
- Not following permit conditions
- Withholding or misrepresenting facts in a permit application, and
- Failing to respond to or resolve notices of deficiency (NOD) during application review
 - DTSC issues NODs to communicate issues identified in the technical review of the application. An application can be denied if an applicant fails to respond three or more NODs on a given issue or their responses fail to address the NOD issue.²

² Health and Safety Code Section 25200.8

BENEFITS OF GOAL 2

Community Members

- ✓ Creates a process by which permit applicants must consider community vulnerability and the lived experiences of community members.
- ✓ Public comments received from pre-application community engagement events must be incorporated by applicants in the Community Vulnerability Assessment, if the facility is in a disadvantaged community.
- ✓ Community vulnerabilities, impacts, and lived experiences will be considered by DTSC in making permit decisions and drafting permit conditions.

Permit Applicants

- ✓ Forum for applicants to discuss public input and community concerns early in the permit application process.
- ✓ Produces a framework for permit applicants to assess community issues and their relationship with how the facility operates.
- ✓ Provides consistency in permit applications for purposes of assessing community vulnerability.



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Setback Distance

BACKGROUND

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

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.**

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

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.

¹ Health and Safety Code sections 25200.21 and 25200.23

² California Code of Regulations, Title 22, Section 66264.51

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.

PROPOSED SETBACK DISTANCE FRAMEWORK DETAIL

Hazardous waste facilities may share a fenceline with or may be located near sensitive land uses (i.e., homes, schools, childcare centers) in communities that are already overburdened with pollution. The objective of the framework is to leverage DTSC's authority and work collaboratively with partner agencies to ensure the protection of human health and the environment and improve the quality of life in communities impacted by hazardous waste management activities. Therefore, DTSC proposes to create new regulations around the following framework:

- 1** **Require applicants to complete a Screening Level HHRA and analysis of any potential emergency event impacts identified in the facility contingency plan.**
 - Evaluate the potential for facility-attributable cancer and non-cancer health effects in the community and potential for acute (short-term) hazards (e.g., explosions, fires).
 - Determine where the MEISR is located and if the setback distance is protective.
 - The requirements would apply to all applicants for a new permit, permit renewal, and major permit modification.
- 2** **Require applicants that are also cleaning up past releases of toxic chemicals at the time of permit renewal or modification to complete a Baseline HHRA, unless the cleanup work has been shown to be complete at the time of the application submittal.**
 - Baseline HHRA would evaluate sensitive receptor exposures to both toxic chemicals in operating emissions and toxic chemicals accidentally released from permitted operations.
- 3** **Require applicants to incorporate public risk communication materials in all HHRAs.**
 - Health risk assessment summary of chronic (long-term) and acute (short-term) health risks from facility operations (page 4) and map of long-term community health risks from facility operations (page 5).
- 4** **Require operating facilities to complete a setback distance review every five years, after the issuance of a permit or major permit modification.**
 - Determine if new sensitive receptors are present in closer proximity to the facility than the existing MEISR.

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- Excess Lifetime Cancer Risk.** The extra potential cancer, above background, as the result of a lifetime exposure to a specific carcinogen or source of carcinogens.
 - Hazard Index (HI).** A calculation to evaluate non-cancer health hazards (e.g., kidney or liver toxicity), using a ratio between an exposure to a contaminant or mixture of contaminants and the exposure level at which no harm is expected.
 - Screening Level Human Health Risk Assessment (HHRA).** An HHRA that uses standard assumptions to estimate health risks from chemical exposure for a person or population.
 - Baseline HHRA.** A more detailed HHRA that includes additional site-specific information such as the distribution and movement of contaminants in the environment, frequency and duration of exposure, and further refined chemical concentrations for exposure scenarios.
 - Maximally Exposed Individual Sensitive Receptor (MEISR).** The sensitive receptor with the greatest exposure to toxic chemicals from the facility.

SB 673 Track 2 • Information Sheet Number 3: Setback Distance

HOW WOULD CURRENT REQUIREMENTS CHANGE?

