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HEALTH AND SAFETY CODE - HSC

DIVISION 45. HAZARDOUS SUBSTANCE RESPONSE [78000 - 81050] (*Division 45 added by Stats. 2022, Ch. 257, Sec. 2.)*

PART 2. HAZARDOUS SUBSTANCE ACCOUNT [78000 - 81050] (*Part 2 added by Stats. 2022, Ch. 257, Sec. 2.)*

CHAPTER 10. Cleanup Loans and Environmental Assistance to Neighborhoods [80200 - 80625] (*Chapter 10 added by Stats. 2022, Ch. 257, Sec. 2.)*

ARTICLE 1. Definitions [80200 - 80280] (*Article 1 added by Stats. 2022, Ch. 257, Sec. 2.)*

80200. For purposes of this chapter, the definitions contained in this article shall apply.

(*Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.*)

80205. "Account" means the Cleanup Loans and Environmental Assistance to Neighborhoods Account established pursuant to Section 80350.

(*Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.*)

80210. (a) "Brownfield" means property that meets all of the following conditions:

- (1) It is located in an urban area.
- (2) It was previously the site of an economic activity that is no longer in operation at that location.
- (3) It has been vacant or has had no occupant engaged in year-round economically productive activities for a period of not less than the 12 months previous to the date of application for a loan pursuant to this chapter.

(b) "Brownfield" does not include any of the following:

- (1) Property listed, or proposed for listing, on the National Priorities List pursuant to Section 105(a)(8)(B) of the federal act (42 U.S.C. Sec. 9605(a)(8)(B)).
- (2) Property that is, or was, owned or operated by a department, agency, or instrumentality of the United States.
- (3) Property that will be the site of a contiguous expansion or improvement of an operating industrial or commercial facility, unless the property is a brownfield described in paragraph (5) of subdivision (a) of Section 80230.

(*Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.*)

80215. "Cleanup and abatement order" means an order issued by a regional board pursuant to Section 13304 of the Water Code.

(*Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.*)

80220. "Cleanup Loans and Environmental Assistance to Neighborhoods Program" or "CLEAN" means the loan program established by the department pursuant to Article 6 (commencing with Section 80450), to finance the performance of actions necessary to respond to the release or threatened release of hazardous material on an eligible property.

(*Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.*)

80225. “Economic activity” means a governmental activity, a commercial, agricultural, industrial, or not-for-profit enterprise, or other economic or business concern.

(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)

80230. (a) “Eligible property” means a site that is any of the following:

(1) A brownfield.

(2) An underutilized property that is a property described in paragraph (5) of subdivision (d) of Section 80275.

(3) An underutilized property that is a property located in any of the following:

(A) An enterprise zone established pursuant to the former Enterprise Zone Act (former Chapter 12.8 (commencing with Section 7070) of Division 7 of Title 1 of the Government Code).

(B) A project area for which a redevelopment plan has been approved pursuant to Article 4 (commencing with Section 33330) of Chapter 4 of Part 1 of Division 24.

(C) An eligible area, as determined pursuant to paragraph (2) of subdivision (c) of former Section 7072 of the Government Code.

(4) An underutilized property that is a property, the redevelopment of which will result in any of the following:

(A) An increase in the number of full-time jobs that is at least 100 percent greater than the number of jobs provided by the economic activity located on the property before redevelopment occurred.

(B) An increase in property taxes paid to the local government that is at least 100 percent greater than the property taxes paid by the property owner before redevelopment occurred.

(C) Sales tax revenues to the local government that are sufficient to defray the costs of providing municipal services to the property after the redevelopment occurs.

(D) Housing for very low, low-, or moderate-income households, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code.

(E) The construction of new or expanded school facilities, public day care centers, parks, or community recreational facilities.

(5) A brownfield or an underutilized property described in paragraph (3) that will be the site of a contiguous expansion of an operating industrial or commercial facility owned or operated by one of the following:

(A) A small business.

(B) A nonprofit corporation formed under the Nonprofit Public Benefit Corporation Law (Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code) or the Nonprofit Religious Corporation Law (Part 4 (commencing with Section 9110) of Division 2 of Title 1 of the Corporations Code).

