



AB304 Implementation Local Agency Cleanup Program March 23, 2022

Greg Shaffer (DTSC), Steve McMasters (State Water Board)



**24th California Unified Program
Annual Training Conference
March 22, 23, 24, 29, 30, 31 - 2022**

Introductions



Steve McMasters, PG
Sr. Engineering Geologist
Division of Water Quality
Site Cleanup & Department of Defense
Programs Lead



**Department of
Toxic Substances
Control**

Maryam Tasnif-Abbasi
Brownfield Development Manager

Gregory Shaffer
Brownfield Coordinator

Site Mitigation and Restoration
Program
Office of Brownfields



24th California Unified Program
Annual Training Conference
March 22, 23, 24, 29, 30, 31 - 2022

Agenda

- Introductions
- Overview of the Cleanup Programs and Challenges
- AB304 Implementation Summary
- Impacts & Benefits
- AB304 Coordination
- FAQ and Q&A (Round 1)
- Break (10 min)
- AB304 Implementation Process
- Funding Opportunities
- Future Efforts
- FAQ and Q&A (Round 2)



Poll #1

What type of institution do you work for?

- Local Agency/CUPA
- Regulated Industry
- Consulting
- State Agency
- Federal Agency
- Other



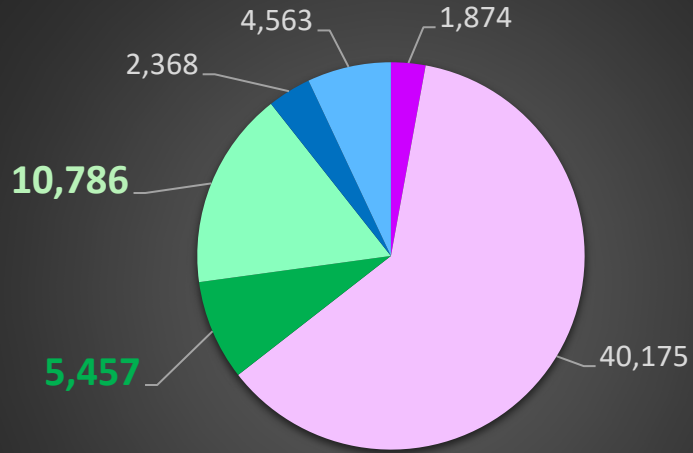
Overview of the State Cleanup Programs



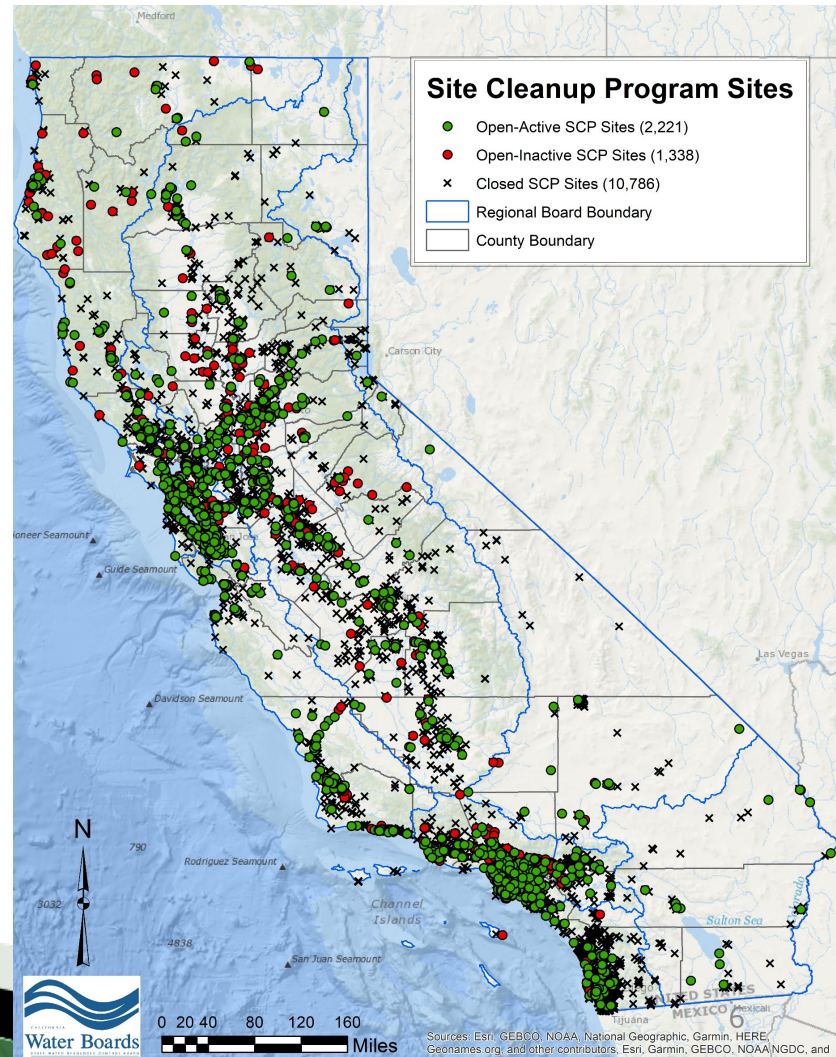
24th California Unified Program
Annual Training Conference
March 22, 23, 24, 29, 30, 31 - 2022

