

April 2004

Redevelopment Agency Environmental Oversight Agreement



DEPARTMENT OF TOXIC
SUBSTANCES CONTROL

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



The Department of Toxic Substances Control (DTSC) and the California Redevelopment Association (CRA) have jointly developed the attached Prototype [Environmental Oversight Agreement \(EOA\)](#) to facilitate the environmental assessment, cleanup and re-use of brownfields sites by Redevelopment Agencies (RDAs) throughout California. Unlike DTSC's typical Voluntary Cleanup Agreement under Chapter 6.8 of the Health & Safety Code, DTSC can provide RDAs with technical assistance and consultation and supervise site cleanups without the RDA being designated as a "responsible party." The Prototype EOA is now available for use by individual RDAs and DTSC regional offices and can be modified to meet the specific objectives of the RDA and address the unique requirements of the site or the RDA's project area. The EOA is also designed to facilitate remedial actions taken by an RDA exercising its authority under the Polanco Redevelopment Act set forth in Health & Safety Code §§ 33459-33459.8 (Polanco Act).

The EOA can be used in two distinct ways: First, it can be used to structure technical consultation services on individual properties or groups of properties where the RDA simply wants the professional advice and counsel of DTSC in evaluating site cleanup issues and potential future regulatory review and processing steps. Second, the EOA can be used to obtain DTSC remediation oversight services through the site characterization, remedy selection, and cleanup process, leading to a closure letter for the site or property.

The intent of the EOA is to establish a collaborative process between DTSC and RDAs to facilitate timely and cost-efficient environmental site investigations and cleanups of brownfields sites, while at the same time ensuring that such efforts fully protect public health and the environment and appropriately address community and other concerns. The EOA may be used for one development project, or for a series of development projects. Although the EOA will have a number of attachments, such as a map of the project area, descriptions of the properties covered by the EOA, and a resolution from the RDA's board authorizing the agreement, the EOA itself has five basic parts:

- The first section of the EOA is the form agreement containing the basic business provisions, including payment terms.

- The second basic section is the Scope of Work. A RDA has the option of just obtaining technical consultation services on individual properties or groups of properties where the RDA simply wants the professional advice and counsel of DTSC in evaluating site cleanup issues and potential future regulatory review and processing steps.
- If the RDA needs DTSC assistance beyond technical consultation, the EOA sets forth a framework comprised of different “Tasks” that can be used and customized to coordinate DTSC remediation oversight services. It covers initial assessment through site characterization, remedy selection, and cleanup processes, ultimately leading to a closure letter for a property or group of properties. The Tasks described in this Scope of Work are not intended to be mandatory requirements applicable to every case. The RDA and DTSC will determine the applicability of each Task before it is included in the Scope of Work. Tasks may be substantially modified both at the time the EOA is negotiated and during the implementation of the tasks, based upon the information gathered by the parties during that process.
- The next basic part of the EOA is the schedule and cost estimates for each included property or group of properties.
- The last part of each EOA will be DTSC’s standard provisions.

DTSC is fully committed to taking a flexible approach with RDAs in the drafting and implementation of the EOA, as well as the characterization and remediation of each property or group of properties subject to an EOA and to ensuring that its Project Managers put this approach into practice.

For further information concerning the use of the EOA please contact:

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