

***INSTRUCTIONS FOR COMPLETING THE  
UNIFIED PROGRAM AGENCY  
MODEL APPLICATION FORM  
FOR  
CORRECTIVE ACTION DELEGATION***

## INSTRUCTIONS FOR COMPLETING THE UNIFIED PROGRAM AGENCY MODEL APPLICATION FORM FOR CORRECTIVE ACTION DELEGATION

### General Instructions

#### General information

The Model Application Form includes the necessary forms to complete an application for either Tier 1 or Tier 2 delegation. The Forms and Attachments Index and Checklist on page 2 of these instructions identifies the necessary forms needed to complete an application for the appropriate level of delegation.

#### Required information

Information identified as “*Required information*” in the application forms is necessary to meet regulatory requirements and must be submitted in the application for the application to be considered complete. Incomplete applications will result in delays when processing the application to determine delegation approval.

#### Regulatory citations

Information in the application under “*Regulatory citations*” is provided for reference and describes the qualification criteria required by the regulations. All information submitted in the application is subject to verification.

#### Submitting the application

The Department of Toxic Substances Control (Department) asks that applicant agencies submit two copies of their application and supporting documents, one paper copy and one in a digital format on a CD using a file format compatible with MS Office or as PDF documents. There is no deadline for submitting an application; the Department is prepared to receive applications at the time an applicant agency is prepared to submit their application. Applications can be submitted in person or by mail to:

Department of Toxic Substances Control  
Tiered Permitting Corrective Action Branch  
5796 Corporate Avenue, MS R4-5  
Cypress, California 90630-4700  
Attention: Raymond Campbell

#### Determination of qualification

The Department, within 60 days of receipt of the application, will inform the UPA, in writing, that either the application is complete and accepted for determination of qualification, or that the application is deficient and identify the information that is required to complete the application.

The Department shall complete the review of the application within 90 days from the receipt of a completed application to determine whether the UPA is qualified to implement and enforce the requirements for environmental assessments and corrective action portions of the Unified Program under Health and Safety Code section 25404.1(a)(3)(C).

The Department, upon completion of the review of the application, shall in writing either approve or disapprove the application for qualification. Within 30 days of approving the application, the Department shall issue a letter of qualification to the UPA (Notice of Approval). Within 45 days of disapproving the application, the Department shall issue a denial letter identifying the areas of deficiency pursuant to this section (Notice of Denial).

#### Questions and information

Answers to questions and further information on the application and delegation process can be obtained by contacting

Violeta Mislav  
Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, California 90630

Phone: (714) 484-5387  
Fax: (714) 484-5392  
Email: VMislav@dtsc.ca.gov

## INSTRUCTIONS FOR COMPLETING THE UNIFIED PROGRAM AGENCY MODEL APPLICATION FORM FOR CORRECTIVE ACTION DELEGATION

### [Forms and Attachments](#) [Index and Checklist](#)

Form	Title	Forms Required for Tier 1 Applicants	Forms Required for Tier 2 Applicants	Documentation
DTSC 1447A	<b><i>UPA Applicant Identification and Tier Selection</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	
DTSC 1447B	<b><i>Personnel Expertise (Option 1)</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> UPA job specification <input type="checkbox"/> Training records
DTSC 1447C	<b><i>Personnel Expertise (Option 2)</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Training records
DTSC 1447D	<b><i>Tier 2 Personnel Expertise</i></b>		<input type="checkbox"/> (accompanied by DTSC 1447B/C)	<input type="checkbox"/> Training records
DTSC 1447E	<b><i>Tier 2 UPA Personnel with Specialized Geological Expertise</i></b>		<input type="checkbox"/> (accompanied by DTSC 1447B/C)	<input type="checkbox"/> Training records
DTSC 1447F	<b><i>Tier 2 UPA Personnel with Specialized Toxicological Expertise</i></b>		<input type="checkbox"/> (accompanied by DTSC 1447B/C)	<input type="checkbox"/> DABT Certification <input type="checkbox"/> Training records
DTSC 1447G	<b><i>Tier 2 Specialist Contractor Identification and Qualifications</i></b>		<input type="checkbox"/>	<input type="checkbox"/> DABT Certification
DTSC 1447H	<b><i>UPA Past Experience</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Triennial review <input type="checkbox"/> Enforcement certification <input type="checkbox"/> 3 Project summaries
DTSC 1447I	<b><i>Tier 2 UPA Past Experience</i></b>		<input type="checkbox"/>	<input type="checkbox"/> 2 Project summaries
DTSC 1447J	<b><i>Ability to Implement Environmental Assessment and Corrective Action</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Process flow chart
DTSC 1447K	<b><i>Adequacy of Staff Resources</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Organizational chart
DTSC 1447L	<b><i>Recordingkeeping and Accounting Systems</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	
DTSC 1447M	<b><i>Local Ordinance Authority to Recover Costs</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Local ordinance

## INSTRUCTIONS FOR COMPLETING THE UNIFIED PROGRAM AGENCY MODEL APPLICATION FORM FOR CORRECTIVE ACTION DELEGATION

### ***I. Form DTSC 1447A Applicant Identification and Tier Selection***

#### **Required information:**

Lines 1 thru 7: Complete the required UPA agency identification and contact information.

