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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 3. General Powers and Duties [78400 - 78620]** ( *Chapter 3 added by Stats. 2022, Ch. 257, Sec. 2. )*

**ARTICLE 8. Technology Demonstration Program [78525 - 78565]** ( *Article 8 added by Stats. 2022, Ch. 257, Sec. 2. )*

**78525.** Notwithstanding Section 79055, the department shall carry out a program of full-scale demonstrations to evaluate treatment technologies that can be safely utilized for removal and remedial actions to hazardous substance releases.

(*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.*)

**78530.** For the purposes of this article, the following definitions apply:

(a) "Treatment technologies" means methods, techniques, or processes, including proprietary or patented methods, that permanently alter the composition of hazardous substances at hazardous substance release sites through chemical, biological, or physical means so as to make the substances nonhazardous or to significantly reduce the toxicity, mobility, or volume, or any combination of these characteristics, of the hazardous substances or contaminated materials being treated.

(b) "Full-scale demonstration" means a demonstration of a technology that is of a size or capacity that permits valid comparison of the technology to the technical performance and cost of conventional technologies, that is likely to be cost-effective, and that will result in a substantial or complete remedial or removal action to a hazardous substance release 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.*)

**78535.** The department shall select technology demonstration projects to be evaluated pursuant to this article using criteria that include, at a minimum, all of the following requirements:

(a) The project proposal includes complete and adequate documentation of technical feasibility.

(b) The project proposal includes evidence that a technology has been sufficiently developed for full-scale demonstration and can likely operate on a cost-effective basis.

(c) The department has determined that a site is available and suitable for demonstrating the technology, taking into account the following:

(1) The physical, biological, chemical, and geological characteristics of the site.

(2) The extent and type of contamination found at the site.

(3) The capability to conduct demonstration projects in a manner to ensure the protection of human health and the environment.

(d) The technology to be demonstrated preferably has widespread applicability in removal and remedial actions at other sites in the state.

(e) The project will be developed to the extent that a successful demonstration on a hazardous substance release site may lead to commercial utilization by responsible parties at other sites in the state.

(f) The department has determined that adequate funding is available from one or more of the following sources:

(1) Responsible parties.

(2) The United States Environmental Protection Agency.

(3) The state account.

*(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.)*

**78540.** The department shall identify hazardous substance release sites, listed pursuant to Article 5 (commencing with Section 78760) of Chapter 4, that are particularly well-suited for technology demonstration projects. In identifying hazardous substance release sites, the department shall consider, at a minimum, all of the following:

- (a) The state's priority ranking for removal and remedial actions to hazardous substance release sites adopted pursuant to Article 5 (commencing with Section 78760) of Chapter 4.
- (b) The volume and variability of the hazardous substance release at the site.
- (c) The availability of data characterizing the hazardous substance release.
- (d) The accessibility of the hazardous substance release.
- (e) Availability of required utilities.
- (f) Support of federal and local governments.
- (g) Potential for adverse effects to public health and the environment.

*(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.)*

**78545.** (a) The department shall annually, on or before July 1, publish a solicitation for proposals to conduct treatment demonstration projects that utilize technologies that are at a stage of development suitable for full-scale demonstrations at hazardous substance release sites. The solicitation notice shall prescribe information to be included in the proposal, including technical and economic data derived from the applicant's own research and development efforts, and any other information that may be prescribed by the department to assess the technology's potential and safety and the types of removal or remedial action to which it may be applicable.

(b) Any person, private entity, or public entity may submit an application to the department in response to the solicitation. The application shall contain a proposed treatment demonstration plan setting forth how the treatment demonstration project is to be carried out and any other information that the department may require.

*(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.)*

**78550.** (a) On or before January 1, after reviewing all proposals submitted pursuant to Section 78545, the department shall annually select at least two treatment demonstration projects, to be commenced during that calendar year, using, at a minimum, the criteria specified in Section 78535.

(b) If the department determines that the required number of demonstrations required by subdivision (a) cannot be initiated consistent with the criteria specified in Section 78535 in any fiscal year, the department shall inform the appropriate committees of the Legislature of the reasons for its inability to conduct these demonstration projects.

(c) Each treatment demonstration project selected pursuant to this section shall be performed by the applicant, or by a person approved by the applicant and the department.

*(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.)*

**78555.** Notwithstanding Section 79650, if the department determines that using an alternative treatment technology to conduct a removal or remedial action at a hazardous substance release site listed pursuant to Section 78760 would be more costly than another available and feasible removal or remedial action method that would also achieve satisfactory results, the department may determine not to attempt to recover from the liable person the incremental costs of the removal or remedial action attributable to the alternative treatment technology.

*(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.)*

**78560.** (a) The department shall conduct a technology transfer program that shall include the development, collection, evaluation, coordination, and dissemination of information relating to the utilization of alternative or innovative hazardous substance treatment technologies demonstrated pursuant to this article.

(b) The information in subdivision (a) shall include all of the following:

- (1) An evaluation of each treatment demonstration project's efficacy relating to performance and cost in achieving permanent and significant reduction in risks from hazardous substance releases.
- (2) Documentation of the testing procedures utilized in the project, the data collected, and the quality assurance and quality control that was conducted.
- (3) The technology's applicability, pretreatment and posttreatment measurements, and the technology's advantages or disadvantages compared to other available technologies.

*(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.)*

**78565.** Notwithstanding subdivision (e) of Section 79205, when preparing or approving a remedial action plan for a site listed pursuant to Section 78760, that has been selected for a treatment demonstration project pursuant to this article, the department shall consider the cost-effectiveness of the project but is not required to choose the most cost-effective measure.

*(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.)*