



Department of  
Toxic Substances  
Control

# Overview of DTSC

## Presentation to the CalEPA Tribal Advisory Committee

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The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

*2014-2018 DTSC Strategic Plan*



# Outline

## I. Organization

## II. Activities: What do we do?

- Highlights: Fire Response and Site Assessment Tools

## III. Activities: How do we do it?

- Highlight: Draft Tribal Consultation Policy

## IV. Contacts

# I. Organization State/CalEPA



California  
Governor



California Environmental  
Protection Agency



Department of Toxic Substances Control



Office of Environmental Health Hazard  
Assessment



Department of Resources Recycling and  
Recovery (CalRecycle)



Department of Pesticide Regulation



State Water Resources Control Board



California Air Resources Board

# I. Organization

## What does DTSC do?

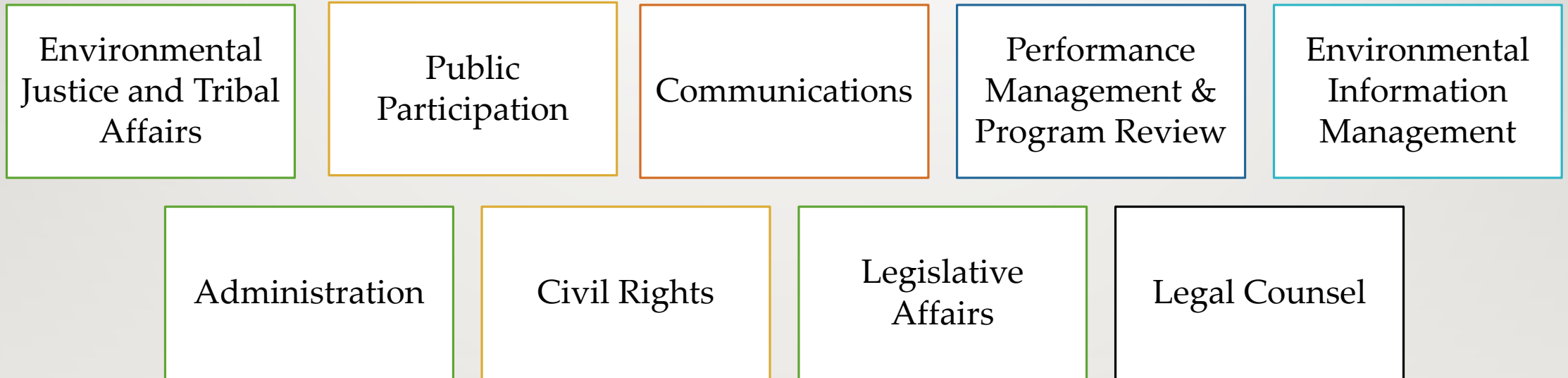
Hazardous Waste  
Management

Site Mitigation  
and Restoration

Safer Consumer  
Products and  
Workplaces

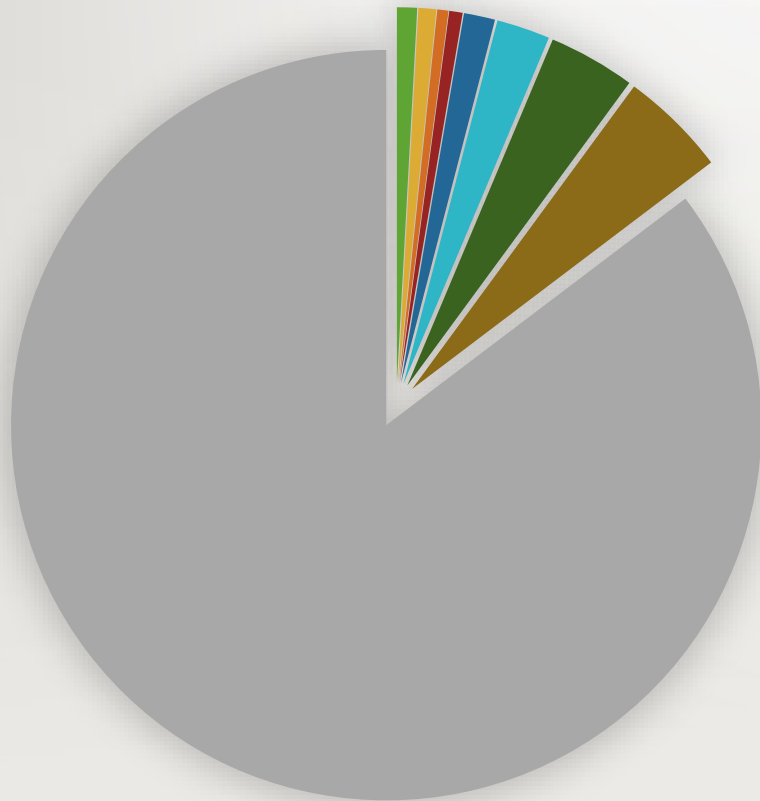
# I. Organization

## How do we do it?



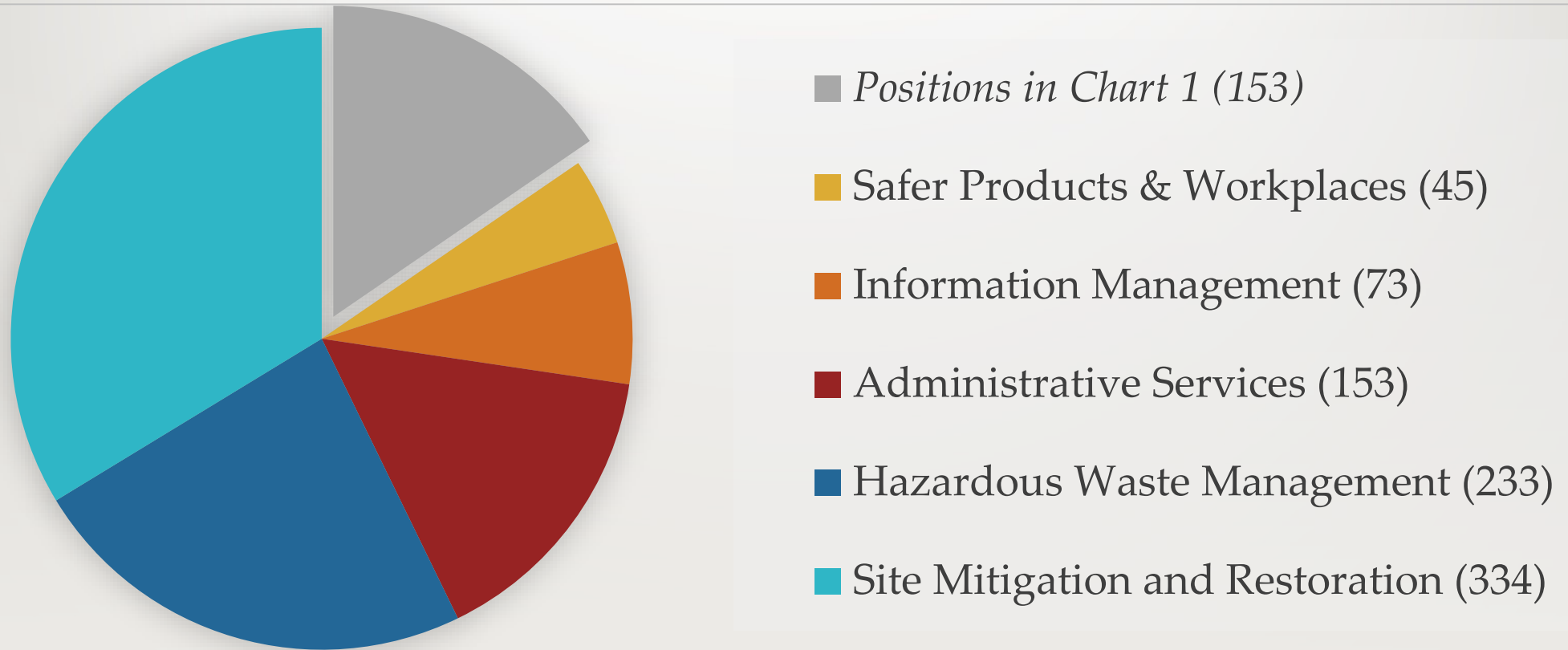


# I. Organization Programs and Staff – Chart 1



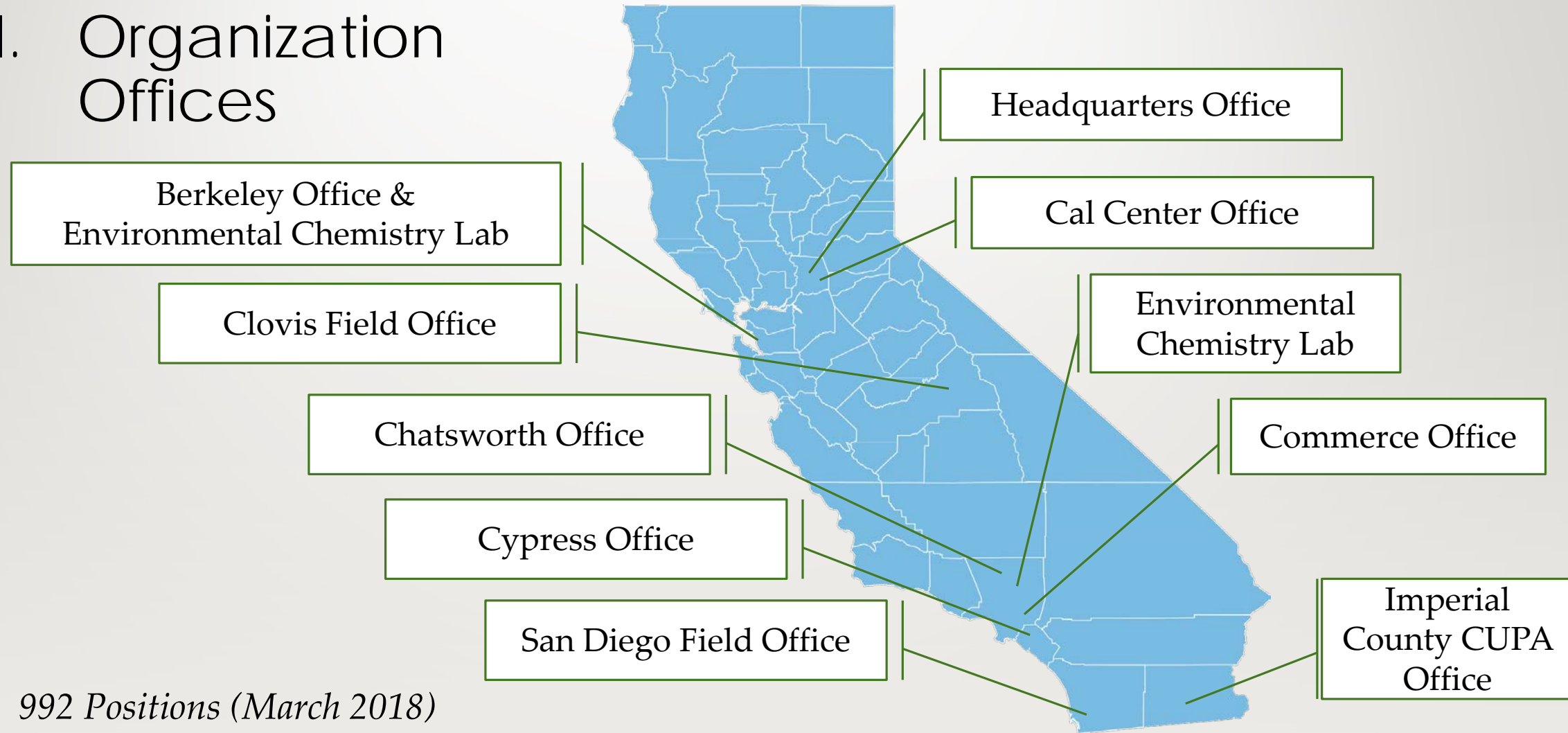
- Executive Office, Civil Rights (9)
- Environmental Justice & Tribal Affairs (8)
- Legislation (5)
- Performance Management & Program Review (6)
- Communications (14)
- Public Participation (24)
- Legal Counsel (39)
- Chemistry Lab (48)
- *Positions in Chart 2 (889)*

# I. Organization Programs and Staff – Chart 2





# I. Organization Offices



*992 Positions (March 2018)*

# I. Organization

## Draft 2018-2021 Strategic Plan



- DTSC is in the process of updating its strategic plan. Important elements include:
  - Alignment of roles and accountability
  - Development of governance structure
  - Development of dashboards for accountability and transparency

# I. Organization Budget

- During FY 2016-2017, DTSC had ~1,000 employees and a budget of \$280 million.
- This represents a 19 percent increase from the year before, but most of the additional resources (82 percent) are allotted for the Exide Technologies residential cleanup program.