Water Board's Cleanup Programs

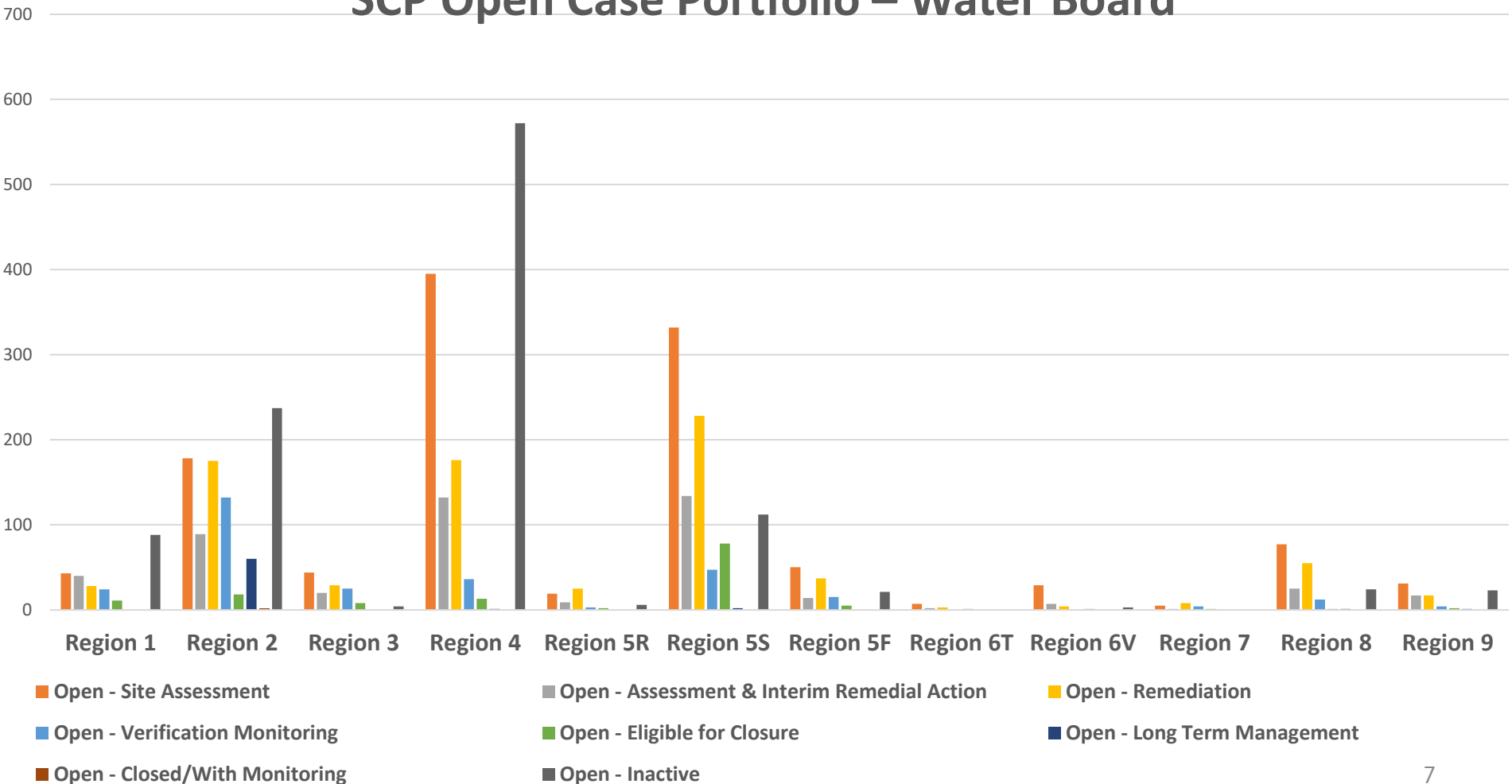
Water Board Cleanup Programs



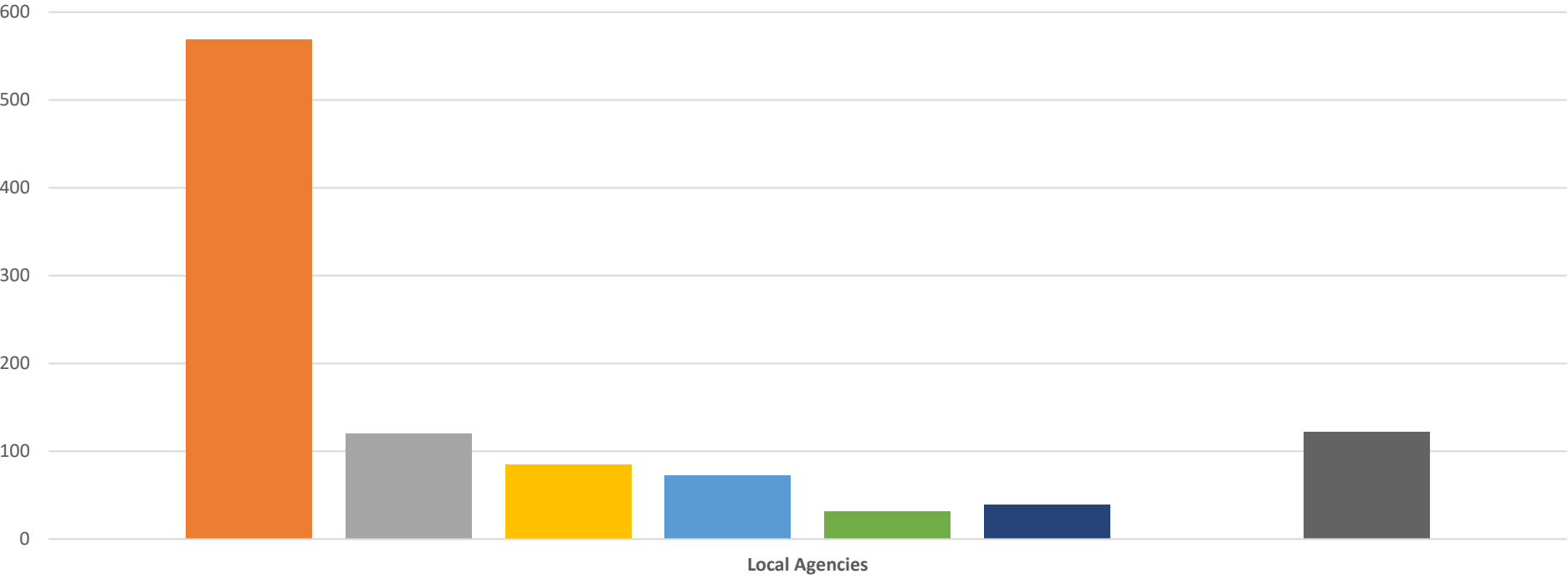
■ LUST (Open) ■ LUST (Closed) ■ SCP (Open)
■ SCP (Closed) ■ DoD (Open) ■ DoD (Closed)



SCP Open Case Portfolio – Water Board



SCP Open Case Portfolio Local Agencies

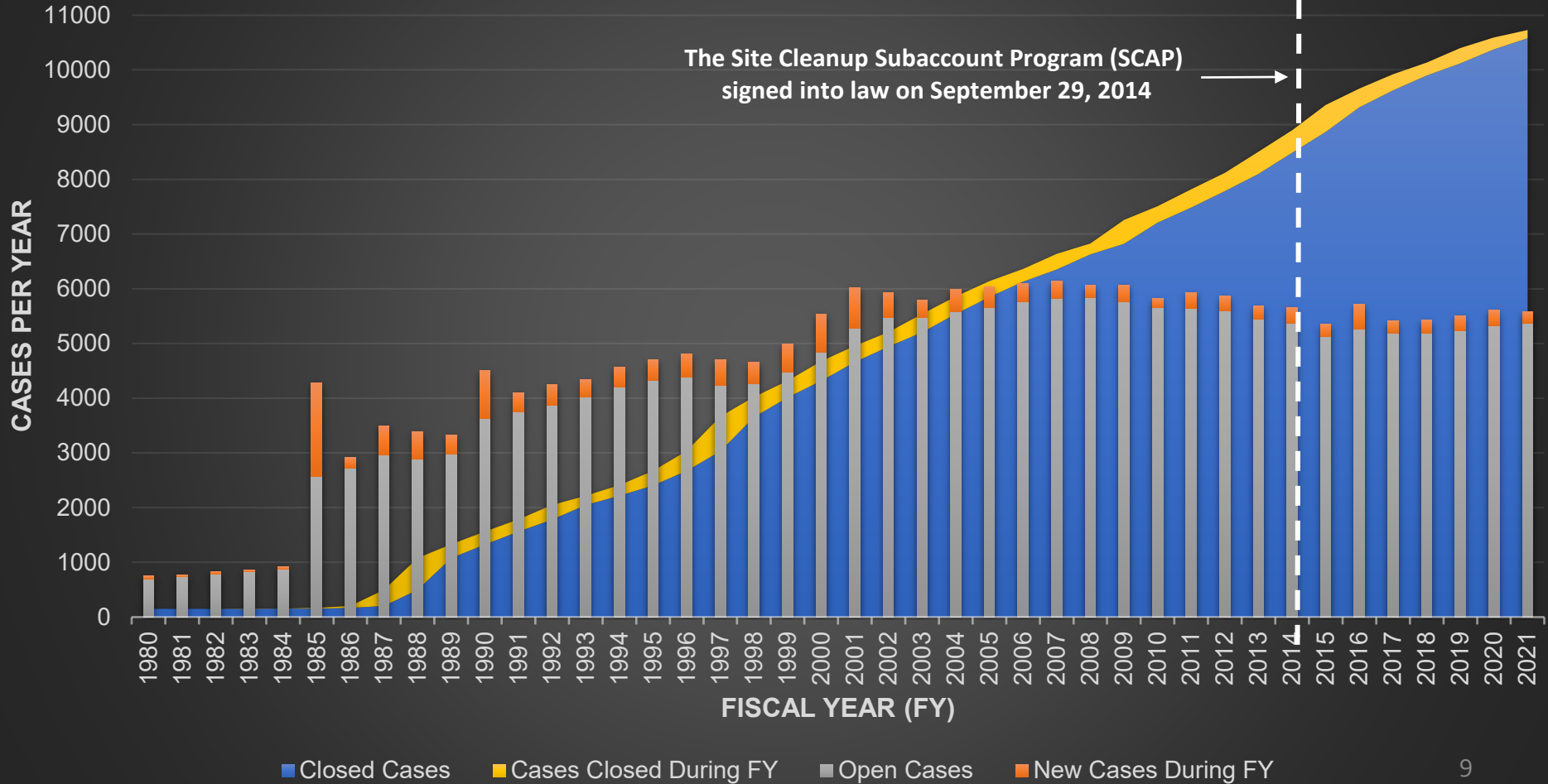


Open - Site Assessment
Open - Verification Monitoring
Open - Closed/With Monitoring

Open - Assessment & Interim Remedial Action
Open - Eligible for Closure
Open - Inactive

