

# NCPA Voluntary Cleanup Agreement at the Lodi Energy Center

TO: Maria Gillette/DTSC  
 Ellie Townsend Hough/CEC  
 Ed Warner/NCPA  
 Andrea Grenier/Grenier & Associates  
 Stephen D. Schwabauer/City of Lodi  
 Benjamin T. Reyes II/NCPA  
 Joe Bitner/NCPA  
 Brian Garber/CH2M HILL  
 Melanie Moultry/ CEC Attorney  
 Mike DeBartdi  
 Greg Newmark/ NCPA attorney  
 Lia Goldbberg /NCPA attorney

<b>DOCKET</b>	
<b>08-AFC-10</b>	
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FROM: Sarah Madams/CH2M HILL  
 MEETING DATE: April 16, 2009, 10:00 AM  
 DIAL-IN INFORMATION: 1-877-873-8016, Participant Code: 221756

1. **Introductions**
2. **Background of Lodi Energy Center & NCPA** - Ed Warner/NCPA & Sarah Madams/CH2M HILL
3. **Description of Project Site** - Ed Warner/NCPA & Sarah Madams/CH2M HILL
4. **Phase I Environmental Site Assessment Findings** - Ed Warner/NCPA & Sarah Madams/CH2M HILL
5. **Phase II Sampling Results** - Brian Garber/CH2M HILL & Sarah Madams/CH2M HILL
6. **Voluntary Cleanup Agreement Process and DTSC Process** - Maria Gillette/DTSC
7. **Agency Process Between DTSC and CEC** - Maria Gillette/DTSC & Ellie Townsend Hough/CEC
8. Stephen D. Schwabauer City of Lodi Attorney will be the Project Manager for the project site clean-up

## **OVERVIEW OF THE STEPS IN DTSC'S VOLUNTARY CLEANUP PROGRAM (VCP) PROCESS:**

1. Memorandum of Understanding (MOA) - Request for Agency Oversight of a Brownfields Site (See attached DTSC Form 1460). In accordance with DTSC's and the Regional Water Quality Control Board's MOU - we will use the Site information needed for oversight ("Lead Agency") selection for the proposed project. See: <http://www.calepa.c.gov/Brownfields/MOA/SiteInfo.htm>
2. Voluntary Cleanup Agreement (VCA) - Voluntary Agreement between DTSC and the Responsible Party. Please see that attached DTSC Brownfields fact sheets.
3. Sampling and Analysis Plan (SAP) - document required to define the scope of the Site investigation (soil, surface and groundwater, sediments, etc.)
4. Preliminary Endangerment Assessment (PEA), or PEA "Equivalent" document. Defines the Site's characterization and potential risk, includes a Human Health Risk Assessment and makes a recommendation for further action, if necessary.
5. Remedial Action Workplan (RAW) or Remedial Action Plan (RAP). These documents recommend a cleanup action. A RAW is generally a "small" Site requiring less than 2 million to remediate and can meet it's CEQA requirements via a Notice of Exemption (NOE). RAPs are generally larger in cost and scope and do not qualify for a CEQA RAW. RAPs require an Initial Study to determine a CEQA decision (ND, MND or EIR are all possible options).
6. Joint Public Notice comment period for the RAP or RAW and corresponding CEQA document.
7. RAP or RAW implementation - conduct the Site cleanup action.
8. RAP or RAW implementation Report submitted by Consultant.
9. DTSC issues a Certification letter to document that the Site has been remediated to the agreed upon cleanup levels.
10. If the Site has been cleaned up for industrial use, DTSC will require a Deed Restriction or Land Use Covenant (LUC) be filed with the County. If "Engineering Controls" (cap, fencing, etc) have been included in the remedial design, DTSC will require an Operation and Maintenance (O&M) agreement and corresponding financial assurance to maintain the controls.