~1000 employees

\$280M Budget

19% increase  
from previous  
year

82% of resource  
increase for  
Exide cleanup



# I. Organization Budget

- While DTSC staffing has remained relatively constant since 1991, actual spending has declined by 26 percent \*when adjusting for inflation.
- DTSC's two largest funding sources are the Hazardous Waste Control Account (HWCA) and the Toxic Substances Control Account (TSCA).

Staffing same as 1991

Spending declined 26%\*

HWCA

TSCA

Questions?

## II. Activities What do we do?

Hazardous Waste  
Management

Site Mitigation  
and Restoration

Safer Consumer  
Products and  
Workplaces



## II. Activities Hazardous Waste Management

- Enforce California's Hazardous Waste Control Law and regulations
- Regulate hazardous waste from when it is first generated to when it is disposed
- ~233 engineers, scientists, investigators, and other professionals and support staff
- Organized into four divisions:

Permitting

Enforcement &  
Emergency  
Response

Criminal  
Investigations

Policy &  
Program  
Support

## II. Activities Hazardous Waste Management

5 types of hazardous waste management authorizations

2 administered by DTSC

Permits under  
Resource  
Conservation and  
Recovery Act  
(RCRA)

Standardized  
permits for facilities  
that treat, store, or  
dispose of RCRA  
waste or used oil

3 administered by local Certified  
Unified Program Agencies (CUPAs)

CalEPA oversees 83  
local CUPAs

~160,000 businesses  
regulated by CUPAs

## II. Activities Hazardous Waste Management

- Issues, denies, revokes and modifies hazardous waste facility permits
- Conducts regular and targeted inspections of facilities that manage hazardous waste
- Responds to complaints of illegal storage, treatment or disposal of hazardous waste or other illegal activities





## II. Activities

# Hazardous Waste Management

- Inspects hazardous waste transporters, tracks waste shipments to and from California
- Enforces various statutory restrictions and bans on the use or sale of toxic materials
- Provides guidance on regulatory interpretations and compliance



## II. Activities Hazardous Waste Management

- Offers training to agencies that oversee local hazardous waste programs
- Participates in site audits of local programs
- Assists local law enforcement agencies with hazardous waste investigations
- Responds to emergencies involving the release of hazardous materials, in coordination with other federal, state and local emergency responders





## II. Highlight: Fire Response

- Fall 2017: Massive wildfires occur in Napa, Sonoma, Mendocino, Lake, Yuba, Nevada, Butte, Solano, Orange, Ventura, Los Angeles, San Diego, and Santa Barbara Counties
- 560,000+ acres burned in 13 counties
- 9,500+ residential, commercial, and public buildings destroyed
- 45 fatalities and 200+ injured; 300,000+ people evacuated





## II. Highlight: Fire Response

### DTSC's Mission Assignment

Assess and remove household hazardous waste and asbestos from structures on residential, commercial, public, and in one case, tribal lands

## II. Highlight: Fire Response

- DTSC staff continuously in the field for 12 weeks in both locations
- 1750+ Properties and 2000+ structures assessed
- 500,000+ lbs. of HHW and Asbestos Removed





## II. Highlight: Fire Response



Video:

