

# Orphan Site Cleanup Fund



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# Orphan Site Cleanup Fund

- The Contamination Orphan Site Cleanup Fund (Fund) is a new program that was established under Senate Bill 1161. The Fund will provide financial assistance to eligible applicants to cleanup “brownfield sites” contaminated by leaking petroleum underground storage tanks there there is no financially responsible party.

# Grant Funding

- Application on line
- Grant money available NOW
- \$30,000,000 over 3-years \*
- \$1.5 million per occurrence (Project)
- Regulations effective October 16, 2009

# OSCA Grantees & Statistics

- 70 Project Applications received.
- 52 Project Applications determined eligible, 41 projects received grant funding.
- 69 Assessment and Cleanup Grants issued in the amount of \$30,000,000
- Breakdown of Grantees:
  - 31% = Cities/Redevelopment Agencies
  - 31% = Developers
  - 26% = Private Parties
  - 12% = Non-Profits

# American Recovery & Reinvestment Act (ARRA) Funds

- State Water Board has received \$15.6 million in federal stimulus money from the Leaking Underground Storage Tank (LUST) Trust Fund pursuant to the (ARRA)
- ARRA Funds to be disbursed through OSCF/EAR
- Eligibility requirements
- Priority: OSCF Priority List
- Seeking Shovel Ready Projects

# Ashland Youth Center - San Leandro (ARRA Funded Site - Before)

Hayward Area Recreation & Park District received the first ARRA funded cleanup grant in the amount of \$167,000.

Site - former bulk fuel facility – no cleanup for years.

Response Work - excavate contaminated soils

Redevelopment – Cleanup work has allowed for site redevelopment.

The redevelopment of this 3.2 acre property will be the future home of the Ashland Youth Center and a park.



# Ashland Redevelopment Project

Site to be redeveloped as a neighborhood park with a skate park, picnic area and a Youth Teen Center.



# Ashland Youth Center



# What is a Brownfield as defined in OSCF Statute?

- A brownfield as defined by Section 25395.20(2)(A) of the Health & Safety Code includes:
- Located in urban area. Urban area means the central portion of a city or a group of contiguous cities with a population of 50,000 or more.
- The site was previously the site of an economic activity that is no longer in operation.
- The site has been vacant or has had no occupant engaged in year round economically productive activities for the year prior to the filing an application

# Eligible OSCF Projects

*An application process is used to determine eligible projects.*

## ELIGIBLE APPLICANT

- Not eligible for UST Cleanup Fund.
- Did not cause or contribute to release.
- Not affiliated with any person who caused or contributed to release.

## ELIGIBLE SITE

- Must Qualify as brownfield – HS & C Section 25395.20.  
Principal source is petroleum UST.

## NO FINANCIALLY RESPONSIBLE PARTY

# Grant Funding & Timely Cleanups

Due to time limitations, the OSCF Program will encourage expeditious site assessments and timely cleanups.

## ASSESSMENT GRANTS – No property ownership required

- Site assessment activities up to a corrective action plan. Includes tank removal, free product removal and limited soil excavation.
- Expanded Scope of Work- Phase work to be comprehensive.

## CLEANUP GRANTS – Property ownership required – exemption Public Agencies

- Remediation response activities to cleanup site once Corrective Action plan has been approved by regulator.

# Priority Points

Priority points will be awarded to Projects based on the following criteria:

- 40 Points = Water Quality - Site located within 1000 feet of a drinking water well or surface water.
- 30 points = Environmental Justice - Site located in a census tract with median household income less than 80% of the statewide median household income.
- 30 points = Redevelopment - Project will result in development of affordable inner city housing or otherwise promote infill development