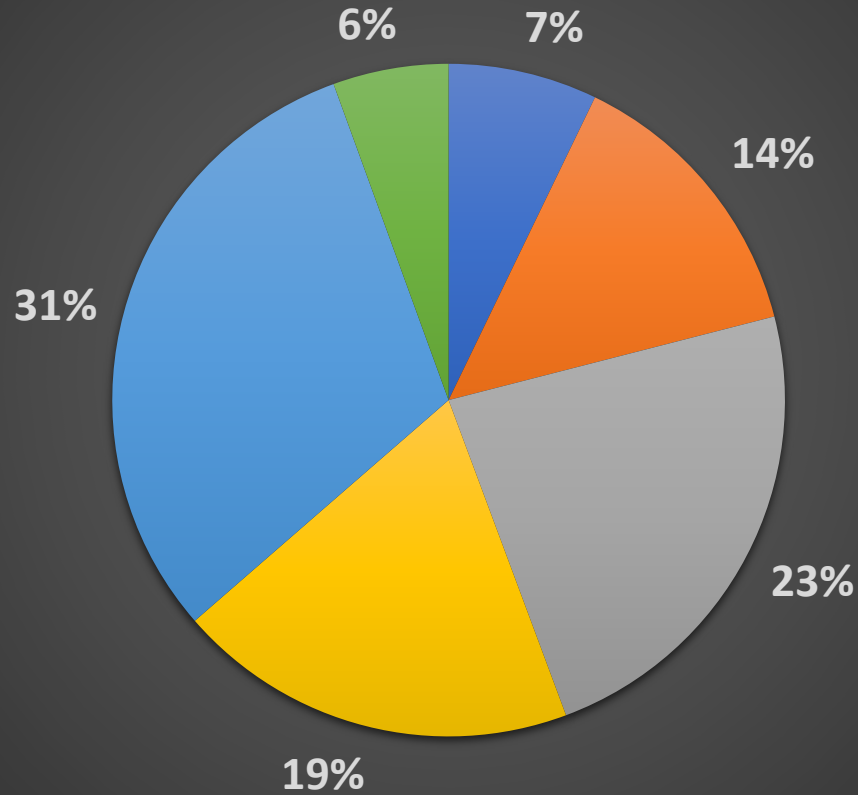
Open - Remediation
Open - Long Term Management

Site Cleanup Program Case Trends



CalEnviroScreen Scoring

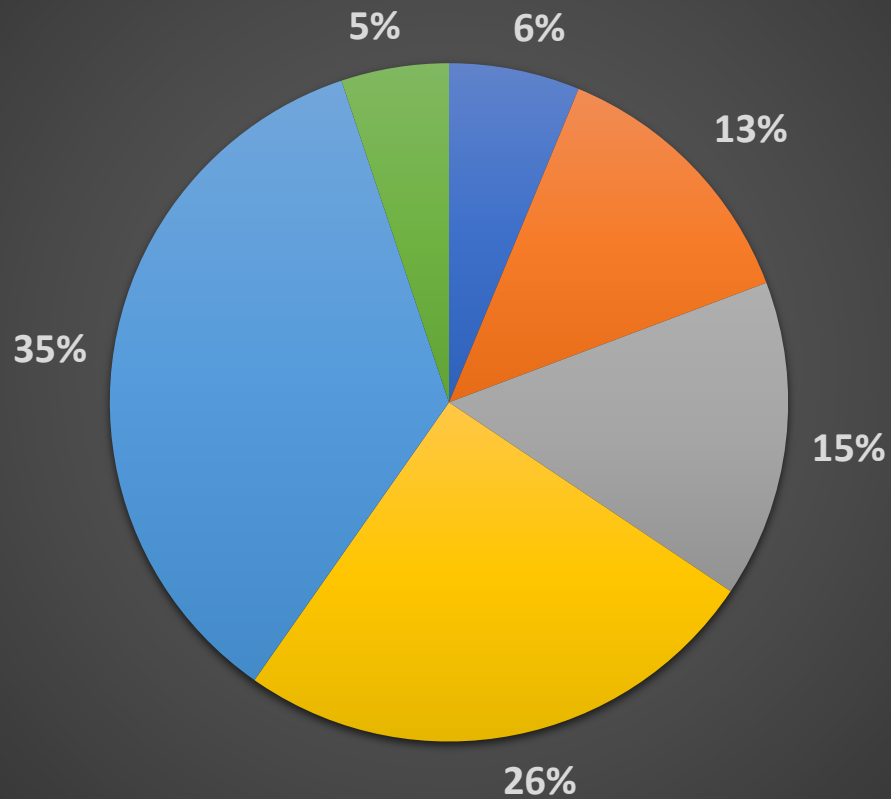
SCP - Open Sites (4,086)



0-20% 21-40% 41-60% 61-80% 81-100% n/a

CalEnviroScreen Scoring

SCP - Open-Inactive Sites (1,090)

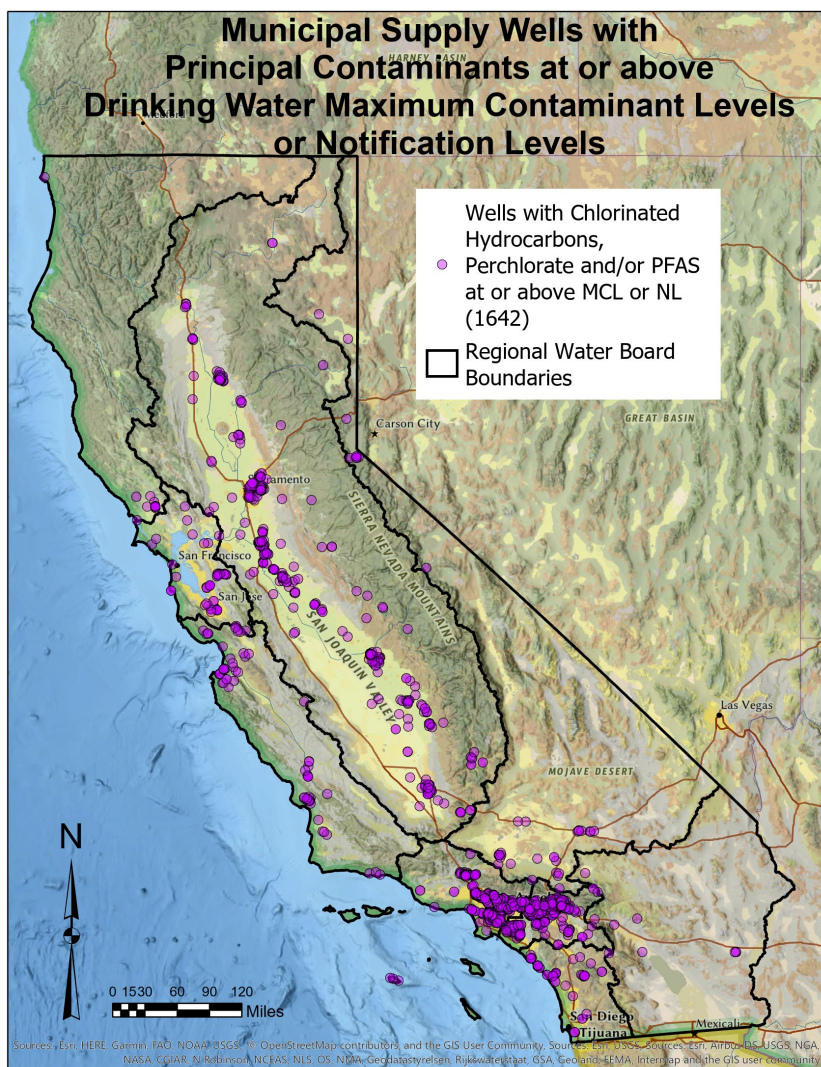


■ 0-20% ■ 21-40% ■ 41-60% ■ 61-80% ■ 81-100% ■ n/a

Municipal Supply Wells with Principal Contaminants at or above Drinking Water Maximum Contaminant Levels or Notification Levels

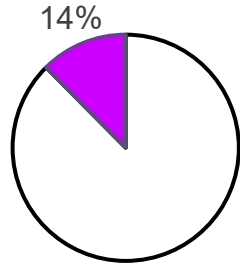
Wells with Chlorinated Hydrocarbons, Perchlorate and/or PFAS at or above MCL or NL (1642)

