

Site Designation Process



DESIGNATION OF AN ADMINISTERING AGENCY

DTSC is one of six Boards and Departments within the California Environmental Protection Agency. The Department's mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California



California
Environmental
Protection Agency



SUMMARY

- Assembly Bill (AB) 2061 (Umberg) amended the Health and Safety Code by adding Chapter 6.65 to Division 20. The law took effect on January 1, 1994 and was amended by Senate Bill (SB) 923 of 1994, SB 1425 of 1996 and SB 667 of 2000. The Site Designation Process was established to allow a Responsible Party (as defined, in part, in the Health and Safety Code Chapter 6.65 section 25260 as “any person...who agrees to carry out a site investigation and remedial action at a hazardous materials release site...”) to request the Site Designation Committee within the California Environmental Protection Agency (Cal/EPA) to designate a single state or local agency to oversee the cleanup action.
- In the SB 923 (Calderon) amendment, effective January 1, 1995, the law expanded the role of the Site Designation Committee to permit selection of up to 30 pilot project sites for acceptance into the Expedited Remedial Action Program (ERAP) located within the Department of Toxic Substances Control (DTSC).

BACKGROUND

- The Site Designation Process was developed to eliminate and/or minimize the duplication of effort of state and local regulatory agencies involved in the oversight of private sector cleanups of hazardous materials release sites.
- The Administering Agency (or lead agency), for a “hazardous materials release site” is authorized to supervise all aspects of site cleanup and is granted sole jurisdiction over all activities necessary to respond to a hazardous materials release.
- The Administering Agency is also responsible for maintaining communication with state/local regulatory agencies for appropriate consultation.

PROCESS

- Interested Responsible Parties (as defined in Chapter 6.65) may submit an application to Cal/EPA requesting that the Site Designation Committee designate a specified local or state agency as the Administering Agency for a site.
- Once submitted, the application is reviewed by the Site Designation Committee which consists of representatives from certain Cal/EPA Departments and Boards as well as the Department of Fish and Game. The Committee then designates an Administering Agency. In some cases the Committee may determine that an Administering Agency cannot be designated under current statutory provisions.
- Parties interested in participating in ERAP are required to work with DTSC staff to prepare an application. The Site Designation Committee reviews the application and makes a decision whether to deny or admit the application (site) into the Program.
- Upon completion of site cleanup (which includes a determination by the Administering Agency that the Responsible Party has complied with the requirements of all applicable state and local laws, ordinances, regulations, and standards), the Administering Agency provides a certification of completion. The certification of completion provides that no additional work need be done absent special circumstances.

There is an *Implementation Guide* maintained by Cal/EPA which provides a more thorough discussion of the Site Designation Process and Administering Agency responsibility. This document includes guidance for coordinating regulatory agency activities as necessary during the various phases of site investigation and cleanups. The document also contains an application form and instructions. The *Implementation Guide* can be found on the Cal/EPA website at:

<http://calepa.ca.gov/Programs/SiteDesig/>

For additional information regarding the Site Designation Process or a paper copy of the *Implementation Guide*, please contact the Site Designation Coordinator at (916) 323-3394.