Line 8: Enter the date the completed application is submitted.

Lines 9 & 10: Indicate the level of delegation for which the UPA is seeking qualification by checking the box for either Tier 1 or Tier 2.

#### **Regulatory citation:**

68400.15(a) An UPA shall indicate in its application the Tier for which it seeks qualification.

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### ***II. Form DTSC 1447B Personnel Expertise (Option 1)***

***A separate form (DTSC 1447B or DTSC 1447C) must be completed for each individual UPA technical staff designated to perform duties for the Tier 1 AND Tier 2 Corrective Action Programs.***

#### **Required information:**

Lines 11 & 12: Enter the name of the UPA staff and the official UPA position title.

Lines 13, 14 & 15: For qualification of personnel expertise based on knowledge and abilities that are equivalent to those for the Hazardous Substances Scientist, Hazardous Substances Engineer, or Engineering Geologist Classes as defined by the California State Personnel Board, indicate which classification series is equivalent to the UPA classification identified on Line 12 by checking the appropriate box on Line 13, 14 or 15 and attach a copy of the official UPA job classification specification to the application.

Lines 16 & 17: Provide a brief description of the areas of technical expertise for the staff identified on Line 11 and the number of years of experience with this expertise.

Lines 18 thru 41: For training received in the required areas of proficiency indicated, enter the title of the training, name of the training provider, and the date the training was completed.

Line 42: Attach copies of official training records and check the box to indicate the documents are included with the application.

#### **Regulatory citations:**

68400.14(a) Tier 1 level of qualification criteria:

(1) Personnel Expertise Requirements.

(A) UPA personnel designated to perform the activities of Tier 1 as described in subsection 68400.13(a) and section 68400.16 shall have educational background and technical expertise sufficient to perform the activities of Tier 1 as described in subsection 68400.13(a) and section 68400.16 in accordance with all applicable state laws and regulations, including the requirements of either subparagraph 1 or subparagraph 2, and subparagraph 3 and subparagraph 4 below:

1. Educational background shall consist of a degree from a college or university with a minimum of 60 semester units in the following areas of study:
  - a. environmental, biological, chemical, physical, or soil science;

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- b. environmental or public health;
- c. environmental, civil or chemical engineering; or
- d. directly related scientific field;

2. The requirements of subparagraph 1 above may be substituted by qualifications knowledge and abilities that are equivalent to those for the Hazardous Substances Scientist, Hazardous Substances Engineer, or Engineering Geologist Classes defined by the California State Personnel Board in the following documents, incorporated herein by reference:

- a. Hazardous Substances Scientist, Series Specification, established July 1, 1994;
- b. Hazardous Substances Engineer, Series Specification, established June 21, 1994 and revised January 19, 2000;
- c. Engineering Geologist, Series Specification, established September 24, 2002.

3. Technical expertise shall include two consecutive years of experience in hazardous materials management, regulation, analysis, or research, environmental research, monitoring, surveillance or enforcement, or resource recovery.

4. Technical expertise shall also consist of documented training or proficiency in the fields of hydrogeology, fate and transport, environmental chemistry, toxicology, preliminary endangerment assessment, quality assurance and quality control for analytical results, and statistics. Additional training in other technical disciplines related to site characterization and cleanup activities will be considered for its applicability to this requirement. This training shall be sponsored by a credible program, including, but not limited to a state or federal agency, university extension, community college, or qualified UPA.

(B) Documentation of UPA Personnel Expertise. An UPA shall submit with its application documentation demonstrating that UPA personnel meet the educational and technical expertise requirements as described in subsection (a)(1)(A).

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### ***III. Form DTSC 1447C Personnel Expertise (Option 2)***

***A separate form (DTSC 1447B or DTSC 1447C) must be completed for each individual UPA technical staff designated to perform duties for the Tier 1 AND Tier 2 Corrective Action Programs.***

#### **Required information:**

Lines 43 & 44: Enter the name of the UPA staff and the official UPA position title.

Lines 45 thru 53: Identify the college/university attended, the degree and major, and year the degree was conferred.

