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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 2. Orphan Share Reimbursement Trust Fund [80020 - 80025] (*Article 2 added by Stats. 2022, Ch. 257, Sec. 2.)*

80020. (a) The Orphan Share Reimbursement Trust Fund is hereby created in the State Treasury.

(b) The administrator of the fund may expend the money deposited in the fund as provided in this chapter, upon appropriation by the Legislature. The administrator of the fund shall act in a fiduciary capacity, shall prudently administer the fund, and shall protect the fund from any unreasonable or unjustified claims, including any unreasonable or unjustified determinations of the orphan share percentage.

(c) If an appropriation from the General Fund is made to the fund in any fiscal year and an amount greater than five million dollars (\$5,000,000) in unexpended funds, beyond any amount approved by the administrator of the fund to pay claims pursuant to this chapter from that General Fund appropriation, remain in the fund at the end of that fiscal year, and if the department determines that additional funding for orphan sites beyond that appropriated from the state account is required for the next fiscal year, the administrator may expend the amount in excess of five million dollars (\$5,000,000) from the General Fund appropriation to pay for response costs incurred by the department or the regional boards under this part at sites listed pursuant to Article 5 (commencing with Section 78760) of Chapter 4 where no viable responsible parties exist.

(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.)

80025. Except as provided in subdivision (b) of Section 78420 and subdivision (c) of Section 80020, the administrator of the fund may expend the money in the fund for all of the following purposes:

(a) To pay claims for reimbursement of all, or any part of, the orphan share at a site paid by the responsible party filed pursuant to Sections 80040, 80045, and 80050.

(b) For the costs of implementing this chapter.

(c) To pay the reasonable costs of the department and the regional board for performance of its duties under this chapter, including, but not limited to, its participation in the orphan share determination process set forth in Section 80070, unless those costs are paid by a potentially responsible party under an agreement specified in subdivision (c) of Section 80040. The expenditures from the fund for purposes of this subdivision shall not exceed 5 percent of the total amount appropriated from the fund in the annual Budget Act for purposes of this section for that fiscal year.

(d) To pay the portion of costs attributable to the orphan share incurred by the department and the regional boards to oversee actions of potentially responsible parties, unless those costs are paid by a potentially responsible party under an agreement specified in subdivision (c) of Section 80040.

(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.)