

## CalEPA Tribal Advisory Committee

January – March 2025

### Department of Toxic Substances Control (DTSC) Report

#### Department Introduction

The Department of Toxic Substances Control (DTSC) recognizes our responsibility to the people of California to protect communities from hazardous waste and promote health and safety through 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.

For the first quarter, the Department of Toxic Substances Control's Tribal Affairs Unit continued to build on relationships with several tribes, and to respond to those who are reaching out to us. Most of our work is with our Site Mitigation and Restoration Program (SMRP) which could result in land disturbance from a simple boring to large scale digging. Tribal Affairs staff work with program staff seeking to proactively identify culturally sensitive areas, resources and discuss mitigations.

*Urban Land Fires* - Unique to this quarter, was DTSC's role with the response and recovery to the Los Angeles Area wildfires. DTSC has an Enforcement and Emergency Response Division (EERD) that among many responsibilities works to ensure the safe removal hazardous materials after facility fires and wildfires – often with a wildlife urban interface. In the case of the LA fires, EERD worked with the Federal Emergency Management Agency (FEMA) and the Army Corps of Engineers along with other agencies on the Phase 1 Cleanup. Much of the area that burned was in or adjacent to tribal lands and of tribal interests. As a result, the Tribal Affairs unit had numerous meetings and discussions with tribal leaders of impacted tribes – both federal and non-federal – to assist with the protection of their resources. To the extent possible, DTSC managed the process to provide tribal representatives with access to review and monitor the clean up activities or connect them with agencies which could further assist.

#### Consultations

The Department of Toxic Substances Control invites the collaboration and input of California Native American Tribes. During the quarter, there were 10 consultations with Tribes. Many of those consultations were in regard to Site Mitigation and Restoration Projects (SMRP). From January through March, DTSC sent approximately 168 letters

to tribal governments using the Native American Historical Commission (NAHC) database and our own contacts regarding 18 projects that may be of concern to tribes.

The Discovery and Enforcement program is a special part of the Cleanup in Vulnerable Communities Initiative (CVCI). The program seeks to clean up former drycleaner sites in communities throughout California. This program has generated continued interest from Tribes over the past 2 years.

There are 9 CVCI Discovery & Enforcement (D&E) projects for which tribes have taken interest and with whom we work when ground disturbing activities are planned.

- Neighborhood Cleaners
- Waffle Plaza Cleaners
- 777 Cleaners
- Lakey Cleaners
- Dicks Cleaners
- C Quality Cleaners
- USA, CA Industrial
- Bell Cleaners
- Galindos Cleaners 2

In addition, there is interest in 9 Site Mitigation and Restoration Projects. Most of the D&E and Site Mitigations of current interest are primarily in the Los Angeles area and Simi Valley.

## Resources and Opportunities

This quarter, DTSC Tribal Affairs Unit continued to develop internal processes and review policies to provide better cultural resource information to tribes when in consultation on projects that may impact their cultural resources. We continue to work closely with program staff to share our tribal coordination process and allow for adequate amount of time to allow for tribal coordination, consultation and incorporation of tribal input on project activities.

## Engagement & Key Priority Projects

### **Environmental Justice Advisory Committee (EJAC) – Sacramento**

SB 158 directed DTSC to implement key governance and fiscal reforms. This reform included the formation of an Environmental Justice Advisory Committee (EJAC) which would represent communities across California impacted by DTSC's program and activities. The EJAC provides environmental justice advice, consultation and recommendations to the DTSC Director and the Board of Environmental Safety (BES). For 2023 and much of 2024, DTSC carried out the steps to establish the EJAC. One charge of the EJAC is to reflect interest and concerns about the

environment and stewardship of the land. The membership includes tribal or indigenous representative to ensure an inclusive and informed dialogue among the group members with the understanding that Tribal concerns regarding environmental impacts are unique to individual Tribal communities. The EJAC members were selected in Winter 2024 and have begun actively preparing and planning for their public meeting. The Tribal / indigenous voice is present at the proverbial table. The involvement of tribal and / or indigenous members on the EJAC does not constitute a replacement for government-to-government consultation and communication.

### **Santa Susana Field Laboratory Project – Simi Valley, CA**

This is a very visible project that impacts ancestral lands for many Tribes. This project is on a continuum and through each phase DTSC Tribal Affairs continues to work with the Sacred Site Council 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**

Another long-term project. 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 quarterly Technical Workgroup and Consultative Workgroup meetings.

### **Priorities for Next Quarter**

- Continued outreach to and involvement of Tribal representatives for the various CVCI programs and site mitigation projects, including working with DTSC programs and responsible parties to involve tribal representatives and monitors.
- Continued consultations and sharing of information regarding the mitigations for the Santa Susana site.
- Continued consultations and sharing of information with the tribes for the Topock program.

#### **For more information:**

- Email: [TribalAffairs@dtsc.ca.gov](mailto:TribalAffairs@dtsc.ca.gov).
- Tribal affairs website: [Tribal Affairs | Department of Toxic Substances Control](#)