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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 6. Cleanup Loans and Environmental Assistance to Neighborhoods Program [80450 - 80465]** ( *Article 6 added by Stats. 2022, Ch. 257, Sec. 2. )*

**80450.** The department, with the approval of the secretary, shall establish a Cleanup Loans and Environmental Assistance to Neighborhoods Program to provide loans to finance the performance of any action necessary to respond to the release or threatened release of hazardous material at 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.*)

**80455.** The department shall develop an application form for a loan under the CLEAN program and shall include, in the form, any provisions that the department determines to be appropriate to carry out the CLEAN program. The application shall be signed by the loan applicant and shall be accompanied by all of the following:

- (a) A preliminary endangerment assessment that has been approved by the department, or an environmental assessment with equivalent information, that discloses the presence of a release or threatened release of a hazardous material at the property at concentrations that may pose a risk to public health and safety and the environment.
- (b) The name and address of the project coordinator for the site and the résumé of the coordinator that demonstrates that the coordinator possesses the requisite qualifications to manage the response action at the site.
- (c) Documentation that the property is an eligible property and, if the department has implemented the priority scoring system set forth in Article 7 (commencing with Section 80480), sufficient information to enable the department to determine the priority score for the property.
- (d) Documentation that the planned future development of the site is consistent with the current and reasonably foreseeable future land uses of the property.
- (e) If the owner of the eligible property that is the subject of the loan application is not the loan applicant, one of the following:
  - (1) Documentation that demonstrates that the owner agrees to use the property as a security interest for the loan to finance necessary response action at the property.
  - (2) A copy of an agreement between the property owner and the loan applicant that gives the loan applicant an option to purchase the property.
  - (3) If the loan applicant is a local government entity, or a developer or prospective purchaser acting in concert with a local government entity pursuant to an enforceable agreement, a demonstration to the department that the local government entity, or developer or prospective purchaser acting in concert with a local government entity pursuant to an enforceable agreement, has legal access to perform any action necessary to respond to the release or threatened release of hazardous material at an eligible property, or will have legal access, prior to receiving loan funds.

(f) Any other information the department deems necessary.

(*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.*)

**80460.** (a) A recipient of a loan to perform an action to respond to a release or threatened release of a hazardous material at an eligible property that is granted pursuant to this article may also use the loan funds to pay the premium for environmental insurance products to facilitate the development of the site, if the insurance company has an A.M. Best Financial Strength Rating of A+ or better and an A.M. Best Financial Size Category of FSC X or larger and is authorized to offer environmental insurance in California.

(b) A loan provided pursuant to this article shall not be used to pay for a phase I environmental assessment, a preliminary endangerment assessment, the department's oversight of actions necessary to respond to the release or threatened release of hazardous material at an eligible property, or any operation and maintenance activity at a site.

*(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.)*

**80465.** The department shall take those necessary actions to promote the use of loans under the CLEAN program by local governments.

*(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.)*