

BACK IN BUSINESS: RESOURCES FOR REDEVELOPMENT & LAND RECYCLING

DTSC Administrative & Funding Tools for Land Recycling

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Department of Toxic Substances Control

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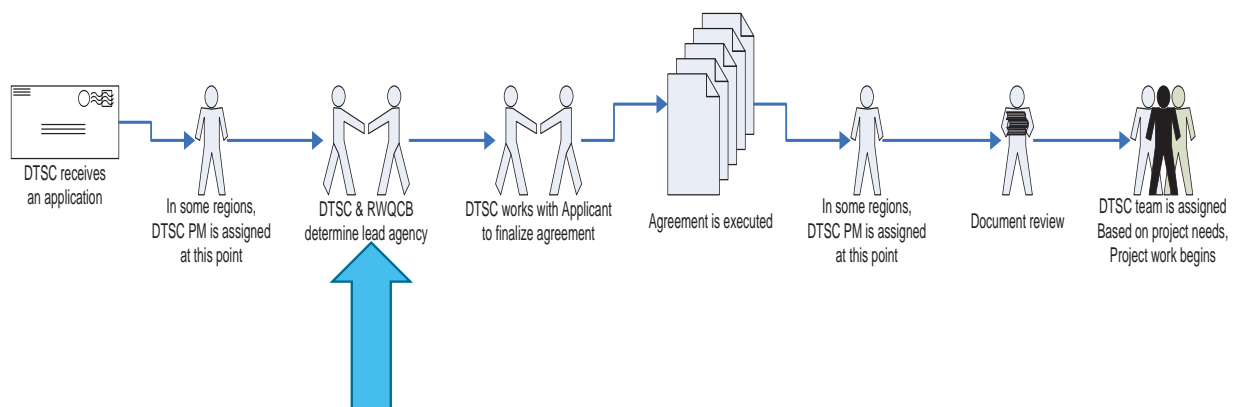
April 2016

DTSC's Administrative Process

Voluntary vs Enforcement

- *Enforcement through orders
- *Voluntary Cleanup Program

VCP Agreement Process



VCP Process- Initial Steps

* Step 1: Contact DTSC

<http://www.dtsc.ca.gov/SiteCleanup/Brownfields/contacts.cfm>

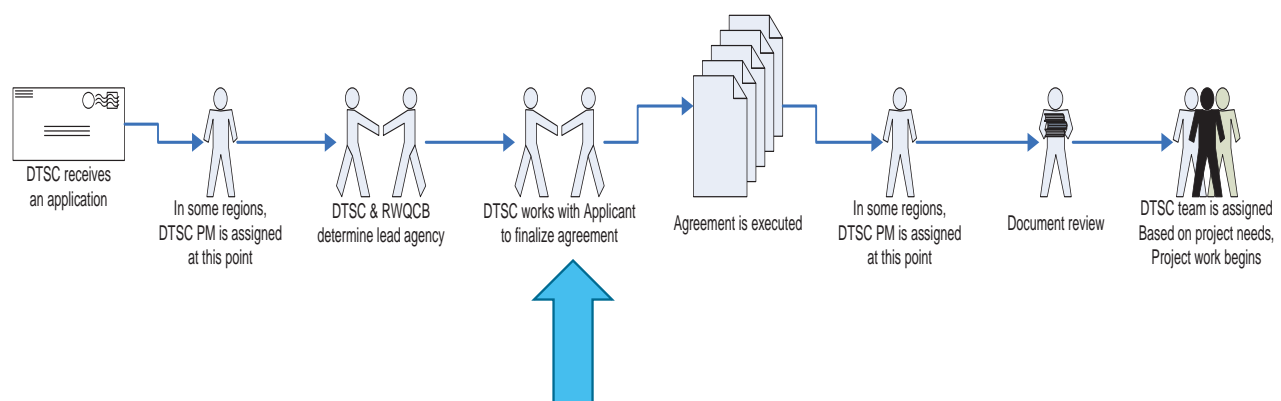
* Step 2: Request for Lead Agency Oversight Application