Regional Water Board Boundaries



Regional Water Board	Chlorinated Hydrocarbons	Perchlorate	PFAS	Total Individual Wells	Wells Linked to Cleanup Sites
<i>North Coast (1)</i>	9	1	2	12	12
<i>San Francisco Bay (2)</i>	15	8	44	66	14
<i>Central Coast (3)</i>	28	21	27	74	6
<i>Los Angeles (4)</i>	446	164	170	627	19
<i>Central Valley (5)</i>	190	75	96	350	142
<i>Lahontan (6)</i>	20	15	6	40	24
<i>Colorado River (7)</i>	2	7	0	8	0
<i>Santa Ana (8)</i>	115	216	156	411	10
<i>San Diego (9)</i>	8	14	34	54	6
Grand Total	833	521	535	1642	233

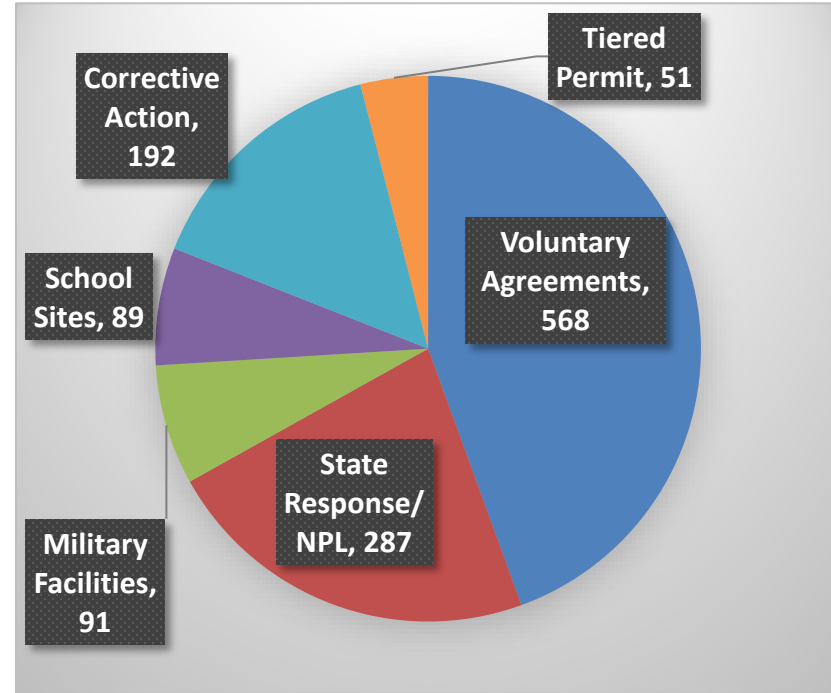
Known Impacted Wells linked to existing Cleanup Sites



■ Total Individual Wells
 ■ Wells Linked to Cleanup Sites

DTSC's Site Mitigation & Restoration Program (SMRP)

- SMRP is responsible for overseeing the evaluation and cleanup of contaminated properties throughout the state including:
 - Brownfields and voluntary agreements
 - State Superfund
 - Military facilities
 - School construction and expansion projects
 - Corrective action
 - Tiered permitted facilities



Poll #2

Are you familiar with the new requirements for Local Agencies passed through AB 304?

- Very Familiar
- Somewhat Familiar
- Somewhat Unfamiliar
- Not at all Familiar



AB304 Summary

- Supplements Senate Bill 1248 (SB 1248) for notification requirements and content of remedial action agreements
- Requires use of GeoTracker for remedial action agreements
- Applies to remedial action agreements active after January 1, 2022 and new remedial action agreements
- Local Agency Notification Process Quick Reference Guide available online

AB 304 Approved
Oct. 8, 2021

SWRCB and DTSC
develop and send AB 304
materials and letter to
Public Health Officers
Dec. 22, 2021

AB 304 takes effect
Jan. 1, 2022



AB304 Summary

- Two types of Notifications for New Agreements

Staff Resources and Expertise

- Completed every 12 months*
- Description of Staff Resources
- Description of Technical Expertise, including resumes of licensed professionals
- Certification H&SC and Water Code will be adhered to
- Attestation GeoTracker will be kept up to date and in compliance with electronic reporting requirements

Site Notifications

- When a new agreement is planned
- Name and address of RP
- Name and address of owner
- Address of waste release site
- Description of known or planned regulatory involvement
- Description of release and anticipated investigation or remedial action
- Contact information for local agency technical staff



Contents of a Remedial Action Agreement

1. The remedial action agreement includes the following information*
 - a) Scope of investigation
 - b) Reporting and public notification requirements
 - c) Necessary cleanup goals
 - d) Remedial actions
 - e) Actions taken in the event of non-compliance

2. Local agency will establish a global identification number and public record in State Water Board's GeoTracker

**Not all of this information may be available at the time of agreement execution. The agreement may be updated as more information becomes available.*



Certification of Completion of a Remedial Goal

To certify a completed remedial action at a site, the local agency must:

1. Conduct a public notification at least 30 days prior to certifying that cleanup is complete.
 - a) The notification must go to DTSC, appropriate Regional Water Board, local permitting agencies, site owners, site occupants, and adjacent site owners and occupants
 - b) The notification must be posted on [GeoTracker](#)

2. Provide a certification document to the responsible party and post the certification document on [GeoTracker](#). The certification must include:
 - a) Description of the release
 - b) Description of remedial action(s) taken
 - c) Certification that the cleanup goals established in the remedial action agreement have been achieved



Active Remedial Action Agreements entered into before January 1, 2022

- Sites must be managed in GeoTracker
- Must comply with Certification of Completion of Remedial Goal
- Must provide responsible party with document that certifies the cleanup goals of the remedial action agreement were accomplished and post to GeoTracker



State Retention of Oversight

- Upon notice from a local agency, DTSC or Regional Water Board may retain oversight for a specific site
- DTSC and Region Water Board have 30 days to respond
 - If no response is received, the local agency may assume the State does not object
- If DTSC or Regional Water Board retain oversight, they must provide:
 1. A brief description of the reasons for retaining State oversight
 2. Name, phone number, and email address of the technical staff who made the determination
 3. Website address where public records will be posted for the retained site






Quick Reference Guide

Short Summary & Process of the new AB304 requirements

- Notification Requirements
- Process for using Notification Form
- Process for State Retention of Oversight
- Contents of a Remedial Action Agreement
- Certification of Completion of Remedial Goal



LOCAL AGENCY NOTIFICATION PROCESS FOR ENVIRONMENTAL OVERSIGHT QUICK REFERENCE GUIDE

[Assembly Bill 304](#) (AB 304) supplements existing legislation which authorizes responsible parties to enter into agreements with local agencies for oversight of investigation and remedial actions under the authority of the Public Health Officer. AB 304 requires additional criteria from local agencies before and after entering into an agreement for remedial action oversight. Detailed below is a summary of current requirements as updated by AB 304.

Notification Requirements

Local agencies must provide the following information prior to entering into a remedial action agreement with a responsible party for oversight:

1. Within the preceding 12 months, the local agency must submit the following information to the Department of Toxic Substances Control (DTSC) and the appropriate Regional Water Quality Control Board (Regional Water Board):
 - a. A description of available staff resources¹
 - b. A description of technical expertise, including the resumes of appropriately licensed professionals¹
 - c. Certification that all applicable requirements of the Health and Safety Code and Water Code will be adhered to and that, if enforcement action is necessary, the appropriate enforcement assistance will be conducted or enforcement assistance will be requested
 - d. Attestation that the State Water Board's [GeoTracker](#) electronic data management system is kept up to date and in compliance with electronic reporting requirements (California Code of Regulations, Title 23, Chapter 30)
2. Notify DTSC and the applicable Regional Water Board prior to entering into a remedial action by providing both the information above and a Notification Form. Both items should be uploaded to the State Water Board's [GeoTracker](#) after requesting a global identification number and public record for each site-specific request. The local agency must then send the link address to both DTSC's [Regional Brownfield Coordinator](#) and the appropriate Regional Water Board. If you need assistance locating the appropriate Regional Water Board contact, please email geotracker@waterboards.ca.gov.

¹ Any significant changes to staff resources must be reported to DTSC and Regional Water Quality Control Board within 30 days.