Lines 54 thru 56: For each area of study provide the number of semester units completed. For an other directly related scientific field specify the field of study on Line 57.

Lines 59 & 60: Provide a description of the areas of technical expertise and the number of years of experience with this expertise.

Lines 61 thru 84: For training received in the areas of proficiency indicated, enter the title of the training, name of the training provider, and the date the training was completed.

Line 85: Attach copies of official training records and check the box to indicate the documents are included with the application.

#### **Regulatory citations:**

68400.14(a) Tier 1 level of qualification criteria:

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### (1) Personnel Expertise Requirements.

(A) UPA personnel designated to perform the activities of Tier 1 as described in subsection 68400.13(a) and section 68400.16 shall have educational background and technical expertise sufficient to perform the activities of Tier 1 as described in subsection 68400.13(a) and section 68400.16 in accordance with all applicable state laws and regulations, including the requirements of either subparagraph 1 or subparagraph 2, and subparagraph 3 and subparagraph 4 below:

1. Educational background shall consist of a degree from a college or university with a minimum of 60 semester units in the following areas of study:
  - a. environmental, biological, chemical, physical, or soil science;
  - b. environmental or public health;
  - c. environmental, civil or chemical engineering; or
  - d. directly related scientific field;
2. The requirements of subparagraph 1 above may be substituted by qualifications knowledge and abilities that are equivalent to those for the Hazardous Substances Scientist, Hazardous Substances Engineer, or Engineering Geologist Classes defined by the California State Personnel Board in the following documents, incorporated herein by reference:
  - a. Hazardous Substances Scientist, Series Specification, established July 1, 1994;
  - b. Hazardous Substances Engineer, Series Specification, established June 21, 1994 and revised January 19, 2000;
  - c. Engineering Geologist, Series Specification, established September 24, 2002.
3. Technical expertise shall include two consecutive years of experience in hazardous materials management, regulation, analysis, or research, environmental research, monitoring, surveillance or enforcement, or resource recovery.
4. Technical expertise shall also consist of documented training or proficiency in the fields of hydrogeology, fate and transport, environmental chemistry, toxicology, preliminary endangerment assessment, quality assurance and quality control for analytical results, and statistics. Additional training in other technical disciplines related to site characterization and cleanup activities will be considered for its applicability to this requirement. This training shall be sponsored by a credible program, including, but not limited to a state or federal agency, university extension, community college, or qualified UPA.

(B) Documentation of UPA Personnel Expertise. An UPA shall submit with its application documentation demonstrating that UPA personnel meet the educational and technical expertise requirements as described in subsection (a)(1)(A).

### (2) **Form DTSC 1447D Tier 2 Personnel Expertise**

***For each UPA technical staff designated to perform duties for the Tier 2 Corrective Action Program a separate Form DTSC 1447D must be completed and accompanied by Form DTSC 1447B or DTSC 1447C.***

#### **Required information:**

Line 86: Enter the name of the UPA staff.

Lines 87 thru 98: For training received in the areas of proficiency indicated, enter the title of the training, name of the training provider, and the date the training was completed.

Line 99: Attach copies of official training records and check the box to indicate the documents are included with the application.

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### **Regulatory citations:**

68400.41(b) Tier 2 level of qualifications criteria:

(1) An applicant UPA shall submit in its application all the required information as specified in subsection (a) of this section, which shall demonstrate that the applicant meets the Tier 1 qualifications.

(2) Personnel Expertise Requirements. UPA personnel designated to perform the activities of Tier 2 as described in subsection 68400.13(b) and section 68400.16 shall have educational and technical expertise sufficient to perform the activities of Tier 2 as described in subsection 68400.13(b) and section 68400.16 in accordance with all applicable state laws and regulations. In addition to the requirements for personnel expertise in Tier 1, an UPA qualified in Tier 2 shall also demonstrate documented training or proficiency in the fields of risk assessment, introduction to groundwater and remedy selection. Additional training in other technical disciplines related to site characterization, cleanup activities and health risk assessment will be considered for its applicability to this requirement. This training shall be sponsored by a credible program, including, but not limited to a state or federal agency, university extension, community college or qualified UPA.

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### ***V. Form DTSC 1447E Tier 2 UPA Personnel with Specialized Geological Expertise***

***For UPA staff with specialized technical expertise designated to perform duties for the Tier 2 Corrective Action Program a separate Form DTSC 1447E must be completed and accompanied by Form DTSC 1447B or DTSC 1447C.***

#### **Required information:**

Line 100: Enter the name of the staff specialist providing geological expertise.

Line 101: Enter the title of the California professional registration.

Line 102: Enter the registration number issued by the State of California.

Line 103: Enter the date on which the registration is scheduled to expire.

