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January 31, 2017

Department of Toxics Substances Control  
8800 Cal Center Drive  
Sacramento, CA 95826  
Attention: Mr. Kevin Depies  
Via Email: [Kevin.Depies@dtsc.ca.gov](mailto:Kevin.Depies@dtsc.ca.gov)

**RE: DTSC Proposed Draft Toxicity Criteria Regulation & Impacts on Cities  
Letter of Concern**

Dear Mr. Depies:

On behalf of the League of California Cities (League), we appreciate consideration of our comments relative to the Department of Toxic Substances Control's (DTSC) draft Toxicity Criteria regulation for Human Health Risk-Based Screening Levels, Action Levels and Remediation Goals under the California Code of Regulations Division 4.5, Environmental Health Standards for the Management of Hazardous Waste (Regulation).

We recently became aware of the proposal and in this regard were unfortunately not able to participate in the December 2016 workshop. Notwithstanding, we feel compelled to raise concerns with what we believe could be negative impacts for contaminated properties in our cities.

While we can appreciate DTSC's interest and need to ensure cleanup standards are sufficiently protective of human health and the environment, we are concerned the current approach may not be associated with the best available site-specific considerations that could result in increased costs, further delays, decreased property values for the site and surrounding area. Many of the remediation and site cleanup projects that would be affected by this proposal already take many years to complete, resulting in negative consequences for our cities in terms of property values, blight, and community health outcomes.

Although the League recognizes that the appropriate state agencies should have the responsibility to perform technical evaluations for site assessment and remediation plans, standing League policy dictates that the clean-up level of a project should be based on its proposed use (i.e., parking garage, as opposed to residential development). We are concerned that the proposed regulatory changes will do more harm than good to critical clean-up projects.

Of the various concerns with this proposal, its impact on proper brownfield remediation and related economic development projects will be detrimental to community revitalization efforts. The League and various advocates for local economic development have been focused on encouraging revitalization and better use of abandoned properties to the benefit of local

environmental and economic conditions. This is particularly true in disadvantaged communities, as defined by CalEnviroScreen, where state and local resources can be effectively leveraged.

DTSC is certainly best qualified to determine remediation processes and levels. We question, however, whether the requirement to use the most stringent toxicity criteria in every situation as contemplated in this proposal is the best approach. Doing so would limit the Department's (and cities') ability to assess the risk associated with a particular site based on the site-specific conditions and adjust cleanup levels and requirements based on those site-specific considerations.

On behalf of the League of California Cities, we strongly urge the Department to maintain flexibility for site-specific decision-making to help avoid significant delays in remediation projects and decreased economic activity. We appreciate your consideration.

We look forward to working with you and the Department further on this matter.

Sincerely,



Erin Evans-Fudem  
Legislative Representative  
League of California Cities