<https://www.youtube.com/watch?v=BBeUNeW3iFs>



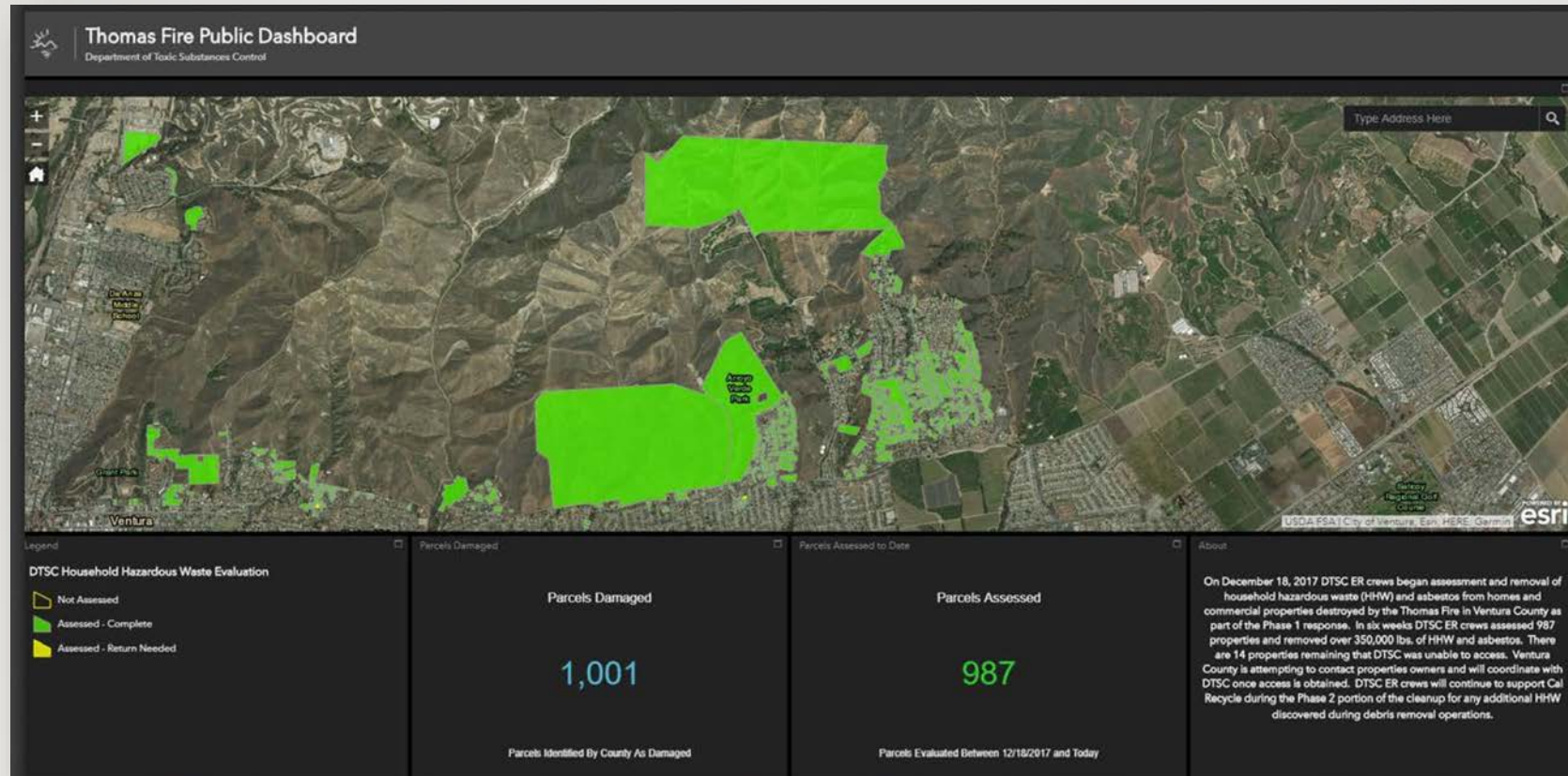
## II. Highlight: Fire Response

- DTSC developed a data collection app for response, allowed instant communication progress and synced with local, state, federal agency data
- Fact Sheets, Guidance Documents, and other fire-related documents can be found at:

[www.calepa.ca.gov/Disaster/Fire](http://www.calepa.ca.gov/Disaster/Fire)



## II. Highlight: Fire Response





Questions?



