

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 action 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.

State Retention of Oversight

Upon receipt of a notification from a local agency to enter into a remedial action agreement, DTSC and Regional Water Board may respond within 30 days indicating whether the local agency may provide oversight. If DTSC and Regional Water Board do not respond within 30 days, the local agency may proceed with the remedial action agreement. If DTSC or Regional Water Board decides to retain oversight, they must provide written notification to the local agency that includes the following information:

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

DTSC and the Regional Water Board may not later retain regulatory oversight for a site they previously received notification for unless one of the following determinations is made:

1. A proposed remedial action will be insufficient to address the contamination
2. Staff resources, technical expertise, or technical capabilities are no longer available to the local agency
3. The responsible party is not in compliance with the remedial action agreement and the local agency lacks the enforcement authority to ensure compliance
4. The site is sufficiently complex and should be handled by DTSC or Regional Water Board
5. The site presents a significant potential hazard to human health, safety, or the environment

If one of the determinations above is made after a local agency has entered into a remedial action agreement, DTSC or Regional Water Board will assume regulatory oversight with a minimum 30-day written notice and the existing remedial action agreement will no longer be valid.

Contents of Remedial Action Agreement

When the local agency proceeds with a remedial action agreement, the local agency must ensure the following:

1. The remedial action agreement includes the following information² :
 - 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](#).

² 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 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