

CalEPA Tribal Advisory Committee

October-December 2024: Department of Toxic Substances Control (DTSC) Report

Consultations

The Department of Toxic Substances Control is open to and invites the collaboration and input of the California Native American Tribes. Through rules, regulations, policies and programs, the engagement with California Native American Tribes assists DTSC with decisions and policies to protect Tribal Cultural Resources throughout the State. DTSC recognizes our responsibility to the people of California and the environmental laws and regulations that we enforce with the various remedies, cleanup plans, and permits that are under our purview. We value the Tribes' traditional ecological knowledge while protecting the people of California. The Tribal Affairs unit continues its commitment to proactively engage with Tribes and respect the sovereignty of Tribal governments.

Below is a list of consultations and / or meetings with Tribal leaders and representatives during this quarter. Following that list is a description of some of the recent opportunities for DTSC team members to engage in Tribal related activities, and to meet with Tribal leaders and representatives and, finally, highlights of the more visible or far-reaching DTSC projects that involve Tribal governments.

Consultations during Q4

CVCI Discovery & Enforcement Projects: 5

- Company Cleaners II (Compton, CA)
- C & R Cleaners (Compton, CA)
- Lotus Cleaners (Los Angeles, CA)
- Platinum Cleaners (Lynwood, CA)
- Bell Cleaners (San Bernadino, CA)

Site Mitigation and Restoration Projects: 6

These projects in East Bay Area, San Jose, Los Angeles and Simi Valley.

Resources and Opportunities

This quarter, DTSC Tribal Affairs Unit welcomed and successfully onboarded a new team member who complements the Tribal Affairs program as registered archeologist. This professional expertise allows DTSC Tribal Affairs access to California Historical Resources Information System (CHRIS) reports.

During this quarter, DTSC Tribal Affairs staff took advantage of available professional development opportunities. DTSC Tribal Affairs staff and other DTSC colleagues who work with tribal affairs such as attorneys from DTSC Office of Legal Counsel completed the Tribal Consultation training offered by the Governor's Office of Tribal Affairs and the California Department of Human Resources.

In October, the DTSC Tribal Affairs Liaison, members of the Environmental Justice and Tribal Affairs Unit (EJ &TA), along with team members from the Cleanup in Vulnerable Communities Initiative (CVCI) grant programs attended in person or virtually the US EPA Tribal Conference in San Jose, CA.

The EJ &TA Unit CVCI Discovery and Enforcement unit, drafted Standard Operating Procedures for Coordinating Tribal Outreach for D&E. The document is currently being reviewed by the Deputy Director of the Office of Environmental Equity (OEE).

Engagement & Key Priority Projects

Waste Haulers on Tribal Lands

Sites generating hazardous waste located on federally recognized tribal land in California are not regulated by DTSC. These sites are directly regulated by the United States Environmental Protection Agency (U.S. EPA). However, a problem was identified when it was determined that the registration of such sites was causing some Tribes to incorrectly receive notices from DTSC instructing them to file with DTSC's Hazardous Waste Tracking System (HWTS) so that their information would be in a data repository for hazardous waste manifest. Collaborating the DTSC's Hazardous Waste Management Program staff, the Tribal Affairs staff work with representatives from US EPA Region 9 to inform tribal hazardous waste handlers that currently have a CA-prefixed waste ID number of how to correct the erroneous listing, and to register with US EPA RCRAInfo System. The notices were mailed to approximately 25-30 sites with a CA-prefixed hazardous waste ID number on federally recognized tribal land in California.

Cleanup in Vulnerable Communities Initiative (CVCI)

The CVCI invests in the cleanup of vulnerable communities and areas that suffer from multiple sources of contamination. Through the CVCI, the Discovery and Enforcement Unit investigates former and current drycleaning site locations that are being reused various purposes. DTSC works on discovery, investigation, enforcement, and cleanup of those identified contaminated

properties. The following presents some information regarding Tribal governments interest in the current and on-going CVCI D & E projects. Year 1 sites are those completed as of December 1, 2024. Year 2 sites are currently underway.

