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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 40@ Selection and Ranking Criteria for Hazardous Waste Sites Requiring Remedial Action

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Section 67401.10@ Modification of Orphan Share Determination

## **67401.10 Modification of Orphan Share Determination**

### **(a)**

At the time the Department proposes an apportionment of liability for response costs at a site, it may change its determination regarding whether a site has an orphan share under the following circumstances: (1) The Site was determined to have an orphan share pursuant to Section 67401.9 and the Department finds that no orphan share actually exists. (2) The Site was determined not to have an orphan share pursuant to Section 67401.9 and the Department makes the following findings:[A] An orphan share actually exists; [B] Not more than ten sites, for which response actions are being conducted pursuant to the Expedited Response Action Program, have been determined to have an orphan share pursuant to Section 67401.9; and [C] There are funds available in the trust fund to cover all response costs that will be assigned to the orphan share after payment of any claims already received for response costs that have been allocated to an orphan share at other sites in the Expedited Remedial Action Program.

#### **(1)**

The Site was determined to have an orphan share pursuant to Section 67401.9 and the Department finds that no orphan share actually exists.

#### **(2)**

The Site was determined not to have an orphan share pursuant to Section 67401.9 and the Department makes the following findings:[A] An orphan share actually exists; [B] Not

more than ten sites, for which response actions are being conducted pursuant to the Expedited Response Action Program, have been determined to have an orphan share pursuant to Section 67401.9; and [C] There are funds available in the trust fund to cover all response costs that will be assigned to the orphan share after payment of any claims already received for response costs that have been allocated to an orphan share at other sites in the Expedited Remedial Action Program.

**[A]**

An orphan share actually exists;

**[B]**

Not more than ten sites, for which response actions are being conducted pursuant to the Expedited Response Action Program, have been determined to have an orphan share pursuant to Section 67401.9; and

**[C]**

There are funds available in the trust fund to cover all response costs that will be assigned to the orphan share after payment of any claims already received for response costs that have been allocated to an orphan share at other sites in the Expedited Remedial Action Program.