

**2025 CALIFORNIA LAND RECYCLING CONFERENCE**  
*TRANSFORMING LAND, EMPOWERING COMMUNITIES*

# **The Agency Oversight Solution**

## **Empowering Cities and Counties Through AB 304**

**Maryam Tasnif-Abbasi | DTSC**

**Preston Brooks | Cox Castle**



**OFFICE OF BROWNFIELDS**  
Department of Toxic Substances Control - Cleanup In Vulnerable Communities Initiative



**CENTER FOR CREATIVE  
LAND RECYCLING**  
RECLAIM. CONNECT. TRANSFORM.



# The Agency Oversight Solution: Empowering Cities and Counties Through AB 304

PRESENTED BY MARYAM TASNIF-ABBASI, DTSC  
AND PRESTON BROOKS, COX CASTLE







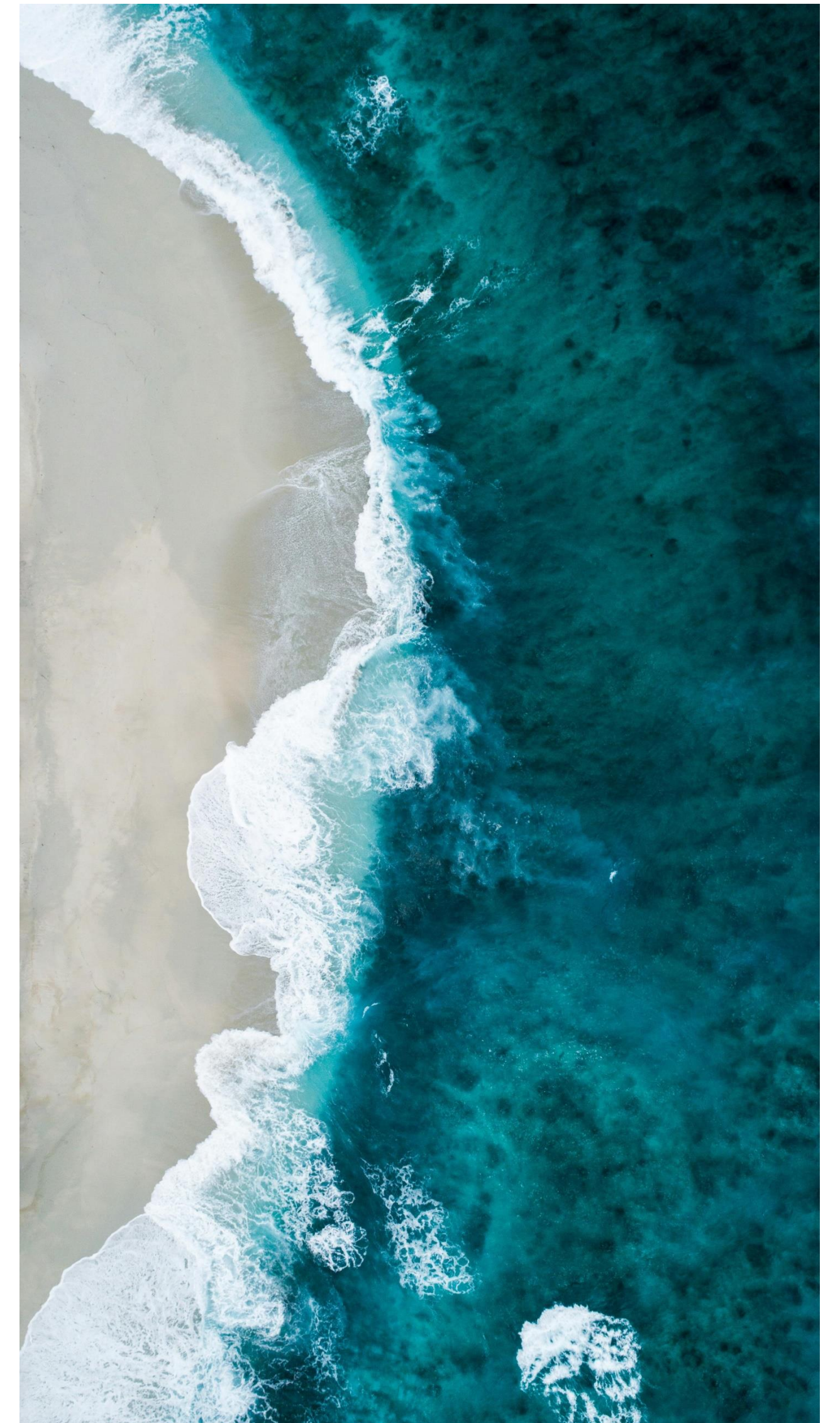
# Setting the Stage

- Investigation and Cleanup
- Considerations
  - Schedule
  - Cost
  - Transaction Context
    - Institutional Investor?
    - Lender?
    - NFA Needed?
- Agency Oversight Options
  - DTSC
  - Regional Water Quality Control Board
  - Certain County Agencies
  - Self-Directed



