

## **67401.2 Response Costs**

### **(a)**

Response costs are all costs described in subdivision (t) of H&SC Section 25396 (as it read on June 26, 2012) including, but not limited to: (1) The cost of preparing and reviewing a Preliminary Endangerment Assessment (PEA) including, but not limited to, the cost of collecting, reviewing, and analyzing data or any activities necessary to complete the PEA. (2) Costs associated with the Department's preparation of a recommendation to the Site Designation Committee pursuant to subdivision (b) of H&SC Section 25396.5 (as it read on June 26, 2012).

#### **(1)**

The cost of preparing and reviewing a Preliminary Endangerment Assessment (PEA) including, but not limited to, the cost of collecting, reviewing, and analyzing data or any activities necessary to complete the PEA.

#### **(2)**

Costs associated with the Department's preparation of a recommendation to the Site Designation Committee pursuant to subdivision (b) of H&SC Section 25396.5 (as it read on June 26, 2012).

### **(b)**

Response costs do not include: (1) Fees and costs incurred by any responsible person associated with an arbitration or litigation. (2) Fees and costs not directly related to and necessary to perform a response action.

**(1)**

Fees and costs incurred by any responsible person associated with an arbitration or litigation.

**(2)**

Fees and costs not directly related to and necessary to perform a response action.

**(c)**

Subdivision (t) of H&SC Section 25396 (as it read on June 26, 2012) shall not limit the Department's ability to recover past costs under Chapter 6.8 of the Health and Safety Code.