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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 9. Orphan Share Reimbursement [80000 - 80100] (Chapter 9 added by Stats. 2022, Ch. 257, Sec. 2.)

ARTICLE 1. General Provisions [80000 - 80010] (Article 1 added by Stats. 2022, Ch. 257, Sec. 2.)

80000. For purposes of this chapter, the following definitions shall apply:

(a) "Fund" means the Orphan Share Reimbursement Trust Fund established pursuant to Section 80020.

(b) "Orphan share" means the share of liability for the costs of response action that is attributable to the activities of persons who are defunct or insolvent, as determined pursuant to Section 80070.

(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. Conditionally operative pursuant to Sec. 80100.)

80005. The Legislature finds and declares all of the following:

(a) This chapter, which establishes an Orphan Share Reimbursement Trust Fund, operates in conjunction with the federal liability scheme under the federal act as in effect on July 1, 1998, for the recovery of response costs expended by government agencies.

(b) Under federal liability, at sites where there are insolvent or defunct parties that cannot contribute to the cost of cleanup, viable responsible parties pay the share of liability for that cleanup that may be attributable to insolvent and defunct parties.

(c) The Orphan Share Reimbursement Trust Fund is created to mitigate the payment of an insolvent or defunct party's liability share by viable responsible parties, to the extent money in the fund is available, and to encourage responsible parties to quickly and efficiently remediate contamination.

(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. Conditionally operative pursuant to Sec. 80100.)

80010. (a) This chapter does not prohibit, and is not intended to prohibit, the department, the regional board, or the Attorney General from pursuing any existing legal, equitable, or administrative remedies, pursuant to federal or state law, against any potentially responsible party.

(b) No liability or obligation is imposed upon the state pursuant to this chapter, and the state shall not incur a liability or obligation beyond the payment of claims pursuant to this chapter, to the extent that money is available and has been allocated by the administrator under subdivision (a) of Section 80050. No legal action may be brought against the Orphan Share Reimbursement Trust Fund in its own name.

(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. Conditionally operative pursuant to Sec. 80100.)