The revised framework would:

- Replace current health risk assessment questionnaire with a more comprehensive Screening Level HHRA and emergency event analysis as a minimum application requirement
- Address hazards from potential emergency events and exposures to past chemicals releases and spills from permitted operations at the facility
- Revise and clarify criteria that necessitate a Baseline HHRA
- Require additional information in HHRAs, including:
 - ❖ Setback distance to MEISR
 - ❖ HHRA Summary (see page 4)
 - ❖ Map of facility-attributable health risks in surrounding community (see page 5)



BENEFITS

Community Members

- ✓ Promotes health-protective permits, ensuring that health risks to sensitive receptors are comprehensively evaluated and communicated to the public
- ✓ Creates new mechanisms to ensure HHRAs capture changes to the facility and the community over time

Permit Applicants

- ✓ Clarifies the nexus between facility impact and permit decisions and permit conditions that are based on human health risk
- ✓ Allows the permit applicant to work with DTSC to determine how to achieve operating requirements that protect the community based on facility-specific assessments

Summary of Changes

Permit Applicant Type	Current Requirement ³	Proposed Requirement
• Class I landfills • Hazardous waste facilities with Title V air permits • Hazardous waste incinerators • Boiler or industrial furnaces	Baseline HHRA	Baseline HHRA
Applicants currently addressing chemical releases ⁴	DTSC determines need for Screening Level or Baseline HHRA	Baseline HHRA
Applicants seeking a major (Class 3) permit modification	DTSC determines need for Screening Level or Baseline HHRA	Submit an HHRA consistent with facility requirements for a new permit application
All other applicants	Health risk assessment questionnaire	Screening Level HHRA

³ California Health and Safety Code section 66270.14

⁴ Not including Class I landfills, Title V permitted treatment facilities, hazardous waste incinerators, or boiler or industrial furnaces

EXAMPLE OF HHRA SUMMARY⁵

FACILITY DETAIL

- Facility name and address
- Census tract
- EnviroStor/EPA ID
- Description of hazardous waste treatment, storage, or disposal operations carried out at the facility

MEISR DETAIL

- MEISR location and type (e.g., residence, school, elder-care facility)
- Setback distance from facility
- Defining hazards and health effects (cancer/non-cancer), primary chemical exposures, and primary contributing permitted units or operations

CANCER ASSESSMENT

Maximum Facility-Attributable Risk

- Sensitive Receptor
 - Sensitive receptor type and location
 - Setback distance from facility
 - Key source contribution (chemicals and permitted units)
- Worker
 - Location
 - Source contribution (chemicals and permitted units)
- Point of Maximum Impact
 - Location
 - Key source contribution (chemicals and permitted units)