Notification Form

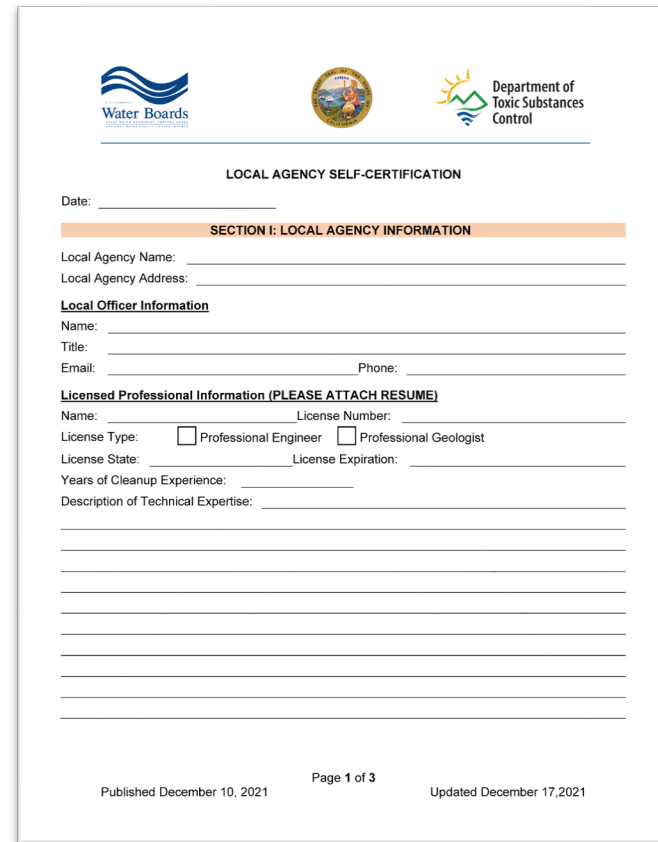
A Notification Form is attached and includes all the required fields to comply with Health and Safety Code notification requirements. However, if the local agency decides to provide its own notification, the following information must be provided to DTSC and the appropriate Regional Water Board:

1. Name and address of responsible party
2. Name and address of current owner, if different than (1)
3. Address and location of waste release site that is subject to the agreement
4. Description of known or planned local, state, or federal regulatory involvement
5. Preliminary description of waste release and, if known, anticipated investigation or remedial action(s) to be performed
6. Contact information for local agency's technical staff who are available for oversight. Must include name, phone number, and email address.

Published 12/05/2021 Page 1 of 2 Updated 12/05/2021

Self Certification Form

- Used to Notify DTSC & Water Boards for Self-Certification
- Local Officer Information
- Licensed Professional Information
- Technical Staff
- Acknowledgement of:
 - California Water Code followed
 - If Agency has Enforcement Authority
 - Will request enforcement from State if needed
 - That GeoTracker Records will be current and complete



Water Boards
CALIFORNIA WATER BOARD

Department of Toxic Substances Control

LOCAL AGENCY SELF-CERTIFICATION

Date: _____

SECTION I: LOCAL AGENCY INFORMATION

Local Agency Name: _____
Local Agency Address: _____

Local Officer Information

Name: _____
Title: _____
Email: _____ Phone: _____

Licensed Professional Information (PLEASE ATTACH RESUME)




Name: _____ License Number: _____
License Type: Professional Engineer Professional Geologist
License State: _____ License Expiration: _____
Years of Cleanup Experience: _____
Description of Technical Expertise: _____

Published December 10, 2021 Page 1 of 3 Updated December 17, 2021



New Case Notification Form

- Used when a new Remedial Action Agreement is proposed for a new site by a local agency
- Includes:
 - Local Agency Information
 - Site Information
 - Site Operation & Release Information
 - Proposed Investigation & Remediation Efforts



REMEDIATION ACTION AGREEMENT NOTIFICATION FORM

Date: _____

SECTION I: LOCAL AGENCY INFORMATION

Local Agency Name: _____
Local Agency Address: _____

Local Officer Information

Name: _____
Title: _____
Email: _____ Phone: _____

SECTION II: GENERAL SITE INFORMATION

Site Information

GeoTracker Site Name: _____ Global ID: _____
Is the GeoTracker Record Complete? Yes No

Local/State Agency Case Number(s): _____
Site Address: _____

Responsible Party or Project Proponent Information

Name: _____
Email: _____ Phone: _____
Address: _____

Property Owner Information (If Different from Responsible Party)

Name: _____
Email: _____ Phone: _____
Address: _____

Published December 10, 2021 Page 1 of 4 Updated December 17, 2021



GT Regulator Guide

- “How-To” for any Local Agency that have or will be using GeoTracker for case management
- Summarizes ESI Reporting Requirements
 - Reports & Electronic Data
- Guidance how to establish new regulator accounts
- How to create new sites and appropriate lead agency contacts
- How to view and manage projects
- Entering regulatory actions and timelines



Table of Contents

Introduction	1
Electronic Reporting	1
GeoTracker Portals	1
Creating a Regulator Account	3
Creating a New Project	4
Updating Contacts and Assigning a Lead Agency	5
Viewing and Managing Projects	10
Enforcement/ Compliance Tools	15
Electronic Submittal of Information	17

INTRODUCTION

GeoTracker is a publicly accessible statewide geographical-based data management system for sites that have impacted or have the potential to impact groundwater in California. GeoTracker contains both sites that have a known release that requires groundwater cleanup (e.g. Leaking Underground Storage Tanks [LUSTs], Department of Defense, and Site Cleanup Program) and sites where facility operations could cause a release that would impact groundwater (e.g. Irrigated Lands, Oil and Gas Productions, Operating Underground Storage Tanks [USTs], and Land Disposal).

Regulators and the public can retrieve records and view integrated data sets for the Water Boards and other agencies through an easy-to-use Google™ maps geographic information system (GIS) interface that allows users to view data in relationship to streets/roads, satellite imagery, and terrain map views. GeoTracker also allows the user to view data in relation to other sites that affect groundwater quality, as well as wells and other beneficial uses that may be affected.

ELECTRONIC REPORTING

LUST, Site Cleanup, Military, and Landfill sites must submit and maintain electronic records in GeoTracker in accordance with Chapter 30 of Division 3 of Title 23 and Subdivision 2 of Division 3 of Title 27 of the California Code of Regulations. The Water Boards require the electronic submittal of information (ESI) of soil, vapor, and groundwater for the sites identified above. Additionally, written reports associated with site activities must also be submitted electronically to GeoTracker in portable deliverable format (PDF). Additional information regarding electronic reporting is found on the Water Board's [ESI Website](#):

https://www.waterboards.ca.gov/ust/electronic_submittal/

GEOTRACKER PORTALS

The regulatory and regulated communities can receive, store, process, and review data and documents through one or more of GeoTracker's three portals: the regulator portal, the public portal, and the ESI portal.

Impacts

Local Agencies

- New Requirements per H&SC
- Must have the correct staffing, licensing, and expertise
- How to deal with overhead and administration if only a few sites



Impacts (cont.)

State Agencies

- Initial workload to implement the new requirements
- More meetings and coordination with local agencies
- Additional review time for certification review by DTSC and Regional Water Boards
- Potential transfer of cases for ineligible agencies



Impacts (cont.)

