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REGULATORY UPDATE: CA DTSC PUBLISHES SEA LEVEL RISE GUIDANCE FOR CLEANUP ACTIVITIES - 2023

New SLR Guidance for Cleanup Activities: The California Department of Toxic Substances Control (DTSC) published [Sea Level Rise Guidance to DTSC Project Managers for Cleanup Activities](#) (Draft Final) in February 2023, mandating DTSC project managers to consider sea level rise (SLR) during hazardous substance and hazardous waste cleanup. SLR has the potential to significantly impact wastes at a site through rising groundwater levels, flooding, subsequent remedy deterioration, and mobilization of contaminants. DTSC's guidance: 1) provides information on SLR and related phenomena, which can result in damage to cleanup remedies; 2) identifies DTSC's authority to address SLR during cleanup; and 3) mandates that project managers consider SLR and related phenomena in the remediation process.

What does it mean for me? Responsible parties will be required to account for SLR by completing an SLR Vulnerability Assessment (SLRVA) at each stage of the cleanup process to evaluate the resilience of the wastes and the chosen remedy. Per DTSC, all sites with contamination left above residential standards must meet SLR resiliency goals. DTSC published an [SLR Web App](#) with an inventory of current projects that may be subject to an SLRVA. Projects that will be prioritized include sites located within flood areas, areas where rising groundwater could affect known contamination, or communities overburdened with pollution. Based on the SLRVA, an Adaption Plan may also be required. Financial assurance for cleanup actions will now also need to reflect potential SLR adaptations, which may result in significant expenses. For sites where the remedy has already been selected and five-year reviews apply, future reviews will need to assess SLR impacts on the remedy to determine whether it remains protective. Should a remedy be determined to no longer be protective given current or future SLR scenarios, additional action will be necessary.

When will this go into effect? DTSC's guidance is intended for immediate use and is open to public comment until October 31, 2023. A [public information and feedback session](#) will be held on Thursday, March 30, 2023, from 6:00 p.m. to 8:00 p.m. Pacific Time. The guidance will be updated approximately one year after its initial release.

To discuss how this may affect your projects, please contact your Langan Project Manager or:



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