http://www.dtsc.ca.gov/SiteCleanup/Brownfields/index.cfm#CP_JUMP_13298

* Step 3: DTSC and the Water Board determine the Lead Agency

<http://www.calepa.ca.gov/brownfields/MOA>

VCP Agreement Process



Types of Voluntary Agreements

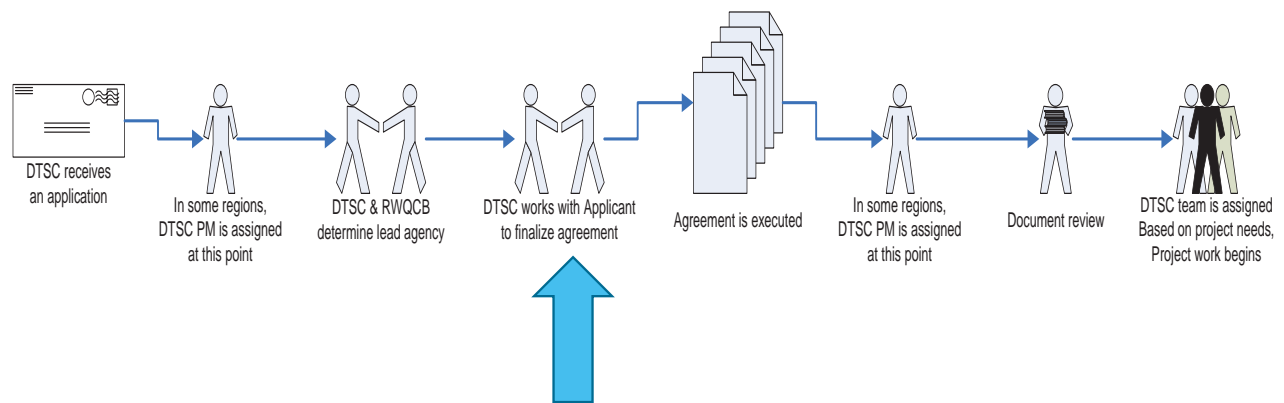
Voluntary Cleanup Program (VCP) includes:

- * Voluntary Cleanup Agreement
- * California Land Reuse and Revitalization Act Agreement
- * Consultative Service Agreements
- * Prospective Purchaser Agreements
- * Environmental Oversight Agreements with local agencies

Scope of Work

- * Project Consultation
- * Phase I Environmental Site Assessment
- * State and Federal All Appropriate Inquiries (AAI) Compliance Evaluation
- * Preliminary Endangerment Assessments (PEA)
- * Supplemental Site Investigation (SSI)
- * Remedial Investigations/Feasibility Studies (RI/FS)
- * Health Risk Assessment
- * Removal Action Workplans (RAW)
- * Remedial Action Plans (RAP)
- * Compliance with the California Environmental Quality Act (CEQA)
- * Remedial Design (RD)
- * Remedial Implementation Plan
- * Operation and Maintenance Plan (O&M), and
- * Implementation of Land Use Covenant (LUC)