(C) A small business incubator that is undertaking the expansion with the assistance of a loan guarantee provided pursuant to Section 63089.71 of the Government Code.

(b) “Eligible property” does not include any of the following:

(1) Property listed or proposed for listing on the National Priorities List pursuant to Section 105(a)(8)(B) of the federal act (42 U.S.C. Sec. 9605 (a)(8)(B)).

(2) Property that is, or was, owned or operated by a department, agency, or instrumentality of the United States.

(3) Property that will be the site of a contiguous expansion or improvement of an operating industrial or commercial facility, unless the property meets the criteria specified in paragraph (5) of subdivision (a).

(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)

80235. (a) "Hazardous material" means a substance or waste that, because of its physical, chemical, or other characteristics, may pose a risk of endangering human health or safety or of degrading the environment. "Hazardous material" includes, but is not limited to, all of the following:

(1) A hazardous substance, as defined in Section 25281 or subdivision (a) of Section 78075.

(2) A hazardous waste, as defined in Section 25117.

(3) A waste, as defined in Section 101075, or as defined in Section 13050 of the Water Code.

(4) A substance specified in subdivision (b) of Section 78075.

(b) "Hazardous material" does not include undisturbed naturally occurring hazardous material unless it will adversely affect the reasonable use of a property after response action is completed.

(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)

80240. "Investigating site contamination program" means the loan program established by the department pursuant to Article 5 (commencing with Section 80400) to conduct a preliminary endangerment assessment of a brownfield or an underutilized urban property.

(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)

80245. "Leaking underground fuel tank" has the same meaning as "tank," as defined in Section 25299.24.

(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)

80250. "No longer in operation" means an economic activity that is, or previously was, located on a property that is not conducting operations on the property of the type usually associated with the economic activity.

(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)

80255. "Project" means any response action, and the planned future development, included in an application for a loan pursuant to Article 6 (commencing with Section 80450).

(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)

80260. "Property" means real property, as defined in Section 658 of the Civil Code.

(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)

80265. "Small business" means an independently owned and operated business, that is not dominant in its field of operation, that, together with affiliates, has 100 or fewer employees, and that has average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years, or a business that is a manufacturer, as defined in Section 14837 of the Government Code, with 100 or fewer employees.

(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)

80275. "Underutilized property" means property that meets all of the following conditions:

(a) It is located in an urban area.

(b) An economic activity is conducted on the property.

(c) It is the subject of a proposal for development pursuant to this chapter.

(d) One of the following applies:

(1) The economic activity on the property is irregular or intermittent in nature and uses the property for productive purposes less than four months in any calendar year.

(2) The economic activity on the property employs less than 25 percent of the property for productive purposes.

(3) The structures, infrastructure, and other facilities on the property are antiquated, obsolete, or in such poor repair that they cannot be used for the purposes for which they were originally constructed and require replacement in order to implement the redevelopment proposal.

(4) The economic activity conducted on the property is a parking facility or an activity that offers a similar marginal economic service and the facility or activity will be replaced when the property is redeveloped.

(5) The property is adjacent to one or more brownfields or underutilized properties that are the subject of a project under this chapter and its inclusion in the project is necessary in order to ensure that the redevelopment of the brownfield or brownfields or underutilized property or underutilized properties occurs.

(e) An underutilized property does not include any of the following:

(1) Property listed or proposed for listing on the National Priorities List pursuant to Section 105(a)(8)(B) of the federal act (42 U.S.C. Sec. 9605 (a)(8)(B)).

(2) Property that is, or was, owned or operated by a department, agency, or instrumentality of the United States.

(3) Property that will be the site of a contiguous expansion or improvement of an operating industrial or commercial facility, unless the property is an underutilized property described in paragraph (5) of subdivision (a) of Section 80230.

(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)

80280. "Urban area" means either of the following:

(a) The central portion of a city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile.

(b) An urbanized area as defined in paragraph (2) of subdivision (b) of former Section 21080.7 of the Public Resources Code, as enacted by Section 6 of Chapter 1130 of the Statutes of 1993.

(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)