Lines 104, 105, & 106: Identify educational qualifications by indicating the college/university attended, the degree and major area of study, and year the degree was conferred.

Line 107: Provide an estimate of the amount of time the individual will be available to perform work for the corrective action program.

Lines 108 thru 116: Indicate specialized technical training acquired by the individual relating to the individuals area of expertise. Enter the title of the training, the name of the training provider, and the date the training was completed.

Line 117: Attach copies of official training records and check the box to indicate the documents are included with the application.

Lines 118 & 119: Check the box to indicate if specialized geological expertise is being provided by personnel working for the UPA under an agreement with another State or local agency. Indicate the name of the agency providing the service.

#### **Regulatory citations:**

68400.41(b)(3) Specialized Personnel Expertise. An UPA qualified in Tier 2 shall demonstrate that it has the following specialized expertise:

(A) technical expertise necessary for the review and approval of engineering and geological interpretations, conclusions and recommendations that are conducted by registered professionals in conformance with applicable

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state law, including, but not limited to, Business and Professions Code sections 6735 and 7835 as required by subsection 68400.11(j). This specialized expertise may be provided by UPA personnel, a contractor, or otherwise pursuant to an agreement with a state or local agency; and

(B) technical expertise necessary to review, comprehend and implement all toxicological interpretations, conclusions and recommendations conducted by a professional with the qualifications as required by subsection 68400.11(j). This specialized expertise may be provided by UPA personnel, a contractor, or otherwise pursuant to an agreement with a state or local agency.

68400.41(b)(4) Documentation of UPA Personnel Expertise. In addition to the documentation provided for Tier 1, an UPA shall submit with its application documentation specifying detailed information regarding the specialized technical expertise outlined in subparagraphs (b)(2) and (b)(3) of this section, including the following:

(A) If an UPA staff member or other personnel working under an agreement with a state or local agency is providing specialized expertise, specify the names of persons with specialized technical expertise; a summary of education, technical training and related experience; and time availability or commitment to Tier 2 activities.

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### ***VI. Form DTSC 1447F Tier 2 UPA Personnel with Specialized Toxicological Expertise***

***For each UPA technical staff designated to perform duties for the Tier 2 Corrective Action Program a separate Form DTSC 1447F must be completed and accompanied by Form DTSC 1447B or DTSC 1447C.***

#### **Required information:**

Line 120: Enter the name of the staff specialist providing toxicological expertise.

Lines 121 & 122: If the specialist holds a certification as a Diplomate of the American Board of Toxicology, check the box to indicate the specialist is certified, indicate the expiration date of the certification, and attach a copy of the official certification document to this application. Lines 123 thru 127 do not need to be completed if the individual holds a DABT certification.

Lines 123 thru 127: If the specialist does not hold a DABT certification, indicate the educational qualifications of the individual. Check the box indicating the highest level of education, the name of the college or university attended from which the degree was earned, the major area of study, and year the degree was completed and earned.

Line 128: Provide a brief description of experience gained related to work in the field of toxicology.

Line 129: Indicate the number of years of experience performing toxicological work.

Line 130: Provide an estimate of the amount of time the individual will be available to perform work for the corrective action program.

Lines 131 thru 139: Indicate specialized technical training acquired by the individual relating to the individual's area of expertise. Enter the title of the training, the name of the training provider, and the date the training was completed.

Line 140: Attach copies of official training records and check the box to indicate the documents are included with the application.

Lines 141 & 142: Check the box to indicate if specialized toxicological expertise is being provided by personnel working for the UPA under an agreement with another State or local agency. Indicate the name of the agency providing the service.

#### **Regulatory citations:**



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68400.41(b)(3) Specialized Personnel Expertise. An UPA qualified in Tier 2 shall demonstrate that it has the following specialized expertise:

(A) technical expertise necessary for the review and approval of engineering and geological interpretations, conclusions and recommendations that are conducted by registered professionals in conformance with applicable state law, including, but not limited to, Business and Professions Code sections 6735 and 7835 as required by subsection 68400.11(j). This specialized expertise may be provided by UPA personnel, a contractor, or otherwise pursuant to an agreement with a state or local agency; and

(B) technical expertise necessary to review, comprehend and implement all toxicological interpretations, conclusions and recommendations conducted by a professional with the qualifications as required by subsection 68400.11(j). This specialized expertise may be provided by UPA personnel, a contractor, or otherwise pursuant to an agreement with a state or local agency.