VCP Agreement Process



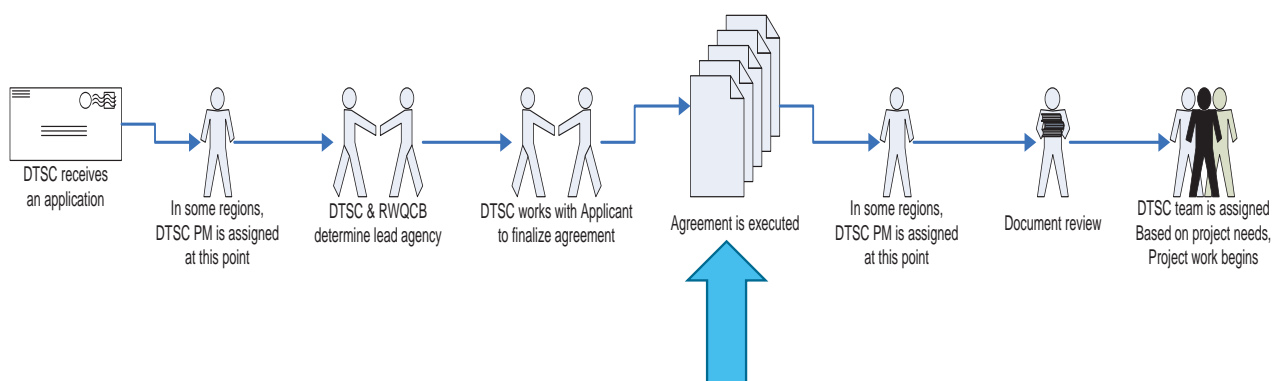
VCP Process – Agreement Development

- * **Step 4:** DTSC develops the selected agreement
 - * Agreement includes site-specific details, a scope of work, and a cost estimate
 - * DTSC and the Applicant work collaboratively to ensure that the Agreement reflects project needs
- * Applicant will work with either the Project Manager assigned to the project or with the Brownfields Coordinator to develop and execute the Agreement

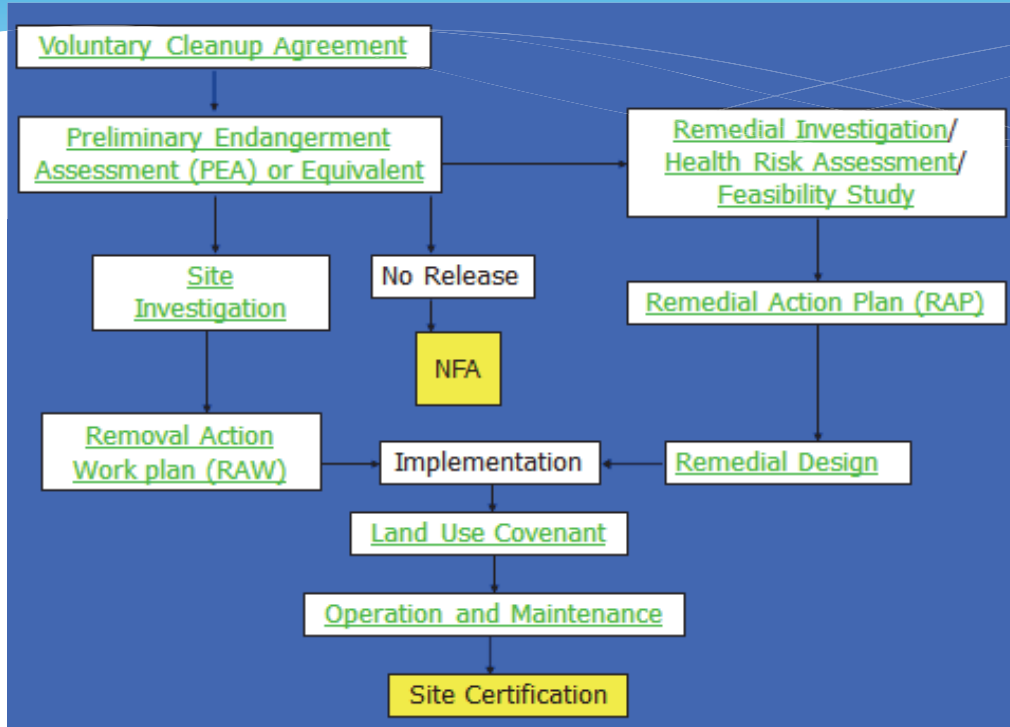
VCP Process – Finalizing the Agreement

- * **Step 5: Agreement is executed**
 - * For regions where the Brownfields Coordinator has been negotiating the Agreement, a DTSC Project Manager will be assigned
- * **Step 6: The Applicant will send the advance payment and project work can begin**