# Brownfield Success Story

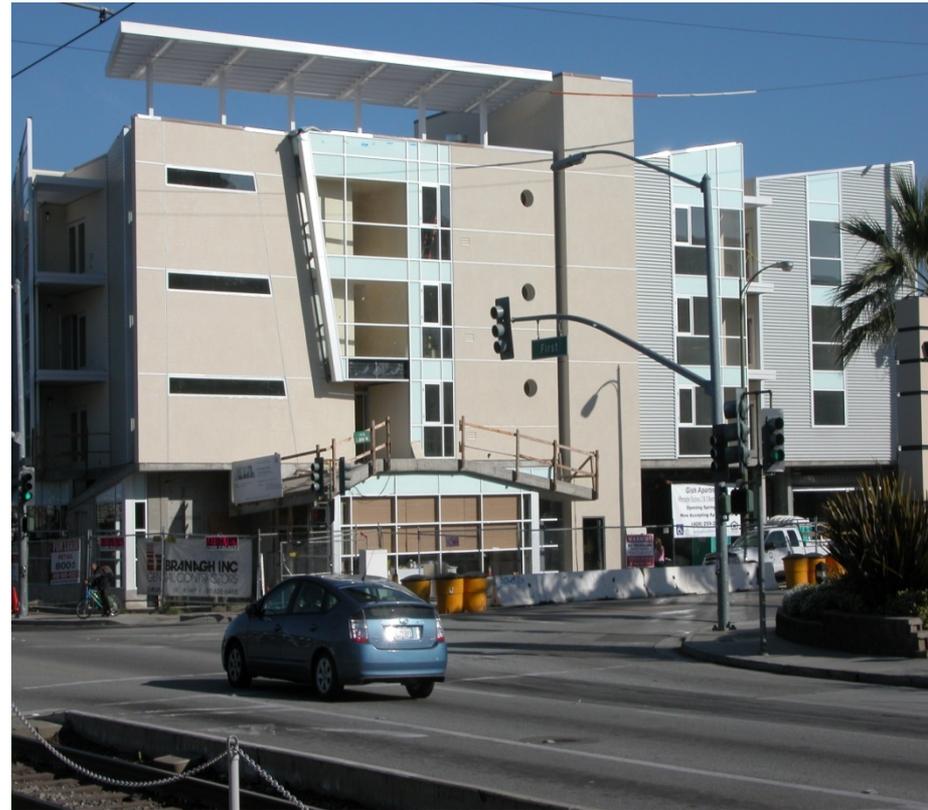
## First Community Housing – San Jose Before Site Development

- Former Gasoline Service Station
- Discharger cleaned site (14 years) and received regulatory site closure in 2000 based on land use.
- Property sat idle for years until First Community Housing had a vision for an infill affordable housing project.
- Due to residential site development (land use change) First Community had to incur unforeseen environmental costs that jeopardized the feasibility of the project.



# Project After Site Development

- Property redeveloped and ready to become part of the community.
- Property no longer underutilized, criminal element taken away, tax base for city
- First Community Housing received support and financial assistance from both CCLR and OSCA for the assessment and cleanup of environmental impacts resulting in smart growth for the City of San Jose.
- Project will provide desperately needed housing for low income families and the developmentally disabled.