# The New Option: AB 304

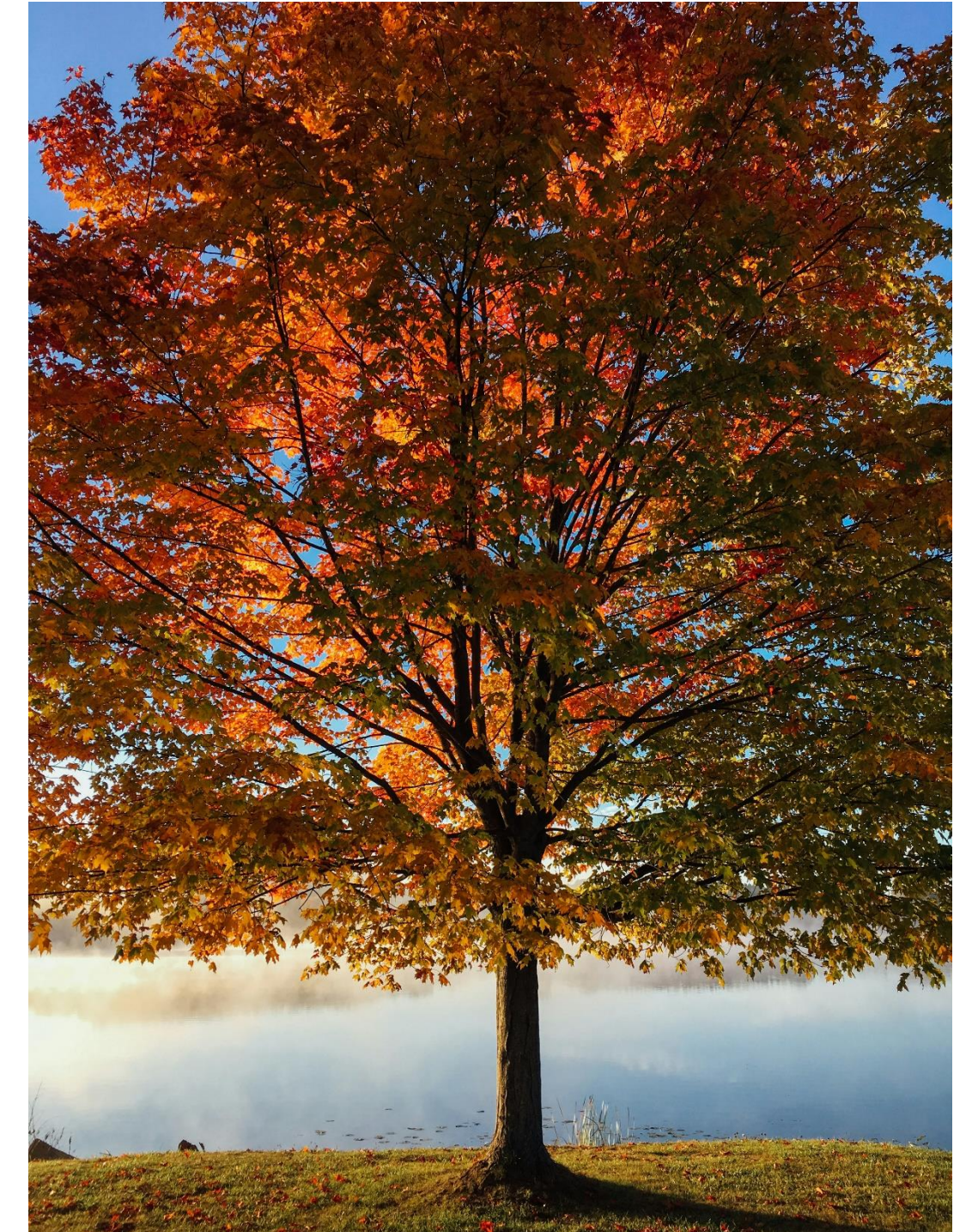
- Available to Cities and Counties
- Oversee environmental activities in their jurisdictions as local agencies
- Self-Certification
- Ability to issue a Certificate of Completion





# Walking Through the AB 304 Process

- Identify sites that could benefit from local agency oversight
- Local Officer
  - County Health Officer
  - City Health Officer
  - County Director of Environmental Health who has been granted authority
- Licensed Professional
  - Professional Civil Engineer or Professional Geologist
    - May be contract employee
- Technical Staff
  - Technical expertise and capabilities
- Submit Self-Certification Form to DTSC and Regional Water Quality Control Board







# AB 304 Operational Requirements

- Intake Forms
- Fee and Fiscal Structure
  - T&M or Lump Sum?
- Remedial Action Agreement
- Internal Process for Review and Approval
  - O&M?
  - Land Use Covenants?
- GeoTracker Updates
- Required Notifications to DTSC and Regional Boards
- Collaboration with DTSC and Regional Boards



# Remedial Action Agreements (RAAs)

- RAA Content

## 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 information<sup>2</sup> :
  - 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](#).

---

<sup>2</sup> Not all of this information may be available at the time of agreement execution. The agreement may be updated as more information becomes available.