NON-CANCER ASSESSMENT

Maximum Chronic Hazard Indices

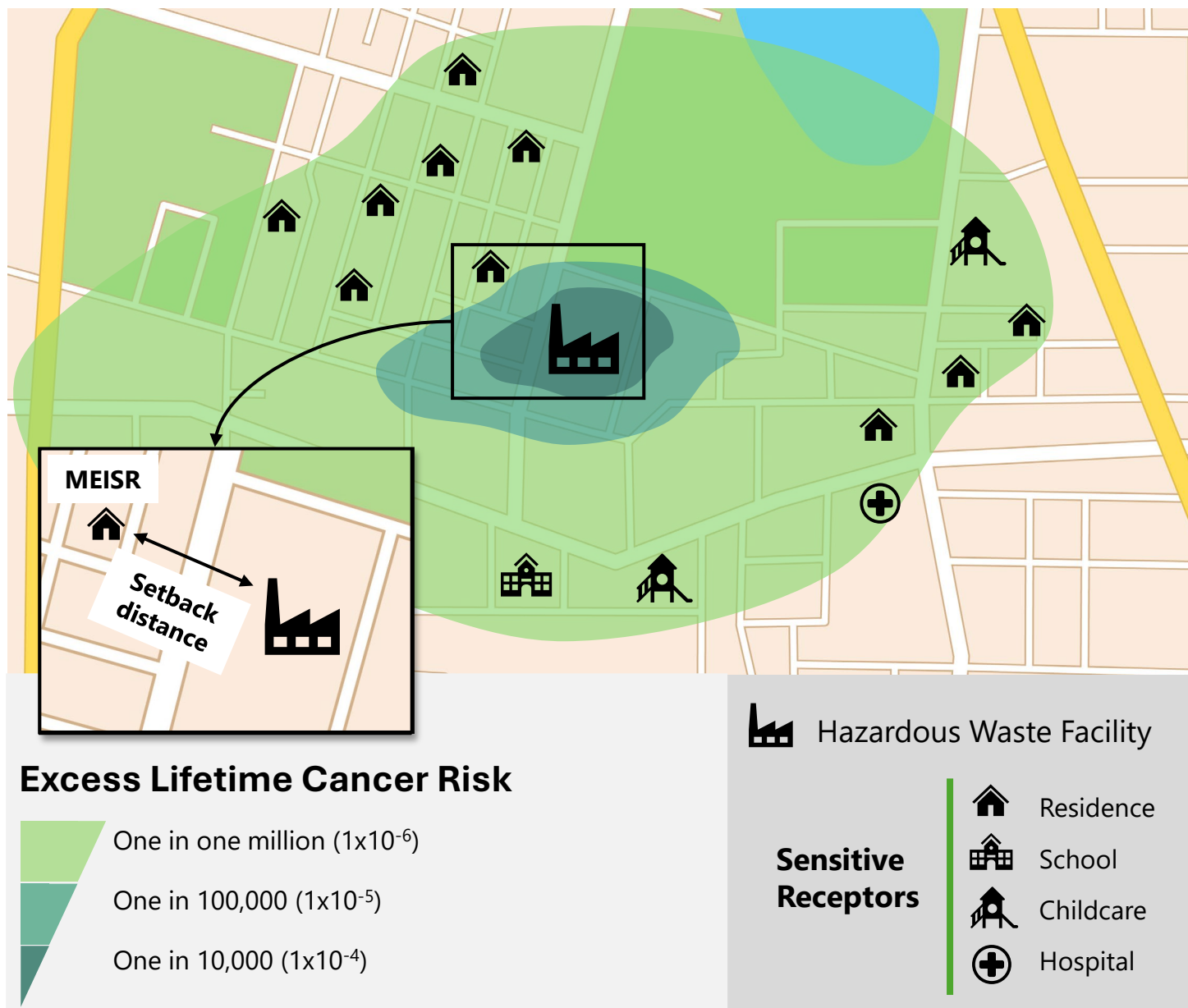
- Sensitive Receptor
 - Location
 - Key source contribution (chemicals and permitted units)
- Point of Maximum Impact
 - Location
 - Key source contribution (chemicals and permitted units)

Maximum Acute Hazard Indices

- Point of Maximum Impact
 - Location
 - Key source contribution (chemicals and permitted units)

⁵ This example HHRA summary shown here is not a final product and is not comprehensive

EXAMPLE OF SCREENING LEVEL OR BASELINE HHRA MAP



- The map shown above is for illustration purposes only. It is a hypothetical, simplistic scenario where the zone of impact (green shaded areas) for the facility-attributable excess lifetime cancer risk is shown around a hazardous waste facility.
- The health risk-based zones of impact would be based on the modeling of toxic chemical emissions from permitted units at the facility and local meteorological conditions.
- These maps would show sensitive receptor locations, including the MEISR, relative to the facility location and the facility attributable health hazards.
- The HHRA summary and map are both intended to help inform the Community Vulnerability Assessments discussed in [Information Sheet #2](#).

SB 673 Track 2 • Information Sheet Number 3: Setback Distance

SETBACK DISTANCE & PERMIT DECISION-MAKING

Under this proposed framework, DTSC would use its existing authority to suspend or deny a permit application under the following conditions:

- A facility introduces a hazard or a risk to human health or the environment that cannot be regulated to an acceptable level
- A facility is not following permit conditions
- A permit applicant withholds or misrepresents facts in a permit application
- A permit applicant fails to respond to or resolve multiple notices of deficiency

DTSC proposes to incorporate the following risk management framework into regulation to guide permit decisions and determine the need for health-risk based permit conditions:

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 $\geq$ 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 $\geq$ 1 in 10,000 or Non-cancer HI $\geq$ 1	Action required, including risk reduction actions or potential permit denial	• Risk reduction measures • Permit application denial



Why is it a range?