Regulated Community

- Up to 30-day for lead agency confirmation and self-certification review
- California Water Code compliance
- Notification requirements for site closure



Benefits

- Increase in Transparency
- Wholistic knowledge of cleanup sites in the State
- Better understanding of sources for impacted drinking water wells
- Promote consistency in implementing the California Water Code & Health & Safety Code
- SCAP funding

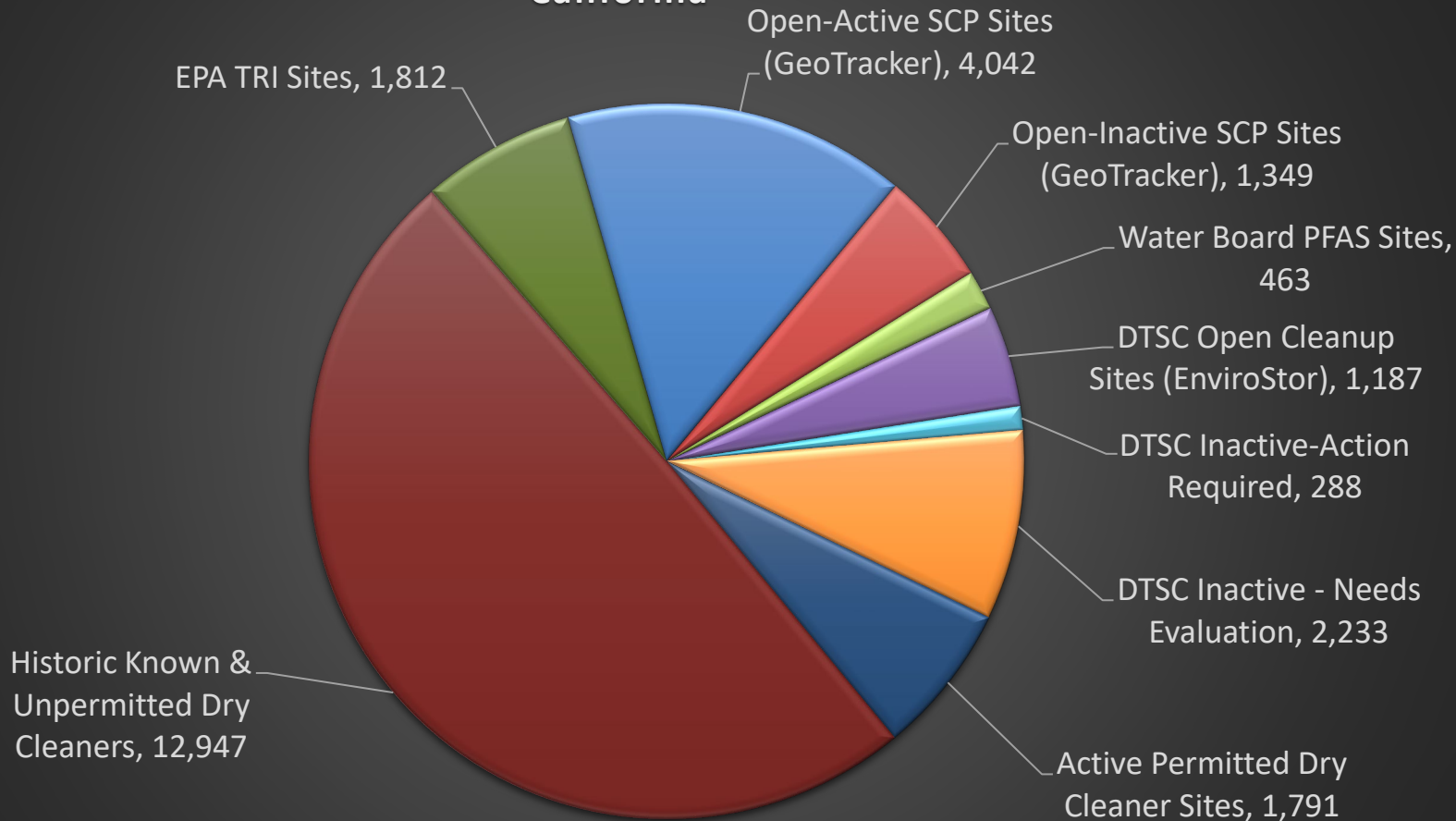


Benefits (cont.)

- Better capabilities and understanding to address Disadvantaged Communities & Environmental Justice
- More boots on the ground to oversee cleanup sites
- Overall strengthening of our cleanup programs
- Readily identify to provide enforcement support to local agencies
- Help support future statewide funding programs



Universe of Contaminated & Potential Contaminated Properties in California



AB304 Coordination

DTSC & State Water Board

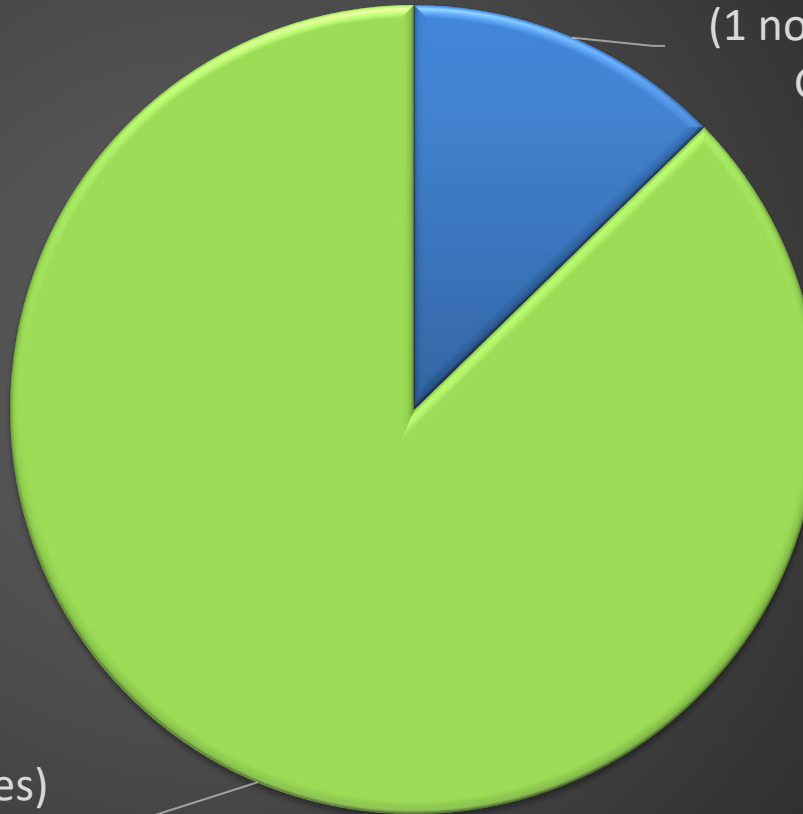
- Emailed each of the Public Officers and known Local Agencies implementing a voluntary cleanup program
- Included package:
 - Certification Form
 - Notification Form
 - AB304 Quick Reference Guide
 - Regulatory GeoTracker Guide
- Conducted 1st Quarterly Roundtable with Local Agencies in February 2022



AB304 Self-Certification Status

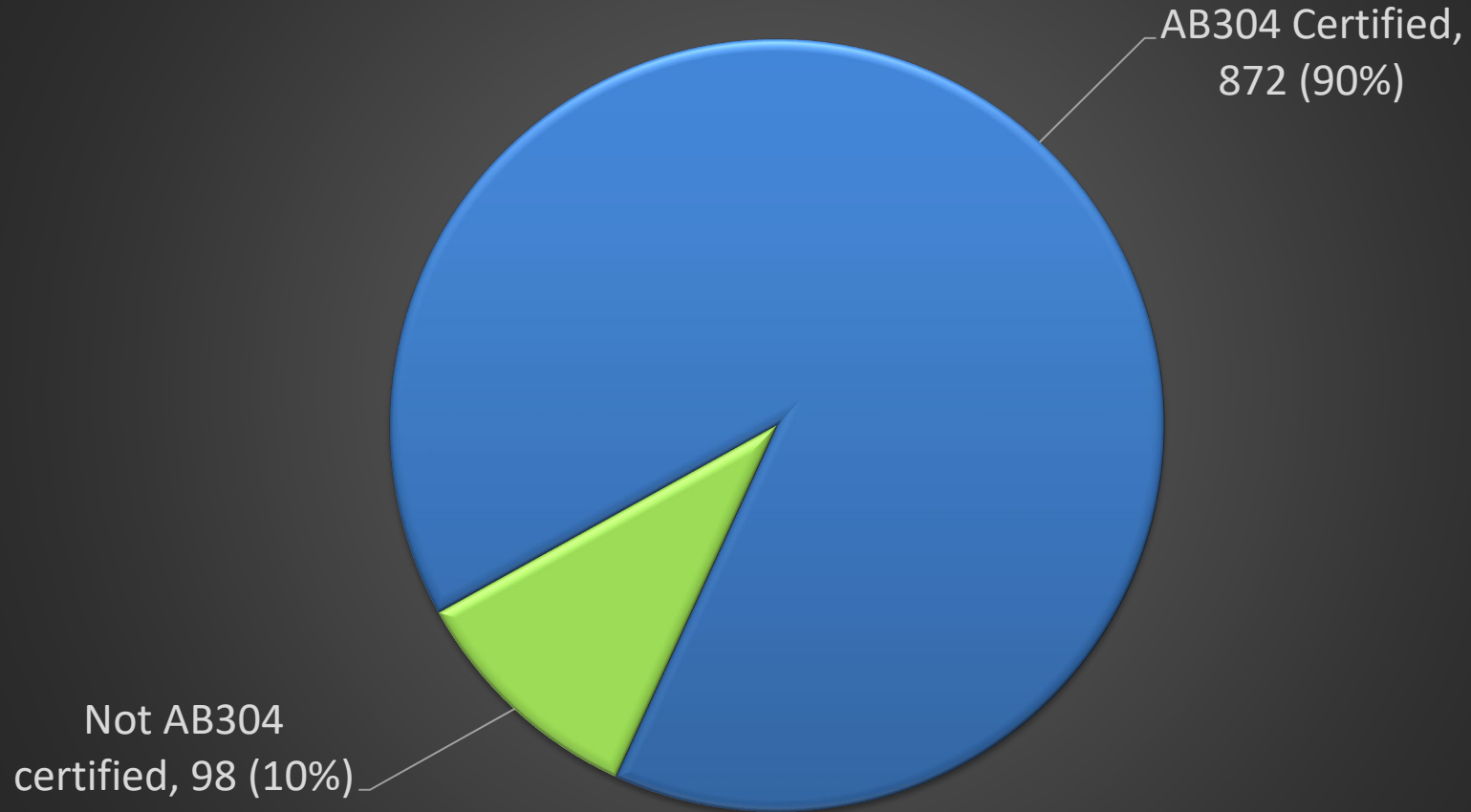
AB304 Certified, 8
Counties
(1 not currently using
GeoTracker)

