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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 11. Financial Assurances [79180 - 79190]** ( *Article 11 added by Stats. 2022, Ch. 257, Sec. 2. )*

**79180.** The department shall require a responsible party who is required to undertake corrective action obligations pursuant to a determination issued pursuant to Section 25246.1 to demonstrate and maintain financial assurances in accordance with 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.*)

**79182.** (a) When submitting a feasibility study, a responsible party shall include a cost estimate for the response action.

(b) The responsible party shall demonstrate financial assurances within 90 days of approval of a feasibility study and shall maintain financial assurances until all required response actions are complete, as determined by the department.

(c) (1) For purposes of subdivision (b), the responsible party shall demonstrate and maintain one or more of the financial assurance mechanisms set forth in subdivisions (a) to (e), inclusive, of Section 66265.143 of Title 22 of the California Code of Regulations.

(2) (A) As an alternative to the financial assurance requirement of paragraph (1), a responsible party may demonstrate and maintain financial assurances by means of a financial assurance mechanism other than those described in paragraph (1), if the alternative financial assurance mechanism has been submitted to, and approved by, the department as being at least equivalent to the financial assurance mechanisms described in paragraph (1).

(B) The department shall evaluate the equivalency of the proposed alternative financial assurance mechanism principally in terms of the certainty of the availability of funds for required corrective action activities and the amount of funds that will be made available. The department shall require the owner or operator to submit any information deemed necessary by the department to make a determination regarding the equivalency of the proposed alternative financial assurance mechanism.

(*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.*)

**79184.** (a) If the source of the release is regulated by the department pursuant to this part or Chapter 6.5 (commencing with Section 25100) of Division 20, the department shall waive the financial assurances required by Section 79180 if the owner or operator of the facility is a federal or state governmental entity, unless the waiver would conflict with applicable law.

(b) If the source of the release is not regulated by the department pursuant to Chapter 6.5 (commencing with Section 25100) of Division 20, the department may waive the financial assurances required by Section 79180 if the department makes one of the following determinations:

(1) The responsible party is a small business and demonstrates all of the following:

(A) The responsible party cannot qualify for any of the financial assurance mechanisms set forth in subdivision (b), (c), or (d) of Section 66265.143 of Title 22 of the California Code of Regulations.

(B) The responsible party financially cannot meet the requirements of subdivision (a) of Section 66265.143 of Title 22 of the California Code of Regulations.

(C) The responsible party is not capable of meeting the eligibility requirements set forth in subdivision (e) of Section 66265.143 of Title 22 of the California Code of Regulations.

(2) The responsible party is a small business and has demonstrated that the responsible party is financially not capable of establishing one of the financial assurance mechanisms set forth in subdivisions (a) to (e), inclusive, of Section 66265.143 of Title 22 of the California Code of Regulations while at the same time financing the response action applicable to the site.

(3) The responsible party is not separately required to demonstrate and maintain a financial assurance mechanism for a response action at a site because all of the following conditions apply:

(A) The site is a multiple responsible party site.

(B) Financial assurances that the response action at the site will be carried out is demonstrated and maintained by a financial assurance mechanism established jointly by all, or some, of the responsible parties.

(C) The financial assurance mechanism specified in subparagraph (B) meets the requirements of Section 79180 and subdivision (b) of Section 79182.

(4) The responsible party is a local governmental entity.

(c) The department shall withdraw a waiver granted pursuant to subdivision (b) if the department determines that the responsible party that obtained the waiver no longer meets the eligibility requirements for the waiver.

*(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.)*

**79186.** A responsible party may satisfy the requirements of this article by demonstrating to the department that it has provided financial assurance for corrective action to the state board or a regional board for the same release identified by 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.)*

**79188.** For sites for which sole jurisdiction has been granted pursuant to subdivision (b) of Section 25204.6, the department shall not require additional financial assurances unless it is the lead agency or is directed by the lead agency that has sole jurisdiction pursuant to subdivision (b) of Section 25204.6.

*(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.)*

**79190.** The department's duties to implement this article are contingent upon an appropriation by the Legislature for purposes of implementing the requirements of 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.)*