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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 5. Cleanup of Hazardous Substance Releases [78850 - 79400] (Chapter 5 added by Stats. 2022, Ch. 257, Sec. 2.)

ARTICLE 10. Initiation of Removal or Remedial Actions [79130 - 79135] (Article 10 added by Stats. 2022, Ch. 257, Sec. 2.)

79130. (a) The director may initiate removal or remedial action pursuant to this part unless these actions have been taken, or are being taken properly and in a timely fashion, by any responsible party.

(b) A responsible party who fails, as determined by the department in writing, to comply with an order issued pursuant to subparagraph (A) or (B) of paragraph (1) of subdivision (a) of Section 79055, or to comply with all of the terms of an enforceable agreement entered into pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 79055, shall be deemed, for purposes of subdivision (a), to have failed to take action properly and in a timely fashion with respect to a hazardous substance release or a threatened release.

(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.)

79135. (a) At least 30 days before initiating removal or remedial actions, the department shall make a reasonable effort to notify the persons identified by the department as potentially responsible parties and shall also publish a notification of this action in a newspaper of general circulation pursuant to the method specified in Section 6061 of the Government Code. This subdivision does not apply to actions taken pursuant to Section 78870 or immediate corrective actions taken pursuant to Section 78875. A responsible party may be held liable pursuant to this part whether or not the person was given the notice specified in this subdivision.

(b) The department shall notify the owner of the real property of the site of a hazardous substance release within 30 days after listing a site pursuant to Article 5 (commencing with Section 78760) of Chapter 4, and at least 30 days before initiating a removal or remedial action pursuant to this part, by sending the notification by certified mail to the person to whom the real property is assessed, as shown upon the last equalized assessment roll of the county, at the address shown on the assessment roll. The requirements of this subdivision do not apply to actions taken pursuant to Section 78870 or to immediate corrective actions taken pursuant to Section 78875.

(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.)