



DEPARTMENT OF TOXIC
SUBSTANCES CONTROL



CALIFORNIA
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

December 2004
Brownfields Workshop

Program Highlights

Statutory Authority:

Local Agency Agreements: California Health and Safety Code (HSC), Division 101, Part 3, Chapter 4, sections 101480-101490.

CLERRA: HSC, Division 20, Chapter 6.10, sections 25401- 25402.3.

CUPA: HSC, Division 20, Chapter 6.11.

Site Designation: HSC, Division 20, Chapter 6.65.

LEA: Public Resources Code, Division 30, Part 4.

Local Agency Oversight of Cleanups

Local Cleanup Agreements

In 1996, Senate Bill 1248 was passed to allow a responsible party and a local health or environmental health agency (local agency) to enter into a written agreement for the supervision of the cleanup of a simple waste release. Local agencies are required to notify the Department of Toxic Substances Control (DTSC) and the local Regional Water Quality Control Board (RWQCB) at least 10 working days prior to entering into a remedial action agreement.

California Land Environmental Restoration & Reuse Act (CLERRA)

In 2001, the California Land Environmental Restoration & Reuse Act (SB 32, Escutia), established a new hazardous materials investigation and cleanup program to be administered by local agencies with State oversight. Further information on CLERRA is available on the Cal/EPA webpage at <http://www.calepa.ca.gov/brownfields/sb32.htm>. No Sites have applied for this Program.

Certified Unified Program Agency (CUPA)

This program was established under the amendments to the California Health and Safety Code made by SB 1082 in 1993. A Certified Unified Program Agency (CUPA) is a local agency that has been certified by Cal/EPA to implement the six state environmental programs within the local agency's jurisdiction. The six programs are the Hazardous Materials Business Plan/Emergency Response Plan, Hazardous Waste/Tiered Permitting, Underground Storage Tanks, Aboveground Storage Tanks (SPCC only), California Accidental Release Program and the Uniform Fire Code Hazardous Materials Management Plan. As part of these activities, CUPAs can, under certain circumstances, oversee the closure of facilities. Further information is available at <http://www.calepa.ca.gov/CUPA> or <http://www.dtsc.ca.gov/HazardousWaste/CertifiedUnifiedProgramAgencies.cfm>

Site Designation of an Administering Agency

Under certain circumstances, a local agency may be designated as the administering agency in charge of implementing all state and local environmental cleanup requirements for a Site. Further information is available on the Cal/EPA webpage at:

<http://www.calepa.ca.gov/programs/sitedesig/default.htm>

Local Enforcement Agencies (LEA)

LEAs have the primary responsibility for ensuring the correct operation and closure of solid waste facilities in the state. Further information is available at: <http://www.ciwmb.ca.gov/LEACentral/>

Local agencies may also be authorized by local ordinances to oversee certain types of cleanup activities.