VCP Agreement Process



DTSC Brownfields Process

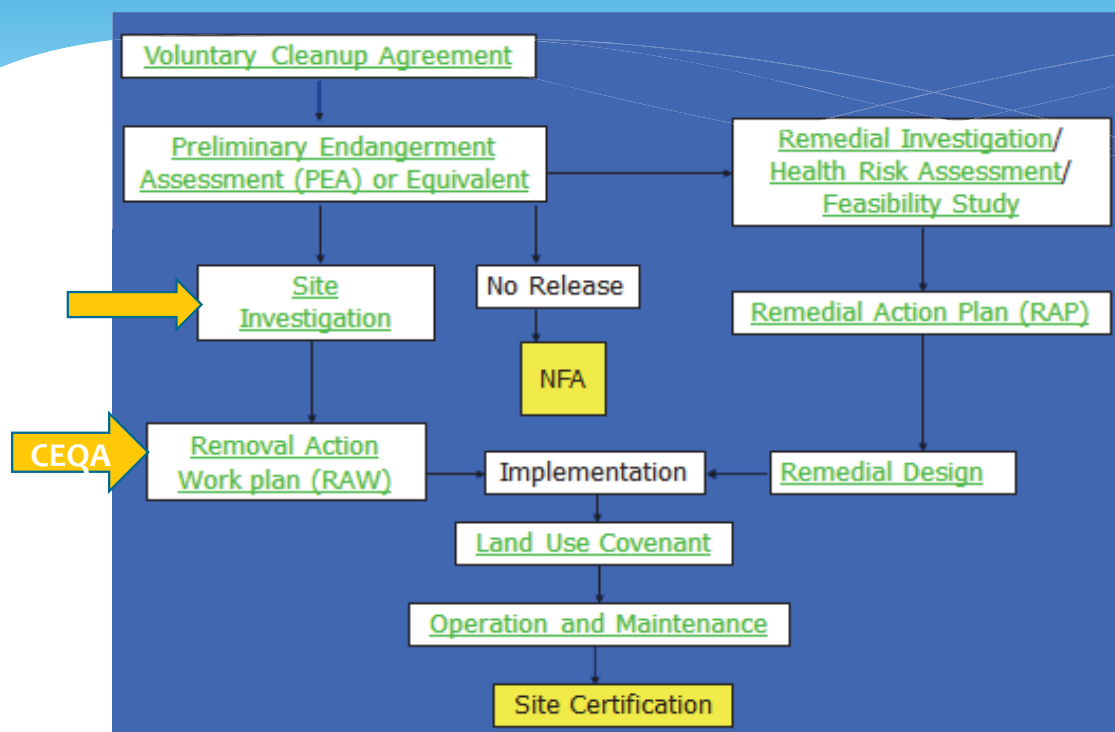


Case Study

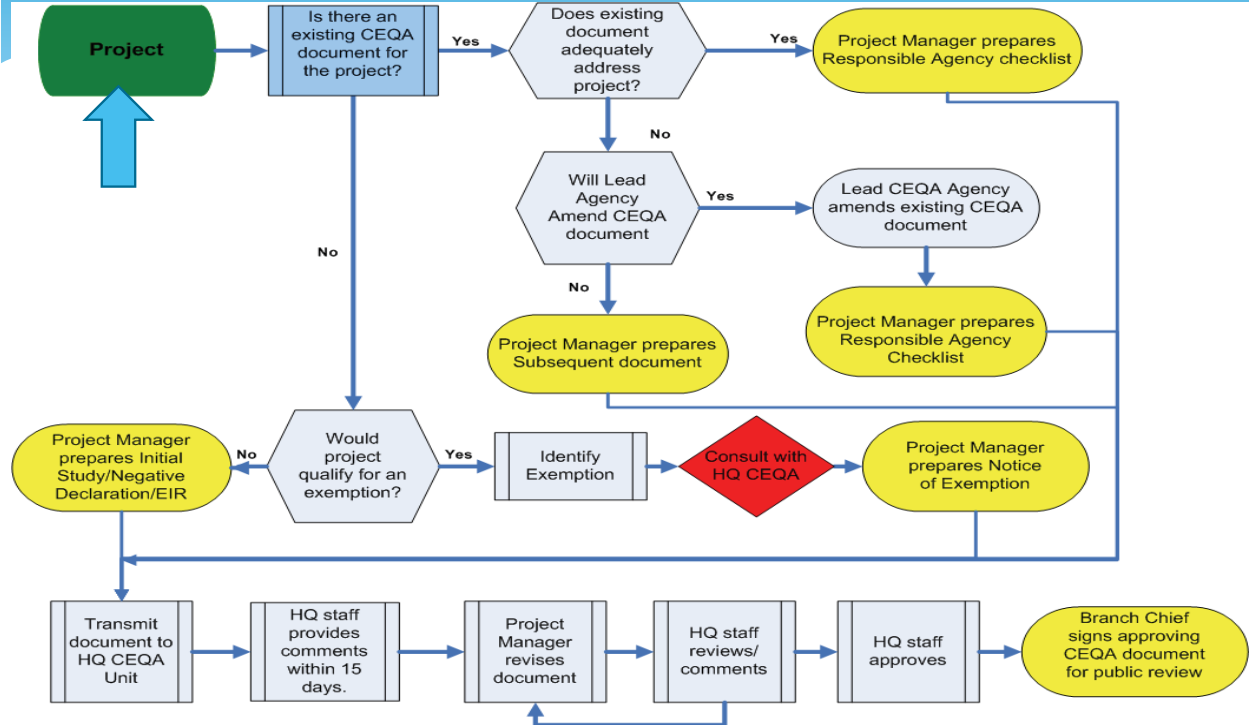
Studio 15, Downtown San Diego

- * Affirmed Housing purchased a property for high density low-income residential development
- * Local agency requested a cleanup plan, then referred the site to DTSC