## II. Activities - Site Mitigation and Restoration

- The Site Mitigation and Restoration Program (SMRP) is charged with restoring and safeguarding communities through the investigation and remediation or cleanup of contaminated properties
- ~330 staff, including engineers, scientists, geologists, toxicologists, analysts and other professionals
- Staff work out of six of DTSC's regional locations, as well as DTSC's Sacramento Headquarters



## II. Activities - Site Mitigation and Restoration

Federal Superfund  
Sites

State Response  
Sites

Federal and State  
Orphan Sites

Military Sites

Permitted  
Hazardous Waste  
Management Sites

Voluntary  
Cleanups

New or Expanded  
School Sites

## II. Activities - Site Mitigation and Restoration

- Since its inception, program has expended
- nearly \$1.9 billion in resources to clean up contaminated sites in California, restoring more than 635,000 acres of contaminated land at 4,333 sites for productive reuse.
- In FY 2015-16, restored 1,345 total acres of contaminated land, protecting public health and returning the land to beneficial use.
- In FY 2016-17, restored an additional 2,541 acres.

Overseen \$1.9B in  
resources to clean  
up contamination

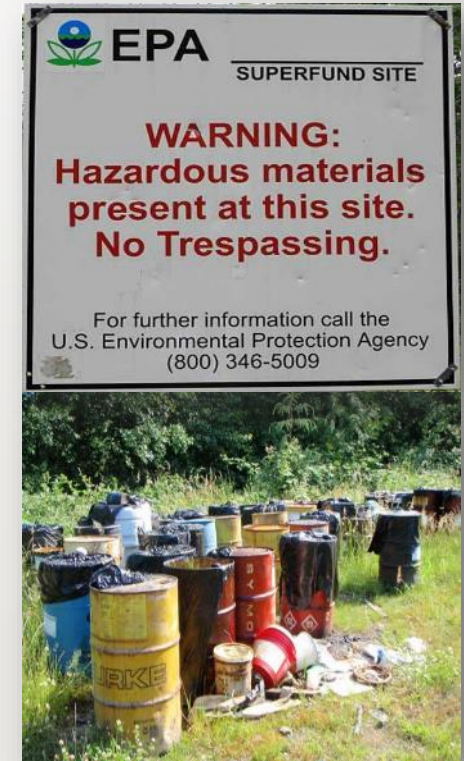
Restored  
635,000+  
acres of  
land

Includes  
4,333 sites



## II. Activities - Site Mitigation and Restoration

- Coordinate with federal agencies, such as the U.S. EPA, Department of Defense, U.S. Fish and Wildlife Service, and Department of Energy
- Coordinate with state agencies such as CalEPA and its boards, departments and offices and other state agencies, such as the California Department of Public Health and Department of Fish and Wildlife
- Outreach and consult with Native American Tribes in coordination with the DTSC's Office of Environmental Justice & Tribal Affairs



## II. Activities - Site Mitigation and Restoration

- Utilize best practices and existing guidance from multiple agencies
- Develops additional guidance, such as soil vapor intrusion supplemental guidance
- For cleanup decisions, utilizes the 9 criteria established in the National Contingency Plan, as well as the 6 criteria in CA Health & Safety code section 25356.1





## II. Activities - Site Mitigation and Restoration

- Funding Programs
  - Statewide assessment assistance
  - Regional assessment assistance
  - Loans and grants for environmental cleanup
- Revolving Loan Fund Program
- Cleanup Loans and Environmental Assistance to Neighborhoods (CLEAN) Loan Program





## II. Activities – Topock Remediation Project

- In 2000, DTSC established a Consultative Work Group (CWG) comprised of state, regional, federal agencies.
- Native American Tribal Governments were notified of the CWG in 2004 and began participating in 2006.
- DTSC selected the groundwater remedy for Topock in 2011.



## II. Activities – Topock Remediation Project

- Since 2011 time DTSC has held ~90 meetings with Tribes related specifically to review and approval of the remedy design and associated Subsequent Environmental Impact Report (SEIR).
- The final remedy was approved and SEIR certified on April 24, 2018.
- DTSC holds regular Clearinghouse Task Force meetings and Technical Work Group meetings.



## II. Activities – School Program

- California Education Code requires schools using state funding conduct a comprehensive environmental review under DTSC's regulatory authority for acquisition or addition of new school property.

