

67401.5 Termination of Agreements and Site Stabilization

(a)

In the event that a responsible person who has entered into an enforceable agreement with the Department pursuant to H&SC Section 25398.2(b)(1) (as it read on June 26, 2012) fails to comply with the agreement, the Department may terminate the agreement and remove the site from eligibility for response actions pursuant to the Expedited Remedial Action Program, and may direct that any further response actions at that site be taken pursuant to Chapter 6.8, Division 20, of the H&SC, unless one or more of any other responsible person agree to assume the noncomplying responsible person's responsibilities under the agreement.

(b)

A responsible person who has entered into an enforceable agreement with the Department and who fails to comply with the agreement, shall take any action necessary to stabilize the site in order to protect public health and the environment, unless one or more of any responsible persons agree to assume the noncomplying responsible person's responsibilities the site under the agreement. Actions which are necessary to stabilize the site include, but are not limited to, the following: (1) Action to preclude the possibility that the public can come in direct contact with hazardous substances either through ingestion, dermal absorption, or inhalation. (2) Actions to prevent offsite migration of hazardous substances.

(1)

Action to preclude the possibility that the public can come in direct contact with hazardous substances either through ingestion, dermal absorption, or inhalation.

(2)

Actions to prevent offsite migration of hazardous substances.

(c)

Site stabilization activities shall be maintained by the responsible person to ensure protection of public health and the environment until the response action is complete.