- * Voluntary Cleanup Agreement was considered
- * CLRRA Agreement was the best fit, and the site and proponent and applicant met eligibility requirements

DTSC Brownfields Process



CEQA Process



When does CEQA apply?

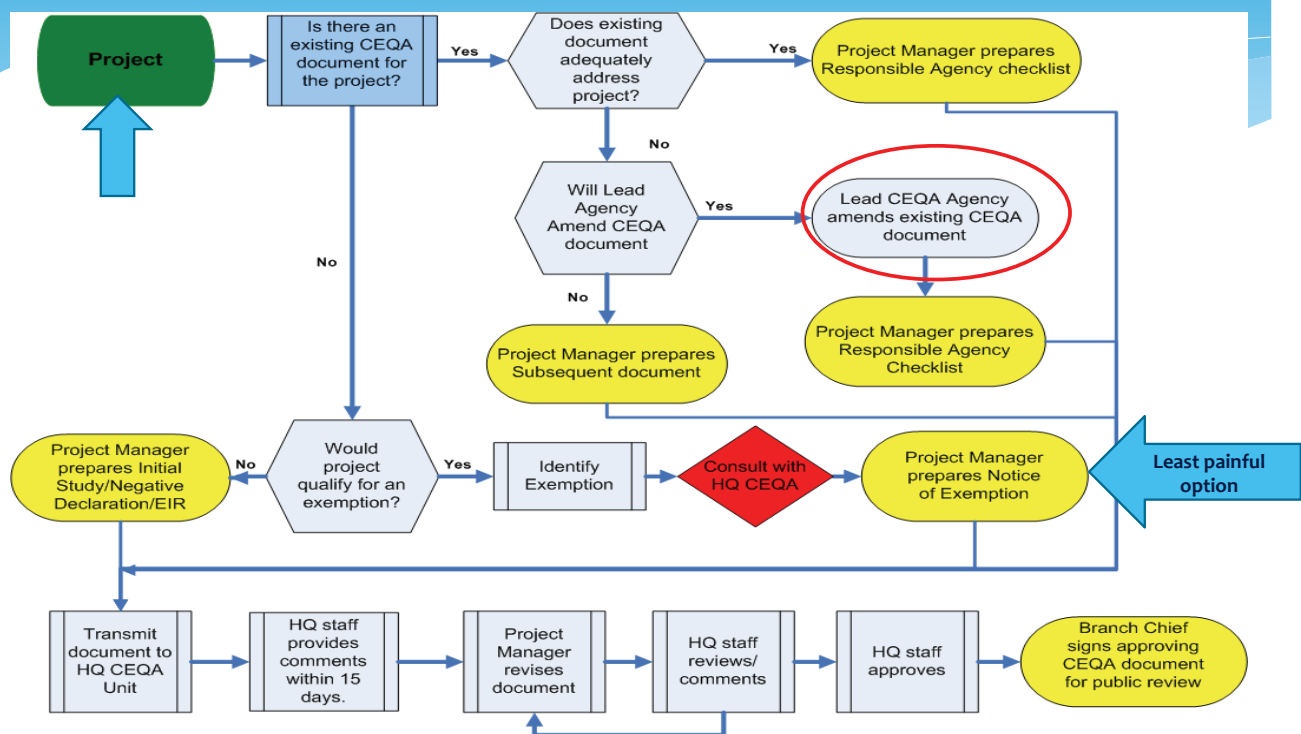
At DTSC, CEQA applies to cleanups & permits when:

