

Brownfields Memorandum of Agreement

California Environmental Protection Agency

November, 2004





Workshop Agenda

- Introduction/Overview
- Brief Presentation
 - Overview of Brownfields Efforts
 - Overview of Memorandum of Agreement
- Questions/Comments

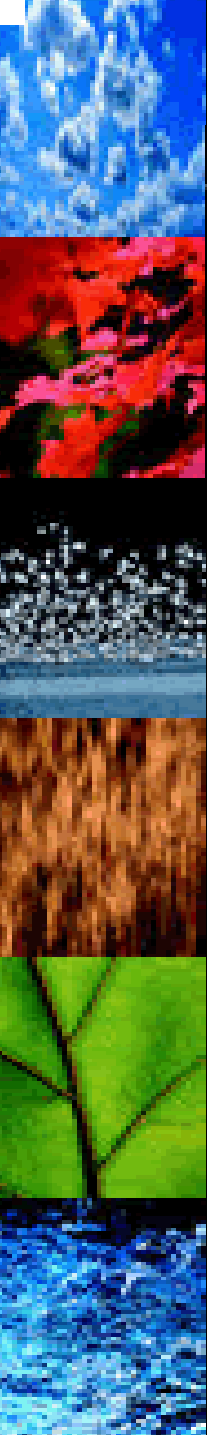




Brownfields in the Spotlight

- Governor's Action Plan for the Environment (brownfields highlighted)
- Legislature
- BT&H Agency – Infill Housing Initiative
- California Performance Review
- Cal/EPA Brownfields Implementation Plan





Draft Cal/EPA Brownfields Implementation Plan





Plan Elements:

- **Establish and foster partnerships**
 - Brownfields Steering Committee
 - Coordinate among various federal, state and local efforts
 - ★ Monthly Brownfields Roundtable
 - Informational discussions/workshops
 - ★ November 18 – Los Angeles
 - ★ December 6 - Sacramento





Plan Elements:

- **Develop reliable brownfields information**
 - Measure progress/target efforts
 - Inventory
 - Integrate data systems
 - Methods to categorize brownfields
 - Guidance documents





Plan Elements:

- **Encourage private investment in brownfield communities**
 - Liability tools
 - ★ Statutory limitations (AB 389)
 - ★ Environmental Insurance - FAIR Program
 - Funds
 - ★ Targeted Site Assessments
 - ★ Orphaned petroleum USTs (AB 1906)





Plan Elements:

- **Streamline regulatory processes**
 - Coordinate between programs
 - DTSC process flexibility (AB 389, EOA)
 - Designated, trained staff in all field offices
 - Cal/EPA brownfields “ombudsperson” (AB 389)
 - Cal/EPA Screening Numbers





Plan Elements:

- **Pursue funding and resources to implement Plan elements**
 - Recapitalize CLEAN Program – assessment and cleanup loans
 - Subsidies for FAIR Program
 - Targeted site assessments
 - \$ for orphan cleanup costs (e.g., regional groundwater plumes)





Plan Elements:

- **Additional incentives (examples)**
 - Tax credits for deducting cleanup costs
 - ★ Federal
 - ★ State
 - UST Trust Fund eligibility for prospective purchasers and RDAs
 - Others





Secretary Tamminen's Directive

- **Low hanging fruit - Take the initiative to solve problems we know**
- **“Coordination” challenges have resulted in “confusion, forum shopping & avoidable uncertainty”**
- **DTSC & Regional Boards:
Coordinate!**





Enter a Brownfields Agreement

- **Agreement to:**

- Limit oversight to a single “lead” for each site
- Establish guidelines for identifying appropriate lead
- Establish a uniform site assessment procedures





Brownfields Agreement

- **Agreement to:**

- Ensure that all cleanups address issues of both agencies
- Establish process to transfer lead if appropriate
- Ensure ample opportunity for public involvement





Brownfields Agreement

- Agreement to:
 - Establish target timeframes
 - Establish routine coordination & **COMMUNICATION** on individual sites and cleanup programs





Memorandum of Agreement

- **Negotiated between DTSC, RWQCBs and SWRCB**
- **Intended to achieve Secretary's objectives**
 - Improve coordination
 - Balance between goals and timing





Overview of the Draft MOA

- **Scope:**
 - Brownfield sites
 - Sites traditionally involved in “voluntary programs”
 - ★ DTSC’s Voluntary Cleanup Program
 - ★ Regional Boards’ Spills, Leaks, Investigations & Cleanup Programs)





Excluded Sites

- **Sites where lead agency or selection process dictated by statute**
- **Sites covered by another agreement**
- **“Existing sites”**





Objectives of the MOA

- **Oversight limited to a single agency**
 - Guidelines for selecting oversight agency
 - Support roles defined
 - Transfer of lead when appropriate





MOA Objectives (cont.)

- **Uniform site assessment procedure**
 - Uniform site assessment guidance to be used by both
 - To be collaboratively developed





MOA Objectives (cont.)

- **All cleanups address the requirements of both agencies**
 - Exchange of information and guidance on standards and requirements
 - Shared policies - consistency
 - Cross-training of staff
 - **COMMUNICATION!!!**





MOA Objectives (cont.)

- **Public involvement requirements for all cleanups**
 - Minimum for either agency:
 - ★ Public notice (language appropriate)
 - ★ Access to plans and documents
 - ★ 30 day comment periods
 - ★ Public meetings in the vicinity, if requested
 - Other methods as required (e.g., Board hearings or Chapter 6.8)





MOA Objectives (cont.)

- **Target timeframes for response/document review**
 - Maximum 60 day turnarounds (unless shorter time frames dictated by statute)
 - Goal: Coordinate with development and other timetables if possible





MOA Objectives (cont.)

- **COORDINATION/COMMUNICATION**

- DTSC and Regional Board to quickly confer on requests for oversight
- Shared project lists/information
- Semi-annual managers meetings
- Quarterly supervisors meetings
- Site-specific discussions as needed





MOA Objectives (cont.)

- **Timely decisions/dispute resolution**
- **Review/revise MOA as we gain experience**





Public Comments

- **Comment period: 10/25 – 11/25**
 - Workshops
 - ★ November 3 (Cypress)
 - ★ November 5 (Sacramento)
 - Written comments (USPS or email)





Public Comments

- Feedback welcomed
- Cal/EPA, DTSC, SWRCB and RWQCBs here to discuss and answer any questions



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