Year 1: Letters to determine Tribal interest were sent to 89 sites for Year 1. Tribes responded to letters for 37 sites. Tribes expressed interest in participating in the field work for 8 of the Year 1 sites.

Year 2: Letters to tribes to gauge Tribal interest were sent for all 16 sites that so far have executed Year 2 contracts. From those 16 letters sent, 14 tribes responded. Of the 14 that responded, 10 tribes expressed interest in getting involved; 1 site declined involvement but requested further information; 3 sites expressed no interest.

Tribe State Environmental Health Training in Emergency Response (EHTER)

On December 3, 2024, the California Department of Public Health (CDPH) invited DTSC, Cal Recycle and tribal groups to attend a “meet and greet” in Lakeport, CA. Big Valley Rancheria Band of Pomo hosted the event. The purpose of the meeting was to talk to tribal representatives about emergency preparedness. The primary themes were Environmental Health in Emergencies and Environmental Health Training in Emergency Response.

The tribal partners who attended the meeting were Sarah Ryan, Environmental Director for Big Valley Band of Pomo and MK Youngblood, Chief Officer of Emergency Management with California Tribal Emergency Response & Relief Agency (CALTERRA). In addition to the DTSC Tribal Affairs staff person, other CalEPA department representatives from CalRecycle attended, along with staff from the California Department of Public Health.

The event proved to be an opportunity for DTSC Tribal Staff to listen and learn about emergency preparedness protocols in rural and tribal areas. A major concern that was introduced is the need for capacity building. There was also an interest in funds and grants to fund Hazmat training, various environmental worker certifications and emergency response certifications including Food Safety. There was an expressed interest in receiving help to provide training to community members from rural areas on how to dispose of household hazardous waste and help with hauling it away.

Santa Susana Field Laboratory Project – Simi Valley, CA

This is a very visible project that impacts ancestral lands for many Tribes. As such a Sacred Site Council was formed to facilitate communications between DTSC and the Responsible Parties (National Aeronautics and Space Administration, The Boeing Company, and Department of Energy). DTSC Tribal Liaison (Deputy Director of the Office of Environmental

Equity), Deputy Director of Site Mitigation and Restoration Program (SMRP) and respective staff continued with on-going communications and consultations regarding program components such as groundwater mitigation, cultural resources, soil characteristics and other topics. The Tribal Affairs staff continue with their efforts to keep the Tribes informed of site progress and matters of interest for the Tribes.

Pacific Gas & Electric/Topock Compressor Station – Needles, CA / Topock, AZ

The history of this project involves PG&E's discharge of untreated wastewater containing hexavalent chromium which resulted in groundwater contamination that extended to the Colorado River. This existing groundwater plume crosses under properties owned by the federal government and managed with oversight by the Department of Interior and is situated within a Native American Traditional Cultural Property as designated by the Bureau of Land Management.

The project holds frequent Technical Workgroup and Consultative Workgroup meetings. In December 2024, the Office of Environmental Equity (which includes Tribal Affairs) distributed a Community Update to share information including the status of the groundwater remedy and performance of the treatment system, and the completion of the soil removal action and next steps in the comprehensive cleanup process. This update may signal the need for a Workgroup meeting or a Tribal consultation in the near future.

Priorities for Next Quarter

- Continued outreach to and involvement of Tribal representatives for the various CVCI programs.
- Continued consultations and sharing of information regarding the mitigations for the Santa Susana site.
 - Work with the Tribal governments to develop a public education and information program.
- Commitment to proactively engage and work with Tribal governments.
- Involvement of Tribal representatives and monitors for the various CVCI and Site Mitigation projects.

For more information:

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- Tribal affairs website: [Tribal Affairs | Department of Toxic Substances Control](#)