- * Project may cause a direct or a foreseeable indirect physical change in the environment, and
- * Project is any of the following:
 - * Activity directly undertaken by DTSC
 - * Activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from DTSC
 - * Activity involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by DTSC

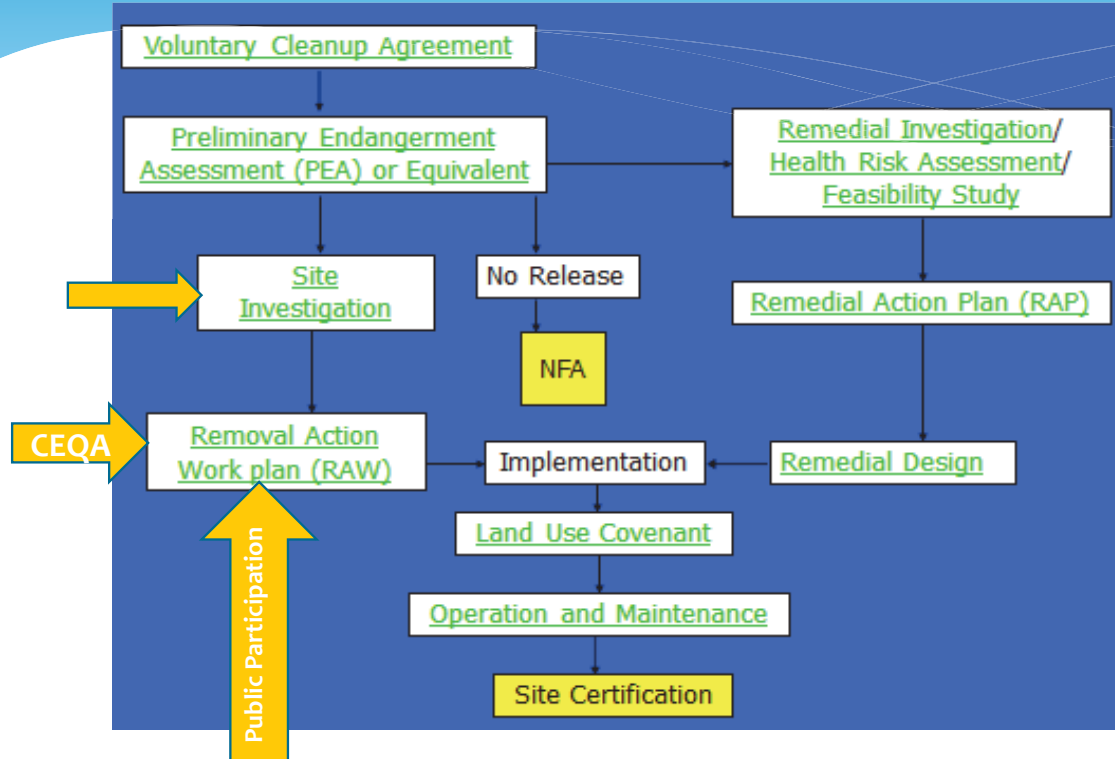
CEQA Exemptions

- * DTSC determines whether activity is exempt from CEQA:
 - * Statutory
 - * Categorical
 - * General Rule
 - * Rejected or disapproved
- * Project exempt, then *Notice of Exemption Process* can be initiated
- * Project not exempt, *Initial Study Process* must be initiated
- * Project not exempt, but DTSC is a Responsible Agency, *Responsible Agency Checklist* is initiated