A risk management range is typically used when evaluating health risk assessments. This is because of the uncertainties related to the data and assumptions used in a health risk assessment.

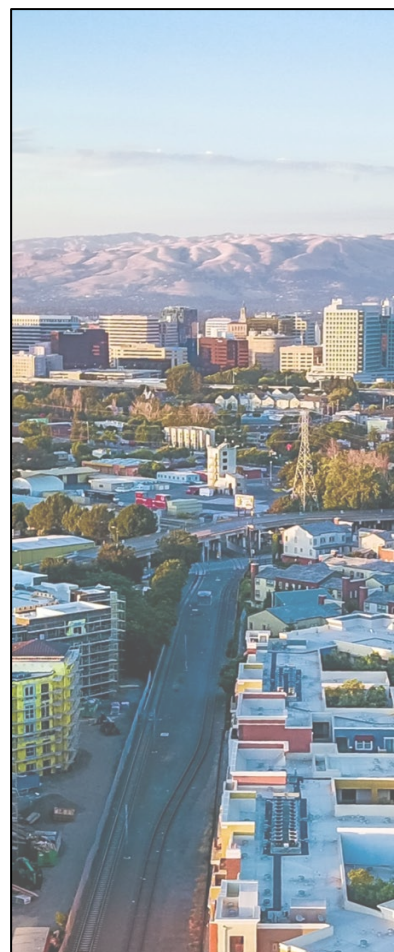
PERMIT CONDITIONS RELATED TO SETBACK DISTANCE

- DTSC may create permit conditions based on the applicant's Screening Level or Baseline HHRA and setback distance in order to require additional monitoring, risk mitigation, or elimination of risk.
- DTSC may create permit conditions based on the applicant's potential emergency events and setback distance.
- DTSC will use the HHRA and setback distance data along with community input (Information Sheet #1) to further inform permit conditions related to the Community Vulnerability Assessment (Information Sheet #2).

WHY ISN'T THE SETBACK DISTANCE A FIXED NUMBER?

DTSC researched and considered many alternatives for setback distance requirements. DTSC initially proposed a numeric setback distance in [SB 673 Cumulative Impacts and Community Vulnerability Draft Regulatory Framework](#), which was shared with the public in 2021. However, DTSC is currently proposing a facility-specific, risk-based approach. DTSC's revised approach was shaped by the following considerations:

- Statutory requirements
- Public input on 2021 proposed framework requesting strengthened community protections and a practical, science-based approach
- Fit-for-purpose approach for assessing and addressing cumulative impacts proposed by US Environmental Protection Agency (USEPA)⁶
- Diversity of regulated community (size, permit type, activity type, location, facility age, new or existing facilities, chemicals released, etc.)
- Unique communities and sensitive receptors located near DTSC-permitted facilities
- Enforceability
- Adaptability to new scientific knowledge and new sensitive receptor locations



Did you know?

Local governments have the authority to establish setback distances.

- The California Constitution gives local governments broad powers to protect the health, safety, and welfare of their residents.
- Local governments determine how land can be used (e.g., industrial, commercial, residential). Nuisance issues like noise, light, and odors are also controlled at the local level.
- DTSC will continue to work with local governments to advance health-protective policies, as the Hazardous Waste Control Law allows for the collaboration between state and local authorities.

⁶[Interim Framework for Advancing Consideration of Cumulative Impacts](#)

ADDITIONAL FACTORS INFLUENCING SETBACK DISTANCE

Tanner Act

The **Tanner Act** requires local agencies to coordinate with DTSC and other state agencies when making land use decisions related to new and expanding hazardous waste facilities. Under the Act, local governments are required to form a Local Assessment Committee, which serves to advise the local agency of the conditions under which the proposed project may be acceptable to the community, including conditions pertaining to locally-required setbacks.