✓	Safe School Properties	1,961	> 2,000
✓	Classrooms Built	28,311	~ 35,000
✓	Student Capacity Created	669,669	~ 800,000
✓	Acres Cleared	32,572	> 27,000





## II. Highlight: Site Assessment Tools Abandoned Mines

- Worked with U.S. EPA, the Army Corps of Engineers and the U.S. Geological Survey to develop a mine prioritization process called MineSHAFT
- Database designed to prioritize the potential chemical hazards of the approximately 42,000 abandoned mines in California



## II. Highlight: Site Assessment Tools Abandoned Mines

- DTSC has utilized a U.S. EPA grant to also develop a GIS mapping tool for the MineSHAFT database called the MineSPOT
- Goal of assessing ~30 abandoned mines for chemical hazards
- Coordinated with Tuolumne Band of Me-Wuk Indians for sampling assessment



Questions?



## II. Activities

# Safer Consumer Products & Workplaces

- ~45 staff across several offices
- Aims to accelerate the quest for safer chemicals in consumer products
- Provides training and support, ranging from hazardous waste operations and emergency response (HAZWOPER) training, to providing ergonomic support and training for office staff

### Rulemaking Package Development

Children's  
foam padded  
sleeping  
products

Paint and  
varnish  
removers

Spray  
polyurethane  
foam systems

## II. Activities - Safer Consumer Products (SCP)

### Candidate Chemicals

- Compiled from authoritative bodies across the globe. A chemical placed on the list is an indication of its potential to cause harm to people or the environment.

### Priority Products

- Research on how Candidate Chemicals are used in specific consumer products that may cause harm, and, if warranted, adopts regulations to designate those products as Priority Products.

### Alternatives Analysis

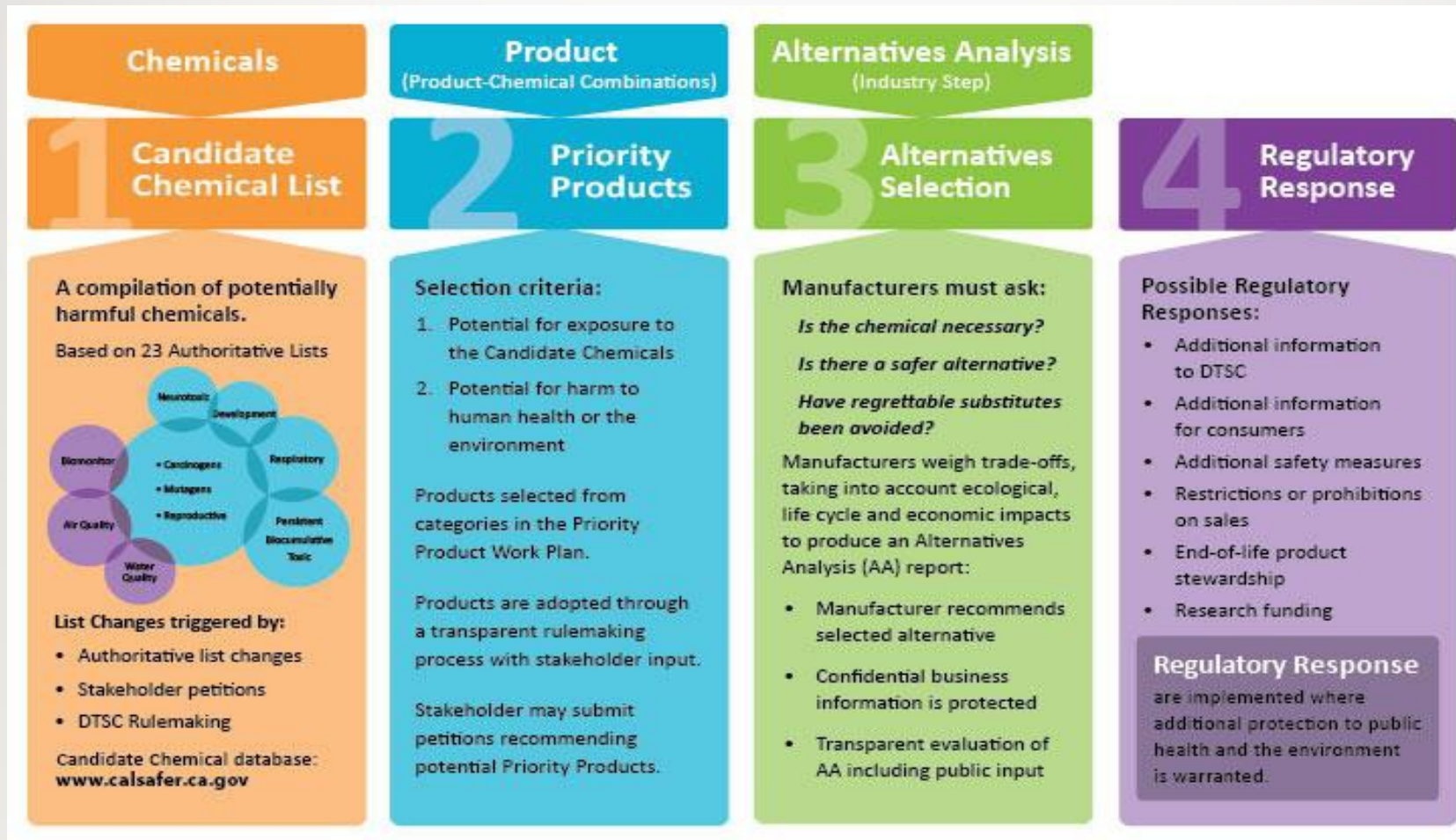
- Priority Product manufacturers are required to notify DTSC and engage in the Alternatives Analysis process to determine if the chemical is truly necessary, establish safer alternatives, and report their findings.

