

# Legislative Update 2024

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# UST Funding Programs

- ▶ UST Cleanup Fund (USTCF)
- ▶ Commingled Plume Account (CPA)
- ▶ Expedited Claim Account Program (ECAP)
- ▶ Orphan Site Cleanup Fund (OSCF)
- ▶ Emergency, Abandoned and Recalcitrant (EAR)
- ▶ Site Cleanup Subaccount Program (SCAP)
- ▶ Removing, Replacing or Upgrading UST (RUST)
- ▶ School District Account (SDA)

[https://www.waterboards.ca.gov/water\\_issues/programs/ustcf/docs/funding\\_matrix.pdf](https://www.waterboards.ca.gov/water_issues/programs/ustcf/docs/funding_matrix.pdf)

# UST Cleanup Fund

## ▶ USTCF Highlights

- Sunset date extended to 12/31/2035
- Funded by petroleum storage fee of \$0.02/gallon
- Reimbursement limited to \$1M per claim (applicable to **applications** submitted after 12/31/14– claims before that date continue to have \$1.5 M cap)
- Cost guidelines have been updated to reflect increases in consulting/contractor costs.

# Expedited Claim Account Program (ECAP)

- ▶ Funding: \$100 million transferred from USTCF to the Expedited Claim Account in 2016.
  - As of 2023 \$65M spent to date; \$35M available
- ▶ Purpose:
  - Investigate potential methods for reducing the overall cost for site cleanup and the time to reach closure.
  - Increase collaboration among Fund staff, regulatory staff, claimants and their consultants.

# Expedited Claim Account Program

- ▶ Focused on
  - Cases showing slow cleanup progress (e.g 5+ years)
  - Claims expending more \$ than average, likely to exceed cap.
  - Cases where corrective action progress is limited by inadequate site budget.
- ▶ Benefits:
  - Expedited reimbursement process (fewer ineligible costs, shorter review time)
  - Collaboration of USTCF, oversight agency, and consultant

# EAR (Emergency, Abandoned and Recalcitrant) Account

- ▶ \$5M annual appropriation
- ▶ Provides funding for regulatory agencies to abate emergency situations or to cleanup abandoned or recalcitrant sites.
- ▶ Emergency money limited to \$100K – \$200K
- ▶ Up to \$1M can be used for recalcitrant sites – SWRCB can put a lien on the site for the costs incurred.

# RUST

- ▶ RUST (Replacing, Removing or Upgrading USTs) grants and loans are available
  - Available for permanent removal of USTs.
  - Available to small business owners and operators.
  - Can provide financing up to 100% of the removal/replacement costs (including corrective action).
  - Loans: Low interest loans (\$10k–\$750k); 10–20 year terms; 2% loan fee
  - Grants: up to \$15,000

# Site Cleanup Subaccount Program (SCAP)

- ▶ \$34M appropriated annually.
- ▶ 2024 an additional \$20M has been approved.
- ▶ Applications accepted continuously.
- ▶ SWRCB, RWQCB, DTSC, or local agency can use funds to investigate or remediate surface or groundwater contamination.
- ▶ SWRCB, RWQCB, DTSC can issue grants to private parties:
  - Grant program for remediation of existing surface or ground water contamination
  - Also available for sites with vapor intrusion.



# Site Cleanup Subaccount Program (SCAP)

- ▶ **Grant Eligible Projects:**
  - The responsible party lacks financial resources
  - Contamination presents threat to groundwater or human health.
  - Projects may include site characterization, source identification, or implementation of cleanup (not limited to petroleum)
- ▶ **Resolution 2023–0011**
  - Scoring criteria for site funding revised.
  - Sites with high EJ and SDAC scores are prioritized.

# Orphan Site Cleanup Fund

## **Eligibility Requirements:**

- ▶ Grant Program – \$1 M per site
- ▶ Petroleum must be primary source of contamination – from a UST.
- ▶ No financially viable responsible party has been identified.
- ▶ Site must be in an urban area.
- ▶ Site cannot be eligible for USTCF.

## **Funding:**

- ▶ Program received no funds for 2022/2023 FY.
- ▶ Program did receive funds for 2023/2024 FY.

# School District Account

- ▶ \$30 Million account to fund claims by school districts.
- ▶ School districts get priority review.
- ▶ “No funding delays” for school districts.
- ▶ Funding continues until money is gone or USTCF sunsets (12/31/2035)

# Case Transfers from DEH to SWRCB

- ▶ DEH and other CUPAs were decertified by SWRCB.
- ▶ All petroleum cases were transferred from DEH to RWQCB.
- ▶ DEH can no longer take any petroleum cases in VAP, but can continue to take VOC and other non-petroleum cases.
- ▶ RWQCB is working their way through the transferred cases.
  - Squeaky wheel gets the attention.
  - Only two staff persons reviewing former DEH cases (Lalitha Thotakura and Mike Porter). Amy Grove is overseeing this transition.
  - RWQCB can potentially handle site development cases on a less formal/more expedited basis.

# What Else is New?

- ▶ SB 343: prohibits manufacturers from using chasing arrows on products unless it is actually recyclable in CA.
- ▶ AB 881: disallows classifying the export of plastics as “recycling”.
- ▶ AB 1346: bans sale of gas-powered offroad engines (think lawnmowers and leafblowers).
- ▶ AB 2208: bans sale of mercury-containing compact fluorescent light bulbs.
- ▶ AB899: requires testing of baby foods for heavy metals.
- ▶ AB 1200: requires manufacturers of cookware to disclose if PFAS was added to their products.

# Questions?

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