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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 11. Administering Agency [80570 - 80610]** ( *Article 11 added by Stats. 2022, Ch. 257, Sec. 2. )*

**80570.** (a) Except as provided in subdivision (b) and Section 80575, upon the request of a regional board or the state board, the administering agency for any site that is the subject of a loan approved under Article 7 (commencing with Section 80480) shall be a regional board, the state board, or a local oversight program agency under contract with the state board in accordance with Chapter 6.7 (commencing with Section 25280) of Division 20 and Chapter 6.75 (commencing with Section 25299.10) of Division 20, if the property is subject to a release from a leaking underground fuel tank and the release from the leaking underground fuel tank is the principal threat at that property, as determined by the regional board, the state board, and the department.

(b) If the site specified in subdivision (a) was not subject to oversight by a local oversight program agency prior to the date the loan application was submitted to the department pursuant to Article 6 (commencing with Section 80450), the regional board shall serve as the administering agency.

(c) Any response action for a property subject to this section for a leaking underground fuel tank shall be carried out under Chapter 6.65 (commencing with Section 25260), Chapter 6.7 (commencing with Section 25280), and Chapter 6.75 (commencing with Section 25299.10) of Division 20.

(*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.*)

**80575.** (a) Upon the request of a regional board, the regional board shall be the administering agency for a property specified in Section 80570, if the site is subject to one or more of the following orders or agreements under Division 7 (commencing with Section 13000) of the Water Code prior to the date the loan application was submitted to the department pursuant to Article 6 (commencing with Section 80450):

- (1) A cleanup and abatement order.
- (2) Another cleanup order issued by a regional board.
- (3) A written voluntary agreement with a regional board.

(b) Any response action for a site subject to this section shall be carried out pursuant to Chapter 6.65 (commencing with Section 25260) of Division 20.

(*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.*)

**80580.** Notwithstanding Sections 80570 and 80575, the regional board and the state board, in consultation with the department, may request the department to be the administering agency for a property subject to this article.

(*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.*)

**80585.** Notwithstanding Section 80575, if a regional board has issued a cleanup order or entered into a written voluntary agreement under Division 7 (commencing with Section 13000) of the Water Code for a site and the department has issued an order or entered

into an enforceable agreement under Chapter 6.5 (commencing with Section 25100) of Division 20 or this part, the regional board and the department shall consult and determine which agency shall be the administering agency for the site under this chapter.

*(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.)*

**80590.** The department shall provide a written notice of the receipt of a loan application under Article 6 (commencing with Section 80450), including the name and address of the loan applicant and the location of the property, to both of the following:

- (a) A regional board for any property within that regional board's jurisdiction.
- (b) The state board for any property that contains a leaking underground fuel tank.

*(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.)*

**80595.** The regional board or state board shall respond with a written notice to the department within 20 working days after receipt of the notice or information provided pursuant to Section 80590 indicating whether the regional board or a local oversight program agency under contract with the state board will oversee the response action pursuant to this article. If the regional board or state board does not provide this notice within that time period, the regional board or state board shall be deemed to have elected not to oversee the response action.

*(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.)*

**80600.** (a) If a regional board or a local oversight program agency under contract with the state board oversees a response action pursuant to this article, the department shall reimburse the regional board or state board from the account for oversight costs, if all of the following occur:

- (1) The department determines, pursuant to paragraph (2) of subdivision (b) of Section 80520, that there are sufficient funds in the account.
- (2) The department receives the report required upon completion of the response action under Section 80605.
- (3) The regional board or a local oversight program agency under contract with the state board, as appropriate, certifies that it is not eligible to be reimbursed for oversight costs from any other fund or account, including, but not limited to, the Underground Storage Tank Cleanup Fund pursuant to Chapter 6.75 (commencing with Section 25299.10) of Division 20.

(b) If the department determines pursuant to paragraph (2) of subdivision (b) of Section 80520 that the account has insufficient funds, the regional board or state board shall recover its oversight costs from the loan recipient, and the department shall not be liable for these oversight costs.

(c) If a regional board or a local oversight program agency under contract with the state board oversees a response action pursuant to this article, the recipient of a loan approved pursuant to Article 7 (commencing with Section 80480) shall enter into an agreement with the regional board or the state board under paragraph (1) of subdivision (b) of Section 80520 for the oversight and approval of the response action at the site, prior to the release of loan funds by the department. The agreement shall meet the requirements specified in the regulations adopted pursuant to Article 12 (commencing with Section 80620).

*(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.)*

**80605.** If the regional board or a local oversight program agency under contract with the state board serves as the administering agency pursuant to this article, the regional board or the state board shall do both of the following:

- (a) Annually provide information to the department about the status of the response action, including any response action decision document that includes limitations on land use or other institutional controls.
- (b) Notify the department upon completion of the response action.

*(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.)*

**80610.** This article does not apply to any site subject to Chapter 1 (commencing with Section 17210) of Part 10.5 of Division 1 of Title 1 of the Education 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.)*

