



Terry Tamminen
Agency Secretary

California Environmental Protection Agency

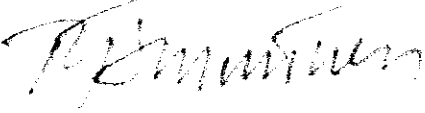
Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

MEMORANDUM

To: State Water Resources Control Board Chairs and Executive Officers
Regional Water Quality Control Board Chairs and Executive Officers
Department of Toxic Substances Control Executive Officers

From: Terry Tamminen
Agency Secretary 

Date: July 20, 2004

Subject: BROWNFIELDS INITIATIVE

As highlighted in the Environmental Action Plan, Governor Schwarzenegger and I believe it is extremely important to clean up California's brownfields. These sites are harmful to our air, our water, our health, and our economy. They prevent many communities from experiencing the quality of life that many Californians take for granted. These sites need to be put back into productive use to protect and preserve California's environment and to be returned to our tax rolls as economic assets. I know you all share these views as well.

Not surprisingly, brownfields are receiving significant attention. This year, the Legislature is considering at least five separate measures related to brownfields. The California Performance Review is also developing recommendations related to brownfields. The problem warrants the efforts of the best and brightest, and no issue area could benefit more from fresh, creative, outside-of-the-box views. I look forward to working together with the proponents of new ideas as well as the many brownfields stakeholders to further develop a brownfields strategy. We do not need to wait for these processes to run their course, however. There are many things that we can do – no, that we *must* do – to begin to change the tide for these communities.

One of the most significant changes we can make is to improve how we coordinate our regulatory activities at these sites. This alone could remove one of the most significant impediments to the cleanup and reuse of California's brownfields. In my tenure as Secretary, a consistent message that I encounter is how Cal/EPA's boards and departments, namely the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Boards (Regional Boards), fail to coordinate their efforts on these sites. Working with one of you does not ensure that the other will not, at some point in the process, interject and bring a project to a halt. In addition, after completing a project with one, there is no assurance that the other may not later demand that more

be done. We create for those we serve a very real "double jeopardy." I realize that this does not occur in all cases, but certainly in enough that the reputation has been earned.

This is not to be critical of your accomplishments. The way in which DTSC and the Regional Boards have implemented their cleanup programs has led to some of the most innovative and protective remedies in the country. As I have said on numerous occasions, I am proud of those that serve in the California Environmental Protection Agency, and believe that we have in our ranks the best and brightest, not only in the nation but also in the world. The criticism rests not on your capabilities. Rather, it relates to your differences, and how those differences can lead to confusion, forum shopping, and avoidable uncertainty. Our failure to coordinate our efforts internally, and the uncertainty that creates, can have a chilling effect on the cleanup and redevelopment of brownfields, allowing contamination to persist that continues to harm the communities who could benefit most from the resources, expertise and protections our programs provide.

Although there is much more that we will eventually put our hands to regarding brownfields, we must move expeditiously on that which is entirely in our control. Therefore, to provide certainty to those we regulate and oversee, I direct DTSC and the State and Regional Boards to develop and execute a brownfields agreement by **September 13, 2004** that accomplishes the following:

1. Limits oversight to a single "lead" agency for each brownfield site
2. Establishes procedures for identifying which agency is the appropriate lead agency
3. Establishes a uniform site assessment procedure that both agencies are to use to assess environmental and health related issues at brownfield sites
4. Requires that brownfields cleanups address the issues and concerns of both agencies
5. Allows the lead agency to gain the input, advice and expertise of the other when necessary, or for the lead to be transferred to the other agency if appropriate
6. Ensures ample opportunities for public input and involvement in brownfield cleanups
7. Establishes target time frames for achieving investigation and cleanup milestones at brownfields
8. Establishes regular meetings to coordinate efforts and improve communication
 - a. Statewide meetings of all brownfield program managers in both agencies (to also include other state agencies involved in brownfield related activities)
 - b. Regional meetings of brownfield project managers to discuss site-specific issues

State Water Resources Control Board Chairs and Executive Officers
Regional Water Quality Control Board Chairs and Executive Officers
Department of Toxic Substances Control Executive Officers
July 20, 2004
Page 3

As you all are aware, Rick Brausch of my staff has also been working with your staff in developing a Cal/EPA Brownfields Implementation Plan (see attached). I ask for your continued cooperation in his efforts as we develop a strategy to accomplish the Governor's goals to quickly address brownfields sites. Part of this plan also calls for development of a Steering Committee comprised of a broad spectrum of brownfields stakeholders from which we hope to receive a variety of recommendations on how Cal/EPA and other state agencies can better facilitate the cleanup and development of these sites. I ask for your support of and participation in this effort as well.

As I said before, I know we all share the same goal of cleaning up these sites and making way for their redevelopment. I appreciate your commitment to California's environment and your commitment to work together as a team. I have asked Rick to organize a meeting for us to discuss this initiative and ways that we can implement these shared values and goals. Let's join together to take the initiative. California's urban communities and citizens deserve nothing less.

Thank you.

Attachment