Local Agency	Self – Certification	Site Notification
Alameda	✓	
Los Angeles	✓	
Orange	✓	
San Bernardino	✓	
San Mateo	✓	
Santa Barbara	✓	
Santa Clara	✓	
San Diego	✓	✓



Not AB304 certified, 55
(50 Counties, 5 known Cities)

Local Agency Open Sites Reported in GeoTracker



Frequently Asked Questions (Round 1)



Frequently Asked Questions (Round 1)

Q: Can the Environmental Health Director sign a Remedial Action Agreement, or does it have to be the County/City Health Officer?

A: A County Environmental Health Director may sign a Remedial Action Agreement if that individual has been granted authority by the county's governing body to do so (per CH&SC Section 101480(a)(2))



Frequently Asked Questions (Round 1)

Q: Do the counties/cities have to upload the individual Remedial Action Agreement Notification Forms, Local Agency Self-Certifications, and Staff/Professional Resumes to every site under its oversight in GeoTracker? Is there a way to streamline this process?

A: Yes, the county should upload the Remedial Action Agreement Notification Forms, Local Agency Self-Certifications, and Staff/Professional Resumes to every site under its oversight in GeoTracker. The State is currently working on developing a way to enter this information directly into GeoTracker. The counties & cities will be notified when this feature is available



Frequently Asked Questions (Round 1)

Q: What are the requirements for a local agency to be considered technically competent for remediation oversight?

A:

- 1) Local Officer:** A Local Officer is defined in H&SC, section 101480
- 2) Licensed Professionals:** Licensed Professionals (Geologist & Civil Engineers) per BPC, sections 6700 et seq. and 7800 et seq., respectively.



Frequently Asked Questions (Round 1)

Q: What are the requirements for a local agency to be considered technically competent for remediation oversight? (Continued)

A:

3) Technical Staff: Technical Staff should possess the technical expertise and capabilities to adequately oversee the remedial investigation or remedial action, or both. Technical Staff may be licensed professionals or may be subordinates, as defined in BPC, sections 6705 and 7805.



Frequently Asked Questions (Round 1)

Q: What California Codes were amended by AB304

A: The amended Health and Safety Code sections include 25299.50.6, 101480, 101483, 101485, and 101487.



Frequently Asked Questions (Round 1)

Q: Can the Environmental Health Director sign a Remedial Action Agreement, or does it have to be the County/City Health Officer?

A: A County Environmental Health Director may sign a Remedial Action Agreement if that individual has been granted authority by the county's governing body to do so (per CH&SC Section 101480(a)(2))



Frequently Asked Questions (Round 1)

Q: Will the State be “certifying” local agencies for cleanup oversight?

A: The State (Regional Water Board and DTSC) will review the Remedial Action Agreement Notification Forms and Local Agency Self-Certification Forms only to ensure that the site and local agency meet the requirements for local cleanup oversight under the Health and Safety Code.



Q&A (Round 1)



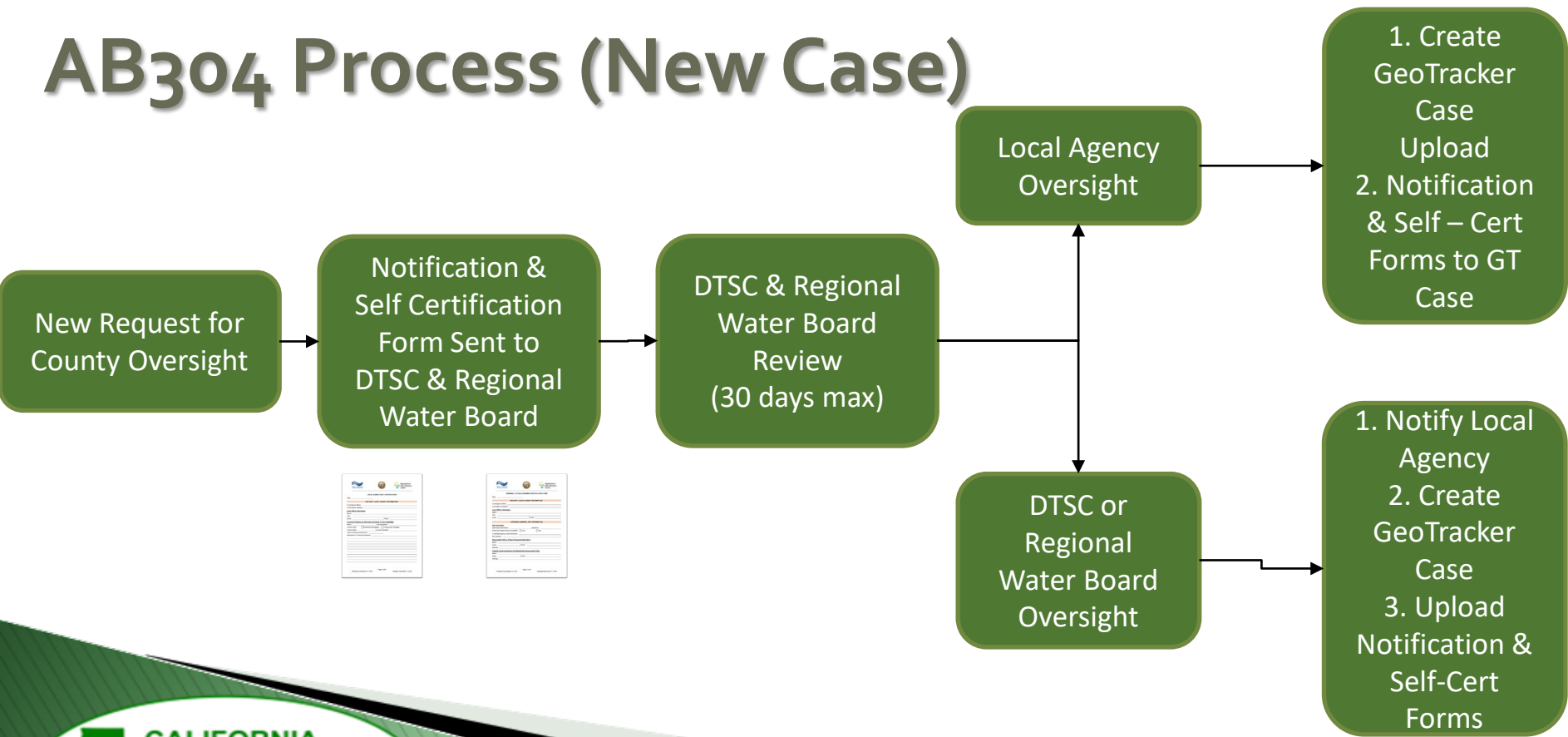
24th California Unified Program
Annual Training Conference
March 22, 23, 24, 29, 30, 31 - 2022