### Regulatory Response

- Allows additional requirements for manufacturers based on the results of their Alternatives Analysis process.



## II. Activities - Safer Consumer Products (SCP)





Questions?

### III. Activities

## How do we do it?

Environmental  
Justice and Tribal  
Affairs

Public  
Participation

Communications

Performance  
Management &  
Program Review

Environmental  
Information  
Management

Administration

Civil Rights

Legislative  
Affairs

Legal Counsel

### III. Activities

## Office of Environmental Justice & Tribal Affairs

- The Office of Environmental Justice and Tribal Affairs (EJ & Tribal Affairs) was established by the 2016/2017 Budget Act
- Together, with all DTSC staff, we seek to establish and maintain respectful and successful working relationships with Tribal governments and communities across the state





### III. Activities

## Office of Environmental Justice & Tribal Affairs

- In April 2017, EJ & Tribal Affairs issued a short-term guide regarding new program coordination on tribal outreach and consultation, primarily with the Site Mitigation and Restoration Program (SMRP)
- DTSC seeks to engage with tribes in a way that is respectful of tribal sovereignty, differing government structures, cultural backgrounds and resources, and in compliance with state and federal mandates

### III. Activities

## Office of Environmental Justice & Tribal Affairs

- Outreach and Consultation
  - More than 1,000 letters of interest sent to Tribal contacts as provided by NAHC
  - Outreach on more than 100 projects
  - Consultation on projects have resulted in the incorporation of mitigation measures project controls

### III. Activities Office of Environmental Justice & Tribal Affairs

- 50<sup>th</sup> Annual Native American Day
  - CA's Lead-Containing Jewelry Law
  - Abandoned Mine Lands
  - Cache Creek Area Targeted Site Investigation





### III. Activities

## Office of Environmental Justice & Tribal Affairs

#### DTSC Tribal Workgroup Objectives

Recognize Tribal  
history and  
significance  
throughout the  
state

Review  
state and  
federal  
Tribal  
mandates

Provide clarity  
on current DTSC  
Tribal outreach  
processes, roles  
and  
responsibilities

Improve internal  
coordination on  
Tribal issues

### III. Highlight – Draft Tribal Consultation Policy

Policy	Supersedes	Development and Incorporation of Feedback	Status	Implementation
Draft Tribal Consultation	None. Guidance from CalEPA Policy (2015)	2016-2018 DTSC and CalEPA Tribal Advisory Committee and upcoming workshops for Tribes with CalEPA/CARB	Anticipated Summer/Fall 2018	Department Procedural Memoranda and Protocols To be developed 2018-2020

### III. EnviroStor

- EnviroStor is DTSC's data management system for tracking our cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known contamination or sites where there may be reasons to investigate further.



<http://www.envirostor.dtsc.ca.gov/public/>



Questions?