



December 2004  
Brownfields Workshop

## Program Highlights

Statutory Authority:  
California Health and  
Safety Code, Chapter  
6.85  
California Code of  
Regulations, Title 22,  
Chapter 40, sections  
67401.3 through 67401.7

### Number of Projects:

- 18 sites have entered into the Program
- 6 sites implemented final remedies
- 6 sites of the potential 10 orphan share sites have been designated.
- 3 sites that implemented their final remedy have received orphan share funds.

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# Expedited Remedial Action Program

Established in 1994, the Expedited Remedial Action Program is a pilot program for the cleanup of up to 30 hazardous substance release sites using an alternative cleanup process contained in Chapter 6.85 of the California Health and Safety Code.

Some of the highlights of this program are listed below:

- Remedy selection based on planned land use with formal land use restrictions.
- Cleanup process does not have to be consistent with the National Contingency Plan.
- Apportionment of liability based on fair and equitable principles.
- Indemnification of participating responsible persons through a covenant not to sue.
- Potential State funding for “orphan” shares at up to ten sites to the extent funds are available, where responsible persons cannot be identified or located, or are found to be insolvent.
- Formal dispute resolution process available to responsible persons, members of the public and the affected community.
- DTSC to coordinate permitting and certification for all state and local agencies.

### Eligibility Requirements:

- Site cannot be on or proposed for listing on the National Priority List.
- Site cannot be owned or operated by the federal government.
- Site cannot have an existing Order or Agreement under Chapter 6.8 of the California Health and Safety Code. Site cannot be subject to a judicial action by DTSC requiring response actions or payment of DTSC costs. These requirements may be waived for up to five sites.
- Site must have completed a Preliminary Endangerment Assessment that shows the need for a significant response action.
- No interim endangerment conditions can exist at the Site.
- DTSC must be designated as the lead administering agency for the Site by the California Environmental Protection Agency’s Site Designation Committee.

The Expedited Remedial Action Program is especially applicable to “Brownfields” properties. Revitalizing these properties creates a unique opportunity for industry, government, and communities to improve the economic and environmental conditions within their communities.