68400.41(b)(4) Documentation of UPA Personnel Expertise. In addition to the documentation provided for Tier 1, an UPA shall submit with its application documentation specifying detailed information regarding the specialized technical expertise outlined in subparagraphs (b)(2) and (b)(3) of this section, including the following:

(A) If an UPA staff member or other personnel working under an agreement with a state or local agency is providing specialized expertise, specify the names of persons with specialized technical expertise; a summary of education, technical training and related experience; and time availability or commitment to Tier 2 activities.

68400.11(j) The Department, qualified UPA, or responsible party conducting or requiring corrective action shall ensure that all engineering and geological interpretations, conclusions and recommendations are developed in accordance with applicable state law, including, but not limited to, Business and Professions Code sections 6735 and 7835. The Department, qualified UPA, or responsible party shall ensure that all risk assessment and toxicological interpretations, conclusions and recommendations are conducted by a professional with one of the following:

(1) Certification as a Diplomate of the American Board of Toxicology, or

(2) Possession of a Master's Degree in Toxicology, Biochemistry, Pharmacology or a closely related specialty from an accredited college or university and three years of experience following the receipt of the Master's Degree in designing and managing toxicological studies, interpreting results, and conducting hazard and safety evaluations;

Or

(3) Possession of a Doctoral Degree in Toxicology, Biochemistry or Pharmacology, or a closely related specialty, and one year of experience following the receipt of the Doctoral Degree in designing and managing toxicological studies, interpreting results, and conducting hazard and safety evaluations.

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### ***VII. Form DTSC 1447G Tier 2 Specialist Contractor Identification and Qualifications***

***This form is to be used only if a contractor will be providing geological or toxicological expertise. A separate form must be completed for each contractor providing specialized technical expertise for Tier 2 Corrective Action Program activities.***

#### **Required information:**

Line 143: Enter the name of the company, agency, or individual that will be providing contract services for specialized technical expertise.

Line 144: Provide an estimate of the amount of time contracted services will be dedicated to providing services to the Corrective Action Program.

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Line 145: Provide a brief description of the terms of the contract.

Line 146: Provide a brief explanation of the duration of the contract.

For geological services:

Line 147: Enter the title of the individual's registration or company's license for licensed professionals or companies providing geological expertise.

Line 148: Enter the registration/license number issued by the State of California.

Line 149: Enter the date on which the registration/license is scheduled to expire.

Line 150: Provide a brief description of the individual's/company's related experience in the applicable area of specialized expertise.

For toxicological services:

Lines 151 & 152: If the specialist providing toxicological services holds a certification as a Diplomate of the American Board of Toxicology, check the box to indicate the specialist is certified and indicate the expiration date of the certification. Lines 153 thru 157 do not need to be completed if the individual a certified DABT.

Lines 153 thru 157: If the specialist does not hold a DABT certification, indicate the educational qualifications of the individual. Check the box indicating the highest level of education, the name of the college or university attended from which the degree was earned, the major area of study, and year the degree was completed and earned.

Line 158: Provide a brief description of experience gained related to work in the field of toxicology.

Line 159: Indicate the number of years of experience performing toxicological work.

**Regulatory citations:**

68400.41(b)(4) Documentation of UPA Personnel Expertise. In addition to the documentation provided for Tier 1, an UPA shall submit with its application documentation specifying detailed information regarding the specialized technical expertise outlined in subparagraphs (b)(2) and (b)(3) of this section, including the following:

B. If a contractor is providing the specialized expertise; specify the qualifications of the contractor, related experience, time availability or commitment to Tier 2 activities, and the terms and duration of the contract.

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### ***VIII. Form DTSC 1447H UPA Past Experience***

**Required information:**

Lines 160 thru 164: Indicate the areas in which the UPA has obtained past experience by checking the appropriate boxes.

Lines 165 & 166: Indicate that a copy of the latest CUPA triennial evaluation report is attached by checking the box, and enter the date of the last completed triennial evaluation.

Line 167: If administrative enforcement is not included in the triennial evaluation report, a copy of a signed certification by a UPA program manager stating that the UPA has the ability to issue administrative enforcement orders for corrective action will be accepted. Check the box to indicate a copy for the signed certification is included with this application.

Lines 168 thru 185: The following information must be provided for three relevant corrective action projects demonstrating three years minimum experience with a corrective action program:

- Project title,

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- Site address,
- Project start date,
- Project completion date, and
- Name of responsible staff or project manager.
- Attach a one to two page narrative summary for each project describing the process used to conduct cleanup activities including public participation, CEQA compliance, site characterization, remedy evaluation and selection, selection of cleanup objectives, remedy implementation, and any long-term activities such as operation and maintenance.
- In addition to the project summaries the UPA should attach copies of documents such as agreements, letters, memos, email, fact sheets, press releases, etc., related to each of the identified projects that clearly demonstrate the UPA's experience with managing environmental assessment and oversight of corrective action projects.