- Provide notice to DTSC and Regional Board of intent to enter into RAA
  - Preliminary description of the environmental condition
  - 30-day decision timeframe

# Local Agency Notification Requirements

- Public notice 30 days prior to certifying cleanup completion
  - DTSC, Regional Boards, local permitting agencies, owners, occupants, and adjacent owners and occupants
- Certification of Cleanup
  - Description of the release
  - Description of remedial action(s) taken
  - Certification that the cleanup goals established in the remedial action agreement have been achieved
  - List on GeoTracker



AMY HARBERT  
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY  
HAZARDOUS MATERIALS DIVISION  
5500 OVERLAND AVE, SAN DIEGO, CALIFORNIA 92123  
(858) 505-6700 OR (800) 253-9933  
www.sdcdehq.org

HEATHER BUONOMO, REHS  
DIRECTOR OF ENVIRONMENTAL HEALTH

August 7, 2025

Mickie Sponaule  
Warmington Residential  
3090 Pullman St.,  
Costa Mesa, CA 92626

Dear Mr. Sponaule:

VOLUNTARY ASSISTANCE PROGRAM CASE DEH2019-LSAM-000543  
ESCONDIDO 2.74, 2222 SOUTH ESCONDIDO BLVD., ESCONDIDO, CA 92025

The Department of Environmental Health and Quality (DEHQ), Site Assessment and Mitigation Program, reviewed the environmental investigation reports related to Escondido 2.74 (Site). This Voluntary Assistance Program case was opened in February 2019, for review of Phase I, Phase II and Human Health Risk Assessment reports and regulatory oversight for residential development. A Phase I and several Phase II investigations were conducted at the site. Soil was analyzed for Total Petroleum Hydrocarbons (TPH), Volatile Organic Compounds (VOCs), pesticides and polychlorinated biphenyls (PCBs). Soil vapor and groundwater were analyzed for VOCs. The analytical data indicated that lead and cadmium were detected in shallow soil samples at concentrations exceeding environmental screening levels (ESLs). Tetrachloroethene (PCE) was detected in soil vapor at concentrations exceeding ESLs. PCE was not detected in groundwater.

A Remedial Action Plan was approved for the excavation and removal of impacted soils to 2.5 feet below ground surface. Three areas were identified for excavation. The Closure Report documented the collection of four soil vapor samples from probes co-located where PCE was detected previously. VOCs were not detected in the soil vapor samples. DEHQ required confirmation soil vapor samples. No VOCs were detected. The consultant concluded that the site did not pose a risk to human health or the environment and DEHQ concurred. Provided that the information presented to DEHQ was complete, accurate, and representative of existing Site conditions, this agency concurs that the objectives established for the subject Site have been met.

Please be advised that this letter does not relieve the responsible party of any liability under the California Health and Safety Code or the Porter Cologne Water Quality Control Act. If previously unidentified contamination is discovered which may affect public health, safety and/or water quality, additional site assessment and cleanup may be necessary.

DEHQ understands that the project was for residential use of the property. A change in land use may require additional remediation. Any contaminated soil excavated as part of subsurface construction work must be managed in accordance with the legal requirements at that time.





# State Agency Oversight

- May assume oversight at the beginning
- **May not** take over a site later unless:
  - Proposed remedy will not properly address the site contamination
  - Staff resources, technical expertise, or technical capabilities are no longer available
  - Does not have the necessary enforcement authority and the voluntary party is not in compliance with the RAA
  - Hazardous waste release is complex or is a significant potential hazard to human health, safety, or the environment



# What Does Success Look Like?

- Use for simple sites
- State agencies want successful and safe projects
- Transforming Lands and Empowering Communities
- Create abundance!





# Thank You!

**Preston W. Brooks**



[www.coxcastle.com](http://www.coxcastle.com)

Cox, Castle & Nicholson LLP

2029 Century Park East | Suite 2100 | Los Angeles, CA 90067

*direct:* 310.284.2223

*main:* 310.284.2200

[pbrooks@coxcastle.com](mailto:pbrooks@coxcastle.com) | [vcard](#) | [bio](#) | [website](#)

**Maryam Tasnif-Abbasi**



[Maryam.Tasnif-Abbasi@dtsc.ca.gov](mailto:Maryam.Tasnif-Abbasi@dtsc.ca.gov)

Brownfield Development Manager

714-222-3485





# CALIFORNIA LAND RECYCLING CONFERENCE

Transforming Land, Empowering Communities  
September 16-18, 2025 | Carson, CA



OFFICE OF BROWNFIELDS  
Department of Toxic Substances Control - Cleanup in Vulnerable Communities Initiative



CENTER FOR CREATIVE  
LAND RECYCLING  
RECLAIM. CONNECT. TRANSFORM.

# THANK YOU



**TOGETHER WE  
EMPOWER  
COMMUNITIES  
THROUGH THE  
TRANSFORMATION OF  
BROWNFIELDS**

Join the conversation, use  
#CALRC2025 to share your  
photos, insights and highlights!

*We appreciate your feedback,  
follow this QR code to submit an  
evaluation form on Whova.*