

State of California
California Regional Water Quality Control Board, Los Angeles Region

RESOLUTION NO. R06-023

Establishing a Brownfield Subcommittee at the California Regional Water Quality
Control Board, Los Angeles Region

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region (hereinafter Regional Board), finds that:

1. The Porter-Cologne Water Quality Control Act, Division 7 of the Water Code, mandates the State Board and the nine Regional Water Boards ensure that polluted groundwater is restored for beneficial uses. The Water Code requires any person who has discharged waste to clean up or abate the effects and provide the Regional Water Boards with the power to demand an investigation and cleanup and to recover costs incurred overseeing the work.
2. Groundwater pollution contaminates or threatens to contaminate water supplies, prevents or delays the rehabilitation of real estate (Brownfields) and threatens the health and safety of people drinking from contaminated supplies. Within the Los Angeles County area of the Los Angeles Region many groundwater basins (e.g., San Fernando Valley, San Gabriel Valley, and the Los Angeles Coastal Plain), used to supply drinking water for several million people, have been heavily impacted with volatile organic compounds [VOC's such as trichloroethylene (TCE) and perchloroethylene (PCE)], metals, petroleum hydrocarbons, and now emerging chemicals (e.g., hexavalent chromium, 1,2,3-trichloropropane (TCP), perchlorate compounds, N-nitrosodimethylamine (NDMA), and 1,4-Dioxane pollution exacerbates water supply problems. As a result of such pollution, over 30 percent of municipal supply wells in the Los Angeles Region have been taken out of service or idled since 1984 and additional wells require costly wellhead treatment in order to meet public water supply demands.
3. The Los Angeles Regional Board has three groundwater cleanup programs, Department of Defense (DoD), Underground Storage Tank (UST), and Spills, Leaks, Investigations and Cleanup (SLIC). The first two programs address contamination associated with military installations and petroleum fuel leaks from underground storage tanks (UST) that comprise a fairly well known universe of cases and have separate funding for regulatory oversight. The SLIC Program provides regulatory oversight, through cost recovery, for all other cleanups in the Los Angeles Region including Brownfields.
4. Brownfields is a term that was coined in the early 1990's to describe an increasingly encountered phenomenon as businesses and industries closed their doors, leaving behind unused manufacturing facilities and other industrial sites. Although infrastructure continues to exist by which the property can be reused, these sites continue to lay fallow or are underutilized. Their reuse is hindered by contamination or perceived contamination of the buildings, equipment, and surrounding land and

water. In order for property transactions to occur where contamination exists or is suspected regulatory action is required.

5. It is estimated that there are upwards of 6,000 to 7,000 SLIC and/or Brownfield sites within the Los Angeles area with the majority of these located within Los Angeles County. About half of these sites are leaking underground fuel storage tank sites. The Los Angeles Regional Board, through its corrective action work under the SLIC and Brownfield program has a large number of sites undergoing active remediation. The Los Angeles Regional Board currently oversees approximately 700 sites in the SLIC and Brownfield Programs. Cleaning up these sites and returning them to productive use will substantially benefit local Los Angeles communities in which they are located and the State as a whole.
6. The SLIC and Brownfield Programs are funded by voluntary cost recovery agreements, whereby the property owners, developers, responsible parties, redevelopment agencies, and other project proponents pay our staff's oversight costs. These parties are ready to pay the State to oversee their projects but there are not enough employees to fulfill the demand. Regional Board staff receive requests for Regional Board oversight on new projects every month. Without additional positions, they cannot meet this growing challenge without further jeopardizing existing oversight obligations and commitments. Many of the active sites, and the entire backlog of cases, languish due to the lack of staff to provide review and regulatory oversight of cleanup efforts.
7. The Governor's 2004 Action Plan directs Cal/EPA to accelerate the cleanup of Brownfields and put them to productive use in order to improve the economy and to protect health and the environment. It also directs the State Board to: "Protect the state's groundwater, surface waters and coastline from industrial and agricultural pollution, sewage, storm water pollution, non-point source runoff and other sources of contaminants, relying on science-based standards to protect public health."
8. The Regional Board has established a Brownfield subcommittee consisting of four Regional Board members to work directly with the Executive Officer and Regional Board staff on issues related to Brownfields within the Los Angeles Region. The initial Brownfield subcommittee includes Regional Board members Ms. Mary Ann Lutz, Ms. Bonny Herman, Ms. Maribel Marin, and Mr. Leo Vander Lans.

THEREFORE, BE IT RESOLVED THAT:

1. The Executive Officer through the Brownfield subcommittee is to work with the State Board to add positions and additional budget authority for the cost recovery program to oversee the investigation and cleanup of SLIC sites and underutilized properties or Brownfields and to streamline the site remediation process.
2. The Executive Officer through the Brownfield subcommittee is to develop a policy and guidance to responsible parties to perform site assessment, monitoring, and cleanup actions independent of Regional Board oversight, a Self Directed Process, with Regional Board staff technical review and evaluation of remedial actions taken by responsible parties subsequent to site cleanup.

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3. The Brownfield subcommittee will periodically report to the full Board on activities of the Brownfield subcommittee.

I, Jonathan S. Bishop, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on December 14, 2006.

Jonathan S. Bishop
Executive Officer