



December 22, 2021

SUBJECT: CHANGES TO SITE CLEANUP/SITE MITIGATION LOCAL OVERSIGHT PROGRAM

Local agencies have collaborated with the State for decades to provide cleanup oversight for hazardous waste release sites. The purpose of this letter is to inform local agencies of 1) the available cleanup funding offered through the State and 2) legislative changes to notification requirements for local voluntary cleanup programs. Recent amendments to the Health and Safety Code (Assembly Bill 304 Statutes of 2021, Chapter 698) changed the process for State and local agency interaction with respect to hazardous waste cleanup oversight. Local agencies that meet specific notification requirements can now provide oversight to sites at which cleanup is funded by grants from the State Water Resources Control Board's (State Water Board) Site Cleanup Subaccount Program (SCAP). Additionally, the Department of Toxic Substances Control's (DTSC) new Equitable Community Revitalization Grant (ECRG) program will provide funding to facilitate safe reuse of contaminated properties. These statutory changes improve the longstanding partnership between the state and local agencies by expanding cleanup oversight abilities to address the highest-need cases throughout California.

STATE-OFFERED CLEANUP FUNDING OPTIONS

Site Cleanup Subaccount Grants

The State Water Board is now authorized to issue grants for cleanup of non-petroleum contamination at sites where local agencies provide oversight. Use of the SCAP funding encourages prioritization of higher threat cleanup cases, such as those impacting drinking water wells and causing human exposure to hazardous substances.

The criteria for awarding cleanup grants through the SCAP will be based on the following:

- The risk to human health and the environment,
- The location relative to vulnerable communities,
- The cost and benefit of cleanup, and
- The availability of other funding sources for cleanup.

The State Water Board may identify whether additional information is needed in a grant application and will adopt procedures for implementation. The process for obtaining grants can be found on the State Water Board's [website](#):

https://www.waterboards.ca.gov/water_issues/programs/grants_loans/scap/

DTSC Funding Resources

Grants and loans for environmental investigations and cleanups are available through DTSC. The availability of these funds can empower communities and/or stakeholders to return contaminated or potentially contaminated and underutilized properties to safe and productive uses. Grants are available to qualified individuals through DTSC's Targeted Site Investigation (TSI+), Brownfields Revolving Loan Fund (RLF), and ECRG programs. The ECRG application will open January 2022 for grants up to \$7 Million for eligible entities and sites where reuse is planned. More information about ECRG eligibility and requirements can be found on DTSC's [website](https://dtsc.ca.gov/ecrg/): <https://dtsc.ca.gov/ecrg/>

DTSC also offers low interest loans under the Cleanup Loans and Environmental Assistance to Neighborhoods (CLEAN) Program and the Investigation Site Contamination Program (ISCP). DTSC's [website](https://dtsc.ca.gov/brownfields/loans-and-grants/) provides more information on all available funding resources: <https://dtsc.ca.gov/brownfields/loans-and-grants/>.

Oversight Notification Requirements for Local Agencies

Regulatory oversight for cleanup of hazardous substance release sites has been expanded for local agencies that meet the requirements outlined in the Health and Safety Code, section 101480. The amended statutes establish a notification process for local agencies that provide regulatory oversight of hazardous substance release sites.

Under the amended statutes, a local agency may provide oversight for cleanup of non-petroleum contamination if:

- Timely notification is provided to the Regional Water Quality Control Board (Regional Water Board) and DTSC that a remedial action agreement with a Responsible Party has been executed on or after January 1, 2022 and is consistent with the requirements of the Health and Safety Code section 101487, and
- A local oversight notification, in compliance with Health and Safety Code section 101480, has been previously submitted and demonstrates, to the satisfaction of the Regional Water Board or DTSC, that the local agency has the staff resources with the technical expertise and state-licensed professionals to adequately oversee the investigation and remediation of these hazardous substances.

The State Water Board and DTSC developed notification forms for local agencies to use to meet the statutory notification requirements (Attachment A). The notification requirements must be followed by local agencies seeking to provide oversight of SCAP-funded or ECRG-funded sites. The local oversight notification should be submitted with sufficient lead time for the Regional Water Board or DTSC to evaluate whether or not the State will retain oversight authority. The local agency will be given the opportunity to demonstrate it can meet the requirements in Health and Safety Code, section 101480 (b). After review of the notification, the Regional Water Board or DTSC must identify if regulatory oversight will be retained per Health and Safety Code, section 101480 (e)(1). In accordance with Health and Safety Code, section 101480 (f)(2), if the Water Boards or DTSC notify the local agency that they will not retain oversight, or if the State does not inform the local agency within 30 days, the local agency may enter into a remedial action agreement with the responsible party.

A Quick Reference Guide outlining the updated requirements is found in Attachment B. Additional information on using GeoTracker for required reporting is provided in Attachment C.

The Water Board and DTSC appreciate the longstanding partnership with local agencies and look forward to continued health protective oversight of hazardous waste cleanups. We anticipate that the amended statutory requirements will improve environmental quality and increase remediation of contamination within vulnerable communities. If you have any questions about these amended statutes, please contact Cheryl Prowell at (916) 341-5737 or Cheryl.Prowell@waterboards.ca.gov or Gregory Shaffer at (714) 484-5491 or Gregory.Shaffer@dtsc.ca.gov.

Sincerely,



Karen Mogus, Deputy Director
Division of Water Quality



Peter A. Garcia, Southern California Division Chief
Site Mitigation and Restoration Program

Attachments: A – Notification Forms
B – Criteria & Procedures for Local Agency Oversight
C – GeoTracker Information and Guides