## Request for Agency Oversight of a Brownfield Site

The purpose of this application is to provide the Department of Toxic Substances Control and the Regional Water Quality Control Board sufficient information to determine which agency will be the appropriate lead agency to provide oversight for the assessment and/or remediation of this Brownfield site. The detailed site information requested in this application will also help the appropriate lead agency to expedite the development of a cost recovery agreement for the site, so that the site applicant can begin site work in a timely and efficient manner. Please use additional pages, as necessary, to complete your responses.

### **SECTION 1** **APPLICANT/PRIMARY CONTACT INFORMATION**

The person/organization requesting oversight must possess all necessary rights and access to the site so that they can carry out any and all activities that the oversight agency may require in making its regulatory decisions.

Applicant Name:

Applicant Point of Contact Name:

E-mail Address:

Phone: (     )     -     

Address, City, County & Zip Code:

Applicant's relationship to site: Current Owner  or Operator

Local Agency  Prospective Purchaser  Developer

Other (please describe):

Consulting Firm Name:

Consultant Point of Contact Name:

E-mail Address:

Phone: (     )     -     

Address, City, County & Zip Code:

Agency's Primary Point of Contact for this Site: Applicant Contact  or Consultant Contact





**Request for Agency Oversight of a Brownfield Site**



12. Describe any information on the known or suspected discharge of hazardous substances, pollutants, or contaminants at the Site.

13. What environmental media is/was/may be contaminated (check all that apply)?  
 Soil  Air  Groundwater  Surface water

14. Has sampling or other investigation been conducted? Yes  No   
 Specify:

15. If Yes, what hazardous substances, pollutants, or contaminants have been detected and what were their maximum concentrations exceeding screening levels, e.g., Preliminary Remediation Goals or California Human Health Screening Levels?

16. Is there currently a potential of exposure of the community or workers to hazardous substances, pollutants, or contaminants at the site?  
 Yes  No  If Yes, explain

17. Provide a description of known or possible water quality impacts at the property. Also, provide information about the type(s) of water supply for the property and, if known, any information on municipal, domestic, agricultural or industrial water supply wells that are either on the property or within a 1-mile radius of the project area:

18. Are any Federal, State or Local regulatory agencies currently involved with the site?  
 Yes  No

19. If Yes, state the involvement, and give contact names and telephone numbers

**Agency Involvement Contact Name Phone**

<u>Agency</u>	<u>Involvement</u>	<u>Contact Name</u>	<u>Phone Number</u>
			( ) -
			( ) -
			( ) -

20. What is the future proposed use of the site?

21. If the Site is not cleaned-up to unrestricted standards, will the property owner accept land use restrictions?

22. What oversight service is being requested of the Lead Agency (check all that apply)?  
 Initial Investigation/Preliminary Endangerment Assessment



**Request for Agency Oversight of a Brownfield Site**



- Remedial Investigation/Feasibility Study
- Removal Action/Remedial Action
- Case Closure
- Document Review
- Other (describe the proposed project):

23. Provide a general description of the nature of the project, including a general timeline for development, redevelopment or transfer of the site, and the expectations of the Agreement:

24. Provide information about the potential benefits of the project, if available:

- Anticipated number of jobs created/retained:
- Anticipated number of proposed residential units:
- Anticipated square footage of planned commercial space:
- Anticipated square footage of planned open space:
- Anticipated acres made ready for re-use by proposed Site cleanup:

25. Provide information on the environmental documents produced for the Site to date. Note that copies may be requested by the designated Lead Agency.

- Preliminary Endangerment Assessment, dated
- Phase 1 Environmental Assessment, dated
- Phase 2 Environmental Assessment, dated
- Health Risk Assessment, dated
- Other, describe and provide date

26. Provide any other pertinent Site information not covered in this Application:



**Request for Agency Oversight of a Brownfield Site**



**SECTION 3**  
**COMMUNITY PROFILE INFORMATION**

1. What are the demographics of the community (e.g., socioeconomic level, ethnic composition, specific language considerations, etc.)?

**2. Local Interest**

Has there been any media coverage?

