

CORRECTIVE ACTION DELEGATION

The Department of Toxic Substances Control (DTSC) amended California Code of Regulations (CCR) Title 22 Chapter 45, §67450.7 and adopted Title 22, Chapter 50, §68400.11-.16 in August 2006, to delegate Corrective Action (CA) authority to the Certified Unified Program Agencies (CUPA). To obtain delegation, each CUPA must file an application with DTSC and provide information and documentation on training, experience and qualification of the staff that will be providing CA oversight at contaminated facilities.

Los Angeles County CUPA filed an application with DTSC in June 2007, and was delegated CA authority in May 2008. DTSC has determined that Los Angeles County CUPA is qualified at the Tier 2 level (highest Tier) to implement and enforce environmental assessment and corrective action conducted pursuant to Health and Safety Code, §25200.3©(3), 25187, 25187.1, 25200.10, and 2500.14 and in accordance with the requirements of CCR Title 22, §68400.11 et seq. Pursuant to CA authority, Los Angeles County CUPA is qualified to:

- Inspect permit-by-rule facilities
- Review phase I environmental assessments
- Enforce compliance with phase I requirements
- Issue an order for corrective action
- Implement and enforce corrective action at applicable sites

The Los Angeles County CUPA is the only agency that has applied and was delegated CA authority in California.

Los Angeles County CUPA established its Site Mitigation Unit (SMU) in 1986. The mission of SMU is to protect public health and safety and the environment while providing oversight for assessment and remediation of contaminated sites in an expeditious manner. Since 1986 SMU has issued closure for over 750 sites. SMU has a voluntary oversight program per California Health and Safety Code §101480 which allows oversight of certain contaminated sites. The delegation of CA authority would enable SMU to provide oversight on a wider range of sites (i.e., Tier Permits) and issue enforcement orders for mitigation of hazardous wastes releases at CUPA facilities. The CA authority is another venue in addition to DTSC and Regional Water Quality Control Board for residents and businesses of Los Angeles County seeking oversight in a cost-effective and timely manner for cleanup of their contaminated properties.