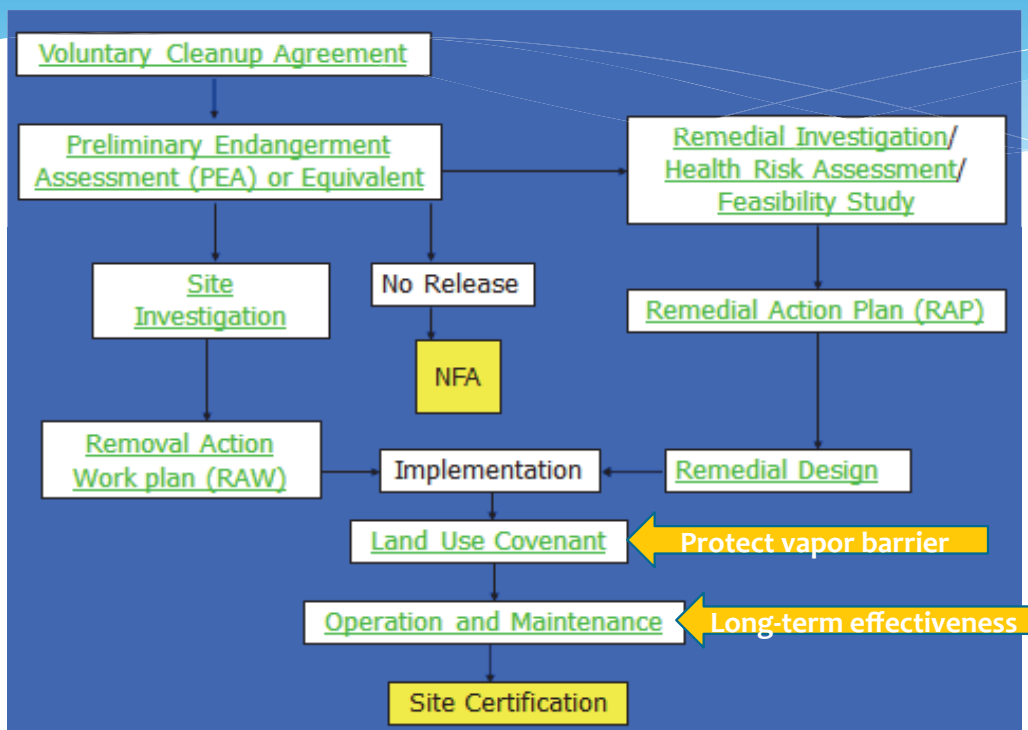
CEQA Process



DTSC Brownfields Process



DTSC Brownfields Process



Studio 15 – Completed Project

- * 273 transit-oriented units in downtown San Diego
- * Specific allocations for households with income levels at 40, and 60 percent of the area median income
- * 5,200 square feet of common indoor areas
- * 100% occupied, with a long waiting list
- * O&M in effect and the system continues to be effective
- * Affirmed Housing is developing the neighboring brownfields property for another low-income residential development project

Timeline

- * 2006 – Agreement
- * 2007 – Investigation, CEQA & Cleanup Plan
- * 2007 – Construction initiated
- * 2009 – Operation and Maintenance Plan
- * 2009 – Land Use Restriction
- * 2012 – Certificate of Completion
- * Today – Ongoing monitoring

Studio 15 – Before & After



DTSC Funding Tools

Targeted Site Investigation Program

- * Currently accepting applications through July 22nd
- * ~\$300,000 available this year
- * Historically ~90 sites
- * ~\$2,500,000 used for assessment contract costs since FY 2004
- * TSI used a stepping stone to apply for EPA assessment and cleanup grants
- * **Webinar on w/ EPA & the Water Board in early June**

Revolving Loan Fund Program

- * Currently accepting applications
- * ~\$900,000 available
- * Activity to date:
 - * ~ \$6,900,000 received from EPA
 - * ~\$1,527,000 in repaid hazardous substances loans
 - * ~\$1,880,000 in hazardous substances loans funded
 - * ~\$200,000 in petroleum grants
 - * ~\$3,600,000 in hazardous substances grants
- * **Webinar w/ EPA & the Water Board in early June**



Questions?

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Brownfields and Environmental Restoration
Program

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