### **Regulatory citations:**

68400.14(a)(2) UPA Past Experience.

(A) An UPA qualified in Tier 1 shall have the ability to issue administrative enforcement orders, and at least two years of experience conducting hazardous waste generator inspections. The required experience shall have been acquired in the two years prior to the date the application is submitted to the Department. A Tier 1 UPA shall also have one of the following:

1. Participation in a Site Designation program pursuant to Health and Safety Code section 25262;
2. At least three years of experience participating in a Local Oversight Program; or
3. At least three years of experience conducting response actions.

(B) Documentation of Past Experience. An UPA shall submit with its application documentation demonstrating that it has experience, as described in paragraph (2)(A) as follows:

1. Most recent UPA triennial final Evaluation Report as required by California Code of Regulations, title 27, section 15530.
2. A certification that indicates an UPA has the ability to issue an administrative enforcement order, if not included in the most recent UPA triennial final Evaluation Report; and
3. Narrative descriptions of three relevant projects completed in the last three years or in progress that most clearly demonstrate the UPA's experience, specifying responsible staff and their expertise, a description of relevant project tasks and methods for overcoming technical obstacles.

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## ***IX. Form DTSC 1447I Tier 2 UPA Past Experience***

### **Required information:**

Lines 186 & 187: Indicate the areas in which the UPA has obtained past experience by checking the appropriate box.

Lines 188 thru 199: The following information must be provided for two relevant corrective action projects demonstrating five years minimum experience with a corrective action program:

- Project title,
- Site address,
- Project start date,
- Project completion date, and
- Name of responsible staff or project manager.

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- Attach a one to two page narrative summary for each project describing the process used to conduct cleanup activities including public participation, CEQA compliance, site characterization, remedy evaluation and selection, selection of cleanup objectives, remedy implementation, and any long-term activities such as operation and maintenance.
- In addition to the project summaries the UPA should attach copies of documentation such as agreements, letters, memos, email, fact sheets, press releases, etc., related to each of the identified projects that clearly demonstrate the UPA's experience with managing environmental assessment and corrective action projects.

### **Regulatory citations:**

68400.41(b)(5) UPA Past Experience.

(A) A Tier 2 UPA shall have the past experience of a Tier 1 UPA and one of the following:

1. At least five years of total experience participating in a Local Oversight Program and documentation of experience overseeing 10 tank removals with full-time participation of two staff members, including one supervisor; or
2. At least five years of experience conducting response actions.

(B) Documentation of Past Experience. An UPA shall submit with its application documentation demonstrating that it has the experience required for Tier 1 and the experience described in subparagraph (b)(5)(A) of this section as follows:

1. Demonstration of UPA past experience required for Tier 1, as described in subparagraph (a)(2)(B) of this section;
2. Narrative descriptions of five relevant projects completed in the last five years or in progress that most clearly demonstrate the UPA's experience, specifying responsible staff and their expertise, a description of relevant project tasks, methods for overcoming technical obstacles, and the process used to conduct cleanups or tank removals. Include details regarding public participation, CEQA compliance, site characterization, remedy evaluation and selection, selection of cleanup objectives, remedy implementation, and any long-term activities, such as operation and maintenance.

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## ***X. Form DTSC 1447J Ability to Implement Environmental Assessment and Corrective Action***

### **Required information:**

Lines 200 & 201: Provide a narrative description of the policies, procedures, approach, and guidance documents that a UPA will use to establish a corrective action process that fulfills the general provisions specified in 22 CCR section 68400.16 for less complex sites applicable to Tier 1 applicants, or complex sites applicable to Tier 2 applicants.

### **Regulatory citations:**

68400.14(a)(3) A qualified UPA shall have the ability to implement environmental assessment and corrective action for the tier delegated, pursuant to Health and Safety Code section 25404.1 in accordance with this chapter.

(A) An UPA shall submit with its application a narrative description of how it shall implement and enforce the environmental assessment and corrective action program and delegated responsibilities in accordance with all applicable state laws and regulations. This description shall specify the following:

1. The policies, procedures, approach and process the UPA will use to conduct environmental assessment and corrective action and the guidance documents the UPA relied upon to develop and implement the policies, procedures, approach and process.

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2. If the description of relevant projects provided pursuant to subparagraph (2)(B)3 includes cleanup activities, include in the description details of the process used to conduct the cleanup. Include details regarding public participation, CEQA compliance, site characterization, remedy evaluation and selection, selection of cleanup objectives, remedy implementation, and any long-term activities, such as operation and maintenance.