California Environmental Quality Act (CEQA)

The **California Environmental Quality Act (CEQA)** requires DTSC to consider the environmental consequences of our permit decisions. CEQA analysis incorporates 21 resource areas, including aesthetics, noise, and land use and planning. CEQA analysis also requires assessment and disclosure of potential impacts on sensitive receptors and can include potential mitigation measures for project-related impacts to the environment.

This information sheet is the last in a series of three.

We encourage you to read all three information sheets and provide feedback. The proposed regulatory framework and public input received will guide regulation development.

**We
welcome
your input!**

CONTACT US

Find More Info

Find additional information on our [webpage](#).



Provide Input

Fill out our revised framework Information Sheet [online survey](#).



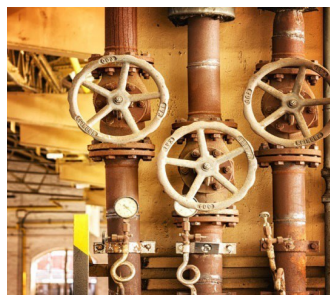
Questions?

Email us at permits_hwm@dtsc.ca.gov.



GENERATION & HANDLING FEE

THE GENERATION & HANDLING FEE



The Generation & Handling (G&H) Fee is imposed on generators of hazardous waste that generate five or more tons of hazardous waste at each site in California within a calendar year. The fee is a flat rate per ton, or fraction of a ton rounded up to the next ton and is assessed on all applicable manifested and unmanifested waste generated. This includes recycled waste, treated wood waste, imported waste, and waste sent outside of California for disposal.

Each year, the Board of Environmental Safety adjusts the G&H Fee on or before October 1st. The fee is assessed on the waste generated in the previous calendar year. For waste that was generated in **2023**, the rate is **\$60.05 per ton**, or fraction of a ton. This includes the first five tons, and fractions of a ton are not prorated.

HOW TO PAY THE GENERATION & HANDLING FEE

The California Department of Tax and Fee Administration (CDTFA) administers the G&H Fee on behalf of the Department of Toxic Substances Control (DTSC) and deposits revenues into the Hazardous Waste Control Account (HWCA).

Generators of five or more tons of hazardous waste **must register and file a return** with CDTFA on the waste generated in the prior calendar year.

The fee is paid in two installments for each fiscal year:

- ½ of the fee is due by November 30 (prepayment)
- ½ of the fee is due by February 28 (return)

Fiscal Year	Hazardous Waste Generated in	CDTFA Reporting Period	Prepayment Due Date	Return & Final Payment Due Date
2024/25	Calendar Year 2023	30-Jun-2025	30-Nov-2024	28-Feb-2025
2025/26	Calendar Year 2024	30-Jun-2026	30-Nov-2025	28-Feb-2026
2026/27	Calendar Year 2025	30-Jun-2027	30-Nov-2026	28-Feb-2027

G&H FEE DEDUCTION

A generator of hazardous waste can deduct hazardous waste that is stored, bulked, and transferred through their site. This waste must not undergo treatment and must be in route to another facility.

G&H FEE EXEMPTIONS

Some examples of hazardous waste generated and is exempt from the G&H Fee:

- Hazardous waste generated by a governmental agency when taking an immediate action necessary to remove or remedy an imminent and substantial threat of a release of a hazardous substance caused by a person other than the governmental agency
- Hazardous waste generated from operation of a household hazardous waste collection facility
- Universal waste as defined in Health and Safety Code section 25123.8
- Banned, outdated, and unregistered agricultural wastes submitted to an authorized county collection program
- Do-it-Yourselfer used oil collected by Certified Used Oil Collection Centers
- Reusable soiled textile materials
- Hazardous materials recycled and used onsite and not transferred offsite
- Hazardous waste that is treated onsite to be nonhazardous at an authorized facility pursuant to the applicable hazardous waste facilities permit requirements
- Wastes generated by victims of natural disasters under declared emergency but not routinely produced by the generator

