QUICK REFERENCE GUIDE
AB 304 LOCAL AGENCY REQUIREMENTS

Health and Safety Code Section 101480 (as amended in 2021 through Assembly Bill 304 (AB 304)) authorizes local agencies to oversee environmental investigations and remedial actions in their jurisdictions under the authority of a local officer[1]. AB 304 authority allows cities and counties to take advantage of local knowledge, make decisions on faster timelines, champion community priority sites, and issue certificates of completion that support safe and timely reuse.

To participate, local agencies are required to create an account in GeoTracker's Regulator Portal to manage self-certification requirements, submit agreement notifications to the Department of Toxic Substances Control (DTSC) and the appropriate Regional Water Quality Control Board (Regional Water Board), and upload documents and data to the GeoTracker database.

Self-Certification Requirements

Local agencies must provide the following self-certification information via GeoTracker before entering into a remedial action agreement:

1. A description of technical expertise and available staff resources, including the resumes of licensed professionals.
2. Certification that applicable regulatory requirements be adhered to and that, if enforcement action is necessary, appropriate enforcement action will be conducted or assistance from DTSC or the Regional Water Board will be requested.
3. Attestation that GeoTracker is up to date and in compliance with electronic reporting requirements (California Code of Regulations, Title 23, Chapter 30).
4. Self-certification information is to be updated at least annually and within 30 days of any significant changes in staff resources.

Remedial Action Agreement Notification

Remedial Action Agreement Notifications (RAAN) are completed through the form in the GeoTracker Regulator Account and are not accepted via email. Once the RAAN is submitted, DTSC's Regional Brownfield Coordinator and the Regional Water Board Site Cleanup Program Contact are notified via GeoTracker and have 30 days to review and respond.

The RAAN includes the following:

1. Assigned Caseworker.
2. GeoTracker Global ID Number.
3. Site Name, Address, and Local Agency Case Number.
4. Responsible Party or Project Proponent Information (name, address, contact information).
5. Property Owner Information (name, address, contact information), if different than #4.
6. Local Agency Involvement and Background Information.
7. Site Operational and Release Information (release type(s) and number of release areas)
8. Type of Contamination, Extent of Contamination, and Threatened Receptors.
9. Planned Investigation and Remediation Types (if known)[2].
10. Local Officer Acknowledgements.
11. Contact Information for Local Officer, Name(s) of Licensed Professional(s), and Technical Staff who are Available for Oversight.

For assistance with the RAAN or Self-Certification forms, please contact the GeoTracker Help Desk at geotracker@waterboards.ca.gov or 1-866-480-1028.

[1]"Local officer" means a county health officer, city health officer, or county director of environmental health who has been granted authority by the city's or county's governing body to enter into a remedial action agreement and oversee a remedial investigation or remedial action, or both, at a waste release site (Health and Safety Code Section 101480(a)(2)).
[2] Not all information may be available at time of RAAN execution and may be updated as more becomes available.

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State Retention of Oversight

Upon receipt from GeoTracker of a new RAAN, DTSC and the Regional Water Boards have 30 days to retain oversight. If DTSC and the Regional Water Board do not respond within 30 days, the local agency may proceed with the agreement. If DTSC or the Regional Water Board decide to retain oversight, they must provide the following:

1. A brief description of the reasons for retaining State oversight.
2. Name, phone number, and email address of the technical staff who made the determination.
3. Website address where public records will be posted for the retained site (GeoTracker or EnviroStor).

DTSC and the Regional Water Board may not later assume oversite of a case unless one of the following determinations is made:

1. A proposed remedial action will be insufficient to address the contamination.
2. Staff, expertise, or technical capabilities are no longer available to the local officer.
3. Non-compliance with the remedial action agreement and the local agency lacks the enforcement authority to ensure compliance.
4. The release is sufficiently complex or presents a significant potential hazard to human health, safety, or environment and should be handled by DTSC or a Regional Water Board.

If one of the determinations above is made after a local agency has entered into an agreement, DTSC or the Regional Water Board will assume regulatory oversight with a minimum of 30 days after written notification and the existing remedial action agreement will no longer be valid.

Completion of Remedial Requirements

To certify a completed remedial action, the local agency must:

1. Conduct a public notification at least 30 days prior to certifying that cleanup is complete.
    a. The notification must be sent to DTSC, the appropriate Regional Water Board, local permitting agencies, site owners and occupants, and adjacent site owners and occupants.
    b. The notification must be uploaded to the GeoTracker case record.
2. Provide a certification or similar document to the RAAN party and upload the document on GeoTracker. The certification must include:
    a. Description of the release.
    b. Description of remedial action(s) taken.
    c. Certification that the cleanup goals established in the remedial action agreement have been achieved.

Questions

Contact Wyatt.George@dtsc.ca.gov or Ben.Wright@waterboards.ca.gov

Department of Toxic Substances Control

California Water Boards
State Water Resources Control Board
Regional Water Quality Control Boards