68400.16 (d) An UPA shall establish a corrective action process that fulfills all of the following conditions. A description of this process, and a list of all guidance documents the UPA used to develop this process, shall be submitted to the Department pursuant to section 68400.14(a)(3)(A). A qualified UPA 's corrective action process shall provide:

(1) opportunities for full and meaningful public involvement.

(A) For a less complex site, public involvement shall include, but not be limited to, providing the public with an agency contact 's name, address, email, and phone number; distribution of fact sheets or other information regarding conditions at the site, if warranted given the level of interest expressed in the site; notification before decisions are made regarding corrective action at the site; and the opportunity to participate in decisions, submit comments and receive responses to comments before final UPA approval of activities at the site, such as a final corrective action plan or a certification of corrective action completion.

(B) For all other corrective action, public involvement shall include, but not be limited to an assessment of community interest and preparation of a community profile; based on the level of community interest, distribution of fact sheets regarding conditions at the site; placement of a public notice in a local newspaper of general circulation announcing a 30-day comment period on a proposed corrective action plan; based on the level of community interest, a public meeting, if appropriate, to collect public comment on the proposed corrective action; a written response to public comments; and providing the public with an agency contact 's name, address, email, and phone number.

(2) a requirement for site screening using a preliminary endangerment assessment, performed as defined in Health and Safety Code section 25319.5.

(3) a requirement for a site investigation that adequately evaluates and characterizes a release or threat of release at the site of hazardous waste or constituents and determines whether the release or threatened release poses an unreasonable risk to human health and safety or the environment. This investigation shall include, but not be limited to:

(A) adequate characterization and documentation of the release or threat of release;

(B) a risk assessment, where appropriate, that evaluates the risk posed by the release or threatened release;

(C) if the release has affected groundwater, a reasonable characterization of underlying groundwater, including present and anticipated beneficial uses of that water; and

(D) if volatile organic compounds are present, a reasonable characterization and evaluation of risk associated with exposure to indoor air.

(4) specification of corrective action that is protective of human health and the environment. Such corrective action shall attain final cleanup levels determined using a site-wide cumulative carcinogenic risk range of 10-4 to 10-6 and a site-wide cumulative systemic toxicity, including sensitive subgroups, health hazard index of <1, unless lower concentrations are necessary to protect ecological receptors or meet applicable water quality objectives in applicable water quality control plans, as determined by a water quality assessment that evaluates whether constituents are migrating to waters of the state and meet state policies for water quality adopted pursuant to Article 3 (commencing with section 13140) of Chapter 3 of Division 7 of the Water Code. The 10-6 carcinogenic risk level shall be used as a point of departure in establishing cleanup levels for known or suspected carcinogens. Under these conditions, final cleanup levels shall be based upon the following:

(A) Background or non-detectable concentrations, or

(B) Site-specific cleanup levels based on a risk assessment(s), which may include a human health risk assessment and/or an ecological risk assessment, as needed, if the following requirements are met:

1. the risk assessment approach is approved by the Department. To be approved, the risk assessment approach shall meet the following criteria: evaluate exposure to all chemicals present at the site from all sources at the site, and evaluate that exposure for all affected and potentially affected human populations, considering all affected media at the site and all pathways appropriate for the site. The pathways shall be approved by the UPA and shall be based on the contaminants present at the site, the media contaminated, fate and transport of the contaminants through the environment, the routes of

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exposure and the receptors.

2. The ecological risk assessment shall consider species representing the ecosystems present or potentially present at the site. It shall consider the fate and transport of the contaminants present at the site, including movement through the food web.

(5) adequate resources and oversight to ensure that corrective action is conducted in an appropriate and timely manner and that technical assistance and streamlined procedures, when appropriate, are available.

(6) mechanisms for written documentation of screening, investigation, and selection of corrective action, the written approval of corrective action plans; and a certification of similar documentation indicating that corrective action is complete.

(7) enforcement of the completion of corrective action if the responsible party fails to complete the necessary corrective action, including operation and maintenance or long-term monitoring.

(8) a requirement for financial assurance for corrective action implementation, operation, maintenance and monitoring, if implementation of corrective action is scheduled to take more than one year or if long-term maintenance or monitoring of corrective action is required.

(A) Financial assurance mechanisms shall be consistent with the provisions in section 66264.143, and shall be reviewed and approved by the UPA.

(B) Financial assurance mechanisms that may be used to fulfill this section include a trust fund; a surety bond guaranteeing payment into a trust fund; a surety bond guaranteeing performance of corrective action implementation, operation, maintenance and monitoring; a letter of credit; insurance; or a financial test and guarantee.

(9) a requirement for a land use control that imposes appropriate conditions, restrictions and obligations on land use or activities if, after completion of the corrective action, a hazardous waste or constituents remain at the site at a level that is not suitable for unrestricted land use.