**3. Past Public Involvement**

Has there been any past public interest in the site as reflected by community meetings, ad hoc committees, workshops, fact sheets, newsletters, etc.?

**4. Key Issues and Concerns**

Have any specific concerns/issues been raised by the community regarding past operations or present activities at the site?

5. Are there any concerns/issues anticipated regarding site activities?

6. Are there any general environmental concerns/issues in the community relative to neighboring sites?

7. Describe the visibility of activities and any known interest the site:



**Request for Agency Oversight of a Brownfield Site**



**SECTION 4**  
**CERTIFICATION**

The signatories below are authorized representatives of the Project Applicant and certify that the preceding information is true to the best of their knowledge.

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Applicant Representative	Date	Title
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**FOR OFFICE USE ONLY**

1. Received by:
2. Date Received:
3. Date Other Agency Notif:
4. Lead Determination:
5. Lead Determination Date:
6. Lead Determination Database Updated by            on
7. Other Notes:



Department of  
Toxic Substances  
Control

*Preventing  
environmental  
damage from  
hazardous waste,  
and restoring  
contaminated  
sites for all  
Californians.*

**Site Mitigation  
and Brownfields  
Reuse Program**

**May 2006**



State of California



California  
Environmental  
Protection Agency

## Voluntary Cleanup Program

**Statutory Authority:  
California Health and  
Safety Code, Chapter  
6.8, section  
25355.5(a)(1)(C)**

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DTSC's Voluntary Cleanup Program allows motivated parties who are able to fund the investigation and cleanup and DTSC's oversight to move ahead at their own pace to investigate and remediate their sites.

Some of the highlights of this program are:

- Project Proponents do not admit to legal liability for remediation of a site by entering into an agreement with DTSC.
- The cleanup process is consistent with the National Oil and Hazardous Substances Contingency Plan (the "National Contingency Plan", NCP) and Chapter 6.8 of the Health and Safety Code.
- Provides direct access to qualified DTSC staff including, but not limited to, geologists, engineers, scientists, and toxicologists.
- DTSC provides coordination with other State, federal, or local agencies who may have input on certain aspects of a project.
- Services to be provided by DTSC and a cost estimate for this work are set forth in an agreement.
- The Project Proponent or DTSC may terminate the agreement for any reason by giving 30-day advance written notice to the other party.
- Professional services provided include document review, oversight of site characterization, risk assessment, evaluation of feasible cleanup alternatives, and implementation of site remediation, and certification upon completion.

Public participation activities are tailored to the project.

Project Proponents may include, but are not limited to owners of property with known or suspected hazardous substance contamination, other State or local agencies, real estate developers or others involved with proposed changes in land use or ownership.

Most properties are eligible. The main exclusions are if the site is listed as a Federal or State Superfund site, is a military facility, is under current DTSC enforcement, or if it falls outside of DTSC's jurisdiction. Sites under the current oversight of other State or local regulatory agencies may enter the program for specific services only with the overseeing agency's consent.



## Voluntary Cleanup Program

Under the Voluntary Cleanup Program, DTSC is committed to a cooperative, team approach with the Project Proponent. The common goal is to achieve an efficient remediation which is protective of public health and the environment.

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### For Further Information Please Contact

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Additional information is available on DTSC's webpage:

- Fact Sheet:  
[http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/SMP\\_FS\\_VCP.pdf](http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/SMP_FS_VCP.pdf)
- Lead Agency Identification Application:  
<http://www.calepa.ca.gov/Brownfields/MOA/>
- Policy and Procedure:  
[http://www.dtsc.ca.gov/LawsRegsPolicies/index.cfm#Policies\\_and\\_Procedures](http://www.dtsc.ca.gov/LawsRegsPolicies/index.cfm#Policies_and_Procedures)
- EnviroStor:  
<http://www.envirostor.dtsc.ca.gov/public/>



*Town and Country Village Shopping Center  
San Jose, California*

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Further information is available on the DTSC webpage at: <http://www.dtsc.ca.gov>

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