# OSCF Program Contacts

## **OSCF Program Staff:**

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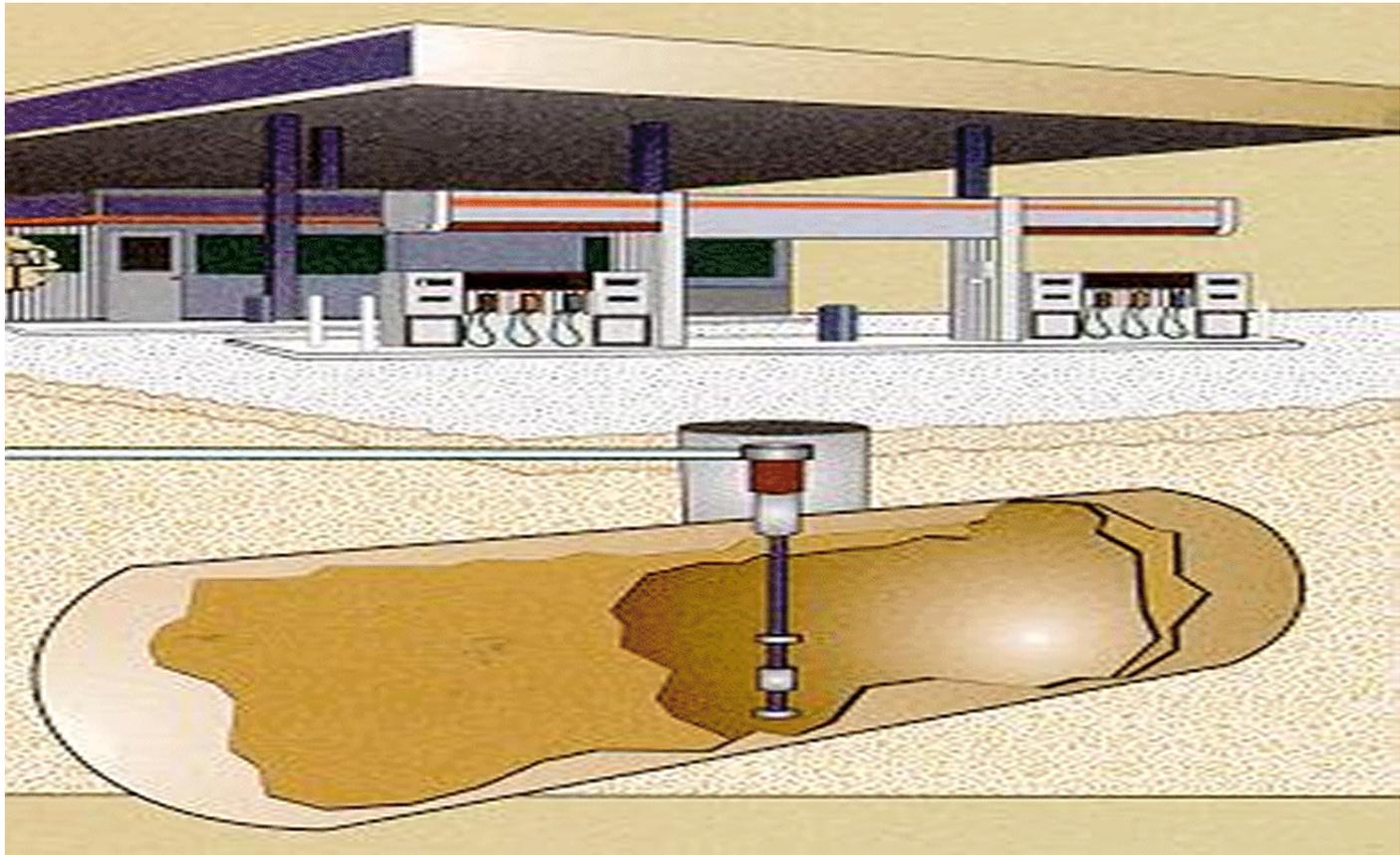
## **OSCF Program information**

Includes application, regulations and general information posted on [www.waterboards.ca.gov/cwphome/ustcf/oscf](http://www.waterboards.ca.gov/cwphome/ustcf/oscf)

## **Interested Parties:**

Signup and subscribe to the OSCF electronic mailing list SB1161 (Orphan Site Cleanup Fund) to be notified of future OSCA updates at [www.waterboards.ca.gov/lyrisforms/swrcb\\_subscribe.html](http://www.waterboards.ca.gov/lyrisforms/swrcb_subscribe.html)

# EMERGENCY, ABANDONED & RECALCITRANT (EAR) ACCOUNT



# PURPOSE OF EAR ACCOUNT

The EAR Account was created to provide funding to the Regional Water Quality Control Boards and local agencies to conduct corrective action activities at petroleum UST sites that have had an unauthorized release where there is either:

- A bona fide emergency
  - The responsible party is recalcitrant
    - The site is abandoned
-

# HOW TO REQUEST FUNDS

## **EMERGENCY FUNDS - Up to \$100,000**

Emergency funds are available to initiate an emergency response where immediate action is required and delay would endanger human health and the environment.

1. Requests made to EAR Account Administrator.
2. If determined to be a bona fide emergency, funds available immediately.

# HOW TO REQUEST FUNDS

## **RECALCITRANT/ABANDONED FUNDS**

**Up to \$1.5 million per occurrence**

EAR Account Program conducts annual survey to obtain a list of nominated sites for the EAR Annual Site List adopted by State Water Board Resolution in July. Site Nomination Requirements include:

1. There is a confirmed UST petroleum release.
2. RP has failed to meet a Final Corrective Action Order

# COST RECOVERY

The State Water Board has authority to seek appropriate cost recovery from an owner, operator or other Responsible Party for EAR costs expended.

1. Filing of a Judgment Lien
2. Referral to Attorney General's Office

# EAR PROGRAM CONTACTS

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## **EAR Program information**

[www.waterboards.ca.gov/cwphome/ustcf/oscf](http://www.waterboards.ca.gov/cwphome/ustcf/oscf)