(A) The UPA shall notify the local land use planning authority in which any site is located that corrective action has been proposed. The UPA shall provide the local land use planning authority with notice of the time, date, and place of all public meetings regarding the corrective action and shall involve the local land use planning authority in any deliberation concerning land use conditions or actions. The UPA shall request the local land use planning authority to provide the UPA with the local land use planning authority's assessment of the planned use of the site, including the current and future zoning and general plan designations for the site and the local land use planning authority's determination regarding the appropriate planned use designation in the corrective action plan prepared for the site.

(B) Any land use condition shall be executed by the owner of the land, shall run with the land, and is binding upon all of the owners of the land, their heirs, successors and assignees, and their agents, employees or lessees. All executed land use conditions shall be recorded by the site owner in the county in which the site is located within ten days of execution. The site owner shall provide the UPA with a copy of the land use conditions, which have been appropriately recorded.

(C) If a corrective action plan requires the use of a land use control, the UPA shall not certify that the corrective action is complete until the UPA receives a certified copy of the recorded land use control.

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### ***XI. Form DTSC 1447K Adequacy of Staff Resources***

#### **Required information:**

Line 202: If the UPA requires adding staff resources to manage the corrective action program, check the box and provide an organization chart that illustrates the number of staff and type of position that will be used to implement and manage the environmental assessment and corrective action program. Indicate on the chart which staff resources are required in addition to resources currently dedicated to CUPA program activities.

Lines 203 & 204: If the UPA does not require additional resources to manage the corrective action program, check the box and provide a brief description existing resource adequacy.

#### **Regulatory citations:**

68400.14(a)(4) Adequacy of Staff Resources.

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(A) If additional staff resources are needed to implement corrective action, beyond the resources described in the original CUPA application, an UPA shall submit with its application documentation demonstrating that it has the personnel resources needed to conduct the following activities:

1. File reviews;
2. Ongoing training of personnel;
3. Non-technical support for personnel; and
4. Management of any other applicable daily operations needed to support environmental assessment activities or corrective action.

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### ***XII. Form DTSC 1447L Recordingkeeping and Accounting Systems***

#### **Required information:**

Lines 205 & 206: If no additional recordkeeping and accounting resources are required to implement and manage the environmental assessment and corrective action program check the box and provide a brief explanation of existing resources that will be used.

Line 207: If additional recordkeeping and accounting systems are needed to implement the environmental assessment and corrective action program beyond the systems used by the CUPA, check the box and complete the information needed for Lines 208, 209 and 210.

Line 208: Provide a brief description limited to 500 words of the budget and accounting processes used, including an accounting of expenditures made and revenues received for environmental assessment activities and corrective action at Unified Program facilities.

Line 209: Provide a brief description limited to 500 words of tracking systems to be used for monitoring the progress of environmental assessment activities and corrective action at Unified Program facilities.

Line 210: Provide a brief description limited to 500 words of how files will be maintained for environmental assessment and corrective action activities associated with Unified Program facilities within its jurisdiction. These files shall include, but not be limited to, all documents that comprise the administrative record file as defined in section 68400.12.

#### **Regulatory citations:**

68400.14(a)(5) Recordkeeping and accounting systems. If additional recordkeeping and accounting systems are needed to implement corrective action, beyond the systems described in the original CUPA application, the UPA shall submit the following:

(A) An UPA shall submit with its application a description of its budget and accounting processes. Such processes shall include an accounting of expenditures made and revenues received for environmental assessment activities and corrective action at all unified program facilities.

(B) An UPA shall submit with its application a description of tracking systems to be used for monitoring the progress of environmental assessment activities and corrective action at all unified program facilities.

(C) An UPA shall submit with its application a description of how files will be maintained for environmental assessment and corrective action activities associated with unified program facilities within its jurisdiction. These files shall include, but not be limited to, all documents that comprise the administrative record file as defined in section 68400.12.

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### ***XIII. Form DTSC 1447M Local Ordinance Authority to Recover Costs***

#### **Required information:**

Line 211: Indicate with the check box that a copy of a local ordinance is attached with the application. Attach a copy of a local ordinance that authorizes the UPA to recover the costs of implementing and enforcing the environmental assessment and corrective action program within its jurisdiction.

#### **Regulatory citations:**

68400.14(a)(6) An UPA shall submit with its application a copy of a local ordinance that shall be enacted that authorizes the UPA to recover the costs of implementing and enforcing the environmental assessment and corrective action program within its jurisdiction. An UPA may be determined to be qualified if it demonstrates to the Department that such an ordinance will be adopted within 60 days of the determination.