GENERATOR ROLES & RESPONSIBILITIES

- Generators are responsible for managing and tracking the hazardous waste generated at each of their sites
- Generators are required to report to DTSC on generation data through the required reporting systems (e.g. Electronic Verification Questionnaire (eVQ), Transporter Quarterly Reports (TQR))
- Generators must validate the generation information in various hazardous waste tracking systems (e.g. HWTS, e-Manifest)
- All generators of five or more tons of hazardous waste **must file a return with CDTFA**
- Generators must verify the applicability of any claimed exemption(s) and report them in eVQ and on the CDTFA fee return



WHAT THE G&H FEE DOES

Deposited into the HWCA, the fee funds hazardous waste regulatory and oversight activities including:

- Inspections
- Enforcement
- Waste Evaluation Activities
- Administrative Activities

RESOURCES

General Fee Information:

Website: [DTSC.ca.gov/fees](https://dtsc.ca.gov/fees)

Email: Fees@dtsc.ca.gov

Phone: 1-916-445-1664

Filing Returns and Making Payments:

Website: [CDTFA.ca.gov](https://cdtfa.ca.gov)

Phone: 1-800-400-7115

Electronic Verification Questionnaire:

Website: evq.dtsc.ca.gov

Email: evq@dtsc.ca.gov

Phone: 1-877-454-4012

Hazardous Waste Tracking System:

Website: hwts.dtsc.ca.gov

Email: hwtsadm@dtsc.ca.gov

Phone: 1-800-618-6942

Manifest Corrections:

Email: manifestcorrections@dtsc.ca.gov

Phone: 1-800-618-6942

Board of Environmental Safety:

Website: <https://bes.dtsc.ca.gov/>

Email: BESinfo@bes.dtsc.ca.gov



Superfund and You - *The FS Evaluation Criteria*

In the last two columns, we discussed the Remedial Investigation (RI), Baseline Risk Assessment (BRA), and Feasibility Study (FS). These processes are used by EPA to identify the nature and extent of contamination in Libby, assess its risks to human health, evaluate cleanup options and identify a preferred cleanup alternative.

In evaluating the cleanup alternatives at all Superfund sites, EPA uses a specific set of nine criteria (called the **NCP Criteria**) that ask the following questions about each alternative:

1. **Overall protection of human health and the environment.** *Is it protective? How are risks eliminated, reduced, or controlled?*
2. **Compliance with ARARs.** *Does it meet environmental laws or provide grounds for a waiver?*
3. **Long-term effectiveness and permanence.** *Does it provide reliable protection over time?*
4. **Reduction of toxicity, mobility, or volume through treatment.** *Does it use a treatment technology? This is preferred, if possible.*
5. **Short-term effectiveness.** *Will the remedy be implemented fast enough to address short-term risks, and will there be adverse effects (human health or environmental) during construction/implementation?*
6. **Implementability.** *How difficult will it be to implement (e.g. availability of materials or coordination of Federal, State, and local agencies)?*

7. **Cost Effectiveness.** *What are the estimated capital and operation and maintenance costs in comparison to other, equally-protective alternatives?*

8. **State acceptance.** *Does the State agree with, oppose, or have no comment on it?*

9. **Community acceptance.** *Does the community support, have reservations about, or oppose it?*

Criteria 1 and 2 are **threshold criteria** and must be satisfied for an alternative to be eligible. Criteria 3 through 7 are **primary balancing criteria** and are used to weigh major trade-offs among the alternatives that meet the threshold criteria. Alternatives that pass these first seven criteria are systematically compared against one another to determine relative strengths and weaknesses. This produces a preferred alternative, which will be set forth by EPA in the Proposed Plan (available for public comment).

Criteria 8 and 9 are **modifying criteria** and are implemented once all public comments are evaluated. They may prompt modifications to the preferred alternative. The end result is a preferred alternative for cleanup in which EPA and the community can be confident.

For More Information...

EPA and our contractor, CDM, will be happy to provide information, and we also encourage citizens to contact the Libby CAG or TAG for assistance. For more information, contact the EPA Information Center at 501 Mineral Avenue (293-6194).

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