

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

How we plan to achieve GOAL 2

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

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

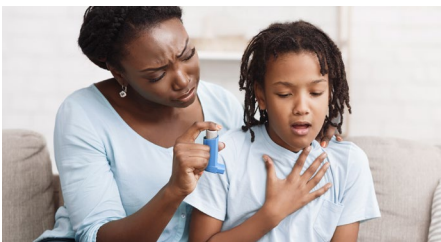
DTSC is proposing that the Community Vulnerability Profile use [CalEnviroScreen](#) (CES) for the identification of disadvantaged communities.

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:

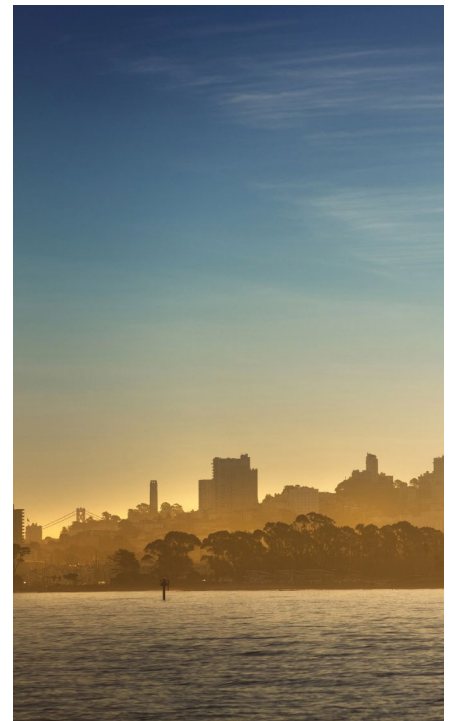
Population Indicators

- 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.



CONTACT US

Provide Input

Fill out our revised framework Information Sheet online survey.



Get Notified

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



Questions?

Please email us at permits_hwm@dtsc.ca.gov.