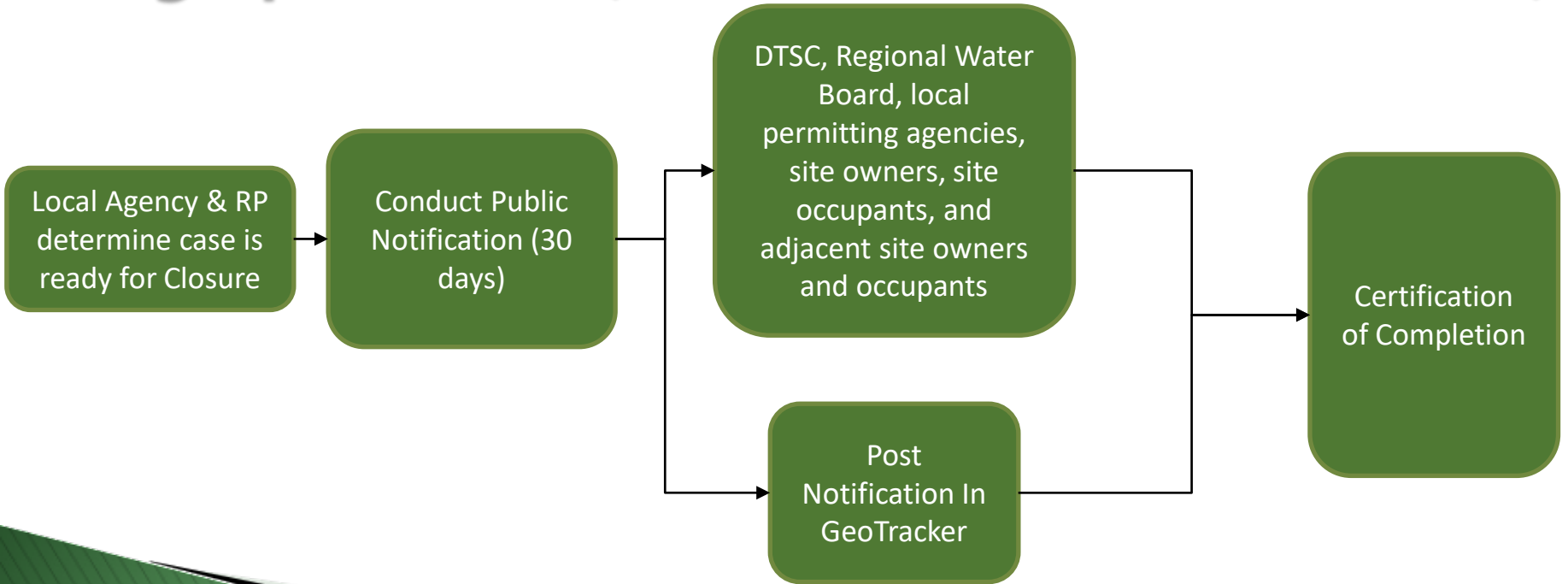
BREAK TIME!



AB304 Process (New Case)



AB304 Process (Case Closure Notification)



Funding Opportunities

- State Water Board's Site Cleanup Subaccount Program (SCAP)
- DTSC's Equitable Community Revitalization Grant (ECRG)



State Water Board's SCAP



- AB304 clearly identifies that SCAP can be used for Local Agency Cleanup Sites
- SCAP Applications through Financial Assistance Application Submittal Tool (FAAST) (<https://faast.waterboards.ca.gov/>)
- \$34 Million Per Year Available until 2025
- https://www.waterboards.ca.gov/water_issues/programs/grants_loans/scap/



DTSC's Equitable Community Revitalization Grant (ECRG)



- Provides more than \$250 million in grants over three years to incentivize cleanup and investment in disadvantaged areas of California
- Investment will create healthier, more economically viable and inclusive communities
- Available to help California local governments, qualified 501(c)(3) nonprofit organizations and Tribes to conduct:
 - Community-wide assessments
 - Environmental investigations
 - Environmental cleanups

**Accepting applications
through Monday April 4th
2022**



Funding Program	Funding Type	Eligible Environmental Work	Eligible Parties	Can be responsible Party?	Ownership required?	Application Period	Oversight Requirements	Oversight reimbursable?	Total Funding Available	Maximum Amount
<u>Brownfields Revolving Loan Fund (RLF) Program</u>	Grant	Assessment, Investigation, and Cleanup	Public Entity, Tribe, Nonprofit	No	Yes	Continuous	State or Local Agency	Yes	\$1.6M	\$350,000
<u>Cleanup Loans and Environmental Assistance to Neighborhoods (CLEAN) Program</u>	Low-Interest Loan	Urban Cleanup	Any	Yes	No	Continuous	State or Local Agency	Yes	\$4.8M (Shared with ISCP)	\$2.5M
<u>Investigating Site Contamination Program (ISCP)</u>	Low-Interest Loan	Urban Preliminary Endangerment Assessment	Any	Yes	No	Continuous	DTSC only	No, but DTSC charges to CLEAN Fund if funds available	\$4.8M (Shared with CLEAN)	\$100,000
<u>Targeted Site Investigation (TSI) Program</u>	Grant via Direct Contract	Assessment, Investigation, and Cleanup Planning	Local Government, Tribe, School District, Nonprofit	No	No	Annual (On Hiatus)	DTSC only	N/A – DTSC’s contractor provides services and DTSC provides oversight	On Hiatus	\$200,000
<u>Equitable Community Revitalization Grant (ECRG)</u>	Grant	Investigation, Cleanup, Community-Wide Assessments	Public Entity, Tribe, Nonprofit	No	No	Periodic	State or Local Agency	Yes	+\$250M over 4 years	\$7M

Future Activities

- Individual meetings with each local agency
- GeoTracker assessment/cleanup
- GeoTracker tool to streamline Self-Certification & Notification Process
- State Water Board & DTSC Website Updates



Future Activities

- DTSC is in the process of developing a Local Agency Resources webpage to house and direct Local Agencies to information they need for FAQs, training opportunities, and quick links to guidance.
- DTSC webpage will include list of Local Agencies DTSC has received Staffing Notifications and the 12-month expiration



Poll #3

- What resources do you use regularly or would like developed as part of a Local Agency Resources webpage?
 - Training Opportunities?
 - Links to guidance?



California Land Recycling Conference

- Hosted by Center for Creative Land Recycling (CCLR), USEPA Region 9, and DTSC
- June 21 through 23 in Carson, CA (in person)
- Registration: <https://www.eventbrite.com/e/california-land-recycling-conference-reuse-rebuild-revitalize-tickets-280960078157>
- More information: <https://www.cclr.org/events/upcoming-events/california-land-recycling-conference-2022>



Frequently Asked Questions (Round 2)



Frequently Asked Questions (Round 2)

Q: Can a city or county use an outside consultant to act as our Licensed Professional?

A: No. The Licensed Professional should be employed by the agency and should be part of the decision-making tree within the organization. They can be a part-time or limited-term employee, but should be directly employed by the organization.



Frequently Asked Questions (Round 2)

Q: We have records for several sites for which we are already providing oversight, but the records are not in GeoTracker. Is there a way to upload multiple documents at once to GeoTracker?

A: The GeoTracker Help Desk can perform bulk document uploads for agencies with 25 sites or more. To request bulk document uploads, please contact the GeoTracker Help Desk at geotracker@waterboards.ca.gov.



Frequently Asked Questions (Round 2)

Q: The proposed project is for redevelopment with critical timelines, can the 30-day review time of the Notification & Self Certification by DTSC and Regional Water Board be expedited?

A: In these situations, it is best to get on the phone/email soon to discuss with DTSC, the Local Agency, and appropriate Regional Water Board about the need for an expedited schedule. In most scenarios it would be possible.



Frequently Asked Questions (Round 2)

Q: How will a local agency be reimbursed for a SCAP funded project?

A: Local agencies should continue cost recovery through the responsible party and their Remedial Action Agreement. The responsible party can request reimbursement to State Water Board's SCAP for the local agency oversight cost directly related to the site.



Q&A (Round 2)

Steve McMasters, State Water Board

steven.mcmasters@waterboards.ca.gov

Gregory Shaffer, DTSC

gregory.shaffer@dtsc.ca.gov

